

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on July 21, 2021 at 1:00 p.m. This meeting was held by electronic communication means using Zoom and a telephonic connection due to the COVID-19 state of emergency.

BOARD MEMBERS PRESENT: Mr. Ned Gallaway, Chair; Ms. Donna Price, Vice-Chair; Ms. Beatrice (Bea) LaPisto-Kirtley, Ms. Ann Mallek, Ms. Diantha McKeel, and Ms. Liz Palmer.

ABSENT: None.

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

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

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

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

Agenda Item No. 4. Adoption of Final Agenda.

Mr. Gallaway said that there were some minor modifications to the agenda. He said that the Rivanna Water and Sewer Authority Quarterly Report (Item No. 11) would be moved to the consent agenda, as Mr. Mawyer was not available to give the report that day.

Mr. Gallaway said that under Item No. 19. Matters from the Board, they would add authorization for the chair to sign a letter from the County to the state to impress the need for a prompt resolution regarding the impact on local law enforcement of the state's decision to not accept new admissions to mental health facilities.

Mr. Gallaway said that also under Item No. 19. Matters from the Board, would be a brief discussion update on the process for the disposition of the Lewis and Clark/Sacagawea statue that was moved to Darden Towe.

Mr. Gallaway asked if there were any other changes to the agenda or items for consent that needed to be removed.

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

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

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

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

Ms. McKeel said that she would like to make several comments about areas that she thought the community should be focusing on. She said that she was concerned about the new Delta variant of the COVID virus, as it is circulating across the country. She said that there had been an update that as of the day prior, 53.2% of Virginians were fully vaccinated, with higher levels in metropolitan areas and lower levels in rural areas.

Ms. McKeel said that Albemarle County has a 62.3% vaccination rate and Charlottesville has 53.7%. She said that she would hope they could all work together and get those numbers up in both localities, but it is concerning. She said that she hoped people had not thrown away their masks and were still using them, especially thinking about where they are going outside of their old "bubble."

Ms. McKeel said that she also wanted to encourage staff and everyone to think about mid-August when the students come back. She said that she wanted to put on the record that she was concerned and would encourage everybody to think about masking, being safe, and if they had not gotten a vaccination to please do so.

Ms. McKeel said that just that morning, the Virginia Department of Environmental Quality issued a health alert for Virginia; monitoring the air, the state is now code orange because of the air quality with the smoke that is coming from the forest fires on the West Coast. She said that is a real concern for people who have asthma and lung problems. She said that on the map, it does look like the Richmond area is

having more of a problem than the Charlottesville-Albemarle area; having said that, one can look outside where it is barely starting to be seen.

Ms. McKeel said that her takeaway was that just because something is happening on the West Coast does not mean that it does not affect everyone, and all of these health and environmental concerns need to be taken seriously; there is a health crisis and an environmental crisis right now happening both globally and in their own community and country. She said that they have to start recognizing and talking about it.

Ms. Price said that she had two announcements, one of which would piggyback on top of Ms. McKeel's with regard to the pandemic: 99.2% of infections and deaths that are occurring presently are involving people who were not vaccinated, and over 80% of the current infections are from the Delta or Delta plus variant; as they know, there is also a Lambda variant.

Ms. Price said that she has had some constituents contact her and ask when the Board was going back to a live or hybrid model, and she has been telling them that there are places now throughout the country where the infection rates are on the rise and that they were going to take a very measured, analytic approach. She said that they were going to wait until after the UVA students come back and look at the health situation around the County before deciding about when they believe that they can safely expand back to in-person or hybrid meetings; the Board would be in person, but members of the community might be able to participate either virtually or in person.

Ms. Price said that they did not want a rubber-band effect of opening things up to only have to retrench again back. She said that the best way that people can help each other is to get the vaccination and wear masks in settings, which they were hoping they would not have to go back to; they're not out of the woods yet with the pandemic.

Ms. Price said that she wanted to recognize Jack Maxwell in Scottsville, the mayor and town administrator, as well as Major Sean Reeves of the Albemarle County Police Department. She said that there have been five major accidents involving serious injury and death in the Scottsville town area just in the last 5-10 days. She said that they are working to organize and schedule a town hall to address this safety concern with community members in the southern part of the County. She said that she was very pleased that day on her drive from Scottsville first thing in the morning to see three different Albemarle County patrol officers; she appreciated the fact that they have taken this so seriously and are trying to get the word out with a visible presence to encourage people to drive more safely.

Ms. Mallek said that she would also piggyback on the mask wearing with a slightly different take; 5% to 10% of the population who have immunocompromised systems either cannot take the vaccine because it would impact their health, or, if they take it, it does not give them the protection that other people get. She said that wearing masks is a way to protect those people so they can actually come out of their house, even masked. She said that she has had a lot of people thank her for being considerate and reiterated that masking was a good thing to do.

Ms. Mallek said that she is glad to see the CDC was finally recognizing this relatively small cohort of people who cannot have the solution of the vaccine. She added that she would really hate to see the country divided into those that can and those who cannot, and everybody else gets to have their lives back. She asked the community to please be thinking about that.

Ms. Mallek said that in very happy news, the Albemarle County Fair would be Friday, July 30, and Saturday, July 31, and would focus on livestock exhibitions and sales. She said that this is also the time of year when the 4-H clubs sell the animals they have been raising. She said that she knew the Monticello 4-H, to which many of the children in Earlsyville belong, is having their sale at Pleasant Grove. She asked everyone to watch the news regarding the exact date for that, but she thinks they will have their sale in early August.

Ms. Mallek said that she also agrees completely with the drought situation. She said that at their last meeting, they had talked about the fact that it is much drier than people think. She said that she had heard reports during recent meetings from people in the countryside that their streams were drying up, and they are having to sell their cows because there is no water available or pasture for them. She said that this can happen very abruptly; people in different regions are in different circumstances, but they need to be very careful. She said that most residents on wells do not have the option of watering yards or washing cars or anything else, because if the well goes dry, there is no water to flush the toilet or brush teeth, and they have to cut their risk at this time of year.

Ms. Mallek said that the last thought is for people considering open burning; as she drives around the area, she sees a lot of brush piles piled up as people are starting to tidy up their yards. She said that this is a horrible time to be considering doing that because the wind can come up in no time, and there is no moisture in the surface soil to keep fires under control. She said that she sees lots of piles within a very short distance to houses and encouraged people to contact the fire marshal to make sure about the rules and that they are being safe to do this.

Ms. LaPisto-Kirtley said that Darden Towe Park had a very successful opening with the first permanent public pickleball court in the County. She said that they had a rival game with the City of Charlottesville, and unfortunately the City lost pretty badly, but it was a lot of fun. She thanked those who could be there. She said that she understood the court was full all the time, with people playing pickleball and loving it, and it was something that people were very thankful for. She added that the milkweed for

the monarch butterflies is growing well, too.

Agenda Item No. 6. Proclamations and Recognitions.

There were none.

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

Mr. Gallaway confirmed there were no sign-ups, and he closed Matters from the Public.

Agenda Item No. 8. Consent Agenda.

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

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

NAYS: None.

Item No. 8.1. Approval of Minutes: April 1, 2020.

Ms. Palmer had read the minutes of April 1, 2020, and found them to be in order.

By the above-recorded vote, the Board approved the minutes as read.

Item No. 8.2. ZTA202100002 Resolution of Intent for Proposed Zoning Text Amendment to Clarify the Board of Supervisors' Authority to Approve Special Exceptions, Consistent with Case Law.

The Executive Summary forwarded to the Board states that in the 2012 case of Sinclair v. New Cingular Wireless, the Virginia Supreme Court held that waivers, modifications, or variations of local zoning ordinances are legislative acts reserved for local governing bodies, in the absence of state enabling authority that expressly authorizes another body or official. The Court found that the General Assembly had not enabled localities to delegate that legislative authority to planning commissions or administrative officers.

Shortly after that ruling, the Board adopted ZTA2012-00001 to add special exception provisions (now County Code § 18-33. 5). This was intended as a short-term solution to avoid application delays and did not remove all references to the Planning Commission or administrative officers in other County Code sections.

The purpose of this zoning text amendment (ZTA) is to align the Zoning Ordinance with the Sinclair decision and to update provisions of the Zoning Ordinance that still reference the Planning Commission, Planning Director, or other administrative officers. Under both the Sinclair decision and ZTA2012 -00001, only the Board of Supervisors has the authority to grant waivers, modifications, and variations through the special exception process. This Zoning Text Amendment is not meant to make substantive changes, but to clarify the Zoning Ordinance and provide consistency with case law.

If the Board adopts the Resolution of Intent, a draft ordinance will be prepared, a public hearing will be scheduled with the Planning Commission for September, and a Board public hearing will tentatively be scheduled for December 2021.

There is no anticipated budget impact with this zoning text amendment.

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

By the above-recorded vote, the Board adopted the Resolution of Intent (Attachment A):

RESOLUTION OF INTENT

WHEREAS, certain provisions in County Code §§ 18-2.5, 18-4, 18-5, and other sections of the Zoning Ordinance (the "Provisions") appear to direct the Albemarle County Planning Commission and certain administrative officers to consider and act on requests for waivers, modifications, variations, and substitutions; and

WHEREAS, the Provisions appear to direct the Planning Commission to make certain decisions not expressly enabled under Virginia law, which has created confusion because the Provisions conflict with the procedures and factors for special exceptions in County Code §§ 18-33.5, 18-33.9, and 18-33.10 requiring that such waivers, modifications, variations, and substitutions be approved only by special exception; and

WHEREAS, the procedures and factors for special exceptions in County Code §§ 18-33.5, 18-33.9, and 18-33.10 have superseded the Provisions since April 1, 2013; and

WHEREAS, it is desired to amend the Zoning Ordinance to provide that all of the actions described hereinabove be made by the Albemarle County Board of Supervisors as special exceptions pursuant to County Code §§ 18-33.5, 18-33.9, and 18-33.10, which are expressly enabled under *Virginia Code* § 15.2- 2286(A)(3).

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good zoning practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to amend County Code §§ 18-2.5, 18-4, 18-5, and any other sections of the Zoning Ordinance deemed relevant to clarify and confirm that the Board is to consider and act on special exceptions to achieve the purposes described herein; and

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

Item No. 8.3. SE202100011 VPM Media Corp Tower (Carters Mountain) Critical Slopes Waiver.

The Executive Summary forwarded to the Board states that the applicant is requesting a special exception to allow the disturbance of 8,550 square feet (0.2 acres) of critical slopes (slopes greater than 25%) in association with replacement of an existing communications tower. The entire parcel size is 1,466,230 square feet (33.66 acres) and the entire area in critical slopes on the parcel is 1,296,230 square feet (29.76 acres). (Attachment A- Location Map) The existing communications tower was approved with a special use permit (SP198800014) and constructed in 1988. The critical slopes to be disturbed for a replacement tower were previously graded with the initial installation of the guyed tower and access. The applicant's request and proposed plans are provided in Attachments B and C.

County Code § 18-4.2.3(b) and § 18-4.2.5(a) allow for disturbance of critical slopes, provided the findings in § 18-4.2.5(a)(3) are made. Please see Attachment D for Engineering staff's full analysis. Based on the findings therein, staff recommends approval of the applicant's request to disturb critical slopes with the following conditions:

1. The area of land disturbance on critical slopes must not exceed the disturbed critical slopes shown on Sheet C-2 Proposed Compound Plan of the plans titled "Site Name: Carters Mountain," prepared by NB+C Engineering Services LLC and last revised May 12, 2021.
2. The erosion and sediment control measures shown on the plans titled "Site Name: Carters Mountain," prepared by NB+C Engineering Services LLC and last revised May 12, 2021 must be installed prior to commencing land disturbing activities.

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

By the above-recorded vote, the Board adopted the attached Resolution (Attachment E) to approve the special exception request:

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR SE 2021-00011 MEDIA CORP TOWER (CARTERS MOUNTAIN)**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE 2021-00011 VPM Media Corp Tower application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-4.2.3(b), 18-4.2.5(a), and 18-33.5, the Albemarle County Board of Supervisors hereby finds that the proposed special exception would not be detrimental to the public health, safety or welfare, to the orderly development of the area, or to adjacent properties; would not be contrary to sound engineering practices; and

- i. Alternatives proposed by the developer or subdivider would satisfy the intent and purposes of [County Code § 18-4.2](#) to at least an equivalent degree; and
- ii. Due to the property's unusual size, topography, shape, location or other unusual conditions, excluding the proprietary interest of the developer or subdivider, prohibiting the disturbance of critical slopes would effectively prohibit or unreasonably restrict the use of the property or would result in significant degradation of the property or adjacent properties.

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SE 202100011 VPM Media Corp Tower Conditions

1. The area of land disturbance on critical slopes must not exceed the disturbed critical slopes shown on Sheet C-2 Proposed Compound Plan of the plans titled "Site Name: Carters Mountain," prepared by NB+C Engineering Services LLC and last revised May 12, 2021.

2. The erosion and sediment control measures shown on the plans titled "Site Name: Carters Mountain," prepared by NB+C Engineering Services LLC and last revised May 12, 2021, must be installed prior to commencing land disturbing activities.

Item No. 8.4. FES Report 2nd Quarter CY2021, **was received for information.**

Item No. 8.5. Rivanna Water and Sewer Authority (RWSA) Quarterly Report, **was received for information.**

Agenda Item No. 9. **Action Item:** SE202100021 Homestay Special Exception Euans.

The Executive Summary forwarded to the Board states that the applicants are requesting two special exceptions for a homestay at 6850 Castleberry Court.

Reduce Required Minimum Yards. Pursuant to County Code § 18-5.1.48(i)(1)(ii), the applicants are requesting to modify County Code 18-5.1.48(j)(1)(v) to reduce the required 125-foot setbacks to 100 feet +/- from the front property line and 15 feet +/- from the western property line, for a homestay use in the existing accessory structure and its accompanying parking.

Permit Use of Accessory Structure. Pursuant to County Code § 18-5.1.48(i)(1)(i), the applicants are requesting to modify County Code 18-5.1.48(j)(1)(ii) to permit the use of an accessory structure in association with a homestay on a Rural Areas district parcel of less than five acres.

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

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

Ms. Brumfield said that she was bringing the special exception for a homestay on Castleberry Court entitled "Euans Homestay Special Exception," noting that parcels like this are able to apply for special exceptions. She said that this is a 3.86-acre rural area parcel at 6850 Castleberry Court; it is limited to two guestrooms by right, requires a 125-foot setback from all parcel boundaries, may use accessory structures only if they preexist homestay ordinance, and requires the homeowner to be onsite during the rental at all times. She said that additionally, as with all homestays, the property must be the primary residence of the owner; parking must be onsite; and neighborhood notification is required along with annual safety inspections. She said that this applicant has not yet rented out the homestay, so there are no compliance issues.

Ms. Brumfield said that there are four types of special exceptions available: accessory structures, 125-foot setbacks, the number of guestrooms, and nonowner occupancy (such as a resident manager). She said that this application is requesting reduced setbacks on the front and western parcel boundaries for a homestay in a detached accessory structure of a garage.

Ms. Brumfield said that per homestay regulations, the exception may be granted, permitted there is no detriment to any abutting lot and no harm to public health, safety, or welfare. She said that since this parcel is located on a largely wooded lot in a cul-de-sac in the southwest of Crozet, the application did include neighborhood notification to all the abutting property owners. She said that the neighbor most impacted submitted a letter of support along with the application and wanted to make sure that it was understood that she was completely in support; she had even called the day prior to reach out to make sure that it was understood that she was in full support.

Ms. Brumfield said that the image on the County GIS does show the garage almost over the property line, but staff has measured using plats and the building plans for this particular property and has confirmed that the accessory structure garage is 15 feet from the parcel boundary, not over it as shown on the slide.

Ms. Brumfield presented an exhibit with a detailed view with a different GIS tool that does show the space between the garage and the neighbor's property. She said that there is currently a large shade tree providing the only separation from the garage and the parking from the abutting property, and the large shade tree is right on the line between the two properties.

Ms. Brumfield said that in keeping with prior Board recommendations, staff does recommend approval of this homestay special exception, with the required condition of installing screening at the location shown on the exhibit. She said that as such, they recommend approval with conditions relating to parking, guestroom numbers, and addition of screening as shown on the exhibits. She said that she did have additional photographs of the property from the rear, from the parking area, and from the streets.

Ms. McKeel said that she did not have any questions about this particular application but did have a question about process. She asked if the Board was receiving this on that day because of the use of the accessory structure.

Ms. Brumfield replied yes.

Ms. Mallek asked regarding the needed screening what directions were given, requirements for size, etc. She said that one tree could blow over tomorrow and asked what is required all along that property line to provide the neighbors some privacy in their backyard.

Ms. Brumfield said there are specific guidelines for screening in the regulations, and those are referenced in the proposed conditions of approval. She said that there are specific requirements that describe the types of screening available to someone who is required to have screening; that can be either a planted row of fairly vision-blocking trees, or bushes to a certain height, or a fence-type screening with an opaque fence that provides no visibility between the two parcels.

Ms. Mallek asked if there was an estimated time at which a planted screen would actually be useful; she noted that this was the first one she had seen where there has really been no effective existing buffer. She said that the little bushes one might put in might help in 20 years, but they are not going to help right away. She said that she did not know whether in that circumstance people would be directed to put up a fence, which would actually provide the screening, or if they were really going to put in a lot of substantial greenery that would be effective.

Ms. Brumfield said that there are minimum standards for the types of planting, and they are generally fast-growing conifers that provide a fairly quick growth period, based on those particular types that are required. She said that as far as the actual planting, they are generally given a few months depending on what time of year it is; if someone were to put in a tree right now, it would die because of the summer heat. She said that the code compliance officers take the lead on this and will come back a couple of months later during the appropriate planting time, following up with the applicant to ensure that they are following the regulations as approved.

Ms. LaPisto-Kirtley asked Ms. Brumfield to go back and show the photo of the garage in proximity to the neighbor's house. She said that she had thought there was another one that showed closer proximity, and it looked like the house did not seem as close in the pictures.

Ms. Palmer **moved** to adopt the attached Resolution (Attachment G) to approve the special exception with the conditions contained therein. Ms. Price **seconded** the motion.

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

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

RESOLUTION TO APPROVE SPECIAL EXCEPTIONS FOR SE2021-00021 EUANS HOMESTAY

BE IT RESOLVED that, upon consideration of the Memorandum prepared in conjunction with the SE2021-00021 Euans Homestay application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-5.1.48 and 18-33.5, the Albemarle County Board of Supervisors hereby finds that the requested special exceptions would cause (i) no detriment to any abutting lot and (ii) no harm to the public health, safety, or welfare.

NOW, THEREFORE, BE IT RESOLVED, that in association with the Euans Homestay, the Albemarle County Board of Supervisors hereby approves the special exceptions (a) to modify the minimum 125 foot front southern and western yards required for a homestay in the Rural Areas zoning district and (b) to permit the use of an accessory structure in association with a homestay in the Rural Areas zoning district, both subject to the conditions attached hereto.

* * * *

SE2021-00021 EUANS HOMESTAY CONDITIONS

1. Parking for homestay guests is limited to the existing parking areas, as depicted on the House and Parking Location Exhibit dated June 28, 2021.
2. Homestay use is limited to the existing structures, as currently configured and depicted on the House and Parking Location Exhibit dated June 28, 2021.
3. The existing screening, as depicted on the House and Parking Location Exhibit dated June 28, 2021, must be maintained, or equivalent screening that meets the minimum requirements of County Code § 18-32.7.9.7(b)-(e) must be established and maintained. Additional screening must be established directly west of the homestay and homestay parking area as shown on the Buffer Exhibit dated June 28, 2021, and maintained with screening that meets the minimum requirements of County Code § 18-32.7.9.7(b)-(e).

The Executive Summary forwarded to the Board states that in 2017, the Albemarle Board of Supervisors directed staff to develop strategies for improving stream health in the county; this project is referred to as the Stream Health Initiative. Phase I (2018-present) focused on development-related issues and strategies for improving stream health, and resulted in the development of thirteen specific proposals. In a public hearing on April 21, 2021, the Board voted to adopt an ordinance to amend the Water Protection Ordinance and to address a subset of these proposals; work on the remaining proposals is phased due to staff resource needs and continues in parallel with Phase II.

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

The Phase II public engagement process has been underway since January 2021 and resulted in the development of 16 strategies with a potential for further consideration.

A summary report is provided as Attachment A, which provides a detailed project update on Phase II of the Stream Health Initiative. This includes progress made during the Define Stage (April-June 2021), as well as the overall project timeline, public engagement efforts, and next steps. Results of the Define Questionnaire are provided as Attachment D.

Over forty strategies were identified by the Stream Health Work Group. Table 1 (Attachment B) lists strategies determined, through staff analysis and stakeholder discussions, to have potential for further consideration. Table 2 (Attachment C) includes strategies not recommended for further consideration.

There is no budget impact at this time. Future staffing recommendations and decisions regarding stream health policy and programs to be implemented will be considered during the FY 23 budget process.

Staff recommends that the Board identify any strategies listed in Table 1 (Attachment B) that the Board does not support for further development. Staff further recommends that the Board direct staff to initiate proposal development or continue to assess opportunities for the remaining strategies, as indicated in the 'Next Steps' column of Table 1.

Mr. Gallaway told the Board there could be a few stopping points just for clarifying questions, not for discussion, but they would like to get through everything to the end, to then have the bulk of the questions and discussion points after the full presentation. He said that if there were a couple of stopping points and there was something that was not understood and was needed for clarification, they would certainly have the opportunity to do that a few times.

Kimberly Biasioli, Natural Resources Manager, said that in attendance with her was County Engineer Frank Pohl, who had been collaborating with her on this project. She said that they were going to talk about phase II of the Stream Health Initiative, which has been focused on improving stream health in the rural area.

Ms. Biasioli said that this project grew out of the creation of the Natural Resources Program a few years ago. She said that one of the primary objectives established for that program was to conduct a review of the stream buffer requirements in the County's water protection ordinance. She said that out of that work grew this bigger project, and ultimately in 2017, staff were directed by the Board to develop strategies for improving stream health throughout the County.

Ms. Biasioli said that because that is such a big task, to make it more manageable, the project was divided into two phases. She said that phase I was focused on development, and they had formerly referred to that as the development area phase but have altered that language a bit because development occurs throughout the County.

Ms. Biasioli said that phase II is focused on rural area land uses and developing strategies and solutions for improving stream health in the rural area. She said that phase II is the focus of the work session that day, but she wanted to remind them of the bigger picture and that the phase I proposals that Mr. Pohl had been working on with the Supervisors for the past few years are still ongoing, continuing in parallel.

Ms. Biasioli presented the timeline for phase II of the project for the current year. She said that even before this year in the fall of 2020, they were working on planning and material development, development of the stream health website and the public input site, and assembling their stream health team with staff from FES and CDD planning and engineering, as well as from CAPE. She said that as they moved into this year, they set out this timeline and divided the year into four quarterly stages.

Ms. Biasioli said that the first stage was the discovery stage, and during that stage, they were focused on listening to what was important to the public and hearing from them through the public input site, with a lot of education and outreach there and through their webinar series.

Ms. Biasioli said that as they moved into the second quarter of the year in the "define" stage, they started to really work with their stakeholder workgroup. She said that the members of the workgroup

are people from the community with a particular interest in stream health issues and/or had some particular expertise that they could offer to the project and were interested in working with staff to develop some strategies. She said that they met with the workgroup six times during the second quarter of the year and identified and defined the factors that are impairing stream health in the County, as well as some of the challenges that are faced, particularly in the rural area. She said that they then set out with the workgroup to define a vision and goals for stream health in the community, then brainstorm some strategies that could be used to begin to address those goals.

Ms. Biasioli said that now they are entering this development stage, and at this point, they are bringing all the work they did with the workgroup back to the Board and the broader public. She said that they were hoping to get some feedback in identifying which of these strategies are the most viable and most meaningful ones to develop into proposals. Ms. Biasioli said that as they move into that “decide” stage in the fall, they would be bringing these more well-developed final proposals back to the Board for decision-making. She said that implementation of any of these strategies will extend beyond this timeline.

Ms. Biasioli said that goals for that day’s work session were to review the 16 strategies developed by the workgroup for the rural area, to identify any strategies that are not supported by the Board today, and to receive direction to move forward with proposal development on the remaining strategies that are supported.

Ms. Biasioli said that as she had mentioned, their next step would be to return in the fall with some more well-developed proposals, and that would include staffing and resource needs, along with more detail with respect to implementation. She said that as they start scoping these more clearly and have a better sense of what those resource needs are, that would be included as part of a future budget request.

Ms. Biasioli said that through their time with the workgroup, over 40 strategies were proposed for improving stream health in a rural area. She said that as they started to analyze each of these strategies and discuss them with the group and their team, they ultimately put them into two buckets: those that they were not recommending for further consideration, and those that are recommended for further consideration.

Ms. Biasioli said that starting with strategies that are not recommended, these are ones that they felt would have a low impact for stream health in the County, were generally not supported by the stakeholders who participated in the project, and/or had associated constraints that they felt would significantly decrease their likelihood of success.

Ms. Biasioli said that in contrast, strategies that they are recommending for further consideration are ones that they felt had a higher impact for stream health, were supported generally by the stakeholders that they spoke with and were felt to have a high likelihood of success with appropriate staffing and resources.

Ms. Biasioli said that there are a lot of other factors; those were the primary ones that they considered—but of course, there were many other considerations being evaluated and would continue to be evaluated as they moved into the proposal development stage.

Ms. Biasioli said that another consideration central to this work and to their discussions with the workgroup was Albemarle County’s goal for the rural area in the comprehensive plan, which is ultimately about balancing support for rural communities and rural economies, with protection of all of the different and important resources that occur there.

Ms. Biasioli said that she would start going through the strategies. She said that to organize this discussion, staff took the strategies for further consideration and put them into three main categories: new or revised regulations, incentives and voluntary opportunities, and monitoring, education, and partnerships.

Ms. Biasioli said that through public engagement, they heard some strong opposition to applying the regulatory approach to rural area land uses like agriculture and forestry. She said that in light of that, all of the strategies in category one maintain those exemptions for agriculture and forestry. She said that they worked really hard with the workgroup to come up with a lot of alternatives in the second two categories, which would hopefully start to address some of those impacts to stream health on working lands.

Ms. Biasioli suggested going through the strategies in category one and then to pause for any questions or brief discussion, and then she would do the same for the second two categories. She said that as Mr. Gallaway had mentioned, if there was any lengthier discussion, they would save it for the end to ensure there was time to get through all of these strategies.

Ms. Biasioli said that the first category was new or revised regulations. She pointed out at the bottom of each of the slides, there were two additional pieces of information. She said that the first is the next step, which will either read “initiate proposal development” if it was felt they have enough information to do so at this time, or it will read “assess opportunities,” for when they need to do a little bit more work and have a little bit more discussion before they understand exactly what implementation might look like.

Ms. Biasioli said that the second piece of information is alignment, where this particular stream health strategy is overlapping with some of the strategies in the Climate Action Plan and the Biodiversity

Action Plan. She said that would hopefully help illustrate where some of those co-benefits might exist.

Ms. Biasioli said that in the first category, the Strategy A is to reestablish Countywide requirements for perpetual retention and management of 100-foot stream buffers, with exemptions for agriculture, forestry, and other limited land uses.

Ms. Biasioli said that Strategy B is to strengthen restoration requirements and guidelines when agricultural or forestal land is converted to residential use, and for mitigation when violations of the water protection ordinance occur.

Ms. Biasioli said that Strategy C is to amend the zoning ordinance to clarify that environmental restoration projects, and specifically stream mitigation and nutrient banks, are permitted by right throughout the County, subject to consistent regulations for their review and approval.

Ms. Biasioli said that Strategy D is to review existing policies and regulations to identify opportunities for better alignment with the Chesapeake Bay Preservation Act.

Ms. Biasioli said that she would pause to hear if there were any questions or clarifications on this category.

Ms. McKeel said that she understands why the work sessions are structured the way they are, but she finds them difficult and was uncertain when to ask her questions.

Ms. McKeel said that for clarity, there were community members and some of the Supervisors that have been around a longer time than others that were aware that these discussions with the agricultural community did not just start in January of this year. She said that she believed they have been talking about stormwater and water issues and specifically stream buffers with the agricultural community for what seemed like almost the entire time that she has been on the Board. She said that there have been multiple outreaches, so while she is very appreciative of the work that has been done since January, they have been reaching out to the community in the rural area for many, many years other than just the last six months.

Ms. Mallek commented that they have been talking about buffers in the ACE program since the year 2000 and finally got them implemented in 2019.

Ms. McKeel agreed and said that she did not want people to think that they have only been doing outreach to the community since January of this year. She said that there is a whole new world right now with a climate crisis. She said that when these regulations were revised and when staff looked at them, she wondered whether they were viewed through the lens of climate change and whether they were viewed through the lens of the newly adopted Climate Action Plan. She asked how these recommendations were integrated and how they married with climate change in the Climate Action Plan.

Ms. Biasioli said that was partially what she was trying to demonstrate by showing where there is alignment with the CAP strategies. She said that there is quite a bit of alignment, but less so with the regulatory strategies. She said that as they go into the voluntary incentive programs, and particularly conservation programs, there is quite a bit of opportunity for retaining forest cover and minimizing development in the rural area, which has impacts for transportation and other associated implications that are related to the Climate Action Plan. She said that they have tried to address that, and there was probably more they could do as well as they go forward.

Ms. McKeel said that she appreciated that, and there was a lot there. She said that she was looking at it from a 35,000-foot level, and staff has been down with this for a long time. She said that is what she just wanted clarity around: They have in fact strived to marry this to the Climate Action Plan and look through that lens of climate change and climate crisis.

Ms. McKeel said that staff was asking the Board to look at A through D on the new or revised regulations and comment. She said that for herself, she is homing in on letter D: "Review existing policies and regulations to identify opportunities for better alignment with the Chesapeake Bay Preservation Act (CBPA)." She said that was where her focus is; she would like to hear more about that, what that strategy would mean, what the negatives would be, what the positives would be, and what it would mean for the plan in general. She said that her sense is that if they focus on D, some of these others can fall away; Rather than going through and adopting piecemeal, it seemed like D would get them to where they need to be in a time of climate crisis.

Ms. McKeel said that she feels urgency about some of these issues to not just keep doing the same thing that has always been done. She said that there is an urgency to what is being seen in climate right now, and for her, D represents an area that she would like to know more about so that she feels like she can comfortably address, or at least evaluate, what needs to be done to address the changing climate and the crisis.

Ms. McKeel said that she was looking at D and thought perhaps that was the answer to staff's question.

Mr. Gallaway clarified it was the reverse answer; Ms. McKeel wanted that to be continued, and it was not one she would say should go away.

Ms. McKeel replied that it was her focus, and she was not opposed to A, B, and C. She said that she thought if they focused on D, it would allow them to not have to piecemeal so much and would create a better situation for the public, a safer and healthier community, and protect the waters.

Ms. Price thanked Ms. Biasioli for the information to this point. She highlighted strategy B(i): "when agricultural or forestal land is converted to residential use." She said that in her communications with the Farm Bureau, that was one of the big areas of concern they had expressed to her. She said that they believe they are largely compliant with what the County desires, but there are some individuals that may have exceeded what would be permitted for residential use on the land when they decide to change the use of the property from agricultural or forestal use to development or residential. She said that they did not want the entire agricultural or forestal community to be considered bad just because a few people have, for example, cut closer to the stream bed in agricultural or forestal use than they could do in residential use and now want to change the property over. She said that she would be very interested in a mechanism for ensuring that an abuse does not take place there.

Ms. Price said her concern with D is with the language found center in the analysis and discussion, which is that full adoption of the CBPA regulations would include restrictions on agricultural land use that are strongly opposed by the stakeholder representatives who participated in the workgroup. She said that she wanted to ensure that before they adopt any of the Chesapeake Bay Preservation Act regulations, they have fully included those stakeholders so that they are not inadvertently adversely impacting the ability of forestal or agriculture industries to continue to be able to operate in the County.

Ms. Mallek asked Ms. Biasioli to share links to the discussion meetings that were held by these workgroups. She said that as one person who tried to volunteer for one, she was told that elected officials were not going to participate in those but would have the opportunity to listen afterwards. She said that she is now asking to listen in to those six meetings; so many of the original strategies were thrown out by those members, and she would like to know more about those and what the discussions were.

Ms. Mallek said that similar to what Ms. McKeel was talking about, these items have been discussed since long before 1980 when there was a major downzoning, and so they have to understand that they have been round and round on this merry-go-round quite a few times already.

Ms. Mallek agreed that the Comp Plan has conflicting goals, but it is not all one or the other. She said that just because there could be some rules did not mean the end of agriculture. She said that they needed to have more information about specific items being discussed, as opposed to just a general broad brush where people will just say that no changes to any rules are allowed because they feel threatened by that. Ms. Mallek said that she has been having these debates with her fellow farmers since 1982 when they were back in operation in Albemarle County.

Ms. Mallek said that she agreed that there is a tremendous urgency as described by others regarding all the issues they are dealing with here, and they have been talking about them every four or five years for forever.

Ms. Mallek said that she supports A and does not think what is being proposed is any change at all because of the exemption. She said that they were going to have to think about what levels of exemptions are reasonable, with the spirit of compromise. She said that underlying all of her approach is that nobody has the right to damage a downstream property owner in any way; what the natural rainstorms do is one thing, but operations should not be allowed to damage other people. She said that is just her moral obligation.

Ms. Mallek said that for B, the approach here should be that trees are not taken in the buffer. She said that she has had long discussions with the state forestry department. She said that under discussion at the state level is the 50/50 cut, where there are 100 stems with 50 big trees being taken, removing the canopy and leaving 50 tiny little trees totally exposed to the full sun, with no protection from the canopy from rain. She said that she hoped they would not give up on that.

Ms. Mallek said that she supported C and absolutely supported D as well, and she has been asking questions for years of many different people in the County government and across the state to try to get answers to what those rules are. She said that the general response is the link to the 300 pages of the code. She said that is not her skill or job right now, so in support of what was already stated about proceeding with D, they need to know what options would be required if they were to adopt the ag and forestal chapters, what the changes would be, and what the impacts might be. She said that some guided discussion about that with some homework would be very much appreciated.

Ms. Mallek said that regarding climate change, they cannot claim that they are going to retain forest cover if there are no rules that require it. She asked they be really focused on what they are going to be requiring and not take credit for things they are not achieving.

Ms. LaPisto-Kirtley said that she concurred with Ms. Price. She asked who the participants were and assumed they had the agriculture and forestal establishments participating because that would be very important. She said that she would like to know if someone has not wanted to participate because these discussions are extremely important. She said that it is important that everybody understands where they want to go and what they want to improve.

She said that she agreed with Ms. Mallek on not letting a downstream property be ruined

because someone upstream does not want to do the right thing, noting that natural disasters and weather cannot be controlled. She said that otherwise, she was looking forward to hearing the rest of the presentation. She said that she knew this had been going on for many, many years, but she liked the fact that it seems like they are moving on this. She noted they were probably going to have to compromise on some things.

Mr. Gallaway asked Ms. LaPisto-Kirtley if she had a question that had not yet been answered.

Ms. LaPisto-Kirtley asked who the participants were.

Ms. Biasiolli asked if the question was about the participants in the workgroup.

Ms. LaPisto-Kirtley replied the question was who was invited and then who actually came, basically helping the Supervisors find an answer that is reasonable and makes sense.

Ms. Biasiolli explained that they broadly invited anyone who wanted to participate through the public input site and the questionnaires. She said that there were different levels of participation where members of the public and stakeholders of the community could choose to be observers, or they could choose to be contributors, and so they had these different categories set out. She said that there were two categories at the end; one was a technical expert, and there were people from NRCS and from the Thomas Jefferson Soil and Water Conservation District who volunteered as technical experts to provide examples, but they did not participate fully in the workgroup in all six meetings.

Ms. Biasiolli said that then the workgroup was a little bit higher level of engagement; there were 40 people originally who volunteered to participate in the workgroup, and staff reached out specifically to some of the communities in the rural area that they felt did not have good representation, like the agricultural community. She said that they did some direct outreach to make sure they had those voices at the table as well. She said that she was happy to share the full list of participants.

Ms. Palmer said that for the Chesapeake Bay Protection Act, it said that in the materials that adopting the entire piece of legislation was evaluated and rejected because of the agricultural community not wanting it as well as staff time. She said that it did not sound like it would be really difficult to share with the Board that evaluation; that is something she has wanted to see for a long time, and since it has already been done, she and other Board members would like to see that.

Ms. Palmer said that she had some clarifying questions that she needed cleared up and thought they were questions for Mr. Kamptner. She said that when they redid the water protection ordinance in 2014, their discussion was in May of 2014 and was done in response to state changes in their laws. She said that when she had gone back and read the minutes from 2014 that morning, she really did not understand; she was on the Board at the time but did not really understand the nuances here that they significantly changed the regulations on stream buffers; it says that perpetual retention and management of 100-foot stream buffers had been required back before 2014 update.

Ms. Palmer told Mr. Kamptner that she had two parts to that question: She asked if prior to that 2014 update, that retention and management of 100-foot stream buffers was only for situations that involved land disturbance; she also asked why they dropped that 100-foot stream buffer on that update in 2014.

Mr. Kamptner responded that the better course would be for him to go back and read the minutes again. He said that he did look at them about a month ago, and it may not directly address Ms. Palmer's point, but the changes that were made were at the recommendation of the County Engineer at the time; it was his opinion that there were provisions that were very difficult to enforce given the nature of the regulations and the staffing levels at that time.

Ms. Palmer said that it was definitely not clear in the minutes why that was done. She asked Mr. Kamptner to tell her whether prior to 2014, the 100-foot buffer referred to only situations where there was land disturbance that the County was looking at and regulating at that time or whether it referred to anybody's stream buffer.

Mr. Kamptner said that the regulations actually since 1997 have tied it to land-disturbing activity, although it was not always applied that way.

Ms. Palmer asked, for example, whether if she had a house built in the 1970s in the rural areas and was on a river, she would have any obligation whatsoever to keep that 100-foot buffer of trees along the river. She asked whether she could cut all the way down so that she could access the water and view that river.

Mr. Pohl replied that his understanding was the buffer ordinance they currently have is in the WPO ordinance and is contingent on a Virginia Erosion and Sediment Control Program (VESCP) plan or a Virginia Stormwater Management Program (VSMP) plan. He said that it is contingent on those two triggers and is based on land disturbance, and the land disturbance has a threshold of 10,000 square feet. He said that it states it is applicable if one has a permit; when the permits close out, it technically no longer falls under the regulation.

Mr. Pohl said that he had read the act recently and has come up to speed on it, and everything that he sees in the act refers to updating subdivision ordinances and the site plan ordinances to enforce

this long-term buffer regulation, and not through a WPO ordinance. He said that they need to look at this a little differently, as Mr. Kamptner had mentioned. He said that he thought the enabling authority is through the subdivision and zoning ordinances; he does not think it is through the WPO, which is probably the issue with enforcement they had in the past because the VSMP program is focused and geared around land disturbance.

Ms. Palmer asked what the WPO actually does.

Mr. Pohl said that it regulates land disturbances that meet the 10,000-square-foot threshold.

Ms. Palmer asked if Mr. Pohl was saying that it really falls under these other ordinances.

Mr. Pohl said that no, but when there is a land-disturbing activity, they are enabled to enforce buffers through the WPO ordinance during the land-disturbing activity period. He said that when that activity ceases and the permit is released, the way he is reading it is that they do not have authority any further to enforce those buffers. He asked Mr. Kamptner if that was accurate.

Mr. Kamptner said that it was, adding that other places that give them that authority are under the state zoning law and under the Chesapeake Bay Preservation Act, which provide for the longer-term protection of the buffers.

Ms. Palmer asked if removing trees, just cutting down trees, was a land disturbance, or whether stumps would have to be removed for it to be a land disturbance.

Mr. Pohl responded no and explained that they have a definition, with land clearing considered a land disturbance.

Ms. Palmer said that she had read in some of the materials recently that one had to remove the stumps for it to be a land-clearing situation. She apologized that she must have misunderstood.

Ms. Palmer said that if she as a homeowner in the rural areas decided to cut less than 10,000 square feet along the edge of the river, she did not need anything and could just go ahead and do that—she could have a linear strip that is cleared.

Mr. Pohl said that there is a zoning regulation that prohibits cutting within 15 feet of a stream, but barring that, yes.

Ms. Palmer said that basically 95% of the County is zoned rural, and she had a question about when a property in the rural area is considered residential or considered rural land that falls under farmland or agricultural land. She provided an example of a 25- to 50-acre piece of property in the rural area with a big house on it.

Mr. Kamptner said that for the ag exemption to apply, it is the active agricultural activities that are exempt, and they are listed in both the WPO and in state law; it is the tilling and harvesting and all of those types of activities that are exempt from the requirements of the WPO. Mr. Kamptner said that residential use is not exempt.

Ms. Palmer clarified that in the example, because she is not cutting hay or doing anything like that, her property is residential even though it is in the rural area; if she cut more than 10,000 square feet and cut within 15 feet of the edge of the river, she would be violating County ordinance.

Mr. Pohl said that was correct.

Ms. Palmer referred back to the list and said that her interest is really in buffers. She said she would be interested in A but that she was concerned that whatever they do that... [audio cut out].

Mr. Gallaway suggested to Ms. Palmer cutting the video and restating her points after logging out and back in.

Mr. Gallaway told Ms. Biasiolli that of A, B, C, D, there did not seem to be any the Board did not want to keep on the list. He suggested moving to the next session.

Ms. Biasiolli said that category two was incentives and voluntary opportunities. She said that the first strategy in this category is to establish a riparian buffer easement program focused on protecting water quality through new riparian buffer easements in high-priority areas and by strengthening existing whole-property easements, with additional provisions to protect stream health.

Ms. Biasiolli said that B is to establish a conservation easement assistance program to help landowners with the transactional costs of placing land under conservation easement.

Ms. Biasiolli said that Strategy C is to create a stream health improvement fund that offers assistance to landowners engaged in conservation or cost-share programs, and to support specific restoration projects that benefit stream health.

Ms. Biasiolli said that Strategy D is to support existing cost-share programs that promote best management practices (BMPs) to improve stream health.

Ms. Biasioli said that E is to explore options to encourage onsite treatment of stormwater and minimization of impervious surfaces by providing an incentive for low-impact development practices.

Ms. Biasioli said that those were all the strategies in the second category and asked if there were any questions or comments.

Ms. Palmer said that she was logged back on and had gotten a note that said that the host had dropped her.

Ms. Palmer referred to the regulations and noted that the strategy to reinstate 25-foot buffers for perennial streams on cropland was not being recommended. She asked whether that was dropped as a part of redoing the WPO. She noted it said that only 4% of the land in Albemarle County is cropland, and that was one of the reasons it was dropped from the list of things to do. She questioned how much of that cropland is actually in a floodplain. She said that she did not know if there was an answer to that, but it has been her observation as she travels around the County that a lot of cropland is in those floodplains and along rivers and streams. She said that she would be interested in seeing about putting that back in, if that is the case.

Ms. Biasioli said that was something that was in the ordinance prior to the 2014 update. She said that in conversations with the workgroup, there were some people who were retired but had worked for the SWCD and CDD, and their understanding of why that was removed was enforceability, at least in part. She said that she did not think that it was being enforced by the County.

Ms. Biasioli said that with respect to the general comments she had already made about the agricultural community, there is definitely some strong opposition to applying these regulations for stream buffers or otherwise to ag lands. She said that those were put on the not recommended list for those reasons and because of the small percentage of land in Albemarle that would actually be affected.

Ms. Biasioli said that to Ms. Palmer's question about the floodplain, she did know the answer to that, though it was a really good question. She said that was something that could be figured out probably from the GIS very easily.

Ms. Palmer said that she would want an answer to that question because if it is in the floodplain, it is liable to be more important than 4% of the area. She said that she would like to hear specifically from the farming community how 25 feet on the edge of a field would really affect them.

Ms. Palmer said that perhaps they should be looking at enforcement. She said that she did not know about the legalities of using drones, but maybe a portion of this whole-stream protection process needs to include some level of enforcement. She said that clearly that requires hiring more people, but they do have some options because enforcement has changed, especially with drones and such. Ms. Palmer added that she is very interested in that.

Ms. Palmer reemphasized that buffers are really important to her, and she would like to determine how the buffer rules can be strengthened in whatever program they decide to do. She said that while it is nice to have everything as incentives and voluntary opportunities, many things were thrown out that were incentives because they did not have the legal ability to cut people's taxes and give them a monetary incentive to do these things. She said that they do need some level of review but does not know what that level of review is. She said that she knew they could go crazy with it, or they could do something moderate like a 25-foot buffer on the cropland.

Mr. Gallaway said that they were back to Section II and asked Ms. Biasioli to show the list on the screen.

Ms. Biasioli said that these were also on Section II of Table 1.

Ms. McKeel said that she appreciated Ms. Palmer's comments, and they have gone a long time with encouragement and education and may also need to look at enforcement. She said that maybe not for everything, but they cannot take that off the table; she wanted to know more about the Chesapeake Bay Preservation Act because that is enforcement. She said that she wanted to know what the pros and cons would be, what it would look like, and whether there was a way they could possibly temper it.

Ms. McKeel stressed that there is a climate crisis. She said that the scientists are saying nine years, and to continue to do things the way they have always been done is not going to get them anywhere. She said that they have a Climate Action Plan and need to get serious about buffers and stream health. She said that in this community, people died a few years ago because of a rush of water that came down and swept them away. She noted what is currently happening in Germany and some of the rain-bomb situations that have happened in the U.S. She said that perhaps they need to start thinking about buffers and proactively giving more space to rivers and streams.

Ms. McKeel said she agreed with what Ms. Palmer had said, and in looking at the current list, they are talking buffers at the very beginning, and she is all for looking at buffers and how to improve the buffer situation. She said that maybe it is going to take enforcement.

Ms. McKeel said that she is in favor of A. She said that B is interesting to her: Establish a conservation easement assistance program to help landowners with the transactional costs of placing

land under conservation easement. She said that they already have the ACE program, but she was assuming that this would be taking it through a different lens to a little bit different level. She asked Ms. Biasiolli to discuss how this would relate to the current ACE program.

Ms. Biasiolli said that the ACE program is currently a purchase of development rights program, purchasing or partially purchasing the easement. She said that the strategy that is suggested here would be somewhat more efficient in that it would be more helping landowners. She said that it is something of an equity issue for some landowners who cannot afford these upfront transactional costs of stewardship fees or attorney fees, so it would be a way to encourage more rural area landowners for whom those transactional costs might be a barrier. She said that ultimately with tax credits and sometimes with purchase programs or grant programs, those landowners can get their upfront costs back in the end, but they do not have them to begin with.

Ms. Biasiolli said that there is a program that serves as a model in Loudoun County that the Piedmont Environmental Council helped establish, and that is something they could look to as a model if interested. She said that ultimately, it is about encouraging more land conservation in the rural area.

Ms. McKeel said that she would be very interested in looking at this program, but she thought it was time to take a look at the current ACE program that she supports, but it is two decades old or possibly older. She said that they needed to look at the current ACE program and see if it needs to be tweaked or changed to better support the Climate Action Plan. She said that she is all in favor of protecting lands, but not in favor of having 20-year-old programs that have not been reviewed to see if they need to be adjusted.

Ms. McKeel said that they do not even know if the criteria in the current ACE program would be the criteria they would use, given climate change. She said that she is very much in favor of B but only if it can be married to a review of the ACE program currently to enhance it and make it work better to do what is needed. She noted they did not even talk about the ACE program currently, other than whether they are going to fund it or not. She reemphasized the need to stop doing things the same way and see what they need to do differently to adjust to a changing climate. Ms. McKeel recognized that this would be another workload but thought if they were looking at ACE, they needed to look at it completely.

Ms. McKeel said that she was not against creating a stream health improvement fund and would like to hear how others feel about that. She said that they have a lot of things they are creating funds for right now, and she is not really sure. She said that regarding cost-share programs, she is certainly not opposed to helping people do this work, but she thought they needed to determine exactly what needed to be done first, like examining some of these programs before starting cost sharing and creating funds.

Ms. McKeel said that she is certainly not opposed to exploring options to encourage onsite treatment of stormwater and minimize impervious surfaces. She said that again, her focus right now really is on buffers, stream health as it relates to the buffers, and trying to marry and adjust their work (even with the ACE program) to climate change. She said that she is not opposed to enforcement, and she is certainly not opposed to working with people and compromise, but at the end of the day, sometimes it takes enforcement.

Ms. McKeel said that after the Chesapeake Bay Preservation Act was passed, east of 95, they have been living in that world now for at least a decade, maybe two decades. She suggested taking a look at how it impacted the areas that are doing that and how it impacts them right now because those communities are living under and working with the Chesapeake Bay Preservation Act.

Ms. Price said that regarding all of the incentives that have a financial component, the questions the Board would have are how much each of them would cost, where the money would come from, what the odds or chances were of being able to get that money, and what the impact would be on the County budget in terms of the other things that need to be done.

Ms. Price said that in terms of E regarding onsite treatment, she would defer to experts on how much treatment could actually be done in most of the locations but definitely supports the minimization of impervious surfaces to allow more water to go back into the soil rather than simply wash downstream.

Ms. Mallek asked where the high-priority areas were in A, Section II Incentives and Voluntary Opportunities: to have higher standards for buffers in high priority areas. She asked if those were all the perennial streams or just the watershed area, which would be the entire western half of the County.

Ms. Biasiolli responded that what is proposed here is still to be developed. She said that she thought a really strong ranking and prioritization system could be developed that would apply to A and potentially to some of the other ones; for example, the stream health fund where specific projects are being funded. She said that the idea is to have a ranking and prioritization system that is really focused on water quality benefits because there is currently a lot of conservation happening that is largely opportunistic.

Ms. Biasiolli said that where an application would come in, they might see where it is located geographically certainly in terms of the TMDL (Total Maximum Daily Load) watersheds and how it might impact the public water supply. She said that they could also look at overlapping benefits from the Biodiversity Action Plan mapping and climate benefits. She said that she did not have a specific answer other than that, but she thought there were a lot of opportunities to develop a ranking and prioritization system specifically focused on maximizing those benefits for water quality.

Ms. Mallek said that regarding B and transactional costs, in 1989 and 1998 when they did easements, there were agencies who did help with the transactional costs, which then were perhaps \$1,500 or \$2,000. She noted that Ms. Biasioli had already mentioned one of those in Loudoun, but they were also working in Albemarle County. She asked what had happened to that program to help people bridge the gap until their easements were processed. She said that she is very wary of setting up parallel programs to things that have been ongoing since the Dust Bowl and already have the connections with landowners, whether it is Soil and Water Conservation Districts or Farm Services Agencies or NRCS (USDA Natural Resources Conservation Service), or all those things.

Ms. Mallek said that she knew that Loudoun County already has extra requirements for land use. She noted that those things were discounted, but they were already happening in other counties in Virginia, so she thought they had the authority to do things like that.

Ms. Mallek said that for C, when reading the packet, she had written down, "Modify and expand the ACE program to strengthen the effectiveness of stream health rather than starting a whole new operation." She said that the ACE Committee meets almost monthly and spends most of its time working on the criteria and making sure that they are evolving; doing that was basically what took so long to get the buffers into the required category, which is important to recognize.

Ms. Mallek said that D regarding existing cost-share programs was good. She asked whether E, talking about low impact development, pertained to agricultural operations or only to residential in the rural area.

Mr. Pohl replied that would come in with a regulated land-disturbing activity so would not apply to exempt activities, which would include agriculture or forestal activities. He said that it was presented by staff as ways to minimize or reduce impervious areas on development projects.

Ms. Mallek said that reducing runoff had been mentioned somewhere in the chart. She said that there are lots of greenways to easily be able to manage that when one has space, as is the case with fields, and there can be cairns at the corners of the barns that capture the runoff water and let it soak in. She also mentioned natural dips that may have six inches of water in them for a few weeks, and then it all goes away. She said that all those things can be done, but it takes some regulatory structure to say what is expected, which does not represent the end to anybody's operation.

Ms. Mallek said that she understood the treatment onsite to be the green ecosystems water treatment, where the plants are taking pollution out of the waterway; and any place where retention can be enhanced to let the natural systems do their job, the better off they will be.

Ms. LaPisto-Kirtley thanked Ms. Biasioli for her presentation and also thanked Mr. Pohl. She said that as far as she is concerned, the vision and goals are good for stream health in the community. She said that she is very trusting of staff to be able to develop how to go about each one of those goals and maintain them.

Ms. LaPisto-Kirtley said that she thought what staff had presented was plenty. She said that she was not in favor of adding more because the budget was going to explode with all the extra necessary things that they as Supervisors keep adding. She said that she would like to see this work and would like to see staff continue it with the affected agencies who are actually doing it. She said that she is not an expert in this area and does not want to add anything to what is going on, and so far, she liked what staff had done and the strategies presented for the incentives and voluntary opportunities.

Ms. Palmer commented first on conservation easements and getting additional conservation easements. She said that even referring to the ACE program as it is now, one of the problems she sees is enforcement. She said that they are seeing as VOF (Virginia Outdoors Foundation) easements age and properties are sold, there is not necessarily a willingness of the new owners to do what the original owners were doing when they put them under conservation easement. She said that it does not appear, at least in what she has been involved with, that the VOF has the staff to deal with the violations. She said that she suspected as the ACE program continues and the properties in the ACE program got turned over to future owners, they are liable to see the same type of problem.

Ms. Palmer said that before they add to conservation easements of any type, she would like staff to look at the cost of making sure they have legal staff or the inspectors follow up on complaints. She said that she just wanted to prepare for that and was not against getting the easements for buffers.

Ms. Palmer said that with respect to the cost-share programs, the Board has been hearing for years that the Thomas Jefferson Soil and Water Conservation District needs more money to do what they are doing now, so she was assuming that staff was talking about giving them more money. She said that if they were an established group, she certainly would not be against something like that—obviously depending on the cost.

Ms. Palmer mentioned the low-impact development and said that while she thinks they all can be happy and support that, her concern is that the state code allowing offsite water quality credits has somewhat killed developers' incentives to do low-impact development. She asked if somebody could comment on whether that was a correct observation.

Mr. Pohl agreed that it was a valid comment. He said that was why he thought they were posing

it as incentives to provide those, versus as a regulation.

Ms. Palmer asked what the County would give them in return for that incentive.

Mr. Pohl said that was yet to be determined. He said that they had not gotten to that point in this process of the stream health initiative, which is in the next steps to define what those could be.

Ms. Palmer asked when they look at the state regulations to allow offsite water quality credits if there was anything they think should be changed. She said that she was curious if the Board should add something to their legislative agenda in future years to help with encouraging low-impact development.

Mr. Pohl said that he thought he had mentioned in his last Board meeting regarding the adoption of the first-phase proposals that the state had passed a new regulation for local stream credit. He said that to purchase offsite credits, if discharging to an impaired stream, they must start with a smaller watershed and then work their way out. He said that the effect is that they are seeing a lot more purchases from the local nutrient bank, noting that this was one positive change.

Mr. Pohl said that to answer the question about how they would be able to do something to change that, he is not sure. He said that staff did look at whether they could come up with more stringent requirements regarding nutrient credits and determined they could not because it was not state enabled.

Ms. Palmer said that part of her question was whether Mr. Pohl could see any way that the state regulations could be tweaked to make it a bigger incentive for developers to do low-impact development—regardless of County ordinances and regardless of what the County does. Ms. Palmer said that she did not know that legislation specifically and had not gone to read it and said that she was curious if he or Mr. Kamptner had some ideas about how that could be tweaked.

Mr. Pohl said that he did not have an answer at the moment but could look into it.

Ms. Palmer said that she was curious about that, as they are always trying to figure out what they could do in relation to the state. She said that if there were something small, they could ask the state to do to make it better, she would like to know.

Ms. Palmer said that she did not know about the stream health improvement fund, but it sounded like a parallel program.

Mr. Gallaway said that to the point made about the cost when dealing with incentives and evaluating which to try, having an idea of return on investment was a consideration he would take into account. He said that if one or two of these got them further for the money put in, versus the other two or three, he could lean that way; just be able to pick any or all of them for support without really knowing the financials of it is difficult.

Mr. Gallaway said that Strategy E regarding incentives for the low-impact development practices seemed to be something that could be easily implemented and that they could get something out of when applications came in. He said that he did not know what was involved with creating that, but if it is an easy lift, he felt they should include something like that. He said that otherwise this lined up as A, B, C, D, and E almost in the way he would prioritize it if he were asked to rank these one through five.

Mr. Gallaway asked if there was a way to address D through other agencies or other regional bodies. He said that they would of course support cost-share programs, but perhaps promoting best management practices to improve stream health, with the Board's support or endorsements, was something that other organizations could assume.

Mr. Gallaway said that he would be interested to see at least A, B, and C continuing, and then to go further, start considering some dollar impacts. He asked Ms. Biasioli if she had what she needed for that section.

Ms. Biasioli said that she thought so, but maybe at the end, they could come back and confirm consensus on all of the items.

Ms. Biasioli said that the third category was monitoring, education, and partnerships. She said that the first strategy is to develop a countywide water quality testing program for landowners that could also serve as a screening tool to help identify waterways that would benefit from long-term monitoring or stream health improvement projects.

Ms. Biasioli said that strategy B is to assist with community engagement to help recruit new volunteers to support Rivanna Conservation Alliance (RCA)'s water monitoring program; C is to review and update stream health resources on the County's website; D is to expand and formalize a new landowner education project; E is to support expansion of education programs for students and a coordinated watershed-wide approach, especially at the middle school and high-school level; F is to explore grant opportunities to support stream health restoration, conservation, and education projects and programs; and G is to explore ways to work with VDOT to reduce the impacts from public roads.

Ms. Biasioli paused for discussion about the Category III strategies.

Ms. McKeel said that at first blush, it was hard to be against any of them because they all are

very relevant and good suggestions. She said that where the rubber meets the road is how much staff time and how much money they would cost. She asked if staff wanted the Supervisors to pick out the few that they really would like to focus on.

Ms. Biasioli responded yes and to remove any that were not supported.

Ms. McKeel said that it was hard to say they should remove any of them. She said that she always goes to education and the schools, and E sounded very interesting because she thought the school system might be interested in helping with this one. Ms. McKeel said that they were all very worthwhile, and she was not savvy enough to know which one of these would provide the biggest return on investment. She said that she would support any of them but would like to look at which would give them the biggest impact. She said that before she could go through and choose, she needed to address the implications for staff time and dollars.

Ms. Price said that she largely concurred with Ms. McKeel, and all of them are worthwhile. She said that if she had to pick one, probably because it actually talks about money, Strategy F and pursuing grant options would be high, and almost all of the others could work in with the School Board.

Ms. Mallek said that certainly having more knowledge about the water quality across the County is a great goal. She said that she would not prioritize spending County staff time recruiting volunteers for the Rivanna Conservation Alliance (RCA). She said that is RCA's job, and the County can certainly help them and continue to support them financially, but she would rather not do B as she understood it that they would be taking over some of the roles of things that RCA was trying to do.

Ms. Mallek said that regarding a clearing house website, they need to be careful what is asked for. She said that is something that RCA has been trying to do, and they have a massive set of resources, but it is really hard to have it be a usable interface without a dedicated person. She said that would eat up considerable amounts of time. She said that it would be fine if there was just going to be a list of links to other places that are still in operation, but she was worried about the depth of what is being suggested in C.

Ms. Mallek said that the landowner education project is excellent. She said that regarding Strategy E, there has been a very successful watershed campout program for years for all fourth graders in the County. She said that she had participated in those for years and years—and expanding that would be terrific to get children to appreciate what is out there so that when they get to be bigger, they remember.

Ms. Mallek said that with Strategy F, the agencies mentioned are all competing for the same federal dollars. She said that her experience has been that the grants are usually released with a due date of 10 days away, so one has to be sort of on the chosen insider list to get anywhere on those, which is somewhat infuriating. Ms. Mallek commented that they may be lucky, and the river organization did get a huge National Fish and Wildlife Foundation (NFWF) grant in 2010. She said that they certainly got a lot of great work out of it, but that is a lot harder than it looks.

Ms. Mallek said that Strategy G would be fantastic because VDOT is the biggest generator of stormwater in the entire Commonwealth, but she did not know how they were going to get traction there without General Assembly or Governor's orders.

Ms. LaPisto-Kirtley said that she liked all of these. She said that she liked G but wanted to know how that would work. She said that supposing they did work with VDOT and developed a program to track the high-consuming gravel roads, as well as a problematic section of paved roadways, after identified as a problem. She stated that her question was how something like that would be addressed and asked whether the road would be taken out or graveled or paved. She said that she was not against this but would like to know how those impacts would be addressed.

Ms. Biasioli responded that they do not know exactly, and it would be largely situational. She said that there could be instances where it is something very simple that might involve just working with VDOT's maintenance staff or doing some grading or installing some best management practices to manage some of the runoff from those roads. She said that it may just be improving communication as well and helping to identify where these problematic road sections are. She said that they were not necessarily advocating more paving because there is a whole other suite of issues that go along with that, but there are some other mitigation measures that can be employed depending on the situation.

Ms. LaPisto-Kirtley asked if that would also involve some of the gravel roads where the gravel actually goes into the ditch on either side down below; it then gets washed into the culvert and gets plugged up, so therefore the water does not run through it.

Ms. Biasioli said that was exactly the kind of situation that they might be trying to address with this one.

Ms. LaPisto-Kirtley said that she did know that VDOT does have a boring machine that they are using in different parts of the County to ream out the culvert, so to speak. She said that if this program would be more to identify those areas, then that would be feasible.

Mr. Pohl said that one of the issues brought up was about gravel leaving the road, not just entering culverts but entering streams, so that would be another thing that would be brought up with

maintenance. He said that there would probably be priorities that would need to be set by the Board about what issues would need to be requested to be addressed. He said that was something they still had not figured out, but he can see that potentially coming into play.

Ms. LaPisto-Kirtley said that on the gravel roads, there is also some kind of fine dust or dirt that is used with that, and a lot of that does get washed away into the streams, which is not helpful.

Mr. Pohl said that was correct, which is why they have a program to reapply gravel because they are losing the gravel, and that is not a good thing. He said that was something they would talk with VDOT about and try to establish some priority. He said that as Ms. Biasioli mentioned, it might be specific to the area or specific to the road, as not all roads have the same problem, so they would try to set up some kind of priority list that would address those in a sensible order.

Ms. LaPisto-Kirtley said that her concern is where the gravel and dust from the gravel roads end up; unfortunately, it might be in a stream.

Ms. Palmer said that with respect to A, she thought that was great; she would love to see Countywide monitoring and would like to see it with RCA doing it. She said that also they can be assured that it is going to be biologically based monitoring. She said that RCA does an excellent job now, and the County supports them to some extent, and the water authority supports them. She said that it is amazing what RCA gets done on the small amount of money that they get, and she does think there is a lot of interest in the community to volunteer for that, so she likes that. Ms. Palmer said that she was not quite sure how much the County should get involved in recruiting other than just sending anybody that asks their way, but certainly RCA would need additional financial support.

Ms. Palmer said that she was definitely very much in favor of the grant opportunities. She said that she knew Fish and Wildlife has some; Ms. Mallek had mentioned the one a few years ago. Ms. Palmer noted it is problematic trying to get some of them. She said that she was reading the FEMA (Federal Emergency Management Agency) BRIC (Building Resilient Infrastructure and Communities) grant website the night before to see their grant opportunities and noticed that it has to be the state that applies for those; the County would be a sub-applicant, which would require working with the state, and she did not know how complicated that could get. She said that it was her understanding that they have people on staff that look into grants now, though maybe they did not have that person anymore.

Ms. Palmer said that, yes, education is important, and anything they wanted to do along that end would be very helpful. She said that it needs to be an ongoing program and not just a temporary pilot or something like that; it really needs to be embedded because people forget, move in, move out, that sort of thing.

Mr. Gallaway said that generally speaking, he would say from the comments that energy, effort, frontload on sections I and II came before Section III—though not saying Section III is not a priority. He said that anywhere here like the RCA, where this can go out for that agency or another agency to help, he would strongly encourage. He said that they may just need to recruit a couple of volunteer recruiters and then sic them at getting volunteers for things versus the County or staff taking on these efforts to find; there might be some people who would be willing to do that.

Mr. Gallaway said that it seemed like C should be part of someone's job description and not in the policy. He said that if the County has a website out there that has resources on it (and it does not matter what category it falls under) then it should constantly be reviewed and updated. He said that it should not be coming necessarily to the Board to agree to it as a priority in the policy. He said that if the County is providing lists of things that are information and resources, and it is on their website, then that is a universal constant check and update to make sure that information is accurate. He said that his response to C was that it could possibly be removed.

Mr. Gallaway said that he would hope that VDOT would be doing that on its own with maybe their encouragement or at their request. He suggested the way to get some of these off of this particular list would be to ask what is really under somebody else's umbrella.

Mr. Gallaway asked Ms. Biasioli to summarize and then tell the Board if staff needed anything else addressed.

Ms. Biasioli said that in general, she did not hear any opposition to any of the strategies in category I, the regulatory category. She said that she did hear a lot of interest in alignment with the Chesapeake Bay Preservation Act and wanted to clarify that the full adoption of the Chesapeake Bay Preservation Act, which was in their "not recommended" table, included the agricultural regulations and included additional regulations on development. She said that strategy D was more looking at what is in the act piece by piece and seeing where they might be able to make improvements to the ordinance. She said that she wanted to make that clarification in case that wasn't clear.

Ms. Biasioli said that she would like to clarify consensus on each of the strategies in all of these categories before they go if possible. She said that she thought she had heard that all four of those regulatory strategies were supported.

Ms. Mallek asked if she was the only one who really wanted to look at the Bay Act as a way to solve some of these other problems rather than the restricted approach, which is to only take a little here and take a little there, which they have been doing for 30 years. She said that she thought several other

Board members did mention this and asked others to pile in. She said that she may be the only one but thought if they were going to do something different, that was the way to do it.

Mr. Gallaway said that he thought they did hear that consensus from everybody.

Ms. Mallek said that it was the opposite of what Ms. Biasioli was reporting, and that was why she was raising it.

Ms. McKeel said that she would agree with Ms. Mallek.

Mr. Gallaway said that no one was supportive of removing those items but looking at what that does in comparison to what they have here was a strategy that he did hear Supervisors say they wanted to do.

Ms. Palmer said that in table 1, it says that was evaluated and rejected. She said that she at the very least wanted to see the evaluation and why it was rejected. She said that seeing that would be at least a starting point for them to move forward.

Ms. Price said that she specifically referenced in section I(D), analysis and discussion, the concern that full adoption of the CBPA was not concurred with; it was opposed by some of the stakeholders, principally the agricultural and forestal, so she is not in favor of a blanket adoption of that at this time.

Mr. Gallaway said that he did not think it was necessarily a blanket adoption but more a desire to get it in front of the Board and see the ins and outs and get into the weeds of that a little bit as it compared to what they were seeing in front of them.

Ms. Price said that she concurred with that.

Ms. McKeel agreed that it was worthy of taking a look at rather than a blanket adoption. She said that she would like to know the impacts and why, as Ms. Palmer had said that they cannot adopt it. She said that people east of 95 had been living with this for many, many years, and she would like to know the successes and what they had learned, both Pros and Cons.

Mr. Gallaway asked for feedback from Ms. Filardo or Mr. Walker.

Ms. Biasioli responded that they had not done a deep dive analysis exactly yet because they did identify some constraints, for example, the support from the community. She said that this would introduce additional regulations not just for the agricultural community but also on land development. She said that staff identified that there would be somewhat of a high degree of complexity and additional staffing needs with respect to both administration and enforcement. She said that they do not have a detailed evaluation of all of that, and that is something that they can do. She said that it is not included in the 16 strategies set out with intent for proposal development on this timeline; it is possible for staff to look into that some more, but it might require reassessing the timeline in that it has a lot of complexity associated with it.

Ms. Filardo, Community Development Director, said that they had been having some backchats among staff while the meeting had been going on. She said that staff believed that what they could provide pretty quickly to the Board was a summary of the Chesapeake Bay requirements for review and to have at their disposal. Ms. Filardo said that what she had heard listening in on the meeting was that there was interest in exploring more detail on that, and further that there was interest in where the act may align with the Climate Action Plan. She said that was probably information that should be brought back to the Board at a later date.

Ms. Filardo said that with item D under new or revised regulations, they intended to look at existing policies and regulations to see where they could align. She said that she thought if they grow the scope a little bit, given the amount of interest expressed by the Board, that would be advantageous to bring back at a later date if that would suit the Board.

Mr. Gallaway said that it sounded like that would meet what he had been hearing from Supervisors.

Ms. Biasioli said that for Section II, she had heard support for all of the strategies except for D (supporting existing programs). She said that confirming that there was consensus on support for the other items and not for that one would be helpful.

Ms. Palmer said that she was confused on that. She asked if they were not supporting any help for the Thomas Jefferson Soil and Water District.

Ms. McKeel said that she was confused too.

Ms. Mallek disagreed with that summary. She said that she thought there was tremendous support for working with existing partners and not re-creating parallel options and maybe some parts of A that could be stuffed in with existing programs.

Ms. LaPisto-Kirtley added looking at support for cost sharing.

Ms. Biasioli said that she thought there was support for all of the Section II strategies then unless she would hear there were any that were not supported now.

Mr. Gallaway said that consensus was for general. He said that he might have been the one that said that he would prioritize in this list in rank order the top three over the bottom two, but that did not mean it bumped out of support from the consensus standpoint.

Ms. Filardo said that she understood there was some interest in aligning what they were doing with the current ACE program relative to item B (establish a conservation easement assistance program) and really explore where the Supervisors all stand on the ACE program moving forward as it relates to that particular strategy.

Ms. McKeel said that she had brought that up, and she is in favor of B. She said that this was an opportunity to look at the 20-year-old ACE program in relation to B to update it to a new reality and realign it with the Climate Action Plan.

Ms. Palmer noted that they do work on the criteria regularly in the ACE program. She said that she had brought up enforcement going forward when the ACE properties are repurchased by the next group. She said that it was good for the Board to know before they start adding conservation easements how they would look after those, whether they would be inspected when they are sold, whether there would be education and follow-up, which would require staff time and money. She said that just looking at what the VOF has gone through recently, they are going to need that for the ACE program and any other conservation easements that they start to acquire. She said that they need to be looking at that cost.

Ms. McKeel said that gets to what she was talking about, which was updating what they are doing and making it more relevant. She expressed concern about how staff was going to do any of this without more support and more staff.

Ms. Mallek said that in summary, using existing programs and updating things, enforcement, but she was not ready to support setting up a several hundred-thousand-dollar fund to pay transactional costs at \$10,000 a pop. She said that she would have a lot more learning to do on that. She said that she had been in communication with the soil and water conservation district in the last day or so to try to understand a little bit more about what that meant in the staff report. She said that they look forward to more information about that, but this one was not as high a priority to her as the others in this section.

Ms. Filardo said that to Ms. Mallek's comment and also to comments Ms. Price had made earlier, she is also hearing that the Board is interested in staff pursuing all available funding sources for partnership opportunities and looking for budget impact information as they come forward with these as well. She said that she also heard support for enforcement that the Supervisors were willing to talk about that rather than shy away from. She said that those were two other points she had noted in this section.

Ms. Biasioli said that for Section III, she heard some opposition to strategy B (assisting with recruiting new volunteers) and for keeping the website updates as a standalone proposal (that should be part of staff responsibilities) and she believed support for the rest of them.

Mr. Gallaway clarified that he was not opposed to those things; it was a matter of maybe putting a twist on how to accomplish it or get it done and where the responsibility lies. Mr. Gallaway agreed that there was broad support across the Board for those.

Ms. Filardo said that she wanted to try to come to consensus on whether or not there was broad support for reinstatement of the 25-foot buffer for cropland and folding that into the list. She said that she knew that Ms. Palmer had carried that water on this conversation, and she wondered how everyone else felt on that.

Ms. McKeel said that yes to answer Ms. Filardo's last question. She said that this was an incredible piece of work, and staff worked really hard on this. She said that when she talks about having to do things differently and not to keep doing the same things, she is trying to speak to the public. She said that there seems to be a sense sometimes that the streams are in great shape, and if they just keep doing what they are doing, everything will be okay; the public has to understand that some things have to be done differently to address climate change and resiliency. She said that staff has done a yeoman's job.

Ms. McKeel agreed with a resident's comment about the order of the vision statement. She said that the vision statement says, "Albemarle County will have clean, healthy stream systems that allow for safe utilization and support a diverse and resilient natural environment ... The quality of the water and riparian areas will safely allow for recreational uses such as swimming, boating, and fishing ...," and drinking water protection and climate are at the very end. She said that statement should be flipped on its head. She said that even though there was no intent to prioritize this, it should mention first "drinking water protection, climate resilience, biodiversity," and then go to all those other things. She said that in her viewpoint, while recreation is important, it is not nearly as important as drinking water and biodiversity and those other things that they are striving to take care of.

Ms. Price said that was a great comment about prioritizing the way they are listed in the vision statement, and she totally agreed with that. She said that she also totally agreed with the great body of

work that has been done by the County staff. She said that areas where she might have somewhat different thoughts are largely on the margins.

Ms. Price said that one concern she had with setting firm and fast boundaries such as the 25-foot buffer is that the topography of different locations may mean that a fixed 25-foot could be more than adequate in some areas and far from reasonable in others. She said that best management practices, rather than an absolute rule, would be much more practicable. She said that she would look at the 25 feet perhaps more as a guide but subject to the ability of a property owner to demonstrate that it may not be really the best for that particular landscape.

Ms. Mallek said that with the original 25-foot buffers that were in existence for 25 or 30 years before they were removed, it was the overall average; if there was a place where it needed to go closer because of a hillside, that was never an issue. She said that for the fence-outs and things now that are happening for livestock exclusion, where there are 35 feet on each side from the center of the stream, that is for protection so that the fences do not immediately get demolished when there is a flood. Ms. Mallek said they are pushed back for long-term survival of the whole cost-share process. She said that generally costs about \$50,000 to \$75,000, and it is very challenging to do and maintain. She said that there were very good reasons why, and even though 25 feet does not seem like a lot, if it is the only area growing up in tall, warm season grasses, it will hold onto the soil when it is inundated much better than when it is exposed and growing corn.

Ms. Mallek said that having seen the beautiful bottom land on the James in Ms. Price's district, where there is an inch of topsoil in the northwest corner, she probably has 10 feet down there; it is something they are obligated morally to protect. She said that she supported going back to the way it used to be, as there were very successful farming operations during that time.

Ms. Mallek loved the suggestion about flipping the vision statement to get at the core issue first. She said that maintenance of gravel roads and culverts, etc., is VDOT's primary maintenance issue, and she would suggest that they not prioritize inserting the County in the middle. She said that two to three times a month, she is out meeting with landowners and VDOT representatives on particular problems, and many of them do not get solved for the first three years because what they try does not work. She said that with the kinds of rains happening now, the old methods do not work anymore, and truckloads of gravel are going down in people's pastures and ruining their machinery because they cannot mow anymore. She said that is VDOT's responsibility and suggested that they not have CDD staff trying hard to focus on that as the highest priority.

Ms. Mallek said that best management practices are nice, but they are not required unless one is participating in a cost-share program, and federal agencies have a great ability to keep track of those who are under a federal contract for maintenance of buffers, etc., for the 10- and 15- and 20-year intervals. She said she hoped the County would leave that to them and go back to their own rules that Mr. Pohl and his staff can happily enforce if given the ammo to do it.

Ms. LaPisto-Kirtley said that she was heartened to hear from Ms. Mallek that the 25-foot buffer is an average. She said that would maybe come under a best management practices, and it is more of a flexible hybrid approach that seems to work with the topography of the land.

Ms. LaPisto-Kirtley said that she saw the point regarding VDOT's responsibility and agreed because she had called them regarding gravel on the side of the road being washed down and covering the culvert. She said that as long as they do it or the County brings their attention to it, that is good. She added that she does like everything that has been presented.

Ms. Palmer said that she had watched all the instructional videos on the website, including the one with Mr. Pohl and Greg Harper more than once. She said that for the 25-foot buffer, she had asked if most of the cropland was actually in floodplain was because she thought that it could do some good. She said that in a trip down the James River recently, she noticed that some of the cornfields were right up against the very edge of the river, which surprised her because it seemed that was actually a situation in which the farmer would lose more land.

Mr. Gallaway suggested to Ms. Biasioli that there was nothing that could start tightening up a priority as much as Board members looking at the costs, and priorities are made that way as well.

Ms. Biasioli said that they would include the staffing needs and costs when they come back with their more detailed proposals, and hopefully that would help staff focus even more the next time.

Agenda Item No. 11. **Presentation:** Rivanna Water and Sewer Authority (RWSA) Quarterly Report. *(Moved to Consent Agenda)*

Agenda Item No. 12. **Presentation:** Albemarle County Service Authority (ACSA) Quarterly Report.

Mr. Gary O'Connell said that he had sent the Board some written updates, so he would deviate from that a little bit. He said that the Albemarle County Service Authority (ACSA) is in their 57th year, having formed in 1964. He said that the average water and wastewater facility life is about 50 to 60 years, so most of their facilities, pipes, and pump stations—including the Rivanna treatment plants—need

replacement, which was a major effort underway. He said that the ACSA serves 21,000 customers and just reached that plateau; they were growing 1% or 2% a year. He said that they serve over 80,000 Albemarle County residents in the urban areas, Crozet, Scottsville, and a small system in Red Hill.

Mr. O'Connell said that he had often mentioned the Authority's service theme of safe, clean, reliable, and good value. He said that he would briefly explain each one of those.

Mr. O'Connell began with "safe" and said that the County was fortunate to have extremely high-quality water sources by all measures. He said that the annual water quality report with all the water-testing results just came out for their customers and was also on their website. He said that everything was excellent, and they meet every standard and generally exceed them.

Mr. O'Connell said that they conduct 400,000 tests annually on water; a number of those are in the field at customer locations. He said that granular-activated carbon water treatment is really the gold standard in treatment; going further with various contaminants—things like PFAS and EPA contaminants—none of those are there, but GAC would stand as another barrier. He said that they talked at the last Rivanna board meeting about microplastics, and GAC is another treatment barrier to that kind of thing. He said that they sit in a very good place: high-quality water, no lead issues, no PFAS problems, and none of the contaminants one might read about as concerns in other parts of the country.

Mr. O'Connell said that they have a long-term water supply plan, and most of that has been implemented. He said that the Board was well aware of the pipeline project that would be another leg, as well as the additional expansion of Observatory Treatment Plant to take advantage of Ragged Mountain. He said that they are well positioned with infrastructure to handle long-term growth, long-term supply needs, and redundancy in the water supply system if there is some kind of emergency or a major drought, and that has been the goal for a number of years.

Mr. O'Connell said that with the current dry weather, Rivanna has started switching to the Ragged/Observatory side of the system, as the Sugar Hollow/South Rivanna Reservoir is starting to show signs of not being full; hopefully, they will get some rain to alleviate that, but this gives them the flexibility to take advantage of that—whereas a number of years ago, they could not.

Mr. O'Connell reported that on the "clean" front, there have been extensive advanced wastewater treatment processes that have been added, to deliver clean water measured by all standards to the area streams. He said that the finishing step in that process is ultraviolet treatment. He said that there were major environmental upgrades in the early 2000s, as well as in expanding capacity and infiltration for inflow and overflows that occur during wet weather. He said that they just completed a comprehensive sewer study that would be publicly presented in the next month—and it is really a major success story. He said that Ms. Palmer probably remembers the days of overflows and all kinds of issues with the sewer system, and they have moved past that hurdle. He said that study is done every five years to ensure the sewer system is being well maintained.

Mr. O'Connell said that there was an agreement that the County was a part of in 2014 that looked at the flow studies and encouraged reduction of inflow/infiltration and the peaks in wet weather, and part of this analysis was to take another look at that. He said that they have been very successful with it, and it has been an incentive for the City, Rivanna, and the Authority to be very aggressive. He said that the City in particular has been extremely aggressive in trying to reduce their peak flows.

Mr. O'Connell said that there is also a whole set of maintenance and rehabilitation projects. He explained that they have two crews that go out daily with CCTV cameras—little portable robots—to examine the entire system to make sure that it is sound. He said that if they find problems, they immediately try to address them. He said that then they go through formal drainage basin studies to take thorough look at each section of the wastewater system, and he updates those in the quarterly reports that the Board gets.

Mr. O'Connell said that on the "reliable" front, they have made major investments in wastewater but are now making major investments in water facilities, particularly the water treatment plants. He said that there are major upgrades, and in most cases, pretty expensive upgrades at all five water treatment plants that serve their system. He said that they have kept safe water flowing during COVID and wastewater treated again by all standards. He said that was pretty remarkable, given the complexity of the virus and what everyone has had to do with various scheduling and now supply issues and all kinds of other challenges.

Mr. O'Connell said that there are continuing investments to assure reliability in the next five years; for example, Rivanna has programmed \$165 million and the Service Authority has \$50 million, for a total of \$215 million, or close to a quarter-billion dollars. He said that there is a lot of investment happening to assure the reliability and safety of the water.

Mr. O'Connell said that they have a number of waterline replacements that are the major ACSA capital project focus. He said that he had outlined those in the report and will continue to keep the Board updated on them. He said that is their major capital investment, and most of those are older systems of 50-60 years old that need replacement.

Mr. O'Connell said that for any preventive maintenance activities, they have a 35-person staff at the ACSA to try to address those in a proactive and scheduled manner.

Mr. O'Connell said that the last part of that equation is "at a good value," which is going to be their biggest challenge over the next few years, given the large projects ahead. He said that they are trying to provide the best-quality value to their customer for the water that they purchase—easily said, but harder to do. Mr. O'Connell said that he had mentioned Rivanna's projects and in particular, major investments over the next 5- 10 or 15 years. He said that they are thoroughly exploring how to best accomplish that.

Mr. O'Connell said that the ACSA's comparable bills are still below the statewide average; they have consistently been below that in the past, with a goal to continue that trend, even with the major investments that have to be made. He said that they continue to be 22% less than a comparable City bill, buying from the same supplier. He said that they are planning a rate study in the fall, as they do one every five years, and they would look at the future financial picture and a huge amount of debt. He said that they would study rates, revenues, connection fees, and anything financial pertaining to their operation. He said that they are also going to investigate using bonds, and while they typically pay cash for capital projects, the level of investments now needed may precipitate looking at bonds for the future.

Mr. O'Connell said that they are starting to promote a program called "MyWater," which was a new initiative this past year as part of their strategic plan, as they center on improving the customer experience in numerous ways. He said that they focused on improved customer communications, quarterly newsletters, social media, and web presence. He said that they are producing a new video to go along with their advanced metering project. He said that they are trying to find ways to better keep their customers informed, but their main focus has been on efforts with technology and how to better serve customers through that.

Mr. O'Connell said that the Board is well aware of the advanced metering project that they are looking to start this fall, and one major advantage will be instant leak notification. He stated that they have done 500 meters out of the 20,000; they had one customer that they identified a leak one morning, and that afternoon they had stopped it—and the speed of the leak would have been 360,000 gallons in a month's time without this technological level of detection.

Mr. O'Connell said that they will have a new customer portal when everything is complete, wherein individual customer data would be available online in all kinds of ways, and this would be an outstanding product once it was finished. He said that in June, they started a new online bill payment system. He said that the old system was very clunky and outdated and had been critiqued for that in customer surveys. He said that this gives people all the modern options that one might find in any other kind of online payment system. He said that they dropped the credit card fee as part of doing that, which is another incentive for people to look at electronic payments; that was another complaint that their customers had. Mr. O'Connell said that they are in the works for a customer online service request system.

Mr. O'Connell said that a challenge for them is that they are going to have a lot of data over the next few years. He stated that over the next two or three years, probably as part of a new strategic plan, they are going to focus on customers' needs, any kind of new initiatives, and what other utilities are doing around the country to try to improve their customer service.

Mr. O'Connell reminded the Board that he sits on the Rivanna board and would be glad to answer questions for them since Mr. Mawyer was not present.

Ms. McKeel expressed that they are so appreciative of having the best-tasting water. She said that she felt sad that people with wells buying bottled water could not experience the wonderful water. She said that ACSA staff was very responsive, and every time she has a constituent with a concern, Mr. O'Connell or his staff are extremely responsive.

Ms. McKeel said that the website is great. She said that she remains concerned about the length of time it was going to take for completion of the pipeline. She stated that she had brought up the bad drought early in 2000 and said that it could happen in just a nanosecond. She said that she remained very concerned that the pipeline was not going to be completed until 2032, and Ms. LaPisto-Kirtley and Mr. Gallaway have a lot of people on 29 North that are going to be dependent on that pipeline. She said that the County has water; the problem was moving it around.

Mr. O'Connell said that there were a couple of pieces to that: the pipeline project itself that connects two reservoirs (raw water), and a new project they are calling the "central waterline" that would connect the Observatory and South Rivanna water treatment plants during emergencies or droughts. He noted that this provides the ability to move drinking water around the system, which may be as important in the near term as the pipeline will be in the long term, and both projects provide backup and redundancy.

Mr. O'Connell reported that there will be expansion of the Observatory Treatment Plant, which, with Ragged Mountain, could serve the entire urban system once finished. He said that all three of those are really key pieces. He said that part of the issue with the pipeline is funding, and part of it is being able to get all these projects done. He said that it is on the Rivanna board agenda the following Tuesday to approve the engineers to proceed with some final design elements pertaining to the intake and piping, with the need for detail and easement acquisition to be worked out and the project likely a few years away.

Ms. McKeel said that she understood all the projects and appreciated the concern on pricing. She said that Mr. O'Connell was correct that they have the best value in this community for water, but

people would say they would have been happy to pay more if they could have had water during a drought. Ms. McKeel said that she was in a meeting the past week where someone made the comment that there was a neighborhood in another County that was paying more right now for their water than for their electricity. She said that is not a problem in this community, but they have to think ahead because there can very easily be a drought.

Ms. McKeel asked if there were discussions about using greywater, as there are many irrigation systems in the development area, and she knew other communities have moved to using greywater to some degree. She questioned if they could use greywater and not use the good drinking water for irrigation systems, and whether there had ever been a discussion about that locally.

Mr. O'Connell said this is discussed mostly out west, where there are major droughts and not much supply, and a whole new piping system would have to be built here to be able to do it. He said that greywater can be dishwater taken out of the sink to water plants, but the concept is to hook a pipe to it once it has been through the wastewater treatment plant and circulate that back—and the expense would likely be tremendous. He said that because in Albemarle County the supply is so good, and in the future with the two reservoirs functioning with the pipeline and the treatment plants, it is likely difficult if not impossible economically. He said there are places such as San Diego that are taking wastewater and turning it around to put back in for drinking water, but they are spending billions of dollars to do that.

Ms. McKeel emphasized that all of those things can change on a dime, and she was just asking if it had ever been discussed. She said she knew it was not a tradeoff, but there were people with wells drying up and other people putting good drinking water on their yards. She stated that she was becoming increasingly aware that a lot of the older apartment buildings have showers and toilets that have not been upgraded. She said that protecting the water is really critical and asked if there was something they could do to change an ordinance or encourage the practice.

Mr. O'Connell responded that they have a toilet rebate program and have actually applied it to some apartment projects where they were doing renovations. He said that if there is any kind of physical renovation and they are replacing toilets or fixtures, they are going to be newer low-flow fixtures, but ACSA has that incentive and has already worked with a number of apartment complexes. He said that many of them have already done that, but perhaps it was worth their while to go back to promote that again with some of the apartment owners.

Mr. O'Connell said one of the difficulties he is finding with apartments is that their water bills are handled by somebody in another state that does not have anything to do with the owner, so they are not paying attention. He said that ACSA was probably more proactive quite honestly a couple of years ago in talking to all the apartment complexes so that they knew about the toilet rebate. He said that there were some condo associations they worked with as well as individuals.

Ms. McKeel said that she had talked with Mr. O'Connell about one specific complex in the urban area where they just refused to even talk about it. She said that she would love to figure out a way to encourage them, but the toilet rebate program has not been doing it.

Ms. Price said that as someone who is on a well that she is concerned about drying up, she hoped that ACSA customers really appreciated the regularity and high quality of water provided to them. She said that in the report, Mr. O'Connell had indicated that with Rivanna charging a 15.5% increase, ACSA is looking to charge an approximate 5% increase and would use reserves to lessen that impact. She asked what kind of a time period they were considering to use the reserves to fill in that gap between Rivanna's increase and their increase.

Mr. O'Connell responded that they were anticipating Rivanna rate increases of 8% to 10% over the next five years or longer. He said that the ACSA Board's goal is to try to keep the rate increases at about a 5% level. He said that part of their financial plan to be reviewed this fall is how long they can use reserves to help cushion that increase, and looking at bonds is another approach. He said they would try to come up with a financial picture that they can look at all these big projects and what they are going to cost, what the rate impact is, and how to best use the reserves to help cushion that. He said that Rivanna is looking at \$165 million worth of projects on top of ACSA's capital projects—which would be challenging—but that was the goal.

Ms. Price said she appreciated that and thought they would all be interested in seeing what the projection and plan going forward would be.

Ms. Mallek said that their water is already too cheap, and she wanted Mr. O'Connell to charge ahead as fast as possible to get these projects done. She said that Ragged Mountain has such a small watershed that it would not take long at all for the reservoir to be in jeopardy, just like South Fork is. She encouraged the pipeline to be speedily done and hoped they would all continue to push on that.

Ms. Mallek said that she remembered very clearly the meeting of the four boards when they were overturning an earlier decision of Rivanna to go with chloramines instead of the granular-activated carbon, and many of the 300 people who came to the meeting talked about how they did not care if their water went up 10 cents, or whatever it was, because they wanted water and did not want all of their fish and children and grandchildren to get sick. She said that she had not heard one peep from anybody in the Crozet water system about the cost of water. She said that what she had heard on the street was the question of why it was so cheap compared to where they had lived before.

Ms. Mallek said that she appreciated that they're trying to be moderate, but she wanted them to also jump on whatever opportunity they could to get the best building done at the cheapest price when things are going so strangely. She said that she had sort of cringed when she heard Mr. O'Connell say they could not do some sort of higher technology because the supply was so good. She said that she felt a moral obligation that they not ever be wasteful and not encourage the customers to be wasteful. She said that 60% of the residents in Albemarle County were providing their own drinking water and their own septic—at \$10,000 or \$15,000 for a well and \$1,500 to \$5,000 for a septic tank—and if it fails, it is on their neck.

Ms. Mallek said that she had picked on Mr. O'Connell for years about the whole irrigation program because she thinks that it's inappropriate for good drinking water to be thrown around on grass. She said that she might try to pull some water out of her lake with a bucket for watering when everything is going bad.

Ms. Mallek told Mr. O'Connell that she was so grateful the ACSA was planning ahead so well and taking on these capital projects. She said that when Ms. Palmer had first gotten on the Board all those years ago, that was not the case. Ms. Mallek said that they have done a good job to turn the ship to be proactive about all these capital projects.

Mr. O'Connell said that anybody using outdoor water is generally going to be paying at a rate that is four times the wholesale rate, so there is a financial incentive to encourage people not to be wasteful.

Ms. LaPisto-Kirtley told Mr. O'Connell if they needed more money or whatever they have to do to get it, to just continue doing what they are doing and make it happen because really water is the source of all life.

Ms. Palmer said that Mr. O'Connell had brought up microplastics, and at the last Rivanna meeting, they had learned that there are basically no microplastics in the County water that can be measured—but bottled water has a significant amount of microplastics, and the plastic that the water is in deteriorates. She said that those who did not want to drink microplastics should stick with municipal water out of the tap and not out of a water bottle.

Ms. Palmer said that they know the American Rescue Plan (ARP) money is out there and that authorities cannot apply for it but need some fiscal agent or government to pursue it instead. She said that Rivanna is looking into it and has hired a consultant to try to pinpoint where they should be applying, how they should be applying, and for what projects. She said that she knew this was going to come up at the Rivanna board meeting the following week. She asked Mr. O'Connell if they were already talking to Rivanna or amongst themselves to try to figure out how to get some of the state ARP money for water and sewer projects.

Mr. O'Connell said that they were operating the CARES Act customer assistance program for customers that were impacted by the COVID economy; it was \$180,000 that they worked cooperatively with the County staff to apply for. He said that recently, Rivanna was asked by the Department of Health to submit a few projects that were shovel ready and already designed, so they have submitted several river crossings for some possible federal funding.

Mr. O'Connell said that they have had conversations with County staff about the Board's interest in connecting septic in the urban area and have provided some background information on eligible individuals as well as eligible areas. He said that Mr. Mawyer was on the forefront of this, but they are trying to follow what is happening with federal dollars for infrastructure and whether any of that would apply to Rivanna projects or ACSA projects. He said that he was not sure yet which ones would qualify, but that was something to watch and would be priorities that the Board of Supervisors sets.

Mr. O'Connell said that the message he has gotten is there is much interest in the sewer connections, and they are more than glad to work with County staff to present to the Board a program that might work. He said that there may be some other priorities, but it is a limited amount of money and there are a lot of needs. He noted that they applied for some additional customer assistance money that was not funded from the state.

Ms. Palmer said that she was thinking about the bigger projects Rivanna has and applying for the state ARP money, and Mr. O'Connell had said that Rivanna was in the forefront of that. She wanted the Board to know that this was going on, especially given the concern that Ms. McKeel raised with having to wait until 2032 to get the pipeline finished. Ms. Palmer noted that there is a problem with the amount of money that Rivanna can borrow at once, and their board has received a lot of information on that.

Ms. Palmer said that some of the projects in the CIP for Rivanna might fit nicely into an application for the ARP money at the state level—not the County's \$21 million, because the County is still waiting on broadband and other smaller projects, including hopefully connecting sewer for some homes. She said that there is a larger amount of money at the state level available for these kinds of infrastructure projects, which could really help ACSA ratepayers by taking some of the cost of this off the table so that some of these longer-term projects could be accelerated. She said that Albemarle County has had a lot of designed projects that would fit very nicely into the ARP money, such as rehabbing water treatment plants and the central line that are preeminent.

Ms. Palmer said she was hoping they were all going to get together and that the City would work with the County, as a more regional application to the state would be more favorable.

Mr. O'Connell said that there is a new municipal water association recently created, which is trying to pursue regulations around the ARP funding for water and wastewater infrastructure projects. He said that Rivanna a presentation on its next agenda regarding federal funds and what is available, what Rivanna is doing to track those, and what might be eligible or not. He said that it is kind of early in that process because a lot of the regulations have not been fully vetted to know which projects would actually work.

Mr. O'Connell said that there are probably longer-term federal funds that are coming for infrastructure work, and there would be some strings attached to that. He said that they are trying to consider those to reduce the local costs and perhaps speed projects up as well.

Ms. Palmer said that if they did not change the rules and let authorities apply, they should be able to work with the County and City to get that done.

Ms. Palmer said that for some of the questions about the rate-stabilization fund, when she first joined the ACSA Board, they were the ones that actually had the reserves; Rivanna did not have much in the way of reserves, as they were not allowed to have them until after 2004 or 2005. Ms. Palmer said that she was amazed at what ACSA had already done with reserves back in 2006 when she first got on that board. She said that she was told there were a lot of infrastructure needs ahead that would go on for several years, and that was why they had so much money set aside.

Ms. Palmer said that over the years, when consultants would come in and say there was too much money in reserves, it was always pointed out how much would need to be taken care of—so that was a very wise decision over the years to keep that going and just practice good financial management over a long period of time. She said that it was really appreciated now as some of these really expensive big projects are coming in, so that the ACSA will hopefully keep the rate increases to a minimum for several years. She said that was a longstanding financial management tool that the authority had been using for a long time, and she was glad that Rivanna had changed their structure.

Non-Agenda Item: Recess.

The Board recessed its meeting from 4:35 p.m. to 6:00 p.m.

Agenda Item No. 13. Closed Meeting.

There was none.

Agenda Item No. 14. Certify Closed Meeting.

There was none.

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

Mr. Richardson said he would like to start the afternoon with his sincere thanks to their COVID-19 Incident Management Team. He said that his longest stint in a true emergency management situation prior to COVID-19 was 18 days, while he had served in the City of Asheville a number of years ago when they lost water service to their community for 18 straight days.

Mr. Richardson said that due to the sustained low incident rates and high vaccination rates, their COVID-19 Incident Management Team held its last meeting on July 8, which was the 486th day of the COVID-19 emergency. He said that in the first several weeks, members of this team met daily. He presented a slide with the names of people who have served as section chiefs supporting the incident commanders Trevor Henry and Doug Walker, as well as regional partners to include Ryan McKay of the Blue Ridge Health District and Sonny Saxton, director of the Emergency Communications Center (ECC).

Mr. Richardson said that as they learned more about the virus, how it spread, and how to manage their response and support for the community, they were able to reduce daily meetings and go from four days to three days to two days per week. He said that this was separate from the coordination meetings that were also held with partners such as the City of Charlottesville, the University of Virginia, the Blue Ridge Health District, and other key agencies that helped on a day-to-day basis.

Mr. Richardson said that an Incident Management Team is a parallel organization with a primary focus as incident response and working on aggressive timelines to ensure that tasks are completed, communication is clear, and that needs are met. He said that not everyone on their list served for the full 486 days, but every person brought their full self, full attention, and full talent, in addition to continuing their regular jobs at work. He expressed his thanks and said that they would be recognizing these people separately, but he wanted to bring this to the Board's attention. He said that for the last 486 days, these people had spent a ton of their time together, including evenings and weekends, and it was all to serve the community and being able to move fast under the emergency ordinance.

Mr. Richardson said that before the transition to a wider opening of the building, to thank their

employees who have been working during the building closure period, they had held a cookout in front of the County Office Building several weeks prior. He said that Mr. Walker, Mr. Henry, and he had started grilling that morning around 9:45 a.m. He said that they would not have had anything to grill had it not been for the support of Cheryl Skeen, Jerry Morris, and Melissa Gardner from Facilities & Environmental Services. He said that they were making to-go boxes and fixing food for people in the field, and he was excited to see the Board members who made it that day. He said that it was a warm day, but they were in the shade. He said that they fixed 185 hotdogs, 225 hamburgers, and 30 veggie burgers, "fixings," and chili. Mr. Richardson commented that they had fellowship and an opportunity to see people, some for the first time in over a year. He said that it was nice to engage with people and the many staff who work in the field because they were trying to mark transition to the reconstitution stage.

Mr. Richardson said that beginning July 12, the County office buildings reopen for appointment and for walk-in services, and the front doors will be unlocked. He said that not every service would be staffed onsite every day, so it would be helpful if community members called to ensure that they would be seen if they were a walk-up. He said that the past week when they opened their doors, they had 180 people come through the main visitors' entrance in the first week, and most of those visits were to the Finance Department.

Mr. Richardson said that he was excited that they are back online to the degree that they are. He said that they have also implemented their telework policy, and he is sure a little bit later this year, they will be getting some data from departments on how the telework policy is working now that they are back into the reconstitution phase. He said that it would be interesting to see how the departments have been staffed, the percentage of people working at home, and how it is working out.

Mr. Richardson said that due to certified lifeguard shortages, swim lakes are operating on a reduced schedule Thursday through Sundays until August 22, from 11:00 a.m. to 7 p.m. He said that after five weeks of operations, a total of 10,612 swimmers have been welcomed. He said that half of those swimmers are using Chris Greene Lake, and the balance is split among Walnut Creek and Mint Springs. He said that it was nice to see that summer activity in the lakes.

Mr. Richardson said that on July 9, they celebrated the opening of their first free and publicly accessible dedicated pickleball courts, which are a pilot at Darden Towe Park created by resurfacing two tennis courts at the park as three pickleball courts. He said that funds for the project were raised by the Central Virginia Pickleball League.

Mr. Richardson demonstrated a picture of City councilors Lloyd Snook and Michael Payne in a challenge match against supervisors Price and LaPisto-Kirtley. He said that the outcome of this game was not in question from the start, as Albemarle County prevailed. He extended congratulations to Ms. Price and Ms. LaPisto-Kirtley and the Board for their support, as there were a number of Board members there that day.

Mr. Richardson said that the Yancey School Community Center has been taking full advantage of the summer months to grow the reach of the center. He presented a picture of the latest raised bed for the Yancey community garden, which is the heart of the grounds there. He said that volunteers work there at least weekly to plant, build, harvest, and tend to the garden, and the produce grown is shared with the community members and the food pantry.

Mr. Richardson presented a picture of Ed Brooks and Serena Gruia, who took the County's "Let's Talk" van to the Scottsville Pollinator Festival to connect with community members on the latest County happenings and to raise the profile of the community center in Southern Albemarle County. He said that it was also timely for the Board to know that County administration would be taking a team down the next day to Yancey Community Center for a half-day workday for an opportunity to get out in the field. He said that there would also be community volunteers there, and Mr. Brooks has them assigned to do some things in the morning; they will then also do some staff communication events before coming back around midday. He said that they would still have the office adequately staffed but were looking forward to that field trip the next morning.

Mr. Richardson provided a quick update of Albemarle County-Charlottesville Regional Airport (CHO) and how they are recovering. He said that traffic is returning, and CHO is seeing more leisure travel; flights to Chicago, Philadelphia, Atlanta, and Washington have resumed daily service. He said that daily peak day departures have begun to recover from the low activity that was experienced during 2020. He said that the bar chart showed the peak time in 2019, which had been growing about 10% a year over the last 10 years; in 2021, they are recovering slowly and steadily and cautiously optimistic for a nice recovery over the next few months.

Mr. Richardson said that the airport has learned that CHO will be receiving just over \$5 million through the American Rescue Plan Act, and that will also assist them. He said that they had received about \$6.27 million in Cares Act money; they are receiving also about \$2.9 million in CRRSA Act money; with the rescue plan \$5 million, the federal COVID grants total around \$14.2 million. He said that they are excited about their continued growth and their service to the community.

Mr. Richardson said that stream restoration projects often require maintenance and additional plantings in the first several years after construction before vegetation is fully grown. He said that this was the case with two recent stream restoration projects at Chapel Hills and at River Run. He said that the County had recently contracted with a firm to train staff and community partners on proper monitoring and maintenance procedures, to ensure that projects put on the ground remain successful. He said that

the one-day training included installation of matting, straw wattles, and plant plugs to prevent future erosion of trouble spots. He said that nine County staff members, as well as staff from UVA, Charlottesville, the Rivanna Conservation Alliance, and a County landscaping contractor all participated in this project.

Mr. Richardson presented a slide to highlight summer construction projects. He said that summer is a time that the facilities planning and construction team was focused on school construction projects, taking advantage of the lower activity levels and getting ready for the fall semester. He said that these range from large additions at Scottsville and Red Hill to replacements of aging building systems such as the boilers at Brownsville, and all are important to ensuring that children have what they need to learn.

Mr. Richardson said that on the local government side, their team has also overseen the construction of a crosswalk at Mountain View Elementary and an ADA-accessible paved trail at Ivy Creek Natural Area. He said that a full report of all the latest capital design and construction projects can be found in the Facilities & Environmental Services quarterly report, which is on the Board's consent agenda. He said that there are some large projects continuing to work through the design and approval process, including the courts project and Biscuit Run Phase 1a.

Mr. Richardson said that in the Board's packets for the last meeting, the consent agenda included two quarterly reports from Community Development on building permits and certificate of occupancy. He said that these two areas give insight into the level of activity in the building and development community. He said that building permits come at the very beginning of a project, and the certificate of occupancy (CO) comes at the end. He said that they have been seeing the data for the first quarter building permits, which is an indicator of housing starts; this is slightly lower than what they have seen in the past several quarters. He said that COs remain high for the first quarter, consistent with what was seen in 2018 and 2020.

Mr. Richardson said that at the next Board meeting, the Supervisors would receive on the consent agenda revisions to the purchasing manual, with the administrative procedures that the Office of Procurement is to follow. He said that currently in the manual, a notarized signature is required for all contract documents; this requires the vendor to go out, get a notary public, sometimes having to pay for the service, physically bring all of this to the office or submit it through postal mail. He said that during the pandemic, this requirement was waived, and vendors could submit their signatures and documents electronically. He said that staff has recommended with the pending changes to make this change permanent to improve the timeliness of the procurement process and remove a barrier for businesses to work with the County. He said that this was an example of something good for business, good for the County, and speeds things up, and staff looks forward to sharing the full purchasing manual in the Board's packets in August.

Mr. Richardson said that July is vehicle theft prevention month, and the Albemarle County Police Department is asking the community to always lock their vehicles, not leave their key or fob or valuables inside the vehicle, and park in well-lit areas whenever possible. He presented a photo of the patrol unit at ACPD, and they all have stuffed animals. He said that a kind community member who won a bag's worth of stuffed animals from a prize machine at Brown's Market graciously donated all those toys to ACPD for the patrol officers to have on hand in the field and distribute to children to comfort them.

Mr. Richardson said that on June 24, 14 career firefighter/EMTs from ACFR's Recruit School 19 were sworn into service. He said that during their 24 weeks of training, the recruits were certified as firefighters and emergency medical technicians, and they were trained to respond to hazardous materials, and vehicle and technical rescue incidents. He said that they are also now certified car seat installation technicians. He said that the new probationary firefighters begin their assignments in ACFR stations on June 26 to complete their field training. Mr. Richardson welcomed each one of these new team members to the Albemarle County government family.

Mr. Richardson said that in 2020, the Board approved the initiation of an 18-month-long staffing initiative to respond to the growing needs of the County while more efficiently utilizing personnel. He said that to do this, ACFR needed to expand its team of responders; through a \$1.9 million FEMA grant and the budget process, the department has been hiring, training, and placing into service a total of 22 new positions over the span of 18 months across three recruit schools. He presented a picture representing the third of the three recruit schools to be placed into service August of 2021.

Mr. Richardson demonstrated the logo for the newly launched "Buy Local" Albemarle County and Charlottesville campaign., intended to highlight local businesses and raise awareness of the tangible benefits of buying local and what that means to the community. He said that City and County economic development offices are working together to respond to the economic damage caused by the pandemic. He said that the Buy Local campaign would highlight small businesses in the business sectors within Charlottesville and Albemarle and would be comprised of a multichannel, multimedia promotional, and educational campaign. He encouraged everyone to listen for those campaigns featuring local retailers, restaurateurs, and other businesses.

Mr. Richardson said that the Center for Digital Government in association with the National Association of Counties has recognized Albemarle County as the first-place winner of counties of their size for the use of technology in serving the public. He said that this meant more than any other prior year perhaps because of the pivot to digital services and telework, as well as highlighting broadband access and affordability issues. He said that he was very proud of the work of the IT Department to support the County at a level they have never seen before, and he was also appreciative of this national

recognition. Mr. Richardson read directly from the award summary document that last year during the pandemic, the County laid more fiber broadband than ever before, opened more free wi-fi locations, and worked with partners across the region to advance broadband. He said that the County also used CARES funding to complete three other broadband projects last fall. He said that in March, they received a \$2.2 million broadband grant, and he appreciated the Broadband Authority and their leadership during this time.

Mr. Richardson concluded the July report and said that there was a lot of good information in there, all of which could be traced back to their employees in this organization who have worked diligently and continue to work as they go through reconstitution. He thanked the employees and Ms. Kilroy and the staff who put the information together.

Ms. McKeel said that it was amazing what Mr. Richardson and staff and all of the employees at the County had gotten done over the last 18 months, as the focus on getting the work done has been outstanding.

Ms. Price concurred with Ms. McKeel. She said that they are served by the absolute best public servants—from Mr. Richardson through everyone who works for the County, and she appreciates his leadership and the work that everyone has done.

Ms. Price said that separate from this report, she had asked that Mr. Richardson provide an update in regard to the current placement of the Sacagawea statue. She asked Mr. Richardson to address that after the other Supervisors had a chance to ask any questions about the report.

Ms. LaPisto-Kirtley commented that Albemarle County was the best County in the nation.

Mr. Gallaway asked Mr. Richardson to address the process of the statue placement that had been in the news over the last week.

Mr. Richardson said that he had been in conversation with the City Manager both earlier that week and as recently as that day. He said that Saturday, July 10, the Sacagawea statue was removed and was temporarily placed at Lewis and Clark Exploratory Center at the Darden Towe property owned jointly by the City and County. He said that he had asked the City Manager to give him an outline for what was coming forward with how the City will handle that statue and the RFIs that were collected earlier in the year.

Mr. Richardson said that two Board members are on the Lewis and Clark Center Board and may have things that they need to add. He said that he thought there were eight total requests for information that responded to the City, and they have had those for a period of time. He said that the City Manager asked the Board Monday night that he have approval to communicate through an RFP (request for proposal), so he would be presenting an RFP to the City Council at their August 2 meeting for approval, and then he would send the RFP out for a three-week response deadline to the respondents who have shown interest in the statue. He said that in the three weeks, they would collect the proposals, with a recipient to be selected in late September or early October.

Ms. Mallek said that whenever it is ready, she would love to know what County processes have to happen if the application from the Lewis and Clark Center is approved, so they would be well prepared ahead of time.

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

Mr. Gary Grant stated that for full disclosure, before he asked some questions of the six Democrat supervisors tonight, he needed to tell them that he is related to the last U.S. President, Ulysses S. Grant, who owned slaves; however, he never did, and he is not Ulysses Grant. Mr. Grant asked if the Board knew that families from 15 southern states and the District of Columbia with the surnames of Kirtley, Gallaway (with an "o" for one "a"), Palmer, Price, Andrews, and Richardson have a history of slave ownership and/or usage, at least according to a database begun in 1991 by the Race and Slavery Petitions Project supported by a National Endowment for the Humanities grant in conjunction with the University of North Carolina at Greensboro. Mr. Grant said that one positive footnote though, for two Supervisors from what he had researched so far, was that the surnames McKeel and Mallek did not show any slavery connection in UNCG's race and slavery project.

Mr. Grant asked the Supervisors if they knew that family surnames connected to Albemarle's Samuel Miller, Jack Jouett, and Scottsville districts also have histories of slave ownership and/or usage. He asked if the Supervisors knew that slavery connections hold true for family surnames associated with the Albemarle locations of Crozet, Earlysville, Batesville, Boonesville, Boyd Tavern, Howardsville, and Keene. He said that to feel free to double-check all this at the Race and Slavery Petitions Project, except for Crozet, as in Claudius, the engineer, whose slavery connection comes from a January 2021 NPR radio interview with author Mary Lyons, and for Jack Jouett, whose slavery connection comes from a Wikipedia entry and from the Albemarle School Division renaming investigations.

Mr. Grant said that there were 63 pages of road names to check in Albemarle for their potential surname connections to slavery. He said that a final question for the six Democrat Supervisors was to ask how many of Albemarle's monumental slavery-related surnames they were going to spend time and

taxpayer dollars on to take down and haul away under their feel-good, politically correct mask of equity and inclusion. He said that perhaps a sincere apology but also an equally honest, "It wasn't me," might be a way to start.

Ms. Lydia Brunk said that she was coming to the Board that evening to celebrate the fact that Charlottesville City Council has provided funding for a right-to-counsel program for residents of the City, to reiterate her deeply held belief that the residents of the County are no less deserving of a right to counsel in eviction proceedings, and to ask that the County allocate at least as much ARP funding as the City towards a program to provide counsel to tenants facing eviction.

Ms. Brunk said that she believed that based on the Virginia court data project, the County had about twice as many evictions on average prior to the pandemic than the City. She said that she would hate to see any tenant end up on the street because of the zip code they live in.

Ms. Melissa Gilring said that she was speaking to support everything that Ms. Brunk had said regarding the right to counsel for tenants facing eviction. She said that most tenants do not have an attorney while most landlords do, which creates an unfair balance in the courtroom. She said that eviction has a permanent effect on a person, not just with finding housing but with credit, and that is a permanent mark on their record. She said that they should have an attorney to help them do everything possible to prevent that and asked the Board to give funds to right to counsel.

Mr. Gallaway closed Matters from the Public.

Agenda Item No. 17. **Public Hearing: SP202100007 and SP202100008 Jefferson Mill Hydroelectric Project.**

PROJECT: SP202100007 and SP202100008 Jefferson Mill Hydroelectric Project; MAGISTERIAL DISTRICT: Scottsville; TAX MAP/PARCEL(S): 12300-00-00-017B0 and 12300-00-00-02600 LOCATION: The proposed project is located at the site of Jefferson Mill dam on the Hardware River approximately 600 feet upstream of the Jefferson Mill Road bridge over the Hardware River. PROPOSAL: Hydroelectric power generation using the existing dam; PETITION: Hydroelectric power generation allowed by special use permit under section 10.2.2.39 and 30.3.11 of the Zoning Ordinance. No new dwelling units proposed; ZONING: RA, Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots); OVERLAY DISTRICT(S): Flood Hazard Overlay District - Overlay to provide safety and protection from flooding; COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots).

The Executive Summary forwarded to the Board states that at its meeting on June 1, 2021, the Planning Commission voted (5:0, Commissioners Moore and Bailey absent) to recommend approval of SP202100007 and SP202100008 Jefferson Mill Hydroelectric.

The Planning Commission discussed this proposal and determined that it met the requirements of the ordinance for approval and was a net benefit. No changes were recommended by the Planning Commission. However, during the discussion some members of the Planning Commission stated an opinion that removal of the dam and restoration of the river to its natural course would be beneficial.

Staff recommends that the Board adopt the attached resolution (Attachment D) to approve SP202100007 and SP202100008 Jefferson Mill Hydroelectric.

Mr. Bill Fritz presented the staff report for two special use permit applications for the Jefferson Mill hydro project. He said that this was a proposal to install a hydroelectric facility using the existing Jefferson Mill dam. He said that there was an existing dam and adjacent building dating to the 1800s, and the mill building is now used as a house. He said that this is not a new proposal, and the use of the river for power at this location has been going on since the 1800s.

Mr. Fritz presented a photo of the dam from the 1940s and a photo of what it looks like now. He said that it was likely that one would not know this particular dam unless one used the Hardware River. Mr. Fritz pointed out the location of the dam in the far southern portion of the County, about a mile upriver from the Albemarle line with Fluvanna. He provided an aerial photo showing more detail and pointed out how much tree cover there is in the area now compared to 1940, adding that in doing this review, he found this to be an interesting comparison.

Mr. Fritz presented another photo looking downstream and showing the existing water room. He said that this is the area where the turbine would be located. He said that the project would improve the outfall from the water room and install new inlets to bring water to the turbine.

Mr. Fritz said that the applicant has submitted one of the most extensive and complete applications the County has ever received during his 30 years. He said that this information has been reviewed not only by staff but by state and federal regulators. He said that the applicant has been working with County and state for a little over a year now to identify and address all the issues. He stated that the Department of Environmental Quality (DEQ) is the lead reviewer for this project and coordinates

with other state and federal agencies, including the Department of Historic Resources (DHR), Department of Wildlife Resources (DWR), Virginia Marine Resources Commission (VMRC), Environmental Protection Agency (EPA), and the Army Corps of Engineers. He said that all these agencies and others have been reviewing this proposal, and the applicant has been working to address all of the concerns.

Mr. Fritz said that DEQ held a meeting with all the reviewing agencies, the County, and the applicant on May 10. He said that during this meeting, the various agencies discussed the project, and no significant concerns were identified by any of the agencies, and all the concerns raised were addressed by the applicant. He said that to provide a scope of the detail, DHR had questions about how the stabilization of the existing stone walls would be made for this water room. He said that the applicant would be using techniques approved and used by DHR for the stabilization and to preserve the historical integrity and value of the structure.

Mr. Fritz presented a photo looking back at the dam, noting that the mill building was immediately behind the camera. He said that the photo gives a good perspective of the relationship of the dam to the mill building; it also shows how effective the dam is at preventing the upstream and downstream movement of aquatic life. He said that while it is not part of the special use permit application, the applicant is proposing to install a ladder on the dam; this is on the opposite side of the river from the mill building, and this feature is strongly endorsed by DWR, VMRC, and others including County staff. He said that it would facilitate the upstream and downstream migration of aquatic life.

Mr. Fritz said that staff has not identified any concerns associated with this request and recommends approval. He said that the Planning Commission recommended approval of this request on June 1.

Ms. Price said that she had the opportunity to visit the site several months ago when it was first being proposed, and she has just been highly impressed by the thoroughness of the work that the applicant has done. She said that she wanted to ensure that her questions are covered on the record and has received an inquiry from an upstream property owner who asked two questions: What type of noise would be involved and for what period of time for the work being done.

Mr. Fritz said that he had also had some correspondence with the upstream neighbor, and they stated that their questions had been addressed and they probably would not be there that evening for the Board meeting. He said that because there is no real major construction involved, it is really typical like what one would have for an accessory building, building a garage or a shed or something like that. He said that there would be relatively small equipment, standard carpentry, some stonework, electrical work, and there are building permits that are involved and associated with it. He said that when they were having the conversations (again giving an idea of the scope) DEQ is going to work with the applicant and vice versa to coordinate when the construction would occur, to avoid high water events from tropical systems or snow melts or other things, so there is some coordination there going on with DEQ.

Ms. Price said that addressed the second question that the upstream property owner had asked, which was whether or not there would be any adverse impact in terms of water level. She said that because this is already an existing dam, it really is not anticipated that there would be such a problem.

Ms. Price said that in addition to the water ladder that is going to be included, which is a tremendous benefit for aquatic life, it would actually improve the quality of living resources in the Hardware River. She said that the equipment to be used for this generator is substantially improved from what was present years ago, wherein a lot of the aquatic life would be chewed up in the process. She said that this applicant has worked very hard to ensure a process that would reduce if not eliminate the risk of injury or death to aquatic animals. She said that she had no further questions and looked forward to whatever the applicant may desire to offer.

Ms. LaPisto-Kirtley asked Mr. Fritz to go back to the photo or picture with the ladder and asked how that worked.

Mr. Fritz responded that there was quite a bit of conversation about this at the Planning Commission, and the applicant could provide much more detail, but essentially it creates riffles and allows the aquatic life to migrate upstream. He said that they were talking about eels here primarily, but other life can go up too. He said that it is basically creating falls and allowing fish to go back upstream.

Ms. LaPisto-Kirtley asked if there was water flowing from the ladder.

Mr. Fritz replied that there is water in the ladder.

Ms. LaPisto-Kirtley confirmed there was water in the ladder, and then they just go up the ladder.

Ms. Price said that Ms. LaPisto-Kirtley might be familiar with salmon ladders.

Ms. Palmer said that she thought this was wonderful; if a dam cannot be taken down, it is better to try to make it more environmentally friendly, so she appreciated the attempt to do this. She said that she had been told that these ladders do not work all that well if the dam has been there for many years. She said that she was curious to ask for the applicant to give a report in a couple of years and let the Board and the public know if they were going to monitor how well this works over time.

Ms. Jessica Penrod thanked the Board for allowing Natel Energy to present on behalf of Let It Go,

which is the property owner. She said that she was the lead project manager for this project and had Tatiana Marzan on the call as well, who is assisting with the project.

Ms. Penrod said that she would report on who they are as the applicant, the project location, their facilities and operation, and the construction timeline.

Ms. Penrod explained that they are submitting their FERC draft application to all of the stakeholders, which include DWR, FWS, DHR, and DEQ, who would receive the application; FERC itself provided comments back to them with a final FERC application submitted in November. She said that the Army Corps Joint Permit Application would be submitted that week as well; that is a slightly longer timeline for feedback, so they would be receiving the information at the end of Q4 2021 for the JPA, and the FERC terms and conditions would be set likely starting in 2022.

Ms. Penrod said that they would plan to construct the actual hydro, and because there are a few time-of-year restrictions to this project, they would not start construction until August of 2022 and would expect this to be about three months of the construction time period. She said that the time-of-year restrictions protect various species in the area, specifically the James spiny mussel. She said that they did have a mussel survey done and there were none identified in the area, but they still would construct outside of this area on the off chance that some are identified at a future date.

Ms. Penrod said that regarding the eel ramp, this construction would likely not occur until likely 2024, due in part to the monitoring that was requested.

Ms. Penrod said that Natel Energy is a California-based company in existence since 2009. She said that their technology is proprietary to Natel, and the main focus of it is to allow for safe fish passage with hydropower. She said that they have done live eel testing where they have actually proven the safe fish passage; this started only this month at their headquarters. She said that they do plan to do in-field eel testing at a future date, and the results of their work would get published and could be shared when available. She said that they have also done live fish testing at their project site in Oregon; that report is publicly available already, and so far, they have had over 98%-99% safe passage through the turbine itself.

Ms. Penrod said that their team for this project does all the permitting and the design and engineering, and then they are also the point of contact for any public communication. She presented a diagram to demonstrate what the turbine looks like, and that would be installed at the project site. She presented a tax map of the project's location between 17B and 26; the project owner owns all three of the highlighted parcels, and access to the project is Jefferson Mill Lane.

Ms. Penrod said that the project features were in their application; it is a 20KW project, so fairly small. She said that the main purpose of this is to power the house itself; any excess power would be net metered back to Appalachian Power Company. She said that it is a seasonal house so the applicant is not always there, but the hydropower could generate and provide renewable energy to the region.

Ms. Penrod said that they are using the existing dam as well as the structure of the mill house and the water room that is attached to that. She said that the impoundment is 5.3 acre-feet with an average depth of four and a half feet, so it is a fairly small impoundment as far as hydropower goes, but it is also an existing impoundment. She said that there is currently no fish passage or hydro that is operating, both of which they would be requesting to install.

Ms. Penrod said that the key piece about the fish passage is they would be passing American eel and sea lamprey. She said that American eel and sea lamprey migrate upstream using this ramp. She described the way it works as being a set of bristles and essentially little mini cones that line the bottom of the eel ramp itself, and the eels can slither up. She said that to think about how an eel moves, it is using the bristles and the pegs to be able to work its way upstream, and it has water throughout. She said that there is different substrate depending on the depth of the water, because the size of the eel requires different substrate to get upstream. She said that smaller eels require bristles, so that is higher up in the water column; larger eels require more of a peg, so that is lower down where they tend to travel.

Ms. Penrod said that the proposed location is in discussion with Fish and Wildlife; they would like Natel to monitor the year that the hydro is installed where the eel and lamprey are naturally aggregating. She said that this would then change the location or ultimately indicate where the fish passage would be installed. She said that if they were only aggregating on the side where the outflow is, they would be looking to design a fish ladder on the opposite side of the river—so this is a very tentative location that requires monitoring.

Ms. Penrod said that they would also do monitoring of the eel ramp post installation to ensure that it is operating as expected. She said that should it not operate as expected, they would have further discussions with the wildlife agencies to make sure that they are actually improving the habitat for the species of concern.

Ms. Penrod provided a photo of the mill dam and a photo of the water room where the outflow of the turbine would be flowing, noting how it would weave its way in between the small island shown and a larger island downstream; the outflow would go down along that side of the river.

Ms. Penrod pointed out where the control shed is located, stating that there would be some trenching to bring the power cables there, which is to protect the equipment from any high-water event

should there be flooding in the area.

Ms. Penrod noted that there would be relatively minor noise during construction and follow the time-of-year restriction that she had mentioned earlier, happening in August and later. She said that if there were a high-water event, everything would be protected so there is no additional silt or other preventable material entering the river.

Ms. Palmer asked for confirmation that in 2022 when they expect to build it, they would be monitoring the river life in deciding the best place to put the ladder. She asked if there was something else they would be monitoring over the next couple of years.

Ms. Penrod said that the primary monitoring is to identify where eel and lamprey naturally aggregate so that the fish ladder itself is installed in the correct location. She said that currently, water temperature and dissolved oxygen levels are also being monitored, which would be tested after the hydropower is installed, to ensure there is no increase in water temperature due to the hydropower and no decrease in dissolved oxygen with less flow going over the dam. She said that sometimes at hydro sites, as the flow that naturally flows over a dam is decreased, there is less turbulence that adds oxygen to the water. She said that they do not see that when they do testing at their sites, to prove that is consistent with their other sites and testing.

Ms. Palmer asked how much it is expected to actually decrease the flow over the dam.

Ms. Penrod said that there would never be a time in which it is dry; there is a minimum of 10 cfs (cubic feet per second) that would always flow over the dam, which is a pretty significant quantity for this river, especially in low-flow time periods. She said that during the migrating season, 1 to 3 cfs also flow down the fish ladder. She said that the fish ladder only operates during the migrating season; the rest of the year, they do not have species going up and down the stream in the same way. She said that 20 cfs is the minimum required for the hydro to operate, and a total of 30 cfs is required for any hydro to operate; anything under 30 cfs would be going only over the dam.

Ms. Palmer said that was great they have minimum instream flow requirements. She asked if that had to be monitored going forward, indefinitely.

Ms. Penrod said that the turbine itself actually cannot operate under 20 cfs, so for anything under 30 cfs, the turbine itself has a control that shuts it down. She said that it is not necessarily monitored by an individual, but it is monitored by technology that shuts the turbine itself down and closes the flow.

Ms. Palmer said that when they dismantled the hydroelectric power plant that was on the South Fork Rivanna River, they noted that it really cannot operate very due to minimal flow in the river, and they have instream flow requirements for that intake. She noted that this is a seasonal house and probably was not going to be in operation when no one was there. She said that she was trying to get an idea of how often the flow is enough to actually have this facility working.

Ms. Penrod said that she could follow up with actual figures, but it would operate the majority of the year. She said that when they are not home, there is actually an increased benefit to the community in that all power would get sold back to the grid versus just having a house consume it. She said that it kind of nets out because someone is getting renewable energy. She said that it would operate when the owners were not at the house, and during the summertime, there are a few low-flow events, dependent on how much flow is available. She said that over the past few years, there were a few weeks—particularly during the summertime—that it could not operate.

Ms. Palmer asked when this is installed whether there was going to be an effort to monitor how well this ladder works.

Ms. Penrod said that they would have monitoring requirements set by FWS that would likely be one to two years of monitoring for success of the ladder.

Mr. Gallaway noted this was private property but that it was a pretty fascinating project with the mill, eel ladder, etc. He said that he noticed in the project that it said that the applicants did community educational efforts for runoff and other factors, and he asked if there were an opportunity for those interested to visit the site in some sort of controlled way.

Ms. Penrod said that was something that they could discuss and had not been proposed to them in the past, but they may or may not be open to it. She said that Natel does have a wonderful partner in Freedom, Maine they've worked with that does tours of their hydro facility. She said that it is a slightly different setting in that it is a privately owned mill that was restored but has public facilities—a restaurant, school, and museum. She said that there are opportunities that they may be willing to host for the public, especially when the owners are potentially not at home, but they would have to discuss that with the applicant.

Mr. Gallaway said that the public benefits from the power, but there could be an additional benefit on some limited basis that he hoped the applicant would consider. He said that there would be those in the community that may have an interest.

Mr. Gallaway confirmed there were no signups and closed the public portion of the public hearing.

Ms. Price **moved** to adopt the attached resolution (Attachment D) to approve SP202100007 and SP202100008 Jefferson Mill Hydroelectric. Ms. Mallek **seconded** the motion.

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

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

**RESOLUTION TO APPROVE
SP202100007 AND SP202100008 JEFFERSON MILL HYDROELECTRIC**

WHEREAS, upon consideration of the staff report prepared for SP202100007 and SP202100008 Jefferson Mill Hydroelectric and the attachments thereto, including staff's supporting analysis, the information presented at the public hearing, any comments received, and all of the factors relevant to the special use permit in Albemarle County Code §§ 18-10.2.2(39), 18-30.3.11, 18-5.1.26 and 18-33.8, the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

1. not be a substantial detriment to adjacent parcels;
2. not change the character of the adjacent parcels and the nearby area;
3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the Rural Areas district, 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 SP202100007 and SP202100008 Jefferson Mill Hydroelectric, subject to the conditions attached hereto.

* * * *

SP202100007 and SP202100008 Jefferson Mill Hydroelectric Special Use Permit Conditions

1. Development and operation must be in general accord with the information included in the applicant's special use permit application.
2. Development and operation must comply with all State and Federal requirements.

Agenda Item No. 18. Public Hearing: Consider the Adoption of an Ordinance to Amend County Code, Chapters 10, Firearms.

The Executive Summary forwarded to the Board states that in the 2020 Session, the General Assembly approved an amendment to Virginia Code § 15.2-915 permitting localities to pass an ordinance prohibiting possession, carrying, or transport of firearms, ammunition, or component parts in buildings, public parks, recreation centers, and permitted events areas that are owned or used by the locality or authority or entity controlled by the locality for governmental purposes.

The proposed ordinance would prohibit firearms, ammunition, and component parts from being possessed, carried, or transported into any buildings, parks, and recreation centers owned or used by Albemarle County or authorities or other entities controlled by Albemarle County for governmental purposes. Albemarle County does not currently have a permitting process for events outside of its public parks. Certain persons - most significantly, law enforcement officers and other public safety personnel - are exempted from these prohibitions because of the nature and scope of their employment and other provisions of law. The County Executive may also grant individuals an exemption. Notice of the prohibitions in the ordinance must be posted at all entrances of buildings, parks, and recreation centers subject to this ordinance. The ordinance also authorizes the County Executive to implement reasonable security measures to prevent unauthorized access to the buildings, public parks, and recreation centers subject to this ordinance.

Polling places are not covered by the proposed ordinance. Effective July 1, 2021, Virginia Code § 24.2-604 was amended to make it unlawful "to knowingly possess any firearm as defined by § 18-308.2:2 within 40 feet of any building, or part thereof, used as a polling place." This restriction applies during "the times the polls are open and ballots are being counted, or within one hour of opening or after closing."

The cost of the signs to provide the required notice could be covered with currently appropriated funds. There is no anticipated additional budget impact.

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

Ms. Farley said that her presentation would review the draft firearms ordinance previously included on the Board's consent agenda on June 16, 2021 and was the subject of that evening's public hearing. She said that they have also received some feedback since June and hoped to provide a few items for the Board's further consideration.

Ms. Farley said that Mr. Kamptner had included several items that support a rationale for

adopting an ordinance at this time. She said that these were taken from principles in case law and adopted to the ordinance being presented. She said that public safety in governmental buildings where government employees and the general public are conducting business is one factor when considering whether or not to adopt an ordinance of this kind. She said that another was public safety in public parks and community centers where there are sometimes vulnerable populations, including children, who are likely to be present. She said that it is also an exercise of responsible management of government operations over its properties.

Ms. Farley provided historical background and stated that the Virginia code prohibited localities from passing or enforcing ordinances or even taking administrative action to regulate or prohibit firearms within those localities. She said that was the state of the law for quite some time, until the General Assembly in its 2020 session amended the state code and provided enabling legislation that now permits localities to regulate and prohibit firearms, ammunition, component parts, or a combination of any of those, in certain areas and properties.

Ms. Farley said that specifically, that enabling authority pertains to buildings or parts thereof that are owned or used by a locality, or by an authority or local government entity created or controlled by the locality for government purposes. She said that it also allows those prohibitions to be effective in public parks also owned and operated by the locality, for recreation centers or community center facilities that are operated by those localities, and to any public street, road, alley, or sidewalk pursuant to a permitted event or adjacent to that same area. Ms. Farley said that because Albemarle County does not have a permit process outside of parks, that was not included in the draft ordinance.

Ms. Farley said that the implementation was manifest in the draft ordinance presented to the Board, and once the enabling legislation was passed last year, their office was asked to create that draft for the Board's consideration. Ms. Farley said that first this would be implemented in Chapter 10, the offenses chapter for the County code, specifically Section 118. She said that the first subsection is a definition of firearm, included with the definition taken from case law. She said that in the state code for several crimes, there are different definitions or requirements for a firearm to be proved in a prosecution. She said that they had included the statement, "The firearm need not be operable or capable of firing" for clarity as to what elements would actually be necessary if someone was ever accused of a violation of this ordinance.

Ms. Farley said that the acts prohibited are in the three areas she had discussed in the last slide. She said that violation of this ordinance is a Class 1 misdemeanor, which is punishable by up to 12 months in jail and/or a \$2,500 fine. She said that it also provides a grant of authority to the County Executive to implement reasonable security measures to prevent unauthorized access to the buildings, parks or recreation sites, and community centers. She said that the enabling legislation specifically says, "such as metal detectors and increased security personnel," but that does not appear to be exhaustive, so they did not want to limit that in the ordinance.

Ms. Farley said that the exemptions that are in Subsection C mean that this proposed ordinance would not be applicable to federal, state, and local law enforcement (both active and retired), animal protection officers with the ACPD, fire marshals and their assistants, or the following job titles within the scope of their duties: Commonwealth attorneys and their assistants, ACRJ employees, civilian employees with a forensics unit of the ACPD, the Department of Criminal Justice Services certified security, United States Armed Forces, and National Guard members.

Ms. Farley said that as drafted, there is a County Executive-granted exemption and one for individuals who are transporting firearms for safekeeping or surrender to COB-5th (Albemarle County Office Building, 5th Street) and also at the County courthouse. She said that there is a specific Virginia code statute listed that enumerates several job titles that would also be exempted within the courthouse.

Ms. Farley said that based on some questions and concerns and additional feedback forwarded to their office, they are presenting additional items for consideration. She said that one is that the Board consider replacing the current discretionary exemption granted to the County Executive in the draft and replace that with a blanket exemption for valid concealed weapon permit holders. Ms. Farley added that people who hold a valid concealed carry weapon permit have already gone through a vetted process; that permit is issued by the Clerk of Court once there has been a background check and once they have received information from the Chief of Police or his/her designee. She said that those individuals also must have on their person, while they are carrying, evidence of that permit and must surrender that or give evidence of that to any law enforcement officer who asks them.

Ms. Farley said that the enabling legislation requires that to enforce an ordinance of this kind, the public has to have notice of it by way of signage at the entrance of any building or park or other area that would be regulated. She said that is not currently in the draft ordinance even though staff anticipated that requirement would be necessary. She said that staff is proposing that should the Board choose to do so, that notice provision be expressly included within the ordinance, so if the sign is not there, it is not enforceable there.

Ms. Farley said that the items for consideration on the next slide she presented were not specifically referenced by the enabling legislation, but the first two are referenced elsewhere in the Virginia code; if the Board considered adopting these amendments to the draft ordinance, it would be consistent with the code. She said that it is not required, but it would be consistent. She said that there are other job titles that are exempted including the United States Postal Service mail carriers, officers or guards of state correctional facilities, certain qualified conservators of the peace, and judges or justices of

the Commonwealth.

Ms. Farley said that the state code specifically mentioned an exception to the concealed weapon permit in that particular statute: any person who may lawfully possess a firearm and carries it in their own personal motor vehicle and has it secured within a compartment or a container within that vehicle would not be considered in violation of concealed carry. She said that could also be expressly adopted or amended into this draft ordinance.

Ms. Farley said that based on some feedback received, they could include an exemption for certain authorized ceremonial events and displays.

Ms. Farley said that the last two slides constituted some options based on the feedback.

Ms. McKeel said that she had wanted to ask about ceremonial rifles, color guard, and firing parties and thought Ms. Farley had answered that because it had been added.

Ms. Farley said that was just an item to consider and had not been included in a new draft, as one had not been made, but that certainly could be included.

Ms. McKeel noted that it had been added as a suggestion. She said that a constituent had sent that in, and she thought it was a good catch. Ms. McKeel said that the statement in the information they had received that "the County Executive may also grant individuals an exception" seemed overly broad. She asked Ms. Farley to address what an exception would be.

Ms. Farley said that one of the recommendations was to actually take that discretionary exemption out so that it would no longer be part of the draft; it was meant to capture unanticipated circumstances, but her thinking was that they could handle that administratively rather than legislatively. She said that at least one of the recommendations was that be stricken entirely and replaced with allowing a blanket exemption for concealed weapon permit holders.

Ms. McKeel said that she believed the City had already passed an ordinance similar to this last fall, and their ordinance covers parks. She said that the City and County share at least one major park, Darden Towe, but the City has the ordinance and the County does not. She asked how their ordinance works now.

Ms. Farley said that were the County Board to pass an ordinance that includes parks as part of the prohibited spaces for firearms as it applies to those jointly controlled authorities or jointly owned parks, they would seek consent from the City.

Mr. Kamptner said that he had a conversation with the City Attorney a few months earlier, and they talked about how they were going to deal with these jointly owned properties. He said that the County does operate Darden Towe and does have the clear authority there, but there are some authorities such as RWSA and RSWA that were jointly created. He said that the process there would be to see if those separate political subdivisions, which are independent even though the County created them, wished to fall within the scope of the County ordinance.

Mr. Kamptner said that following the lead of the local delegation at the previous year's meeting with them, they would just ask the City Council to consent to that, if that were the desire of the authority. He said that they would probably follow that same approach with Darden Towe Park, even though the County operates it, simply because it is jointly owned.

Ms. Farley added that because there is a required notice provision, even if the ordinance would otherwise apply to a certain area or property, if an authority did not want to have enforcement there, they would not provide notice and thus it would not be enforceable there.

Ms. McKeel questioned if that meant that since Darden Towe is under County operation, the City ordinance was not in effect because they had not agreed to it.

Mr. Kamptner said that it was extraterritorial, and any ordinance that the City adopts that is going to apply extraterritorially has to be consistent with the County's.

Ms. Price thanked Ms. Farley and the County Executive, County Attorney, and Chief of Police for working diligently on this. She said that she liked some of these recommended modifications and the way the proposed ordinance is currently drafted, as it identifies what she would call three different places: buildings, grounds, and parks. She said that at COB-McIntire, for example, they have the building and the grounds surrounding the building, and those grounds are treated differently than park land. She said that she strongly supported no open carry on County property, buildings, grounds, and parks.

Ms. Price said that she had some concerns about a blanket prohibition on the grounds that she would like to discuss further. She said that she would ask the other Supervisors to consider that there be an exception provided for concealed carry holders in the buildings.

Ms. Price said that with paragraph (C)(6), she would be more comfortable seeing a blend of the original draft with the proposed modification for concealed carry holders that leaves an ultimate decision to the County Executive or their designee. She said that there essentially would be a rebuttable presumption that someone who is qualified for a concealed carry permit would be permitted to have the

weapon on them subject to an override by the County Executive or designee. She said that the County Executive would also have the ability to grant an exception to someone who may not have a concealed carry permit, for example, for individual safety; to the contrary, if there was reported engagement of conduct that the County Executive believed should not allow that individual to continue to have that privilege, he/she would be able to basically overrule the eligibility based upon a concealed carry permit.

Ms. Price said that this would not grant absolute yay or nay, but she would like the County Executive to ultimately be able to decide without it necessarily being completely arbitrary or subjective. She said that she would feel more comfortable with there being some objectivity but with flexibility.

Ms. Price said that regarding the grounds, her understanding was that this ordinance would allow someone who can lawfully possess a weapon to secure the weapon in a container in a secured vehicle on County grounds, and she supported that. She said that when it comes to parks, it became a little more complicated. She said that she is generally in favor of the same sort of regimen—in a secured container in a secure vehicle—but she has been asked about some of the more rural areas or locations within some of the larger parks where someone may not feel safe. She said that she was not proposing anything specifically but would like to hear from others.

Ms. Farley clarified that the three areas are the buildings, parks, and community centers; there is not a specific area for the grounds around the building or the parking lots of the building.

Ms. Price noted that the regulation really does not apply to a vehicle parked at COB-McIntire.

Ms. McKeel asked if it did not include the parking lots at the buildings if it included the parking lots at the parks.

Ms. Price said that she thought the parks were treated differently.

Mr. Kamptner said that parks are treated differently, and the law would become effective once someone comes inside the entrance.

Ms. Price said that she would be comfortable with an ordinance that would allow an individual to have a weapon secured in a container in a vehicle even if it was in a parking lot at a park.

Ms. Mallek said that she was okay with it being in a secure case in a locked vehicle for storage. She asked if there was something in the rules about it being unloaded while in this secured place.

Ms. Farley said that was not specified in the language of the other state code provision.

Ms. Mallek asked if she understood that the parking lot locked vehicle in a storage container only applied at the parks and not at the County Office Building parking lots.

Mr. Kamptner said that the rules are different.

Ms. Mallek asked whether it was okay with what was being proposed if a citizen wanted to come to a Board meeting and left his weapon in the glove box, locked up as he always has, in the parking lot at the County Office Building.

Mr. Kamptner said yes.

Ms. Mallek clarified that it would take effect only when a person entered the building, but the boundary for the park was the kiosk at the entrance. She said that for the same reason, if someone were traveling somewhere and it was locked up, she was still okay with that at the park just because people are going to forget. She said that if it is not easily discoverable, she did not know how anyone would know and would rather perhaps avoid that.

Ms. Mallek said that people are giving a lot of deference to the concealed carry permit, and she was hearing different things from different citizens. She said that in the old days, apparently it required classroom training, range training, and a lot of real knowledge—whereas she was told that recently, they just basically watched a video and got something through the mail. She asked about the truth of those statements so that they know whether this concealed carry permit is actually something that can be relied on to ensure that people were safely able to have these weapons.

Ms. Farley said that there was some kind of qualification required, and she would like the opportunity to look at the statute again to provide a more thorough answer. She said that in essence, the fact is that they are not someone disqualified from having a firearm; the background investigation runs a criminal history report, and that information along with any other relevant opinion from the Chief of Police is forwarded to the Clerk of Court. She said that the code section that would apply that outlines the requirements for a permit is 18.2-308.04.

Ms. Mallek said that the judgment call from staff people who work with this seemed to be that this was a good threshold to rely on, and those less familiar with this world should be comforted by the fact that someone has this permit and therefore should have more leeway coming into the building.

Ms. Farley said that the permits are renewed, and they only extend for five years and can be revoked. She said that there are processes in place such that it is not just a universal and eternal grant.

Ms. Mallek said that she was glad the ceremonial exception was addressed. She said that over the years, in training for safety in the building and other places, there had been discussion about the potential hazard of armed people in a meeting. She said that there are a lot of claims made that having armed citizenry is making everybody safer, but her impression from law enforcement in the past is that the officers do not necessarily know who is involved on what side of an altercation.

Chief Lantz said that to the point about the concealed weapons permit, his understanding is that has changed recently and now has to be an in-person eight-hour class. He said that there are about eight different classes they can go through, including the NRA class and the safety course through the local game warden.

Chief Lantz asked for clarification of the question about having guns in a location.

Ms. Mallek said that the different opinions are that a crowd is safer if there are armed citizenry in the crowd because they can somehow protect everybody else, or alternatively, whether that makes it more hazardous for law enforcement trying to bring order.

Chief Lantz said that every situation is different, and obviously, when officers are responding to the scene of an incident and there are guns on scene, it heightens the response. He said that they are on a heightened sense of alert when responding to something like that versus the dispatcher telling them there are no weapons on the scene. He said that engagement is a little bit different from the start until things get deescalated with the officer and citizens. He said that he could not give a blanket answer because each situation was different, and it depends on the particular situation.

Ms. LaPisto-Kirtley asked if the proposed changes were for concealed weapons permit holders or for anyone regarding leaving the gun in the car locked in the glove compartment.

Ms. Farley said that it would be anyone legally able to have a firearm in the first place.

Ms. LaPisto-Kirtley noted that it was anyone legally able to have a firearm and not necessarily a concealed weapons permit. She asked if it was correct that they could be at a recreation center or at a County office building but right now could not be in the parking lot of a County park.

Ms. Farley responded yes, as drafted.

Ms. LaPisto-Kirtley asked if that was able to be amended so that if they were in the parking lot of a County park, they could also secure their legal weapon locked in a glove compartment or container in their locked car.

Ms. Farley said that if the Board decided they wanted to have that amendment implemented as an amendment to the draft, then that scenario would be permissible.

Ms. LaPisto-Kirtley said that she thought Ms. Mallek's concern was an auditorium setting where 10 people have guns, but maybe one or two people start shooting, then the "good guys" start shooting who they think are the bad guys; there is confusion over who the good and bad guys are, and they may be shot by another person or by the police. She said that puts the police also in a very precarious situation of not knowing who the good person is and who the bad person is.

Chief Lantz said that it varies, but the fewer guns in a location where police are responding, the better. He said that he had done some research on the topic nationally. He said that there have been instances where there have actually been off-duty officers engaging an active shooter, and an on-duty officer shows up and unfortunately engages the off-duty officer; tragically, it has ended badly on a few occasions.

Chief Lantz noted again that each case is different. He said that he had done some research, and one of them was through the Police Executive Research Forum (PERF), where they had looked at 84 active shooter cases between 2000 and 2010. He said that of those cases, most of the time, the perpetrator ran out of rounds and left or committed suicide before the police arrived on scene; it was over within 30 seconds to a minute in most of these cases. He said that in 40% of the cases, a citizen either restrained the individual or shot the individual. He said that was just some of the information he was able to gather for the good of the group, and there is not a lot of information and data on best practices and whether ordinances help reduce crime, etc.

Ms. Farley highlighted that concealed weapon permit holders if asked by law enforcement must identify themselves as a holder. She said that if law enforcement asked someone with a firearm if they have a permit, they have to provide that.

Ms. LaPisto-Kirtley said that she thought because of COVID, one could just watch a video and get a concealed weapons permit. She said that she was very heartened to hear that now eight hours' worth of classes are required. She said that the other way was not very good; everyone is not proficient. She said that with every citizen that carries a gun, herself included, unless they were not only trained but practicing like the officers do, there is a good chance they could also shoot someone by accident. She asked how often the police officers go through mandatory firearms training.

Chief Lantz said that they do a minimum of two times a year but add a third time for tactical

training, so at least three times to maintain proficiency. He said that there is a minimum standard that they have to qualify with to be able to carry the weapon.

Ms. LaPisto-Kirtley said that was not the case for the regular citizens. She said that she was glad that they might be able to amend the parking lot in parks proviso that would allow anyone to carry a gun locked in their glove compartment or container there.

Ms. Farley said that it would be how they draft it.

Ms. LaPisto-Kirtley said that would be easier and something that she would probably support. She thanked Chief Lantz for the outstanding job he and his officers are doing for the County.

Ms. McKeel asked for clarification that anyone could have it locked in their car as long as they were legally able to have a gun.

Ms. LaPisto-Kirtley replied that was correct.

Ms. Palmer said that she had submitted a lot of questions and other people did, too. She asked if Ms. Farley was planning on going through those questions or if the Supervisors needed to just ask because she had not written all of hers down. She asked if there was going to be more question-answering.

Ms. Farley said that she would have to defer that to Mr. Kamptner, as he was in receipt of more of those comments than she was.

Mr. Kamptner said that they had spoken about some of the issues that were raised in the comments, and part of the issue was that there were questions coming to multiple people. He said that it would be helpful if Supervisors could raise any questions that had not yet been addressed. He said that they had tried to address everything that they were aware of, but there may have been some that had slipped through the cracks.

Ms. Palmer asked with respect to the concealed carry permit, now that people have to go through eight hours of training, if any renewal of those permits was required. She asked whether if she had gotten a permit 10 years ago, she was required to get it renewed every five years (or two years) and whether she would then have to take the eight hours of instruction.

Ms. Farley said that she would have to defer to Chief Lantz, but she did not know that one would have to take the instruction at renewal and would just have to go through the background check.

Chief Lantz said that his understanding was that they had to go through the process of renewal every five years. He said that the Sheriff's Department handles the concealed weapons permit issuing with the circuit court, so the Police Department does not touch them, but he had done research on them and was familiar with them in his past experience. He said that it is renewed every five years, but he did not believe they had to do the proficiency test every time they renewed; that is only at the beginning when it is issued the first time.

Ms. Palmer asked if a background check needs to be redone every five years.

Chief Lantz replied that this was correct.

Ms. Palmer noted that this was already illegal at the schools. She said that she had not seen any signs posted at the school buildings prohibiting firearms and questioned whether she had just missed them or whether they were not there. She said that she was asking because they had been told earlier that if it was not posted, it was not enforced.

Ms. Farley said that for purposes of this ordinance, yes, that is required by the enabling legislation. She said that the statutes that deal with firearms on school property are state statutes. She said that she reviewed those some months ago and did not recall if they had notice provisions. She said that she did know that for the enabling legislation that would allow this draft ordinance or some version of it to be adopted, it would require notice by the terms of the statute that was passed the prior year.

Ms. Palmer asked if Ms. Farley could make a note for a later date to let the Board know what the requirements are for the schools. She said that a number of years ago, the Board had asked the police chief at the time if the police would stop someone from coming into the County Office Building carrying a gun, if it is a legal weapon. She said that the police cannot go up to question that person without cause. She said that one of the advantages of making it illegal to bring a gun into the County Office Building is that it gives the police the ability to approach that person and ask for the concealed carry permit. Ms. Palmer asked if that was a true statement and helpful to the Police Department in protecting citizens and Supervisors at a Board meeting.

Chief Lantz said that Ms. Palmer is correct in that if there is not an ordinance in place, the officers cannot arbitrarily stop someone. He said that using open carry as an example in a County office building, if there's nothing to prohibit that, then there is nothing his officers can do to stop or detain that person. He said that with an ordinance, it gives the police the authority to be able to manage or mitigate any situation where a person is coming into the building. Giving an example, he said that if an employee calls and someone is on the second floor with a weapon, officers would be dispatched and then would have the authority to investigate based on the ordinance.

Ms. Palmer thanked Chief Lantz for his answer and said that she found it very helpful. She said that in thinking about the County parks, she would like to know if there is ability to have the ordinance for parks and buildings in the development area and not within the rural areas.

Mr. Kamptner responded that he believes that would generate confusion. He said that he thinks the concealed carry ordinance addresses the concern about what some people had with the rural parks while encountering wildlife and things like that. He said that the other way to deal with it is to not post a sign at those rural parks.

Ms. Palmer said that she believes that would be really confusing. She asked that as far as the glove compartment issue is concerned, if the Board does pass the ordinance, she would be in favor of adding that clause that says it is okay to do. She said that she knows that would get very confusing with the people who keep guns in their glove compartments.

Ms. Farley said that she does have an answer to Ms. Palmer's earlier question. She said that she reviewed the prohibition on school property and found it is a state code violation and there is no express requirement for notice.

Ms. Palmer asked if there should be a discussion between the County Executive and the superintendent of schools to see if that would be less confusing to the public to have the County sign their own property, as well as other properties. She said that she doesn't know the ins and outs of why the County would or wouldn't, but she said that it seems for consistency, the schools may choose to sign the property.

Mr. Kamptner said that it has been a while since he has been in a public school, but the signs he thinks are seen are "Gun-free Zone" signs.

Ms. Palmer asked for confirmation that when someone goes onto a parking lot of a school in the state, the clause in the state code that says a gun can legally be kept in a glove compartment or container.

Ms. Farley said that school property is a little different, and one of the reasons that could have justified their not requiring specific notice on school buildings is because that prohibition is for every school across the Commonwealth. She said that what is being considered before the Board today is to enable legislation that is specific to a locality. She said that if someone were coming from Charlottesville to Albemarle County, they would not necessarily know what the local ordinance is as it relates to firearms in County buildings, but they should know the state law that you can't have firearms on school property, except for the exemptions listed in that state code.

Ms. Price said that the general application didn't require notice or notification, and that would be where the state law comes in. She said that where this is a County law, it's a specific application.

Ms. Palmer interjected that she understands it's not required but is questioning if it is helpful for the public to have that. She then asked if somebody comes into a school parking lot and has a gun in their glove compartment, are they okay with the glove compartment issue.

Ms. Farley said that is a question that she does not have the security of knowing she has reviewed it thoroughly enough to provide an answer.

Ms. Palmer said if this is already state code that the gun is kept in a container, it should be okay. She said that her assumption is that if it's a state law, it's okay, but she was curious to know.

Ms. Farley said that the quotation she provided as one of the options that said that if you "keep it secured in a compartment in your own personal vehicle" is an exception to the concealed weapon permit. She said that it is not considered concealing a weapon if it is locked in a car, and school property is different, generally speaking. She said that she does not want to speak any further than that because the language is very specific with very specific exemptions, and she does not want to be confusing by trying hard.

Ms. Palmer accepted this response. She said that she would stop now but may have more questions later.

Mr. Gallaway said that he would reserve his questions for later in the evening. He said that he does know there are some people signed up for the evening and asked for Vice Chair Price to go through the guidelines.

Mr. Johnathan McMahon from the Scottsville District said that last year, when the Virginia legislature passed a law authorizing local governments to independently implement gun control measures, many Virginia residents, including himself, were worried that this would lead to a lot of confusing, unnecessary, and abusive restrictions on lawful gun owners. He continued by saying as he sees today, those concerns were fully justified. He said that the proposed firearm ordinance prohibits the possession of firearms at all County parks, buildings, and facilities. He said that as it is currently proposed, it does not exempt concealed permit carry holders who make up one of the most law-abiding groups of people statistically speaking.

Mr. McMahon stated that nothing in this ordinance addresses any type of gun violence that actually exists in Albemarle County. He said that unless the County also plans to address thorough security measures at all entrances to every piece of public property, the ordinance is useless for protecting the public from criminals. He said that people who are not deterred by the sight of felony homicide, assault, and robbery convictions, would probably also not be deterred by the threat of a simple misdemeanor.

Mr. McMahon said that if the Board is going to vote to prevent citizens from being able to protect themselves, especially in remote areas of these public parks, he asked that the Board please address what measures are being put in place to ensure the safety of the people you would render defenseless through the passage of the ordinance.

Mr. McMahon said that in 2019, Virginia Beach City employees and civil engineer, Katherine Nixon, died in a city office due to restrictions just like this. He said that she was concerned about the person who ended up murdering her, and she had spoken to her husband about carrying a pistol in her handbag over the concern and chose not to due to City policy against that action. He said that the very next day, she was shot to death by a man who simply ignored the rules. Mr. McMahon stated that the City told her she could not protect herself at work but had failed to provide adequate protection on her behalf. He said that she was killed, along with 11 other people—and no city government agent was there to protect her.

Mr. McMahon said that additionally, Albemarle County has not done a very good job of quantifying the cost of implementing this ordinance. He said that the agenda item blithely notes that it would be covered by currently appropriated funds. He asked for the Board to please address what the actual cost of this ordinance would be to County residents and what this funding was originally appropriated for. He said he would like to know why it could not be much more effectively used on initiatives targeting actual crime and not performative bans on firearms that would only serve to make law-abiding County residents less safe.

Mr. McMahon said that if the Board does choose to pass a law that prohibits residents from protecting themselves from places where the Board won't take responsibility for their protection, he asked that they be honest about why they are doing it. He said that it is not to keep Albemarle citizens safe, not because it is rational, nor as an effective use of funds. He said that the Board is doing it because it can. He said that Ms. Farley noted that sentiment on one of her first slides, stating "We couldn't do it before, but now it's permissible by law" followed by a vague reference to "good government."

Mr. McMahon said that it is clear from the discussion tonight that the majority of the Board members do not seem to have closely read the ordinance as purposed, do not understand Virginia firearms laws, and do not have a clear understanding of exactly this ordinance would prohibit or who it would affect. He urged the Board to vote no on this misguided and unnecessary ordinance. He thanked the Board.

Mr. Michael Knowles, residing in the Samuel Miller District, said that as a matter of background, he moved to Virginia in 2015 after retiring from California, where he served for 38 years in the District Attorney's offices in Sacramento and Sonora. He said that he retired as District Attorney of Sonora. He said that while this is not the appropriate forum to make a constitutional legal argument, but having said that, he has some concern with the overbreadth of the ordinance as written.

Mr. Knowles said that with that, it is his intention to appeal the reason, which brings up the question of the reason. He asked why this is necessary, and why is it necessary at this time for a broad statute that includes parts and inoperable firearms, which typically is applied to convicted felons. He said that he doesn't know if there has been a rash of people throwing gun parts around County property, or a spade of people throwing unattached magazines at wildlife in the parks, but it just makes a big question as to why.

Mr. Knowles asked if this was politically good optics, or again, asked why now. He wanted to know if it is to be reported back to a central committee that the Board did their part. He said that there is no history that he is aware of any major issues. He said that one of the things he does know is that if it's a matter of employee safety, the biggest threat to employees historically and statistically are disgruntled present and former employees. He said that a better course of action is to harden the public access points and train supervisors.

Mr. Knowles said that the ordinance as written really is not in a position to protect or prevent anyone with criminal intent. He said that he speaks this from the heart, coming from a place where gun control is serious. He said that ammunition, weapons, locations, all tightly controlled, and quite frankly, the laws don't work. He said that in 38 years, the laws don't seem to work.

Mr. Knowles said that another concern is that one of the most dangerous setting in a rural setting is not in going to the park to enjoy the day with family, but rather on returning home to a remote location and interrupting the home being burglarized. He said that when that occurs, the victim cannot ask the burglar to use permission to access the phone for help. He said that his cell phone does not even have coverage where he lives.

Ms. Price let Mr. McMahon know that his time had expired.

Mr. Knowles said that he does not believe this ordinance protects anyone. He said that he thinks it creates a new set of criminals.

Mr. Gallaway let him know he was over the time limit and asked for the next speaker.

Mr. Ed Levine said that he is a Marine Corps trained rifle and pistol expert, an NRA firearms instructor, and executive member, board member, and social media director of the Virginia Citizens Defense League. He said that he agrees with Jonathan and Michael on their comments, so he would not reiterate those.

Mr. Levine asked the Board to look at the map he sent to the clerk prior to the meeting. He said that Albemarle County is surrounded by other counties that have come up with Second Amendment sanctuaries to not do any gun control because gun control doesn't work. He said that Alexandria did similar ordinances to that which is being proposed, and their shootings went up 40%. Mr. Levine said that he doesn't want to get into the arguments that the previous speakers proposed, but he said that Delegate Mark Levine (no relation) was one of the most anti-gun delegates that Virginia has ever had in the General Assembly, and he lost because of his push for gun control.

Mr. Levine said that like the very first speaker that spoke about this being all about Democrats or Republicans, that is different than how VCDL looks at things. He said that VCDL is non-partisan and looks at pro-gun and anti-gun, and pro-freedom or anti-freedom folks. He said that he is glad to see there are some Supervisors that are handgun owners and are talking about how to implement thing safely and that would help. But he said that some of what the Board has discussed contains a blatant number of errors, and he would hope those would be corrected before they voted on anything.

Mr. Levine said that it is a concealed handgun permit in Virginia. He said that Virginia has not had weapons permits for many years, and there is certainly a big difference between knives and nun chucks, and everything else. He said that so it is a concealed handgun permit. Mr. Levine said that the Board is right that there is no longer online training, and that it must be in-person, but there is no eight-hour requirement. He said that whoever came up with that, it is a falsehood.

Mr. Levine said that no matter what the Board passes, the bad guys aren't going to follow the law. He said that sometimes people have a round magazine shell or bullet shell on their keychain. He said that is a component of a firearm. He said that he doesn't know how Chief Lantz and his team, which Mr. Levine said that he appreciates their service, but he doesn't know how they are going to enforce the violation.

Mr. Levine said that this is all very confusing, and the Board has spoken about it for an hour. He said that as the Board creates this patchwork that is different than the state, which was the whole reason for the preemption law that was there before, so that everybody knows what the laws are throughout the state. He said that especially if you have joint property or joint control over that.

Mr. Levine said that if you have all these locations where the person can't carry or must disarm, now there are people handling firearms in parking lots with live, loaded ammo, to just satisfy the law, run into a building and mail a letter or do something, then come back and re-put their firearm back on. He said that so the Board would have them handle all of these live firearms.

Ms. Price alerted Mr. Levine that his time has expired.

Mr. Levine thanked the Board for listening and said that there were no provisions for locked glove boxes.

Ms. Patricia Webb said that she is an executive member and board member of the Virginia Citizens Defense League, a licensed FFL, and NRA-certified instructor, and a survivor of a violent crime that happened in a rural neighborhood. She said that she and her husband ran a convenience store in a rural neighborhood. She said that one day someone attempted an armed robbery, and because she and her husband were armed, the event turned out much better than it could have. She said that no shots were fired. She said that though they were 18 miles away, it took 7 1/2 minutes for the police to show up—and that is a long time to stand with a criminal.

Ms. Webb said that the ordinance being proposed is going to create situations that enable criminals. She said that just the fact that people are armed, or could be armed, deters crime. She said that a criminal knowing there no legally armed people in an area, creates a zone that is target-rich to them. She said that this has been seen over and over again.

Ms. Webb said that the other thing the Board is contemplating is causing people to unnecessarily handle loaded firearms, creating a danger to the community—not making it safer. She said that as a society, we arm police and they open carry to deter crime. She said that law-abiding citizens and permit-holders are being disarmed and put in a situation where they cannot enjoy the beautiful parks and beautiful County buildings, without disarming and putting themselves in harm's way, and this was just unfair to their constituents.

Ms. Webb said that the other thing that was brought up is the expense of providing security. She

said that when guns are banned from County buildings, and armed officers are not provided to handle situations that could arise, a very dangerous place is being created for the employees and residents. She asked them to consider what happened in Virginia Beach, as they didn't have metal detectors there. She asked the members of the Board if they were prepared to put metal detectors in all of the County buildings and all of the parks and have armed officers on duty. She asked if that cost has been looked into.

Ms. Price let Ms. Webb know that her time had expired.

Ms. Webb thanked the Board and offered to answer any questions.

Mr. Edward Payne stated that he resides in the Scottsville Magisterial District and serves as Town Councilman for the town of Scottsville. He said that he would like to second every word of every speaker that spoke during the meeting. He said that he heard the term "for the safety of the children" and said that he hears that and that's the last shot. He said that to ask the hundreds of parents who live with restrictive gun laws in places like Chicago if the laws work.

Mr. Payne said that there are 300 localities making up the counties and cities that have Second Amendment sanctuaries, that have no inkling to pass an ordinance as is being presented in its current format. He said that he realizes there are revisions that may be made, but he is only able to address the copy he has seen.

Mr. Payne offered a hypothetical situation, saying that there is a group who wants to have a picnic and it's going great, until all of a sudden, a man and woman have an argument and start a fight. He said that the woman is overwhelmed and wounds the man by shooting him. He said that the police would now show up, and the first word out of his mouth would not be to say there is an ordinance limiting her ability to carry handguns. He said that he's going to look after the victim and subdue the shooter. Mr. Payne said that now when the lady goes to court, she would be charged with two things: attempted manslaughter or murder, and possessing a firearm on County property. He said that pleading self-defense, she gets off, but would be found guilty of the second charge and would receive a year in jail and \$2,500 fine.

Mr. Payne said that the law is not supposed to work like that. He said that criminals and people who want to do bad things and have bad intentions do not care about the law. He thanked the Board for their time.

Mr. Paul Maurone said that he resides in Alexandria, and in hearing about the ordinance trying to be passed, it doesn't sound to him like the Board is trying to solve any problems. He said that there is no history of gun violence in the parts where there would need to be law passed that criminals would disregard anyway. He asked what the motive is and said that he's heard that the ordinance is being passed just because it can. He said that there is a law that says that can't be done, and that is the Constitution of the United States. He said that governs the Board of Supervisors' actions. He said that all he can see this being is a usurpation of power that doesn't belong to the Board and that they are not authorized to have.

Mr. Maurone said that the person who proposed this ordinance should withdraw it, just to maintain the integrity of the republic. He said that failing to do so, they should turn in their resignation effective immediately. He said that quoting Mao Zedong, "Political power grows from the barrel of a gun." He said that it sounds to him the Board is trying to change that the political power no longer emanates from the citizens. He said that this was his case that the Board should not pass this ordinance that he feels is illegal. He asked why the Board members thought they had the authority that the highest law in the land says you're not allowed to do. He says that the Board would be passing an unlawful law and asked why the people or law enforcement should even regard it or enforce it.

Mr. Maurone then thanked the Board and yielded the rest of his time.

Mr. Phillip Andrew Hamilton said that he is running for the Virginia House of Delegates for the 57th District. He said that he spoke at the rally in front of the County Office Building earlier in the evening in support of the Second Amendment rights. He said that he has been a member of the Virginia Citizens Defense League for a number of years and strongly believes that if there are lawful citizens who are armed in more locations, there would be less shootings.

Mr. Hamilton then asked the Board what has happened to the City of Charlottesville over the years, especially this year. He answered that there have been more shootings. He said that the wrong response for local and County government to take is gun-control measures.

Mr. Hamilton said that he does not want to see Albemarle County following in the footsteps of the City of Charlottesville by instituting gun-control measures on County government property and parks. He said that this is because the Democratic legislature and General Assembly are giving more authority to local governments to implement this sort of gun control. He said a lot of folks don't realize if this is passed, if a shooting occurs and someone is injured or killed, the County of Albemarle is not liable, and the City of Charlottesville is not liable if any shootings occur within their parks in the City. He said that there should be some sort of responsibility on local government so they can be sued if someone is

injured, only if this measure is passed, and the government cannot be absolved of responsibility.

Mr. Hamilton urged the Board to vote no on this and respect lawful citizens to carry on County property. Mr. Hamilton said that the more gun control measures are imposed, the more criminals are enabled and emboldened and the more likely it is for shootings on government properties. He mentioned the Chesapeake Bay/Virginia Beach area, noting that there was a shooting over a year ago on government property there. He said that there was someone present who was a conceal and carry permit holder, but they were not allowed to carry because the law was passed in favor of gun control—and the shooter was not stopped. He urged them to keep in mind the lives that could be saved by allowing individuals to exercise their Second Amendment rights, and he thanked the Board for their time.

Mr. Mike Fox resides in the Whitehall District and is the legislative lead of the Virginia Chapter of Moms Demand Action for Gun Sense in America. He said that as a 13-year County resident and law-abiding citizen who wants our communities to be safe, he and his organization urge the Board to adopt this ordinance.

Mr. Fox said that 12 localities across the state have adopted firearms ordinances since the law passed last year, protecting over 2.5M Virginians. Additionally, he said that this ordinance would complement Charlottesville's by closing loopholes that County officials have identified with jointly owned facilities and buildings outside of those localities' boundaries.

Mr. Fox said he would remind the Board that Virginians are allowed to openly carry firearms without a permit, without a background check, or without training. He said that concealed carry licensees are still not required to even touch a handgun to demonstrate competency under state law. He said that these credentials never expire.

Mr. Fox said that his organization does not support a general exemption for this. He said that for the sake of the lawmakers, neighbors, tourists, families, and law enforcement, there should not be a wait to act until tragedy strikes. He offered his thanks to the Board for their service and for taking up this proposal.

Mr. Reid Byam said that he is a current resident in Charlottesville but was born and lived in Albemarle County until this past March. He said he was attending to speak in opposition of the current firearm ordinance. He said that the scope of this ordinance is broad, but he would like to focus on two areas. He said that the current ordinance is draconian, making criminals out of local hunters for simply forgetting ammunition in their vehicle while at a park. He said that additionally, the phrasing within the wording of the ordinance is imprecise, as it could mean a wide variety of parts that are not necessarily associated with the operation of a firearm.

Mr. Byam said that the ordinance gives undue burden to citizens who have chosen a particular means of defense. He said that he understands that it may be uncomfortable for some to see an individual carrying a firearm, or for not seeing the rationale for carrying as being legitimate. He said that he believes a compromise is allowing concealed carry to continue in parks, as it gives an avenue to appease all parties.

Mr. Byam said that with this in mind, concealed handgun permit holders should be exempt from the ordinance as long as the firearm is concealed and meets the longstanding precedence of reasonable use of force. He asked the Board to please vote no or reconsider how the wording of this ordinance is vague and likely to ensnare citizens into a legal battle, which more effectively preys on the vulnerable who are unable to defend themselves in a court that can be incentivized by an individual's ability to pay for legal protection. He thanked the Board.

Mr. Jim Hingeley said that is the Albemarle County Commonwealth's Attorney and a resident of the Scottsville District, stating that the ordinance has been called "gun control" and it is not. He said that it is an ordinance that has gun control as its purpose, as Ms. Farley indicated at the outset of the meeting that the purpose of this is for the County to manage government operation—and that is a far different purpose than gun control.

Mr. Hingeley said that government operations are what the County may decide to do about firearms on its own property. He said that private property owners have this right and exercise this right. He said that as an example, sporting events do not allow firearms, nor do concerts, and so on. He said there are a lot of examples where private property owners have this right to manage their operations, and the government should have a similar right. He reiterated that it's not gun control, because it's not applicable to citizens in any location other than the government property.

Mr. Hingeley said that his second point is that it is not a Second Amendment issue at all, as has been mentioned by some of the prior speakers. He said that this ordinance in no way violates the Second Amendment.

Mr. Hingeley said that the main concern about the arguments that he's heard is that it would be futile to pass this ordinance because criminals would disobey the law and people would be in danger. He said that line of reasoning would suggest that no criminal laws should be passed because criminals would ignore them. He said that the fact is, the Commonwealth of Virginia has concluded that barring firearms

from property has legitimate effect because the state has passed law that says no firearms are allowed on school property—which includes public, private, and all schools. He said that the state believes that this sort of law is effective.

Mr. Hingeley said that in addition, the state prohibits firearms at polling places and courts. He said that the state has already concluded that prohibiting firearms can be effective, and Albemarle County should continue to have the right to prohibit firearms from Albemarle County property. He said that right has been extended to the County by the legislature.

Mr. Hingeley said that this is not a futile exercise, nor one in political correctness. He said that this is an exercise in protecting public safety. He thanked the Board.

Mr. Robert Hanley said that he sent an email to the Board and hopes they received it. He said that he is absolutely shocked by the amount of misinformation that he's heard including what just came from the Commonwealth attorney. He said that this most certainly is gun control and is restricting the rights of people to exercise their Second Amendment right. He said that before he goes further, he lives on the Pantops area and believes he is in the Rivanna District and apologizes for forgetting to say that.

Mr. Hanley said that the state police website for the Commonwealth of Virginia lists the requirements that many of the Board of Supervisors and others have asked questions about. He said that he sent a link while the Supervisors were asking questions. He said that it is absolutely unbelievable to him that the Board is considering passing an ordinance, and they are not even familiar with the current handgun laws or firearms laws in the Commonwealth.

Mr. Hanley said that he is disappointed, and he does not say that to disparage anybody but because the Board members are his representatives and his public officials. He said that any officer that responds to a County building or County park has the ability to stop and identify someone with open carry. He said they have the right to request identification from that person to find out if they are a convicted felon and if they are carrying the handgun lawfully. He said that they also have the right to ask if that person is a concealed weapon permit holder.

Mr. Hanley urged the Board, as he said, in the strongest possible terms, to please vote no on this and educate themselves on the laws for the sake of the people. He said that the Commonwealth Attorney just said that the County has the right to enact the same laws as private property. He said that private property is owned by private individuals—and property owned by the County belongs to the people. He said that there is a huge difference, legally speaking and practically speaking in how those properties are administered.

Ms. Price notified Mr. Hanley that his time had expired.

Mr. Hanley thanked the Board for listening to him and would answer any questions they may have.

Mr. Frank Richards said is a resident of Ivy and that he and his wife are senior citizens, and he is somewhat handicapped. He said that the Board is talking about an ordinance that is going to make his family afraid to visit local parks. He said that is an issue for him since he can't protect himself, even though he is a concealed handgun permit owner, as is his wife. He said that they have both had many months of training and constant practice, yet the Board would not allow them to protect themselves. He said that they can't run away from criminals that are going to be welcomed into the parks, so they won't visit them anymore.

Mr. Richards said that it was his understanding that Albemarle County thrives on tourism revenue and what would happen when the millions of law-abiding handgun owners in the United States of America would normally visit this County because of all the historical resources and all of the wineries, breweries, etc. He said that they would not want to come to visit because the Board is banning them from protecting themselves. He then passed the call to his wife.

Ms. Richards said that she would like to know what the need for this ordinance is. She asked how many concealed carry handgun owners have committed a crime. She then asked where the need is since those individuals have not committed any crimes with their guns and she doesn't understand why this is being addressed.

Mr. Richards said that if looking at federal statistics, concealed carry handgun owners account for 0.03% of violent crimes in the U.S. He said that these are the people the Board would be banning from the parks, buildings, and recreational facilities. He said that the Board members need to educate themselves more about the facts before passing a ridiculous law like this.

Mr. Gallaway asked for the next speaker.

Ms. Borgersen said that there were no more speakers.

Mr. Gallaway closed the public portion of the public hearing, bringing the matter back before the Board for additional questions and comments.

Ms. McKeel said that she doesn't think she has any other questions or comments other than at some point, she would like to run through where things are with the changes that have been made in relation to the ordinance itself.

Mr. Gallaway asked Ms. Price if she had anything additional.

Ms. Price said that at the end, she's going to ask that they not vote on the ordinance tonight and give the County Attorney time to take all of the comments and make some revisions for which there may be consensus.

Ms. Price said that one of the interesting things when speaking about weapons and guns is that on either extreme, there are people who believe there should be no regulations or total regulation. She said that both parties argue that if their belief is not followed, there would be either anarchy or tyranny, and she tends not to believe either of those is likely.

Ms. Price said that property owners can decide whether or not they're going to allow weapons on their property. She said that the County owns property, and the County is different than an individual property owner. She said that as Supervisors, they have the duty and responsibility to act in the way they believe best reflects the interest, safety, and security of the community members. She said that based on this, they do have the authority to make a decision like this.

Ms. Price said that she was especially moved by the testimony from Chief Lantz, as it actually increases the flexibility and ability of law enforcement to question someone who happens to be inside the facilities. She said that she tends to look at this ordinance in two categories: open carry versus concealed carry. She said that she thinks they should explicitly ban open carry on County property and in County buildings, so open carry should be prohibited.

Ms. Price said that she wanted to be careful that the Board doesn't pass an ordinance that unintentionally catches individuals traveling to and from their home. She said that one of the speakers who called in spoke of that, and she shares that concern. She said that she doesn't want a situation in which an ordinance is passed for someone who is lawfully able to have a weapon and finds themselves inadvertently breaking a law simply by their vehicle being on County property. She said that she would differentiate between the concealed permit carriers versus other individuals. She stated that she believes the ordinance would make things safer because if there is a person in the building that is questionable, it automatically gives law enforcement the ability to check to see if they are carrying a weapon, and if they are, that they have a concealed permit.

Ms. Price said that she is slightly concerned with the expansive definitional language that equates a component or ammunition as the same as a firearm. She said that it is possible that individuals who have weapons have a bullet or bullets loose in their vehicle, and she is more focused on the firearm itself being secured, rather than focusing on a component or ammunition. She said that in terms of whether it was operable or inoperable, the Board wouldn't know until it's too late, nor should they care if the weapon is operable or not.

Ms. Price said that she believes while not perfect and not a guarantee of safety, the individuals who have gone through the concealed handgun permit process have gone through a higher level of scrutiny and have demonstrated by age and lack of a record that they are eligible to purchase or acquire a weapon. She said she would like to see with the exception that a concealed permit carrier, with an override by the County Executive or designee and input from law enforcement, that someone who may have acquired a concealed permit could still be disqualified from carrying on County property. She reiterated that she would like to see the County Executive be able to grant an exception to someone who may not have a concealed handgun permit, but under the circumstances of a particular case, it is determined that it is in the individual's best interest to project themselves.

Ms. Price said that she also lives in a very rural area and has come home at night and had questionable behavior from people on her property. She said that she does feel safer knowing that she has a means to protect herself. She said that as one of the callers had said, she did not want to be in a situation where she was not able to bring her handgun with her during the day because of where she may have to be.

Ms. Price said that what she would like to see in addition to the exception language she's just addressed, that a proper concealed handgun permit carrier is able to bring their handgun onto County property, inside a County building. She said that if the weapon is not going to be in the physical possession that it would have to be secured in a container, in a vehicle. She said that with that, she thinks she's been able to address her concerns and thanked the chairman.

Mr. Gallaway asked Mr. Kamptner if he had anything.

Mr. Kamptner said that regarding the County Executive override, the Board struggled for several weeks to come up with some objective criteria, and where they landed was the concealed handgun permit. He said that it has not been identified what kind of role the County Executive had, or what would the issue be if a person was threatening on County property. Mr. Kamptner said that the County Executive as the manager of County properties has the ability to remove a person as a trespass or ban them from the property under certain conditions.

Mr. Kamptner said that if there were additional criteria that the County Executive were supposed to apply. He said that there is a case pending in the U.S. Supreme Court that is different than this, a New York State law, stating that in addition to meeting all of the qualifications for a permit, the person has to show a need for the permit—and it's that part being challenged and gives him pause. He said that it is not an identical situation but is just putting that additional layer there. He said that he thinks they are in a better position, with just hearing about the concealed handgun permit. He said that one role of the County managers would be to authorize the ceremonial functions if the Board decided to add that.

Ms. Price thanked Mr. Kamptner and said that she thinks a lot of times, this is based on personal experience, and individuals may have a legal right to enter a military installation, but the commanding officer of that installation always has the discretion to bar an individual. She said that she was seeking clarification that rather than the County Executive having the discretionary action with regard to someone not having a concealed handgun permit, he or she would have the authority to bar that individual from coming onto County property.

Mr. Kamptner said that the bar would happen in relation to conduct that is specifically related to behavior in the County Office Building or at a County park.

Ms. Price accepted this and said that as long as the County Executive has that sort of discretion, she feels like it would hamstring that person by making it such a strict permission that there is no flexibility. At the same time, as discussed by the Board on several occasions, she does not want it to be so arbitrary or subject it to a personality rather than a process. She said that she has absolute confidence in Mr. Richards, Chief Lantz, and all the other leadership.

Ms. McKeel said her understanding is that the County Executive already has that ability.

Ms. Price said that she wanted to make sure that was the case and said that the flip side is that she had a threat made against her, and law enforcement suggested she take certain steps to protect herself. She said that if something were to happen to an individual, it would take a bit of time to apply for and acquire a concealed handgun permit. She stated that her concern would be whether there is a mechanism for a temporary granting by the County Executive, provided that the individual does apply for to get the permit—if there is an exigent situation that arises.

Mr. Gallaway asked Ms. Mallek if she had any additional questions or comments.

Ms. Mallek thanked Mr. Gallaway and said that someone during the discussion from the public asked why the Board was doing this. She said that a non-technical answer from her is that in the past, during large contentious public hearings where many people came to speak and were signed up to speak, one person walked into the auditorium with his weapon and half the people in the audience got up and left because they were concerned about their safety. She said that they were not able to participate in the meeting at hand and exercise their right to participate and share their view on a particular issue. She said that they have rights too, and she is trying to find a way to make sure that everybody has an equal opportunity to participate, and one person's rights are not higher than others. She said that while that is not technical or legalistic, that is the basis of her approach.

Ms. Mallek said that she wanted to keep things as clear and unconfusing and as simple as possible, if it can be done. She said that at first, she was not in favor of locking the gun up in the car, but she is beginning to be persuaded that it may achieve what they need from people she's heard from. She said that she does not want to create a situation where they are expecting something or passing a requirement for something that cannot be enforced.

Ms. Mallek said that this is not a malicious situation and feels the Board has every right to have rules passed for the operations in the buildings and for the parks. She said that there are young employees in the parks who are teenagers and are not old enough by experience to have to deal with altercations with adults or anyone carrying weapons at the swimming lakes, etc. etc. She said that she would be much happier if those properties were without weapons of any sort. She said that is all she has right now.

Ms. LaPisto-Kirtley said that she does have a concern about talking about a component or ammo, and she would like to see clarification or some kind of language that explains that. She said she does not see the validity of saying there may be a bullet in your car with no gun, and she would like to see clarification on that.

Ms. LaPisto-Kirtley said that regarding the concealed handgun permit, she is not sure she wants anyone in the building even with that, and the gun can be left in the car and locked in the glove compartment. She said that she did not see the necessity for someone carrying a gun into a County office building. She said that she's not against having a gun, but it's a known gray area, and she wondered whether it would take staff time to ask for the permit because it's concealed, or whether that person would announce it. She said that she thinks it takes up staff time if someone has a concealed handgun permit and asked what happens if someone accidentally sees it. She asked if they would then call the police or just ask for the permit, and those are the types of things she's concerned about. She emphasized that she feels it is easier to have it in the car—and she's happy to see that in the parking lot, anyone can have their gun in a locked glove compartment.

Ms. LaPisto-Kirtley said that she knows the County Executive can evidently ban anyone regarding their behavior on County property for any reason and asked for this to be confirmed. She said

if that is correct, then someone's behavior is going to determine whether they remain on County property.

Ms. LaPisto-Kirtley said that regarding someone needing a permit immediately, she thinks the courts have the authority to deal with that through domestic violence provisions and asked if someone could tell her if the courts could offer an emergency concealed handgun permit based on circumstances. She said that it is the Sheriff's Department that does that, and she doesn't think the County Executive should be giving that kind of permission.

Ms. LaPisto-Kirtley said that she looks forward to seeing the revisions in writing and then being able to have another discussion regarding this topic. She said that was all she had for now.

Ms. Palmer asked if the Board passed the ordinance with revisions, it was the intent that they would need metal detectors to go into the two County office buildings.

Ms. Farley said that the ordinance would authorize that decision to be made by the County Executive.

Mr. Richardson said that Ms. Palmer is correct in that if the Board passes the ordinance, the County Executive does have the authority to put metal detectors in. He said that he has specific experience with that in the City of Asheville, where metal detectors were installed in their city hall Monday through Friday 8-5 and for all Board meetings. He said that he has also seen it operationally put in place in other jurisdictions in which he's served.

Mr. Richardson said that there has not been a specific conversation in County administration because this is the first time the Board has talked about this ordinance. He said that is something that needs to be talked about and considered, based on what the Board decides. He said that the Board is very familiar with the setup in the building and said that about 18 months ago, they decided to fund a full-time ambassador position located at the front door of the COB and at the front door of COB-5th. He said that these are staffed through a contract agency and have internal training on how the buildings work, as well as being public safety officers. He said that there are cameras in and around the building, and these ambassadors to the general public provide a great service to County employees and community members.

Mr. Richardson there is a tremendous amount of interaction with these public safety and customer service ambassadors. He said that those are steps the County has taken along with formally opening and closing the buildings. He said that along with that are the identification cards and strict entrance ways for how the public comes in and out of the buildings and how staff comes in and out of the buildings. He said that the next step would be to harden the buildings, and he is not prepared tonight to say whether they would or would not take that next step.

Mr. Richardson said that the Board knows, as this has been discussed in the past, the steps that have been taken with both the grounds and the buildings leading up to where things are currently. He said he is very pleased with the services received from the contract company and the staff that work with the County every day and make the buildings feel as safe as they do. He said that's the background and how they've gotten to where they are, but he didn't answer Ms. Palmer's questions about whether the detectors would be put in—and that was something to be analyzed.

Ms. Palmer thanked Mr. Richardson for the answer and said that she agrees with Ms. Price because clearly the Board would have to wait to see what it looks like with all of the revisions and get clarity on some questions. She said that she already said that she would be in favor of the clause that says you can keep the gun in the glove compartment of the car. She said that she is a little concerned about the difference between concealed carry in the parks and concealed carry in the County Office Building. She said that she walks in the rural parks regularly and she is not afraid and does not carry a gun, but she recognizes that many people are afraid. Ms. Palmer added that she is wondering if there is a way to allow concealed carry in parks but not in the County Office Building.

Mr. Richardson said that it can be done, but it needs to be specified in the ordinance and in the signage.

Ms. Palmer said that she would like to keep the concealed carry issue in the parks. She said that she does think the Board needs to pass the ordinance in some form for the County office buildings. She then asked if the ordinance mirrors the City ordinance or whether they are significantly different.

Ms. Farley said that the City's code was reviewed, and there are some things that are not exactly lockstep with the draft ordinance that was presented. She said that if given the chance to go back and review given some of the options that have been presented today, they would want to make sure there wouldn't be confusion created, specifically in parks. She said that it would want to be reviewed again, but it would depend on what the board wants to do and consider going forward.

Ms. Palmer said that she would love to hear what the major differences are at some point, clarifying that she was not looking for those right now but said there can't be that many. She said that if City is doing things that are significantly different than what the County is doing, she would like to know about it.

Ms. Farley said that she would speak very generally and would just break it down in more detail later if desired. She continued and said that the state has identified other persons that can be exempted

than what the County identifies. She said that is in part because according to County staff, those wouldn't be applicable to Albemarle County.

Ms. Palmer asked for confirmation that City employees with a concealed carry permit, they can bring a gun in.

Ms. Farley said that she doesn't want to get too in the weeds, but read from the code, "Possession, carry, and storage or transportation of firearms by City employees, agents, or volunteers in workplaces owned, operated, or managed by the City is prohibited. She said that is just an example and can give an exact line by line.

Ms. Palmer confirmed that it is prohibited for any City employee to carry a gun onto City property, adding that she had heard it backwards.

Ms. Farley said that the question is a good one and whatever this Board ultimately decides were the amendments to the draft ordinance, this should be revisited to make sure there were no issues created with what the City has drafted and adopted. Ms. Farley said that this Board has the authority to regulate its own office buildings.

Ms. Palmer said that this new ordinance would not allow any County employee to bring a gun in; it's just those County employees carrying a gun for their profession.

Ms. Farley said that it would apply generally and would affect everyone but those few exemptions.

Mr. Richardson said that it's also in a personnel policy dealing with firearms.

Mr. Gallaway said that he also had a couple of questions and asked where the section came from to ban components and parts. He asked what the rationale was in banning a component part.

Ms. Farley said that including in the enabling legislation specifically, a component part is a part of a firearm that has lost its appearance as a firearm. She said that it would be up to the Board as to whether they felt it was something they needed to provide as part of this ordinance.

Mr. Gallaway said that he was trying to understand the logic behind it and asked Mr. Walker if he'd like to speak.

Mr. Walker said that a disassembled firearm would be a collection of components that, when assembled, would be a firearm. He said that would be his suggestion as to what the intent is.

Mr. Gallaway asked if stray ammunition was the same thing.

Ms. Farley said that stray ammunition is criminalized by certain persons in the state code, so there is some acknowledgement that the possession of ammunition may constitute a threat of some kind.

Mr. Gallaway thanked Ms. Farley for her answer. He said that he thinks the comment about why the Board is doing this and of the control over the County property, it is baffling to him where the state was putting in controls over state property but was not allowing localities to put controls over their property. He said that has baffled the Board on a number of cases and not just this particular ordinance. He said that it's important to him that the General Assembly is saying to the locality that they do have control over their own property, and that was the reason for this discussion.

Mr. Gallaway said that he appreciated Ms. Price mentioning the extreme on one side or the other, and he said that he did not fall into the extremes either. He said that he does try to understand someone who doesn't immediately make sense to him or at least try to understand alternative viewpoints. He said that the one he struggles with the most in regard to the parks is the idea that if someone goes to a public building and the firearm prohibition is in place, there is some sort of applied safety. He said that the building is a controlled environment that can be secured.

Mr. Gallaway said that the parks were problematic for him. He said that a constituent email he had received addressed if the Board bans a person's ability to protect themselves, what the implied safety is when entering a place that is unable to be conceivably secure. He said that he struggles with that and believes there could be rationale as to why outside of other individuals with firearms, it could be reasonable to be in a rural area and have that. He asked how those areas could be secured and how they could be made into an implied safe space to that point. He acknowledged that was a point he had not considered and appreciated getting the email.

Mr. Gallaway said the threshold for concealed carry satisfies where he is. He said that as a person who goes around to the buildings, he has been more surprised by the people that did have concealed carry permits than those who didn't. He acknowledged his own personal biases as well, and he is fine with the concealed carry exception getting put into the ordinance. He said that he would also be fine with the locking and securing in the car in a parking lot. He said that he is not drawing a line between a park parking lot or a building parking lot. He said that if it is secured in the vehicle while the person is in the general vicinity, he thinks that would be suitable.

Mr. Gallaway said that the final piece, which he appreciated Ms. Palmer raising, was the metal

detector question. He said that was a question posed earlier about the cost to implement this ordinance and had come up in some of the public comment. He said that it's always important to understand the cost of making any decision for anything. He said that he is not speaking just to metal detectors, but the cost of implementing this ordinance.

Mr. Gallaway said that he would try to summarize the discussion. He said that it sounds like there was consensus with the concealed carry exception. He said that there was some discussion about whether or not that included buildings or was across the board or not, but the general consensus was that it was an exception that would make it into the ordinance.

Mr. Gallaway said that he did not think anyone had questions about buildings or rec centers themselves. He said that he did not recall hearing any objection to the parking lots and items being stored in the vehicle on any property, regardless of type. He said that the County Executive has the authority to make some judgment calls already built in, so nothing like that needs to be added to the ordinance. He said that he thought some of the questions coming back were not really pertinent to the decision to pass the ordinance. Mr. Gallaway asked Ms. Farley if he had missed anything from the discussion.

Ms. Farley said that there were a few additional job titles that could be included: mail carriers, judges and justices of the Commonwealth, prison officials and guards, and qualified conservators of peace.

Mr. Gallaway said that he heard no objections to those being added, and he asked if there was anything else that was missed.

Ms. LaPisto-Kirtley said that Mr. Walker suggested that components would only be if a gun was disassembled, and reassembled, it is considered a lethal weapon. She said that she thinks that would be a good suggestion.

Mr. Gallaway agreed and said that it did help him understand the rationale behind it, not necessarily suggesting to change or alter the language.

Ms. Farley said that she did hear many people raise the question about ammunition and whether or not that was something that should be included in the list.

Mr. Gallaway said that there was no objection to the ceremonial, and that is one that would have to be added in.

Mr. Richardson said that it is in the statute, so it is self-executing, but having it in the ordinance is a good reminder.

Ms. McKeel said that she is comfortable with the summary and supports it, but she is still concerned about the park issue. She said that she would like to understand where things are with the parks. She said that there is a pocket park in her backyard, and she thought they had agreed at the beginning of the meeting that parks are parks. She said that she didn't want to deter people from going into a park because they don't know what the gun rules are. She said that she was comfortable saying that people could lock their guns in their car before entering, and she is concerned that that has now changed slightly.

Mr. Gallaway said that the change would be the concealed carry exception, which would allow concealed carry permit holders to carry in any location.

Ms. McKeel said that offered great clarity and she appreciated Mr. Gallaway's response.

Ms. Price said that she is concerned about disadvantaging a class of individuals and allowing a stranger with a concealed handgun permit to carry a handgun in a County building—but not a County employee. She said that the County Executive would have much quicker knowledge of behavior issues with the employee and be able to keep the employee from coming to the building until it's resolved. She said that she would view it as if there is a concealed handgun permit, whether a County employee or not, the exception would apply the same way.

Ms. Mallek said that what Ms. Price had just suggested is something the County's operations managers are going to have to figure out, because it is work policy. She said that the question she wrote down is that if the Board is passing the ability for the CHP to carry in the parks, she would like to know what the rules are for discharging weapons on park lands. She said that she has not gotten over the fact that many years ago, Mrs. Garrison was killed in her own backyard while hanging out laundry, by somebody who fired more than a mile away in Stony Point. She asked if it makes someone who has a weapon more likely that they would pull a weapon out and kill a bear crossing the path in front of them, instead of being the human and backing away when they are in the bear's habitat. She said that she would like to know what the rules are for discharging a weapon in County parks, as it's not allowed anywhere in the urban ring.

Mr. Kamptner that it has been established for many years that it is strictly prohibited to discharge a firearm in County parks.

Ms. Mallek asked then what the purpose is for having permit carriers have their weapons on them

in the park.

Mr. Kamptner said that it is for self-defense.

Ms. Mallek said they cannot shoot the gun.

Ms. Price said that if it is a self-defense situation, that is an exception to the rule.

Ms. McKeel said that needs to be clear on the signage and said that she feels like they are going in a circle. She said that she wants people to feel safe in the parks, and at the same time, accommodate and compromise for those who feel more comfortable carrying a weapon.

Ms. Palmer said that people with permits are carrying guns right now, but it's just not known.

Ms. McKeel said that there has been at least one woman die from a stray bullet, and she wants to know if there is a way to put a reminder on signage that people are not to be discharging weapons. She said that she did not want anyone shooting wildlife or people.

Ms. Farley said that it is illegal to kill wildlife outside of a self-defense situation.

Ms. McKeel said that people may need to be reminded of that, and she sees it as a concern.

Ms. Mallek said that she was feeling more in support before, but less now. She said that she has nothing further.

Ms. LaPisto-Kirtley said that she feels a bit like Ms. Mallek does, and she thinks there is a provision in the law that a gun cannot be discharged within 1,000 feet (or some distance) of a residence. She said that it was what killed the woman, and she would like someone to look into the provisions regarding firing a gun within a certain distance from a residence.

Mr. Farley said that under current County code, it is unlawful for a person to discharge a firearm within the boundaries of a residential district.

Ms. LaPisto-Kirtley said that her example was from a rural environment.

Mr. Gallaway said that is a separate conversation.

Ms. LaPisto-Kirtley said that she looks forward to seeing the revisions.

Ms. Palmer said that she did not have anything new to add but feels that people are caring now about people with concealed carry permits, and this is not changing anything with the exemption. She said that she agrees with the summary.

Ms. McKeel asked to review the summary one more time.

Mr. Gallaway said that what he stated earlier was that the one exception would be to allow a concealed carry in all locations. He said that in all other situations, the firearm would have to be concealed in a locked storage compartment in the car for all locations. He said that the ceremonial weapons would be okay, and this would be posted. He said that the County Executive piece was worked out, and there would be additional job worker titles included for the exceptions.

Mr. Kamptner asked if the word component should stay as it is or should it be qualified to be a component of a firearm.

Mr. Gallaway said that he doesn't know where the Board stands on this, but in the past, this is when he would bring Chief Lantz or one of his staff members up and ask them for the use of judgment, so that if a person has a bullet keychain, they are not being subdued or questioned, whereas a person who has 10 bullets and all of the components to make a firearm is a different judgment. He said that he has faith in the fact that officers are trained to make that judgment call. He noted that he had seen a gentleman using a bullet for his car antennae the other day. He said that if it's part of the ordinance, it would protect against the worst-case scenarios but would allow judgment calls to the law enforcement officials.

Ms. Mallek said that Mr. Walker made a good point that it should be made clear that it is a fully functioning disassembled weapon that when reassembled could be fired.

Mr. Gallaway said that in summary, concealed carry is allowed an exception in all locations; non-concealed carry is prohibited but allowed to be in a locked container in a secured vehicle; and the job title distinction is for those to be included in the exceptions rule, the ceremonial rules, and then the posting once everything is in play. He said that unless there are additional questions or objections to that, the question becomes whether the Board should act with that type of summary or if should this be drafted and then come back.

Ms. McKeel said that she has a question for staff as far as if they know where things are and are they comfortable with where it sits.

Mr. Kamptner said that his preference would be to reassemble the parts of the ordinance and let the Board have time to see it with final wording tweaks.

Mr. Richardson said that he feels that staff is comfortable with this but said that when the Board talked earlier about a prohibition on discharging firearms in a park, that is common law. He said that it is completely different if fired in self-defense. He said that any kind of discharge of a firearm in a public park would involve a full explanation.

Ms. McKeel said that she hears that staff would like to put the ordinance back together and have it come back a second time. She said she thought it should come back as an action item instead of on a consent agenda. She encouraged them that rather than waiting until the meeting, if Supervisors have question, they resolve them with staff before the meeting.

Ms. Price would like to see Mr. Kamptner have the opportunity to take the components and assemble for a revised ordinance that comes back.

Ms. Mallek said that she would prefer to get it back to have another chance to read in its entirety. She said that several people have mentioned the correct terminology might be CHP rather than CCP and she would like to see it correct.

Ms. Kamptner said that the correct terminology is in the draft language.

Ms. Farley said that it was her fault, and it sneaked in from 15-20 years ago.

Ms. LaPisto-Kirtley said that she is in favor of it coming back.

Ms. Palmer said that she is in favor of it coming back.

Mr. Gallaway said that there are no objections, so that is what it would be. He then said that he would like to make one more round for any questions to get to staff so there is a clear understanding the next time this comes back.

Ms. Farley asked for clarification on whether those responses come back to the meeting or submitted directly to the Supervisors.

Mr. Gallaway asked each Supervisor for any remaining questions and there were none.

Mr. Richardson said that Ms. Palmer had sent him some items, and those were all discussed tonight.

Mr. Gallaway asked if there were any clarifications in the third category of state parks. He said that in terms of time frame, this has garnered a lot of attention, and he asked what would be reasonable for it to come back and agreed it should not go on the consent agenda.

Mr. Kamptner said that the August 18 meeting at the earliest, as the materials for the August 4 meeting were already leaving the office.

Mr. Gallaway said that matter would come back before the Board.

Ms. McKee would like to have Chief Lantz also look at the ordinance when it comes back.

Mr. Gallaway thanked the Chief for his time.

Agenda Item No. 19. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Item No. 19.a. Impact on local law enforcement regarding the State's decision to not accept new admissions to mental health facilities.

Mr. Gallaway said that they had parked some issues, including the impact on local law enforcement regarding the state's decision to not accept new admissions to mental health facilities.

Ms. Price said that she has had opportunities to speak to law enforcement, and they are concerned about the impact on their personnel resources by virtue of the state's refusal to accept patients into mental health facilities. She said that they are recognizing the resources of the facilities as limited. She said what has resulted is that if there is a mental health case, the law enforcement officer has to stay with the inmate until a mental health space is available.

Ms. Price said that she would like to send a letter to the Governor and state legislature to support additional resources necessary to provide the resources and personnel and means at the mental health facilities to eliminate or resolve the shortcoming. Ms. Price confirmed that she is looking for a letter to the Governor, as well as to the House of Delegates and Senate. She said that it needs to say this is a public safety issue as it affects local law enforcement in their ability to perform their normal duties, as well as being a public health issue.

Ms. McKee is in full agreement and wants to make sure all delegates get a copy as well.

Ms. Palmer said that one existing issue is that the private hospitals pay workers more, which is one of the reasons state hospitals are being short staffed.

Mr. Gallaway asked if Supervisor Price would prepare a draft.

Ms. Price confirmed that she would do this.

Ms. Mallek said that she would like the letter going out to also be sent to the Senate Appropriations and Finance committees.

Item No. 19.b. Discussion of the Process for Disposition of the Lewis & Clark/Sacagawea Statue.

Mr. Gallaway said that Item B was discussed earlier in the “From the County Executive” report about the discussion about the process for disposition of the statue.

Agenda Item No. 20. Adjourn to August 4, 2021, 1:00 p.m., electronic meeting pursuant to Ordinance No. 20-A(16).

At 9:20 p.m., the Board adjourned its meeting to August 4, 2021, 1:00 p.m., which would be an electronic meeting held pursuant to Ordinance No. 20-A(16); An Ordinance to Ensure the Continuity of Government During the Covid-19 Disaster. Information on how to participate in the meeting will be posted on the Albemarle County website Board of Supervisors home page.

Chair

Approved by Board
Date: 06/07/2023
Initials: CKB