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Albemarle County Board of Supervisors Regular First Meeting, Wednesday, December 3, 2025

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- Official agenda: https://albemarle.granicus.com/AgendaViewer.php?view_id=1&clip_id=1418

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[00:00:01] There it is. I'm hearing it. I am pleased to call to order this meeting of the Albemarle County Board of Supervisors on this 3rd of December at 6 p.m. in Lane, I'm sorry, I'm in the McIntyre County Office Building. For the board, we have Supervisor Ann Malick of the Whitehall District, Supervisor Ned Galloway of the Rio District, Supervisor Diantha McKeel of the Jack Jewett District, Supervisor B. Lepisto-Curtley of the Ravenna District, Supervisor Mike Pruitt of the Scottsville District, and myself, Jim Andrews, representing the Samuel Miller District.

[00:00:29] A quorum is present. We're also joined by our county executive, Mr. Jeff Richardson, our county attorney, Mr. Andy Herrick, our clerk, Ms. Claudette Borgerson. Also, let me please welcome again Albemarle County Police Officer's presence, Arjun Jason Freistat, and Master Police Officer Stephen McCall.

[00:00:47] Thank you for your service today and all days on behalf of our county. If all present could now stand as you are able and join us in the Pledge of Allegiance.

[00:00:55] Thank you. And if you would please now join us in a moment of silence. Thank you. Our things may seem a little different at six o'clock today because we actually are starting a separate meeting now from the meeting this afternoon with the school board. It's a separate meeting.

[00:01:51] So we first have to adopt the final agenda, and I'm looking for a motion from the board if there's no changes. So moved. Second. A motion from Supervisor McKeel, second from Supervisor Malek. Without objection, I prefer to call the roll. Mr. Pruitt? Aye. Mr. Andrews?

[00:02:06] Yes. Mr. Galloway? Yes. Ms. Malek? Yes. Ms. McKeel? Yes. Ms. Lupisto-Kirtley? Aye. Thank you. And next up is brief announcements by board members. We'll go through our speaking order for today of Supervisor Lupisto-Kirtley.

[00:02:21] Aye. The only thing I have to announce is in January, I think Supervisor Galloway and myself will be on the, for the spelling bee, we will be judges, right? For the spelling bee.

[00:02:37] And they're very, very anxious to have us there. That's fun. So, yes, I love it. I've done it. This will be my third time, I think, and I really, really love it. All right. That's it. Supervisor Pruitt. I have nothing at this time.

[00:02:54] I do want to very quickly pull up information about the Scottsville holiday happening, if you'll come back around to me at the end. Oh, okay. Supervisor McKeel? Just to say that we had a meeting with our legislators this week, and we appreciated their coming and meeting with us, and I thought it was a very good meeting and informative for both us and for the legislators.

[00:03:16] We were able to talk about a number of issues, and I'm sure there's a recording somewhere if you want to listen. Supervisor Malek? Thank you very much. This weekend is the beginning of very busy events in the area. This Saturday at Highland is the open house, and the feature is the final weekend for the 250th Revolution Anniversary Gallery Tour. It's in the barn. One can register for the 10 a.m. slot and then receive your free electronic tickets by email, and it should be the last weekend chance to see that show before it moves on to another location.

[00:03:53] Also out at Innisfree in the Blackwell's Hollow area in Whitehall, they're having their holiday gallery sale and open house this Saturday. Weavings, cutting boards, and many other handmade crafts made by the artisans who live there will be available.

[00:04:12] And Saturday, December 13th, right down the road, at noon, at the Dogwood Vietnam Memorial. This will be ceremony, one of the 3,000 ceremonies across the nation, laying wreaths for our fallen. Following the ceremony at the Dogwood, I will lay a wreath at the memorial here on the county office building site and then at the memorial site in Earliestville.

[00:04:33] And all are welcome to join in. And thank you very much. Thank you. Supervisor Galloway. No announcements. And I'll just share that I'm aware that there's an advertisement for a public input on the three-notch trail shared use path.

[00:04:49] And that's tomorrow, December 4th, 6 to 8 p.m. at Western Albemarle High School. And since on that topic, there's also a discussion of Humphreys Park and possibilities there December 8th, 6 to 8 p.m. at Albemarle High School.

[00:05:05] So one's at Western Albemarle tomorrow. The one at Albemarle High School about the Charlotte Humphreys Park is a combination of CAC meeting and then an open meeting. Okay. Yeah, so that's great. So I just want to make sure, since I was on parks, I thought I'd hit both of them if they hadn't been already hit. If nothing further, yeah, Supervisor Truitt.

[00:05:23] Yes. Yes, so every year Scottsville hosts the holiday happenings. This is in partnership with the Chamber of Commerce, a whole bunch of fun events related to, we say holiday. It's a Christmas event downtown, right? There is a holiday market that is going to begin with a children's choir performance from Scottsville Elementary, which I just think is extraordinary, on the Scottsville Pavilion.

[00:05:44] That starts at 10 a.m. The choir will be performing for 20 minutes, but the holiday market will be at the Scottsville Pavilion all the way until 2 p.m. There will be a car show over at the Boys and Girls Club at 11 to 3. There will be an indoor art market at the SCAN location at Victory Hall and their new art gallery space at the former Riverbend Market.

[00:06:07] And there's just a whole mess of things. If you type in Scottsville Holiday Happenings, they have a whole dedicated website just to tell you all the fun stuff you can get into. That is this Saturday in Scottsville. Christmas Illumination, Tree Illumination 6.

[00:06:23] Thank you. Nothing further than we have no proclamations or recognitions this evening, so the next up is public comment on matters previously considered or currently pending before the board other than scheduled public hearings. And Vice Chair McKeel will read the rules and introduce the speakers.

[00:06:40] Sure. We have three speakers that are with us tonight, and no one is online. So I will read the instructions. And during the time set aside for public comment on matters previously considered or currently pending before the board other than scheduled public hearings, individuals may address the Board of Supervisors.

[00:07:05] Individuals are allowed one opportunity of up to three minutes to speak at each board meeting. The sign-up sheet is managed by the clerk's office. Timekeeping is conducted through a timer and light system at the podium. The green light will go on when you begin speaking, which begins your allotted time. The yellow light indicates you have one minute to finish speaking, and the red light indicates your time has expired, and you will be asked to end your comments.

[00:07:25] When addressing the board, state your name and if you live in Elmar County, your magisterial district. Address comments directly to the board as a whole. Any written statements or other supporting materials may be given to the clerk. If representing a group or organization, you may ask others present to raise their hands in recognition.

[00:07:43] Speakers may not share any unused time with another speaker. Back and forth debate is not permitted. All comments are live streamed, recorded, and published on the Elmar County website. And with that, get my mic here. Our first speaker is Alicia Linehan.

[00:08:04] Good evening. Good evening. Happy December. My name is Alicia Linehan. I live in the Scottsville District. California passed the No Secret Police Act. Seven other states have similar bills pending. Numerous local governments across the country have enacted unmasked ICE resolutions.

[00:08:23] Virginia senators introduced the Immigration Enforcement Identification Safety Act. Delegate Jones pre-filed a bill that would make it illegal for most police, including federal agents operating in the state to hide their faces while on duty. In July, this body received a resolution condemning aggressive and non-transparent federal immigration enforcement tactics. The only radical thing about any of these pieces of legislation is that they're necessary.

[00:08:51] Here are excerpts from the relevant resolution. Albemarle County is committed to due process, equal protection, and the rights of all individuals within its jurisdiction. The county will continue to uphold its values as a safe, inclusive, and law-abiding community where government transparency and public safety remain paramount. Raise your hands if you think that's reasonable.

[00:09:17] Albemarle County strongly condemns using unmarked vehicles, masked agents, and unidentifiable personnel in immigration enforcement activities conducted within the county and views such tactics as harmful to public trust, community safety, and constitutional protections. Raise your hand if you think that's reasonable. Albemarle County calls upon DHS, ICE, and other sub-agencies to implement clear uniform identification standards for all field agents, including marked vehicles, visible agency badges, and advance notice protocols when operating in or

[00:09:52] near local jurisdictions. Raise your hand if you think that's reasonable. The Board of Supervisors directs the police department to monitor any suspected federal enforcement activity in the County, and when legally permissible, confirm the identity and legitimacy of individuals claiming to act as federal agents. Raise your hand if you think that's reasonable. Albemarle County Police shall conduct and report all incidents where suspected federal enforcement activity involves questionable conduct and refer possible civil rights violations to appropriate legal oversight

[00:10:31] authorities. Raise your hand if you think that's reasonable. The Board of Supervisors directs the county executive and county attorney to actively monitor federal enforcement activity within the county limits for potential violations of civil liberties and constitutional rights. To explore legal remedies or interventions available to the county under state and federal law, including but not limited to formal complaints, oversight referrals, and litigation where appropriate.

[00:11:00] Raise your hand if you think any of that is reasonable. Thank you. Thank you. Our next speaker is Gary Grant.

[00:11:20] Welcome. Gary Grant, Rio District. I had my annual Medicare checkup 1st of October, and my personal physician gave me a couple pieces of advice, and one I'm going to quote. He said, Gary, you're a very intense guy.

[00:11:40] Calm down. Apparently it didn't work. I'm back. I have two comments tonight on the 2026 legislative positions document. First, you have left out of your positions statement whether this board favors or opposes the General Assembly's Democrat Party passage of a recent bill proposing a constitutional amendment to give the General Assembly authority to optionally redraw

[00:12:14] congressional districts mid-decade. Of course, this bill would still have to pass the 2026 General Assembly session and a voter referendum in November. Please add your opposition or your favoritism of this Democrat bill to your legislative positions so voters know where this Democrat board stands on this amendment. Second, there are multiple edits that need to be made

[00:12:47] to your 2026 legislative positions. Wherever you chose words like state support, state funding, full state funding, etc., please replace that language with words such as taxpayer support, taxpayer funding, and full taxpayer support. Just like Albemarle County, the state of Virginia has

[00:13:17] no money. Taxpayers have the money. You in power, whether local or state, take that money from us. We taxpayers are powerless before partisan government, but we are not stupid. Be honest with us in your words, in your documents. Most of your 2026 legislative positions just want to tax

[00:13:49] and take more of our money thank you gary excuse me our next speaker is phil reese or is it rise help me with reese is correct thank you and you might want to adjust the mic so we can hear you better we'll be sure a little taller there you go excellent my name is phil reese i'm from the rivana district i attended this afternoon's work session with the school board and i'd like to make a few points first it's very refreshing to hear you all express the harsh financial realities of

[00:14:25] the school board's capital improvement plan. In my experience, the school board is not focused at all on how to save money or cut expenses. ACPS spends about \$20,000 per pupil. This is one of the highest rates in Virginia, and that figure does not even include capital expenditures like the ones talked about today. Ms. McKeel brought up school bus costs in today's meeting, and what I heard is that the school board nor the staff have done a cost comparison between purchasing electric buses and diesel buses. I did this research this morning in fact before today's meeting and I will share with the clerk after I'm done speaking and I hope to share that she will share this research

[00:15:04] with you guys. The total cost of ownership between these two types of buses is staggering and it's just an example of how the school board does not do proper due diligence sometimes when making financial decisions. If they're not going to do it, you as the board of supervisors need to. You cannot simply sit back and accept the school board's recommendations and what I saw earlier today you all did a very fine job in doing that. My second point is that I'm very skeptical that the county would approve a sales tax increase or a bond referendum to pay for capital expenses. I think there's a distinct lack of citizen trust in the current school board and you all know we're all not too

[00:15:44] fond of property tax increases either and that's going to have a huge impact on the county's ability to pay for these school capital expenses. One point that was not shared today, and I think it's called the Berkmer Proffer, so I think I got it right, the name. This was mentioned in a previous school board meeting, but the school staff mentioned that the size of that location is not quite sufficient for a comprehensive high school, and it certainly wouldn't have space to expand in future decades. I think if a new high school is being considered, don't use that location and don't skimp on purchasing land. If you're going to do it, do it right. Get the right

[00:16:24] amount of land, despite what the cost might be. And lastly, as a county taxpayer, I'm very curious on what the plan is for the AstraZeneca, for the land that AstraZeneca is building on. Is the county selling that land to AstraZeneca? Is the county leasing it? Will the county get a positive return on investment for the land if they sell it? AstraZeneca being here is fantastic news, but I hope the county doesn't subsidize this multinational corporation that has a market cap of 285 billion dollars. Don't give away that land for free. AstraZeneca can afford it, and that would also

[00:17:00] help pay off some of the debt the county has. Thank you, and thank you also for the hard work that each of you do. I'm going to give this research to the county clerk. Thank you. Thank you. That's everyone. Thank you. Board, this brings us to the consent agenda. I've heard no So nothing being pulled from the consent agenda.

[00:17:23] So I'm looking for a motion to approve the consent agenda. So moved. Second. Motion from Supervisor McKeel. Second from Supervisor Malek. Without objection, if the clerk will call the roll. Mr. Pruitt. Aye. Mr. Andrews. Yes. Mr. Galloway. Yes. Ms. Malek. Yes. Ms. McKeel. Yes.

[00:17:39] Ms. LaPista. Kirtley. Aye. Thank you. I don't believe there's a report from the county executive. Anything? Yes, sir. Okay. Then this brings us to our first public hearing of the evening, fiscal year 2026

appropriations.

[00:17:54] And this is being led off by Mr. Ryan Davidson, Deputy Chief, Office of Management and Budget. Welcome, Mr. Ryan. Mr. Davidson. Sorry. Good evening. I'm Ryan Davidson, Deputy Chief of Budget.

[00:18:17] And this agenda item is a public hearing and an action item to amend the FY26 budget. I have a couple of quick slides to provide a brief overview of the amendment, And then at which time I'm going to turn it over to the board and to the chair for questions and to hold the public hearing. So the Code of Virginia requires public hearings before amending the budget when the total amount of such amendment exceeds 1% of the currently appropriated adopted budget.

[00:18:42] That's the case in front of us tonight. The overall budget amendment for discussion tonight's public hearing is for approximately \$25.9 million. Of that amount, \$5.8 million was approved by the board as part of prior appropriations in October and November meetings, and an additional \$20.1 million is under consideration for approval tonight.

[00:19:01] As I mentioned before, the overall amendment is about \$25.9 million, and it's broadly made up of the items that are shown here on the screen. Attachment A in tonight's agenda, and included on the October 1st and the November 5th agendas, contains the details of these appropriations.

[00:19:16] But generally, the areas of usage are listed here on the slide, and we're looking at 15.6 in special revenue fund appropriations, primarily related to additional opioid fund settlement dollars and the reappropriation of FY25 funds in affordable housing fund, economic development, plastic bag tax funds, and the like.

[00:19:35] The \$6.7 million in front of us for the general fund appropriations are primarily related to the reappropriations of funding from FY25 into FY26 for projects and items that were budgeted for and started for in FY25 but weren't able to be completed in the fiscal year and they need to bring that money forward to complete those things. The 2.4 million in funding for the capital appropriations is primarily related to drainage infrastructure, Ravanna Futures, and the Biscuit Run projects. And then finally the 1.2 million in ECC fund appropriation, excuse me, emergency

[00:20:08] communication fund appropriations for the ECC is primarily reappropriations for ECC technology and equipment purchases. Staff's recommendation is after the board holds the public hearing to recommend that you adopt the resolution and attachment B.

[00:20:30] And with that, I will now turn it over to the board chair for any questions and to hold the public hearing. Thank you. First, we'll go through if there are any questions. Supervisor Lupista-Curtley? No questions, thank you. Supervisor Pruitt? No questions, thank you. Supervisor McKeel? No questions. Supervisor Malek?

[00:20:46] No, thank you. Supervisor Galloway? No questions. And I have no questions, so I will open the public hearing. Do we have anyone signed up to speak? We do not. We do not. Then I will close the public hearing. The matter is back before the board. I believe the resolution that we're looking for is in attachment B.

[00:21:05] I move we approve resolution for additional fiscal year 2026 appropriations, which is attachment B. Second. We have a motion from Supervisor McKeel. Second from Supervisor Malek.

Without objection, if the clerk will call the roll. Mr. Pruitt?

[00:21:21] Aye. Mr. Andrews? Yes. Mr. Galloway? Yes. Ms. Malik? Yes. Ms. McKeel? Yes. Ms. Lapista-Kirtley? Aye. Thank you. Thank you, Mr. Davidson. Next up, public hearing, to consider the adoption of an ordinance to modify real estate tax relief for elderly and disabled persons, and this is being led by Jennifer Matheny, Chief of Revenue Administration.

[00:21:45] Welcome. Thank you. Good evening, Chair Andrews and Board. I'm Jennifer Matheny. I am the Chief of Revenue Administration, and as always, it's my honor to be before you this evening to have a public hearing and request action from the Board to amend Almar County Code Chapter 15 on taxation, specifically to modify the real estate tax relief for the elderly and disabled program. I have about 10 slides regarding the program. This agenda will provide an overview leading up to the public hearing based on the board's feedback from January 2025 the desires

[00:22:25] to update the county ordinance to identify the economic indicators that determine the income and net worth annually without requiring board approval each year staff is requesting the board consider modifying the program criteria for starting with tax year 2026 in a manner that will make it possible for us to adjust these limits automatically.

[00:22:49] This will simplify the determination of the income and net worth limits for each tax year and ensure the program is ready to begin when we can start accepting applications after January 1. We'll review the information that I have here on the agenda, which is just a quick overview of the current program, just to remind you of all the criteria, and proposed program update, which will be subject to the public hearing that we're having this evening.

[00:23:18] and we'll hold the public hearing and then conclude with this staff recommendation of the proposed ordinance. So let's start by looking at our current program. And as I always point out, most of the participants in this program would not be able to afford the taxes to maintain their home ownership in the county without this program. Applicants are at least 65 years old or totally and permanently disabled. They have to be the title owner of the property as of January 1.

[00:23:52] The applicant's property seeking tax relief cannot be used in a business. And the applicant must meet criteria of the income and financial net worth. For 2025, that program, the application process ended on October 31st.

[00:24:09] But for 2025, the maximum income limit was the \$97,650, and the net worth limit was \$312,000. This table shows the breakdown of the income levels for the 100%, 75%, and 50% based on your income.

[00:24:29] And I always like to point out, this is on your primary residence and up to 10 acres. So if you have a property that's greater than 10 acres, you still can qualify for tax relief on those 10 acres, and then you pay taxes on anything over those 10 acres.

[00:24:47] In 2024, we had 857 households participate in the program. I'm excited to announce that in 2025, that increased to 886, which I think is a very impressive number. We also expanded the relief in 2024.

[00:25:09] The total relief was about \$1.9 million. For 2025, it's \$2.3 million. The average income of the applicants is \$37,506, and the average net worth of these applicants was \$61,015.

[00:25:26] To illustrate that the program currently is helping those who are most vulnerable based on the methodology being used, you can see how many people fall into those brackets, and 100% relief was given

to 75% of the applicants.

[00:25:48] So 75% of the people that apply qualify for 100% relief, and 5% qualify for 50% relief. Again, just validating that the current model continues to expand the relief with a relatively manageable budget impact.

[00:26:07] You've seen this chart before, but I like sharing it. The blue vertical line in the middle shows the average tax bill, real estate tax bill for 2025, which was \$4,350, which is a home valued assessed at \$486,577.

[00:26:26] The chart reinforces the point that the current program, this is, keep in mind, this is just people who received 100% relief. And this shows that when you're looking at the people, the overwhelming majority of the 100% relief are to the left of that average tax bill.

[00:26:44] In the past, we've discussed those outliers that are on the right side with a median age of those applicants of about 85 years young. And many of them have lived there a very long time. They're widows, widowers, and a couple have more than 10 acres.

[00:27:03] So their house and their 10 acres are exempt, but they're still paying an amount of taxes based on the acreage. to me this is another validation that the current design is helping those who need the help so let's talk about the proposed program updates based on your feedback in january staff is recommending changes to the existing ordinance from the feedback we develop recommendations

[00:27:35] that will continue to expand the program based on reasonably understandable methodology with prudent financial management that has minimal administrative and system impacts. And in terms of expanding the program, continue to seek to increase the income limit and the net financial worth. And we have estimated, anticipated the expansion to be about \$120,000, and that is in

[00:28:14] the planned fiscal year 27 recommended budget. And these changes can easily be implemented in the system for tax year 26. For the past four years, the board has tied the income criteria to 80% of the area meeting income for a family of four. This metric is tied to the affordable housing policy. Using the same approach, staff recommends for county year 26 and forward to update the

[00:28:48] ordinance to reference this income criteria and not state a specific dollar amount. This will make it possible for staff to continue to update the program without having to bring the ordinance to the board every year for the increased limit. For the past few years, the board has increased the net combined financial worth based on inflation adjusted value of \$200,000 from 2007 because we went from 2007 until 2023 with it being at \$200,000. So this is the strategy to catch up that

[00:29:25] value. The net combined financial worth is based on the inflation-adjusted value of the \$200,000 from 2007. Going forward, we're making it a recommendation that we state that in the ordinance so, again, the board doesn't have to vote on that or review that every year for the increase.

[00:29:47] In reviewing the data over the past few years, we're confident that this methodology works well and still knowing it's impossible to know how many new applicants become eligible based on age and ownership we still feel like it's reasonably predictable at 120,000 increase with 20 new applicants on average and we maintain that this is easy to understand

[00:30:22] minimal cost and it's relatively predictable as we make these changes each year we will communicate them through our website we'll coordinate with kate to get the word out to the public

because i know we'll be missing this conversation in front of the board as an opportunity to highlight the program and share those limits but with the website brochures we use we put that information on our inserts and the tax bills we'll continue to publicize the

[00:30:59] program with increased limits, and we're open to visiting any type of public meeting to promote the program. My staff and I love talking about it. So to give you an idea of what this would look like for 2026, and again, the proposal tonight is not to put these dollar amounts in the ordinance, but I thought you would want to know, so what does it do for 2026? And it increases the income

[00:31:34] threshold from \$97,650 to \$100,650. And that's the 80% of the AMI. And we anticipate this change bringing about \$100,000 in expanded relief, much like we've done in the past years.

[00:31:55] For the net financial worth, this would move to \$312,000 to \$321,000 for tax year, calendar year 26. And again, it can be implemented in the year, continues to impact the total number of people in the program, and it has an increased cost, but we feel like it's relatively stable and less volatile than perhaps other methodology that could be considered. Again, I'm sharing these limits only

[00:32:32] for your reference, not because we're going to put them in the ordinance. I just wanted you to see where we were. To assist with benchmarking the methodology that has been used the past several years, this slide shows you the total amount of tax relief for the elderly and disabled since 2020.

[00:32:53] In 2022, the income limit, you all increased the income limit for the first time since 2008 to align with 80% of AMI. The net worth limit was left at \$200,000. This moved a relatively flat trend line up to \$1.4 million from \$1.2 million. I did not put all the years to the left of 2020, but it's relatively flat. It's not until you started making these changes did you see these

[00:33:26] incremental increases. In 2023, the board increased both the income limit and net worth, and you can see that bump when you look at the 2023 total amount of tax relief awarded. And that was the first time that number, the net worth had been adjusted since 2008. So you can see the trend line is no longer flat. The program is continuing to expand at a manageable pace with this methodology using 80% of AMI for the income limit and adjusting the net worth limit based on the

[00:34:02] consumer price index of \$200,000 from 2007. You'll notice there is a larger increase from 2024 to 2025 but you have to remember one we had more people in the program assessments increased and we also increased the tax rate so the people that were in the program their taxes were higher so we're going to see a slightly larger increase so based on this historical trend we would anticipate

[00:34:30] the 2026 tax relief could be the first year ever that we hit 900 participants that's exciting so our intent is not to bring this back to the board on an annual basis to maintain the 80 percent of our median income and rate of inflation our goal is to establish these criteria and county ordinance so they may be adjusted annually to keep pace with these economic indicators without requiring board approval that concludes my formal comments this slide highlights the recommended changes for

[00:35:08] public hearing i now turn it over to chair andrews for questions from the board and to conduct the public hearing. Then I will ask for a vote on the proposed ordinance on my next slide. Thank you. And we will go through our orders. Supervisor, if you still could. Thank you very much for that very excellent presentation, but I have no questions. Thank you. Supervisor Pruitt. I have no questions. Thank you. Supervisor Malek. One question. So applications open for new and renewals on January 1st. When do they close? So we start taking applications in the beginning of

[00:35:45] january including the renewals and if you're already in the program you have to get that in those forms back to us it could be a recertification or full application by april 1 to stay in the program if you're new and have never been in the program before or were not in the program for the previous tax year you have until october 31st to submit your application of 2026 yes okay so big press push in march and that's correct that's correct okay and can you send to each of us

[00:36:21] a little something we can get into our newsletters and newspapers oh absolutely because i know we sort of did that at the last minute yeah last year and i think it made a difference yeah and we can and we'll include those limits because now that it's not going to be in the ordinance they're going to be seeking out that information in any kind of media we can send out so absolutely Thank you for your help with this.

[00:36:41] You're welcome. Thank you. Supervisor Galloway? No questions. Minor questions. Just to clarify in my head, on the previous slide, you showed a growth in the program. In an earlier slide, you said that one of the changes would be expected to cost an additional \$100,000.

[00:37:02] Are those both done on the total based on both the assessed value changes and the number of new people being eligible for the program, or is the \$100,000? The \$120,000. And I don't know if I said that clearly, so I apologize.

[00:37:17] \$100,000, we anticipate an increase based on increasing the income level because that draws in the most people when we start bumping that income level. The net worth, we think it will be about a \$20,000 increase because we've increased the net worth.

[00:37:34] And so that \$120,000 is just based on income and net worth changes, not people buying property or obtaining a new property or the assessment increasing, that 120 is just on this.

[00:37:50] That's what I wanted to clarify, is that the assessment increases are not going to do that. That's additional, and on top of that, every year, the assessment is going to be more. So there's always going to be an increase because as your assessed values go up, your tax go up. Last time it was a little more significant because we did the rate. That's exactly right.

[00:38:07] And, of course, there's a certain clarity in specifying a formula rather than having to go each year and do this uh are there any other administrative i mean i guess mostly as uh you're able to advertise it earlier perhaps or or to get people into the program more clearly because you don't have to wait for this i mean i'm just trying to understand the savings of doing it this way versus yeah having us revisit yeah so we sure can we can put it out there um we know that for 2026

[00:38:39] that the income limit there's going to be that hundred thousand six fifty and it's brand new so i don't have it committed to memory and then increasing the net worth the 321 and we could we could start publicizing that early we absolutely could and get that out through any means that we have available to us so that people know what they're looking for going into 2026. 2026 applications are based on 2025 income and net worth.

[00:39:12] So sometimes it kind of lines up with income taxes or when the year ends for people to know what their total income or net worth was for the previous year. That's how that lines up. Thank you. Are there any other questions?

[00:39:28] Would you send us these slides also? Could you do that? Because I think Supervisor Malik asked for an application or something. Was that it? No, just the publicity block that they made last year that I was able to get into newspapers. it's just a yeah he does a great little yeah that would does that that would be great plus these because sure thank you yeah be happy to um with that i will then open the public hearing do we have anyone signed up to speak we do not okay then i will close the public thing um i'm going to make the comment that i think this is an excellent program and i am so happy to see this

[00:40:04] and i and to clarify just as long as those numbers are out there so that people can hear the more they hear the more likely they are to take advantage of it i still feel the program does not benefit those who might not have a pension for income but had to save up their own assets to create their own pension whether through having created their own business or something and and they'll not be captured by this but um that's a additional consideration for a future board. But if, do I need to clarify that? There's, if you, if you, if you have a small net worth and

[00:40:42] you have a pension that gives you an income, but not enough income, then you can qualify for this program. But there are people who, instead of having a pension that pays them a monthly or whatever amount, they actually had to save up for their own IRA or whatever as their only way of providing for their own retirement.

[00:41:03] Got it. And it throws off a little income, which is all they have to live on. But it gives them a large net worth because they have no other pension, a larger net worth. And they're not eligible. Because their asset is too big. Because their assets are too big, even though their assets are their only way of generating any income because that's what they retired on as their IRA or whatever it was.

[00:41:27] And the value of their home is primarily that. And then in order to value... Well, the value of the home is not included in the calculation. You can, but if it were over. But in order to get the value, you have to leave, and that's always a problem. So I appreciate that. That's not what we're – we're not worried about the value because that's not included in the calculation.

[00:41:44] I think that's an important clarification for people always with this in that as the property values go up in the county, it doesn't automatically make you ineligible as long as you don't have more than 10 acres because your property, your primary residence property, is not included in the net worth calculation.

[00:42:01] That's correct. Okay. Thank you. With that, I think we're looking for a motion unless there are further comments. I would be thrilled to make the motion. Okay, please. And before I do that, thank Jennifer for meeting with all the Whitehall country folks who really helped us to get over the hurdle on this.

[00:42:18] My pleasure. It was very, very helpful. And to go back to 2008, the budget then was \$700,000. And it was one of those things I was always very glad went over budget because the county executive would always find it because you're obligated if you have the program to find the money if people qualify.

[00:42:36] so this is such a big improvement all the way around um and i move that the board adopt the proposed ordinance in attachment a second we have a motion from supervisor malik second from supervisor mckeel without objection if the clerk will call the roll mr pruit i mr andrews yes mr galloway yes ms malik yes ms mckeel yes ms lapisto kirtley i thank you and board this brings us to our final. Thank you all very much. Thank you. Thank you very much. Appreciate it. This

[00:43:09] brings us to our final public hearings associated with agricultural and forestal district amendments and 25-33 and this is led by James Van Branken, natural resources planner with Scott Clark.

[00:43:27] Welcome. Good evening and thank you for your patience. I'm James Van Branken, a planner in the Conservation Program, joined here by Scott Clark, Conservation Program Manager, and also by

[00:44:05] Peter Lynch, County Assessor. Tonight, you're reviewing three agricultural and forestal districts. There'll be a short staff presentation and an opportunity for questions, followed by one public hearing for all three districts, then further questions and discussion. So the AFD program is a voluntary conservation program in which landowners in the county mutually agree to support agriculture and forestry in the districts. In practice, this means there are certain restrictions on landowners in the districts, and there are some restrictions on what the county and the state can do in the

[00:44:43] districts as well. By state code, AFDs must be reviewed periodically, every four to ten years. The review period is the only time landowners are allowed to withdraw from districts by right. The criteria to be used when reviewing districts are found in Chapter 3 of the county code, specifically 3, 201, F, 2, 3, 4, 5, and 7, which are listed here, and any other relevant factors.

[00:45:13] We've highlighted item 7 because it contains a policy adopted by the board in 2016 and 2018 not to include parcels in a district that don't have development rights. And that's the basis for some parcels in the following districts being recommended for removal from the program.

[00:45:31] So the first district is the Green Mountain District, located west of Scottsville Road. west of Keane, just north of Esmond. We've received no requests for withdrawal from this district so far, and all six parcels in the district retain some small lot development rights, and so none are recommended for removal. The AFD Advisory Committee, the Planning Commission, and staff all recommend renewal of this district for another 10-year period, as is. The second district is the

[00:46:09] Nortonsville Local District on Simmons Gap Road at the border with Greene County. You'll note notice this district is quite a lot smaller than the other two districts. This is technically a different type of district. It's a district of local significance. All the other districts in the county are districts of statewide significance. There's not a big difference between those two.

[00:46:31] The rules are slightly different. Some of the benefits to landowners don't apply for districts of local significance, and the minimum size of the district is smaller. And for our purposes tonight, the maximum review period is eight years instead of 10 years so you'll see that one of the parcels the two acre parcel has no development rights and is recommended to be removed from the district and again the advisory committee planning commission and staff will recommend renewal of this district with that one parcel in pink removed for another eight year period and finally

[00:47:11] we have the Batesville agricultural and forestal district this is located to the west and north of Batesville. Again, we've received no withdrawal requests. 17 parcels in the district have been identified as having no small development rights. 16 of those, the parcels highlighted in pink, are recommended for removal from the district tonight. The one parcel in blue, that parcel is currently in open space taxation. If that were to be removed tonight, the landowners would face

[00:47:46] five years rollback taxes without warning and so the direction we've received from the board is to give those landowners a five-year grace period in effect where they're allowed to remain in the district for five years to they'll be notified of this policy they'll be told you no longer qualify for this tax status we

recommend you change your tax status so that you don't face rollback taxes in five years' time. So they would stay in the district this time, but receive a

[00:48:20] letter from real estate explaining their options. So that parcel is recommended to stay. We have differing recommendations here. The Planning Commission and staff recommend renewal of the district for five years with the pink parcels removed. The AFD committee recommends renewal of the district but without removing the pink parcels so those would all stay as is. That was a very quick run through. I'm happy to take any questions now, any clarifications on any of that. Thank you.

[00:48:59] We'll go through our order. Supervisor Lupisto currently. Thank you very much but I have no questions. Supervisor Pruitt. I want to make sure I caught that correctly that with the um the no longer qualifying parcel in the batesville afd that that was you phrased that i thought it sounded like prospectively which made me believe that currently the landowner has not been communicated with about the the fact that they would be dropping out of it but it's going to be extended for five years is that correct the landowner um all landowners in the district have received letters explaining the review process that specific landowner received a letter saying

[00:49:40] we're going through the review process now, here are the dates of the public hearings, here's the new development right policy, you're no longer eligible, but you're not going to face rollback taxes from immediate removal per this policy.

[00:49:57] So they've had that kind of briefly explained to them, but they'll get a more detailed letter once you all take action explaining fully their options. And I hate to beat dead horses, but I always want to state something out loud to make sure I'm understanding it correctly.

[00:50:16] And in doing so, I think I benefit the audience and sometimes my peers, but it's mostly for me. The thing that this is to give them notice for, in addition to just not a nasty, you know, several tens of thousands dollar bill, is it gives them time to establish normally, if they are equipped for it, some kind of agricultural exemption.

[00:50:38] in lieu of so that they can develop their land for that purpose over five years and there will not be a rollback because it will roll back when they get out at the end of the five years to an agricultural use which is similarly accepted. That's correct, yes, or a forestry use, or indeed choose to pay regular taxation money rate tax, which would also allow them to avoid the rollback tax in five years.

[00:51:05] Excellent. Great. Thank you. Supervisor McKeel. i really don't have any questions other than um well i guess it's a question for you for how we're going to deal with these so we have one ordinance yeah uh attachment a yeah uh detachment yeah a yes we're recommending one motion for all three districts so we're going to follow through with that okay that's the plan yeah that's okay okay supervisor mallard thank you um i have some things

[00:51:41] to raise as discussion after the vote that are not on the agenda right now. But in the Batesville thing you just showed, there are three parcels on there which are big enough to qualify and are shown as forestry.

[00:52:00] So that is their land use categorization. They're not getting any benefit from, this is the catch-22 of this whole insanity, which of course Scott has been driven crazy for years by me about this. This is an honorific for them, and so it's because of the literal nature of what the board adopted is why they're being

thrown out, basically, because they qualify in every – they are not ones who were put in by Pete's predecessor to help them escape revalidation.

[00:52:37] And so that's been a year's worth of cleanup that's had to happen since then, and later we can discuss other things we could do to make it better. But is that – am I correct that that's why those are being evicted? Yes.

[00:52:54] They're way over 20 acres, and they certainly would qualify for forestry. Have they been given the chance to re-qualify in that way and stay in? Is that an option for them? They have no small development rights. They're currently in forestry land use, and they will stay in forestry land use when removed from the program.

[00:53:12] This won't affect their tax status. They're being removed from the program because they could use the program to stop forestry and convert to open space, which is a conservation-related tax rate, when they're not being protected by being in the AFD program.

[00:53:35] I can let Pete expound on that. Peter Lynch, County Assessor. I just wanted to add, I don't have the details on these parcels, but my land use administrator did do some work in advance of this renewal, and there were some parcels that were in open space in previous years that we proactively moved into a different category if they were able to qualify in order to avoid the situation where they would have to be removed or to be notified for five years.

[00:54:15] I don't know if these three forestry parcels were specifically those, but there are some that we did that activity on in order to clean it up based on these rules. But you have to go on the exact wording of what the board adopted, which is what we have to deal with tonight.

[00:54:33] That is correct. And they do still get to benefit from the land use program going forward. They'll stay in forestry. Yes, ma'am. Thank you. Supervisor Galloway. I don't have any questions. Okay. And I don't have any questions.

[00:54:49] i just maybe should add you know the afd committee was concerned about removing parcels that otherwise were part of a contiguous district but uh really didn't qualify under the ordinance that the board has adopted uh and therefore uh they they make a recommendation that is contrary to the ordinance uh and and the planning commission discussed that in some detail so that's happened before so but we will have a discussion following this right yes okay yeah

[00:55:25] then if there are any questions further i'll open the public hearing do we have anyone signed up to speak we do not okay then i will close the public hearing um and uh again are there any additional comments or concerns then i'd look for a motion uh in the form of attachment to adopt the amended ordinance in the form of attachment a i move to adopt the ordinance attached to the staff report is attachment a. Seconded. We have a motion from Supervisor Lupisto-Kirtley, seconded from Supervisor Pruitt. Without objection, the clerk will call the roll. Mr. Pruitt? Aye. Mr. Andrews?

[00:56:03] Yes. Mr. Galloway? Yes. Ms. Malik? Yes. Ms. McKeel? Yes. Ms. Lupisto-Kirtley? Aye. Thank you. My understanding is you did have something to mention about the AFD's other actions, or should I just make the comment?

[00:56:21] Sorry, the intention was for discussion on these to precede the motion, but I'm sure you're welcome to have any discussion you want to. Well, the discussion would have to do with a change to the

ordinance. So what we saw in the packet is that the AFD committee certainly wants the board to consider, and I don't think this is something we would act on tonight, But to consider the fact that, you know, the agricultural forestal districts, you know, are seen in multiple ways.

[00:56:57] They are intended to help protect agricultural forestal soils, good soils, to provide contiguous groups of parcels that have some commonality with respect to that and organized that way.

[00:57:12] at one point people were encouraged to sign up and be part of these ag forestal districts because of the implication that open space taxation is available to those who are in this district whether they have any small lot development rights or not the board chose to write them all out but in so doing there are numerous parcels on here that would not be eligible for open space aren't even using land use taxation but they still want to be part of

[00:57:50] the ag forestal district and they're no longer going to be part of the ag forestal district so they just bring that up because the concern of some of the committee may be that the the process of taking all of them out has taken out some that really didn't weren't trying to take advantage of the program, but felt benefited by being part of the district and being part of the contiguous group of properties that are protected in this way, even though they're not using the open space

[00:58:25] or any other land use taxation. So I don't know if that makes sense, but the committee and I did not act on this motion that they took, but they did take a motion to try to find a way to allow parcels that weren't taking advantage to stay in and i recused myself because while i have some feelings that i understand where they're coming from i also agree with the board that we don't want people to use this for open space when they have no conservation uses otherwise and i don't

[00:59:03] know if there's a way yet to did the committee articulate a specific actionable change or was it that they wanted the idea of being able to, but they didn't, like, was their language on the table?

[00:59:20] The language on the table, I think, has two parts to it. You don't have that to put up. It was in our packet. Mr. Chair, that was attachment B to the staff report was the recommendation of the AFD committee. Right. The two parts to it were, you know, whether or not the action would come from when we add parcels or when we include parcels.

[00:59:41] And I think, personally, I think that's somewhat misguided. I think that every time we review a district, we're creating the district. And so the fact that they've been in the district isn't necessarily the only reason or sole reason sufficient to keep them in the district. But the other was whether existing parcels with no development rights could have the option to remain, providing they meet other eligibility criteria.

[01:00:04] The problem is that this doesn't specify what those criteria would be, but there would be a way to try to whether staff could come up with some criteria by which those parcels that don't have development rights could remain in the district if they're not trying to use open space. Yes.

[01:00:21] When I was liaison years ago, this discussion was going on then too. I think the reason it began was because it was discovered that there were lots of my neighbors with 21-acre subdivision lots. They were getting land use for doing nothing except having open space.

[01:00:41] and I lost my brain about that. Yeah, no, that's what this is intended to do. But there's got to be a better way than this. I mean, I tried to get something else adopted than this and failed, but there are, I

think, other ways. So things to consider that I've thought of so far that are not ready for prime time in any way, except I hope others will think about them, require contracts to stay in.

[01:01:03] Open space contracts are much more restrictive than the ag forestal contract, but it's a choice that people could make if they want to. It's sort of a baby step toward a conservation easement. Ten years, no building, no whatever. That's a true value that the county receives.

[01:01:19] Right now, for open space, they're not required to do any conservation stuff. But if we were able to find a way, as other counties in Virginia have, to give credibility to participants who participate in soil and water conservation programs, which are inspected by the water district and therefore not burdening to county staff, then that would be another valid contribution to the county that would provide, number one, I mean, two parts of that, the ag forestal collaboration, but also then Pete could then decide if there were a way for them to participate

[01:01:58] in the way that open space used to in the land use program. For wildlife corridors and all those kinds of things, Smaller parcels are helpful to bind together a whole. And in 1989, our farm was the core for the Jacobs Run District, and we had a whole collection of 21 acres, 50 acres, you know, here and there.

[01:02:22] And people were so excited about the, I want to be part of this. This is really cool, and we're going to have something bigger than ourselves and think about the community as a whole. And then we had some 500-acre ones here and there. So it's, I think we've sort of gotten away from that technically.

[01:02:39] but I think it's a loss because we are sort of diminishing that sense of community that it's not seen as important from the county perspective anymore and I think that's too bad because it's helping to take away some of those bonds that help to bind people together.

[01:02:56] So if there are ways that we can and I know there was lots of discussion and as I said at the beginning Scott you know struggle with this trying to find a solution and they're difficult but I hope that we will try again, because I would really like to see this program come back.

[01:03:15] And there are other counties, Fauquier particularly, has an agriculture and forestry department, for heaven's sake, little Fauquier, and they have all sorts of grant programs and various things that they're funneling information to their people about, you know, federal and state programs.

[01:03:33] And these, I think, are really valid ways for the county to start to implement some of the focus on agriculture that the comp plan calls for without spending money for example. I mean other people are doing all the work and bringing in dollars from the outside so that's what I would encourage people to think about and I will sit down with Pete and we'll struggle through this some more and see if there's anything that they can bring forward and hopefully others will come up with some ideas too.

[01:04:01] Thank you. Very sympathetic to that viewpoint. Quick question on this just for clarity is there a minimum lot size for an open space use generally 20 yes sir in order to qualify for open space you have to have 20 acres of qualified open space area outside of home sites but you may in certain under certain circumstances aggregate various parcels together in order to meet that 20 acres if they're all owned by the same owner and they have to be contiguous or not they do not if they're in an ag forest district

[01:04:41] They do if they're outside an Ag Force district. Do the non-contiguous parcels each have to have their own discreate, unexhausted development rights, or does there have to be an unexhausted development right between them? So the question was specifically about qualifying for open space, but in

order to, under the current rules, every parcel that is in an Ag Force district needs to have its own development rights.

[01:05:10] So that's one of the reasons why I brought it up is that any parcel, for example, in the Batesville district that's less than 20 acres and doesn't have any small lot development rights is being thrown out even if they never could have been eligible for open space anyway. As far as the financial benefit.

[01:05:26] As far as the financial benefit goes. They're just being thrown out because they don't have development rights, so they can't be part of the district. And, you know, the complexity to it, of course, is that if they were aggregated with others, then they could. And that would defeat the purpose again. Yes, sir.

[01:05:42] So I appreciate the dilemma. I recognize Supervisor Lupisto currently has a question. I also just had a I just want to make sure that I'm being as clear as possible. I remember having this conversation the last time we had a much more thorough kind of fraught decision on kind of the same decision that was before us today.

[01:06:06] But when we talk about the benefits of the AFDs that people want to continue to partake in while we're removing them, I want to make sure I'm being clear, and I don't mean this to sound disrespectful, that the benefit is identity, right?

[01:06:22] It is being able to say, I am in it, and the kind of psychological element that comes with that. There's not a tangible thing. There are other benefits to being in an agroforestral district, for example. There are benefits related to the review of proposals on adjacent properties.

[01:06:40] They have an additional layer of review that's required if they're adjacent to an ag forestal district parcel. There are also limits on condemnation, is my understanding. I'm in a domain with respect to parcels that are in an ag forestal district.

[01:06:58] Maybe James or... Yeah, that's spot on. So there are some tangible benefits to landowners other than taxation to being in a district. There are also guarantees that if the county were to ever rescind its land use program, the parcels in districts would still be eligible for land use.

[01:07:20] It restricts the county from enacting nuisance laws, for example, that would be run counter to agricultural or forestal uses. In terms of community, there are no tangible community benefits specifically, but physical benefits to landowners, yes.

[01:07:43] Some of those benefits are just the sense of community, so you're correct. Again, I didn't mean to, in saying that, denigrate that. I was incredibly sympathetic to that when it first came before. And some of those people came to speak at the Ag Forstal Committee meeting, so I was aware there that they felt that they were being forced out of something that they wanted to be a participant in, regardless of tax benefit.

[01:08:08] I think that the protection for imminent domain was particularly effective for the VDOT proposal 20 years ago at the Millington Bridge because they wanted to go high ground to high ground and demolish two historic houses and just have this monstrous bridge across the Mormons River where there's a miserable little country road on either side.

[01:08:28] I mean, it's completely ridiculous. And then the same thing they wanted to do in advanced mills and have this giant \$30 million bridge instead of the \$1 million bridge we got instead, the little bitty bridge that works just fine. So the other thing I forgot to mention earlier is to put in the pot, came up in

discussion both at the Planning Commission for the comp plan, the 21-acre exemption, in other words, Properties can have unlimited numbers of 21-acre divisions, larger properties, whereas in the down zoning in 1980, they got five two-lot exemptions and then unlimited 21s.

[01:09:08] And many people over many years have said that 21 acres is way too big. Back in the 80s, nobody ever dreamed that there would be 21-acre front yards that were just considered as polished. They were supposed to be the little two-acre house site and everything else around there as agricultural.

[01:09:26] And since then, we've had several, the neighbor subdivision to me and one in your district that's famous. And it's just been a misuse. And that's when you get the pendulum going in one direction, then correction happens. And this, I think we're in the throes of a correction that isn't quite perfect, but I can see where it came from.

[01:09:45] So lots of things I have heard in favor of a five-acre division, if you have any, to leave a much larger residue. This would, in a way, lower, help more moderate people, moderate income people, purchase a little dirt.

[01:10:01] If you have to buy 21 acres, that's going to mean that the house has to be giant size in order to get a bank loan to balance those two values. Whereas a much smaller parcel would perhaps allow somebody to finance a more regular sized house. And that might be better for all of us in the country in our little houses.

[01:10:21] So anyway, that was just something that I wanted to mention to get out there for people to be thinking about. Thank you. Just if we need something to go away from this with, I would say to kind of respond to the recommendation that came to us from the committee.

[01:10:41] I see a value in placemaking, right? I think the thing I said on the day this first came before since I've been on the board is I remember seeing a painting in the Virginia Museum of History that had in its name it was in Albemarle County it said so it had in its name a place that does not exist on a map and I tried for a long time to figure out where it was and you know we lose these stores of memory do people know where Nortonville is if we do not have some right but I better no gray hair on my

[01:11:18] head yet I would not but for this right it is a it is a form of placemaking it's a form of store memory it's a form of stored identity if there's a way to decouple that function and the other side functions that I did not know about 10 minutes ago from the tax process I'd be in favor of that right I was very sympathetic to the arguments that we've heard from members of the AFD who were being kicked out previously and so I would be comfortable with that I don't know if it's an easy lift from staff but it would be something I'd be comfortable putting on a work list is that a yes from

[01:11:58] I don't have a lot in my area but I would love to know more about this because I think it's important the whole agricultural forest hall areas and I'm supportive but I just want to know more about it or improve what we have I'm going to say that there are four current board members who are interested in seeing if there's anything further that could be done but I recognize that not all four will be on the board when this would happen, so.

[01:12:32] I think in Rybana, the Southwest Mountains District is probably one of the very biggest and one of the earliest, actually, in the county. It's just many of them have graduated onto conservation easements at this point because they've been through the learning process and graduated onto the permanent status, so, good.

[01:12:48] Okay, thank you. Thank you. Thank you. Board, this brings us to, from the board, Committee reports on matters not listed on the agenda. Supervisor Lopisco-Kateley? Nothing, thank you. Supervisor Proulx?

[01:13:04] I have nothing, thank you. Supervisor McKeel? Nothing, thank you. Supervisor Malik? Just to watch out for the Vaco County Connections for the legislative day coming up in the winter and signing up for steering committees, you just do that online, request to be on, and join up to get into the weeds big time.

[01:13:27] And if you're interested in the national legislative, the steering committee, 21st, 22nd, is the free, no registration required steering committee meeting days in D.C. in February. And then the Monday, Tuesday is the paid meetings, which are not nearly as fun as the free ones, but it's worth going anyway.

[01:13:48] And it's very close. People come from Hawaii and other places to come to this thing. So I always feel very guilty that we have so few people from Virginia when we're so close to go. So I would encourage you all to think about doing that. Thank you. Mr. Professor Galloway. I'm all set. Nothing.

[01:14:04] And I have nothing further except I appreciate your indulgence in that last discussion. So we will now adjourn to December 10th for our final regular meeting of 2025, 1 p.m. in Lane Auditorium.

[01:14:20] Good evening.



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