

<p style="text-align: center;">ACTIONS Board of Supervisors Meeting of November 6, 2024</p>		
		November 7, 2024
AGENDA ITEM/ACTION	ASSIGNMENT	VIDEO
<p>1. Call to Order.</p> <ul style="list-style-type: none"> The Meeting was called to order at 1:01 p.m. by the Chair, Mr. Andrews. All BOS members were present except Mr. Pruitt, who arrived at 1:16 p.m. Also present were, Jeff Richardson, Andy Herrick, Claudette Borgersen, and Travis Morris. 		Link to Video
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> Mr. Andrews requested a reordering of the proclamations and recognitions with the VACo award as the first and the Proclamation Recognizing Veterans Day as the second. By a vote of 6:0, ADOPTED the final agenda as amended. 		
<p>5. Brief Announcements by Board Members.</p> <p><u>Bea LaPisto-Kirtley:</u></p> <ul style="list-style-type: none"> Announced that she was thrilled that Freebridge Lane had finally been closed and stated that she appreciated the Board's encouragement and support for this pilot program, which was set to run for a year. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Announced that during Operation Green Light, the green spotlights on the front of the County Office Building would be visible after 6:00 p.m. during the month of November to raise awareness about services available to veterans and their families. She noted that the PACT (Patient Aligned Care Team) Act had undergone changes to available services. Announced that the Annual Artisan Studio Tour would take place on November 9 and 10 from 10:00 a.m. to 5:00, and she thanked Albemarle County for sponsoring this event. Commented that the Orange Dot Report was presented at PVCC and it provided a comprehensive overview of PVCC's progress over the past 10 years. <p><u>Jim Andrews:</u></p> <ul style="list-style-type: none"> Acknowledged that the election process that was held the previous day went very smoothly in the County. He expressed his gratitude to their Registrar, the Board of Elections, and the many volunteers who made it possible. 		
<p>6. Proclamations and Recognitions.</p> <p>a. 2024 Virginia Association of Counties (VACo) Achievement Award.</p> <ul style="list-style-type: none"> Mr. Jeremy Bennett presented the VACo Achievement Award to Kaki Dimock for the Human Services Alternative Response Team (HART) Program. <p>b. Proclamation Recognizing Veterans Day.</p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED proclamation and presented to Col. Eric Haas, Commanding Officer of the National Ground Intelligence Center at Rivanna Station. 	(Attachment 1)	

7.	<p>From the Public: Matters on the Agenda but Not Listed for Public Hearing or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.</p> <ul style="list-style-type: none"> • <u>Emily Smith</u>, housing attorney for the Legal Aid Justice Center, spoke towards item #10 on the agenda. • <u>Emily Johnson</u>, spoke towards Affordable Housing • <u>Neil Williamson</u>, spoke towards item #10 on the agenda. 		
8.2	<p>Fiscal Year 2025 Appropriations.</p> <ul style="list-style-type: none"> • ADOPTED resolution approving appropriations #2025013; #2025014; and #2025015 for County government projects and programs. 	<u>Clerk</u> : Forward copy of signed resolution to Finance and Budget, and County Attorney's office. (Attachment 2)	
8.3	<p>2025 Thomas Jefferson Planning District (TJPD) Legislative Program.</p> <ul style="list-style-type: none"> • APPROVED the draft 2025 TJPD Legislative Program. 	<u>Clerk</u> : (Attachment 3)	
8.4	<p>Tax Refund Approval Request.</p> <ul style="list-style-type: none"> • ADOPTED Resolution to approve the refund requests and AUTHORIZED the Department of Finance and Budget to initiate the refund payments. 	<p><u>Clerk</u>: Forward copy of signed resolution to Finance and Budget, and County Attorney's office. (Attachment 4)</p> <p><u>Finance and Budget</u>: Proceed as authorized.</p>	
8.5	<p>Amendments to Albemarle County Fire Rescue and Sheriff's Office FY25 Pay Scales.</p> <ul style="list-style-type: none"> • ADOPTED Resolution to approve the revised FY 25 ACFR and Sheriff pay scales. 	<u>Clerk</u> : Forward copy of signed resolution to Human Resources and County Attorney's office. (Attachment 5)	
8.6	<p>Rivanna Futures Land Use Agreement for Federal Training.</p> <ul style="list-style-type: none"> • ADOPTED Resolution authorizing the County Executive to sign an agreement to allow non-combat training on the County's Rivanna Futures property, once the agreement has been approved as to form and substance by the County Attorney. 	<p><u>Clerk</u>: Forward copy of signed resolution to Facilities and Environment Services, and County Attorney's office. (Attachment 6)</p> <p><u>County Attorney</u>: Provide Clerk with copy of fully executed agreement. (Attachment 7)</p>	
8.7	<p>Letter of Support for VDOT Acceptance of Hunterstand Court (Rte. 1700). (<i>Rio Magisterial District</i>)</p> <ul style="list-style-type: none"> • ADOPTED Resolution authorizing the County Engineer to sign a letter of support on behalf of the County for acceptance of Hunterstand Court into the VDOT Secondary Street system. 	<u>Clerk</u> : Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 8)	
8.8	<p>Resolution to Accept Road(s) in Hyland Park Phase 2 Subdivision into the State Secondary System of Highways. (<i>Rivanna Magisterial District</i>)</p> <ul style="list-style-type: none"> • ADOPTED resolution. 	<u>Clerk</u> : Forward copy of signed resolution to Community Development. (Attachment 9)	
8.9	<p>SE202400021 Victorian Heights (Rear Yard Setback Reduction Request).</p> <ul style="list-style-type: none"> • ADOPTED Resolution to approve a special exception for a reduced 10-foot setback on the subject parcels, allowing the projected features to be as close as six feet to the lot lines, as permitted. 	<u>Clerk</u> : Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 10)	
8.10	<p>SE2024-23 Crozet Wastewater Pump Station 3.</p> <ul style="list-style-type: none"> • ADOPTED Resolution to approve the proposed special exception to allow a fuel storage tank to be located less than 100 feet from any lot line. 	<u>Clerk</u> : Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 11)	

8.11	SE2024-24 Crozet Wastewater Pump Station 4. <ul style="list-style-type: none"> ADOPTED Resolution to approve the proposed special exception to allow a fuel storage tank to be located less than 100 feet from any lot line. 	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 12)	
9.	Annual Human Resources and Workforce Presentation. <ul style="list-style-type: none"> RECEIVED. 		
	Recess <ul style="list-style-type: none"> At 2:53 p.m., the Board recessed and reconvened at 3:08 p.m. 		
10.	Work Session: AC44: Development Area Land Use Tools and Policy. <ul style="list-style-type: none"> HELD. 		
11.	Closed Meeting. <ul style="list-style-type: none"> At 5:20 p.m., the Board went into Closed Meeting pursuant to section 2.2-3711(A) of the Code of Virginia: <ul style="list-style-type: none"> under subsection (1), to discuss and consider: appointments to various boards and commissions including, without limitation: the Agricultural and Forestal District Advisory Committee, the Architectural Review Board, the Crozet Community Advisory Committee, the Historic Preservation Committee, the JAUNT Board, the Pantops Community Advisory Committee, the Places 29 (Hydraulic) Community Advisory Committee, the Places 29 (North) Community Advisory Committee, the Places 29 (Rio) Community Advisory Committee, the Police Department Citizens Advisory Committee, the Solid Waste Alternatives Advisory Committee, and the Village of Rivanna Community Advisory Committee; and the annual performance of the County Executive; and under subsection (5), to discuss the location of a prospective industry in the Rio Magisterial District where no previous announcement has been made of the industry's interest in locating its facilities in the community; and under subsection (6), to discuss and consider the investment of public funds for the location of an industry in the Rio Magisterial District, where bargaining is involved and where, if made public initially, would adversely affect the financial interest of the County. 		
12.	Certify Closed Meeting. <ul style="list-style-type: none"> At 6:03 p.m., the Board reconvened into an open meeting and certified the closed meeting. 		
13.	Boards and Commissions: a. Vacancies and Appointments. <ul style="list-style-type: none"> APPOINTED, Ms. Antoinette Brewster and Mr. Hamilton Moses to the Agricultural and Forestal 	<u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.	

<p>District Advisory Committee with said term to expire on April 17, 2027.</p> <ul style="list-style-type: none"> • REAPPOINTED, Mr. Dade Van Der Werf and Mr. Taro Matsuno to the Architectural Review Board with said term to expire November 14, 2028. • APPOINTED, Ms. Erin Houlihan and Ms. Katya Spicuza to the Crozet Community Advisory Committee with said terms to expire on March 31, 2026. • APPOINTED, Ms. Kristi Hagen to the JAUNT Advisory Board to fill an unexpired term ending on September 30, 2026. • APPOINTED, Mr. Christopher Fuller to the Places 29 (Hydraulic) Community Advisory Committee with said term to expire on August 5, 2026. • APPOINTED, Mr. Frank Safertal to the Places 29 (North) Community Advisory Committee with said term to expire on August 5, 2026. • REAPPOINTED, Mr. Lee Kondor to the Places 29 (Rio) Community Advisory Committee with said term to expire on September 30, 2026. • APPOINTED, Mr. Dennis King to the Police Department Citizens Advisory Committee with said term to expire March 5, 2026. • APPOINTED, Mr. Lee Kondor to the Solid Waste Alternatives Advisory Committee with said term to expire May 31, 2026. 		
<p>14. From the County Executive: Report on Matters Not Listed on the Agenda. <u>Dan Eggleston, Chief of Fire Rescue:</u></p> <ul style="list-style-type: none"> • Reported on the storm efforts related to Hurricane Helene. 		
<p>15. From the Public: Matters on the Agenda but Not Listed for Public Hearing or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.</p> <ul style="list-style-type: none"> • Donna Price, Scottsville Magisterial District Resident, spoke towards The Center at Belvedere and Loop de'Ville. 		
<p>16. <u>Pb. Hrg.: SP202400015, SE202400011, and SE202400012 Knight Berkshire Mixed Use.</u></p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED resolution approving SP202400015. • By a vote of 6:0, ADOPTED resolution approving SE202400011. • By a vote of 6:0, ADOPTED resolution approving SE202400012. 	<p><u>Clerk:</u> Forward copy of signed resolutions to Community Development and County Attorney's office. (Attachments 13, 14, and 15)</p>	
<p>17. <u>Pb. Hrg.: SP202400009, SE202400006, and SE202400007 Our Lady of Peace Amendments (advertised as SP202400009 Our Lady of Peace Amendment).</u></p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED resolution to approve SP202400009 Our Lady of Peace Amendment with the proposed conditions. • By a vote of 6:0, ADOPTED resolution to APPROVE SE202400006 and SE202400007. 	<p><u>Clerk:</u> Forward copy of signed resolutions to Community Development and County Attorney's office. (Attachments 16 and 17)</p>	
<p>18. <u>Pb. Hrg.: Easement County Owned Parcel 09100-00-00-002E0.</u></p>	<p><u>Clerk:</u> Forward copy of signed resolution to Facilities and</p>	

<ul style="list-style-type: none"> By a vote of 6:0, ADOPTED resolution approving the easements and public right-of-way dedication to public use and authorizing the County Executive to execute a deed and any other necessary or related documents to convey these interests. 	Environmental Services, and County Attorney's office. (Attachment 18) <u>County Attorney:</u> Provide Clerk with executed deed of easement. (Attachment 19)	
19. From the Board: Committee Reports and Matters Not Listed on the Agenda. <u>Ann Mallek:</u> <ul style="list-style-type: none"> Expressed her excitement regarding the attendance of Board members at the Virginia Association of Counties (VACo) conference. 		
Non-Agenda: Closed Meeting. <ul style="list-style-type: none"> At 7:20 p.m., the Board went into Closed Meeting pursuant to section 2.2-3711(A) of the Code of Virginia: <ul style="list-style-type: none"> under subsection (1), to discuss and consider the annual performance of the County Executive. 		
Non-Agenda: Certify Closed Meeting. <ul style="list-style-type: none"> At 8:34 p.m., the Board reconvened into an open meeting and certified the closed meeting. 		
20. Adjourn to November 20, 2024, 1:00 p.m. Lane Auditorium. <ul style="list-style-type: none"> The meeting was adjourned at 8:35 p.m. 		

ckb/tom

Attachment 1 – Proclamation Recognizing Veterans Day

Attachment 2 – Resolution to Approve Additional FY 2025 Appropriations

Attachment 3 – 2025 TJPd Legislative Program

Attachment 4 – Resolution Requesting Tax Refunds

Attachment 5 – FY 2025 Amended ACFR And Sheriff's Office Pay Scale Resolution

Attachment 6 – Resolution to Authorize the County Executive to Sign Rivanna Futures Land Use Agreement

Attachment 7 – Executed Agreement

Attachment 8– Resolution to Authorize County Engineer to Sign a Letter of Support for Acceptance of Hunterstand Court into the State Secondary System

Attachment 9– Resolution to Accept Road(S) in Hyland Park Phase 2 Subdivision into the State Secondary System of Highways

Attachment 10 – Resolution to Approve SE 2024-00021 Victorian Heights

Attachment 11 – Resolution to Approve SE2024-00023 Crozet Wastewater Pump Station 3

Attachment 12 – Resolution to Approve SE2024-00024 Crozet Wastewater Pump Station 4

Attachment 13 – Resolution to Approve SP202400015 Knight Berkshire Mixed Use

Attachment 14 – Resolution to Approve SE2024-00011 Knight Berkshire Stepback Waiver

Attachment 15 – Resolution to Approve SE2024-00012 Knight Berkshire Buffer

Attachment 16 – Resolution to Approve SP202400009 Our Lady of Peace Amendment

Attachment 17 – Resolution to Approve SE 2024-00006 and SE 2024-00007 Our Lady of Peace Amendments

Attachment 18 – Resolution Approving the Proposed Conveyance of Easements and Right-of-Way across County-Owned Parcel 09100-00-00-002E0

Attachment 19 – Draft Executed Deed of Easement

Proclamation Recognizing Veterans Day

- WHEREAS,** throughout our Nation's history, the United States of America has called on its citizens in uniform to serve and protect our national security; and
- WHEREAS,** at home and abroad, generations of American patriots have defended the freedoms and American values of equality, democracy, and justice for all; and
- WHEREAS,** November 11, 2024, marks the 86th anniversary of Veterans Day being recognized as a national holiday. On this day, and every day, we remember the millions of patriots who have served and sacrificed for the betterment of our nation; and
- WHEREAS,** many veterans continue to serve their country in public schools and government as public officials, teachers, police officers, fire rescue, and other professions providing services to all community members; and
- WHEREAS,** with a profound debt of gratitude, we especially recognize the local veterans in Albemarle County for their continued service.
- NOW, THEREFORE, BE IT RESOLVED,** that the Albemarle County Board of Supervisors does hereby recognize and proclaim November 11, 2024, as Veterans Day and celebrates all who have served our country around the world and continue to serve as veterans in Albemarle County.

Signed this 6th day of November, 2024

**RESOLUTION TO APPROVE
ADDITIONAL FY 2025 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That the FY 25 Budget is amended to increase it by \$35,668;
- 2) That Appropriations #2025013; #2025014; and #2025015 are approved;
- 3) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2025.



October 28, 2024

TO: Members, Albemarle County Board of Supervisors
Albemarle County Executive

FROM: David C. Blount, Director of Legislative Services

RE: 2025 TJPDC Legislative Program Approval

Attached for your review and consideration is the draft 2025 TJPDC Legislative Program. It will be on the consent agenda for approval at your November 6 meeting. The draft program continues three top legislative priorities for 2025 as follows:

- 1) Public Education Funding
- 2) Budgets and Funding
- 3) Land Use and Growth Management

The accompanying "Legislative Positions" section focuses on the most critical recommendations and positions in other areas of current interest and concern in the region. Items in this section that have been substantively amended are noted following this memo.

A summary of the priority positions will be produced and distributed later for you to use in continuing to communicate with your legislators.

Thank you for your consideration.

Recommended Action: Approve the draft 2025 TJPDC Legislative Program

City of Charlottesville Albemarle County Fluvanna County Greene County Louisa County Nelson County

401 East Water Street • Post Office Box 1505 • Charlottesville, Virginia 22902-1505
Telephone (434) 979-7310 • Fax (434) 979 1597 • Virginia Relay Users: 711 (TDD) • email: info@tjpd.org • web: www.tjpd.org

Substantive Changes to Legislative Positions Section

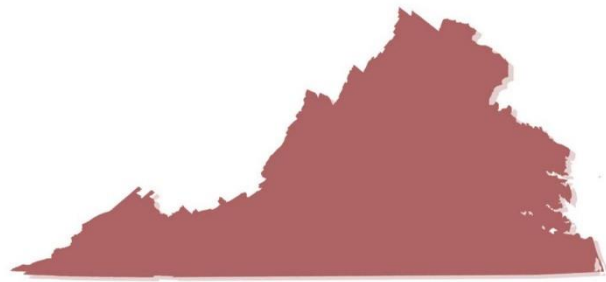
Environmental and Water Quality (p. 5; first bullet): Added specific support for state assistance to improve water quality of Lake Anna.

General Government (p. 6, seventh bullet): Added a position in support of local discretion to determine the best uses of artificial intelligence (AI).

Health and Human Services (p. 6, second bullet): Revised existing language to support improvements in state hospital capacity to accept individuals under a TDO.

Housing (p. 7, first bullet): Added language to support funding for rental assistance to low-income families with school-aged children.

Public Safety (p. 7, second bullet): Revised existing language on recruitment/retention of volunteers by adding a provision to oppose actions that hinder the provision of emergency services by increasing costs of operations or deterring recruitment and retention.



Thomas Jefferson Planning District

2025 LEGISLATIVE PROGRAM

Albemarle County | City of Charlottesville
Fluvanna County | Greene County
Louisa County | Nelson County
DRAFT

October 2024

Tony O'Brien, Chairman
Christine Jacobs, Executive Director
David Blount, Director of Legislative Services

TOP LEGISLATIVE PRIORITIES

Public Education Funding

PRIORITY: The Planning District’s member localities urge the State to fully fund its share of the realistic costs of the Standards of Quality (SOQ) and reverse policy changes that previously reduced funding or shifted funding responsibility to localities.

The State will spend more than \$18 billion dollars on direct aid to public education in the current biennium. Additional state funding for teacher salaries, at-risk students and childcare subsidies in the current biennium are appreciated. However, we continue to believe that the State should increase its commitment to K-12 education in a manner that reflects the true costs of K-12 education. The 2023 Joint Legislative Audit and Review Commission (JLARC) report on K-12 education funding confirmed this, finding that public education in Virginia is underfunded, while noting that local school divisions receive less K-12 funding per student than divisions in other states and several key funding benchmarks.

Local governments consistently go “above and beyond” their responsibilities by appropriating twice as much K-12 funding as required by the state. We believe localities need an adequately defined SOQ that more equitably shares the costs of public education between the state and local governments, in order to ensure the overall success of students across the Commonwealth.

Further, we urge state efforts to support 1) flexibility in the use of state funds provided for school employee compensation; 2) adequate pipeline programs for teachers, especially in critical shortage areas; and 3) funding and policies that assist localities in addressing challenges with hiring school bus drivers and mental health professionals.

Budgets and Funding

PRIORITY: The Planning District’s member localities urge the governor and legislature to enhance state aid to localities, to not impose unfunded mandates on or shift costs to localities, and to enhance local revenue options.

As the State fine-tunes revenue and spending priorities for the current biennium, we encourage support for K-12 education, health services, public safety, economic development and other public goals. Localities continue to be the state’s “go-to” service provider and we believe state investment in local service delivery must be enhanced. The State should not expect local governments to pay for new funding requirements or to expand existing ones on locally-delivered services, without a commensurate increase in state financial assistance.

We oppose unfunded state and federal mandates and the cost shifting that occurs when the State or the federal government fails to fund requirements or reduces or eliminates funding for programs. Doing so strains local ability to craft effective and efficient budgets to deliver required services or those demanded by residents.

We support the legislature making additional revenue options available to localities in order to diversify the local revenue stream. Any tax reform efforts should examine the financing and

delivery of state services at the local level and how revenue is generated relevant to our economic competitiveness. The State should not eliminate or restrict local revenue sources or confiscate or redirect local general fund dollars to the state treasury. This includes Communications Sales and Use Tax Trust Fund dollars, the local share of recordation taxes, and any state-mandated exemptions to local revenue sources, unless a viable revenue-replacement to local governments is established.

Land Use and Growth Management

PRIORITY: The Planning District's member localities encourage the State to resist preempting or circumventing existing land use authorities, but rather support local authority to plan and regulate land use.

In the past, the General Assembly has enacted both mandated and optional land use provisions, some of which have been helpful, while others have prescribed one-size-fits-all rules that hamper different local approaches to land use planning. Accordingly, we support local control of decisions to plan and regulate land use and oppose legislation that weakens these key local responsibilities.

- We support the State providing additional tools to plan and manage growth, as current land use authority often is inadequate to allow local governments to provide for balanced growth in ways that protect and improve quality of life.
- We support local authority to address siting and other impacts associated with utility-scale installation of clean energy resources. We support state funding and technical assistance that address the planning, production, transmission, and deployment of new energy resources.
- We support broader impact fee authority for facilities other than roads, and changes to provisions of the current proffer law that limit the scope of impacts that may be addressed by proffers.
- We oppose legislation that would 1) restrict local oversight of the placement of various telecommunications infrastructure; 2) single out specific land uses for special treatment without regard to the impact of such uses in particular locations; and 3) exempt additional facilities serving as event spaces from building, fire code and other health and safety regulations.
- We believe accessory dwelling units should not be mandated, and that local governments should retain the authority to regulate them.
- We request 1) state funding and incentives for localities, at their option, to acquire, preserve and maintain open space, and 2) enhanced ability for localities to balance growth and development as it pertains to farm and forestland within their jurisdiction.
- We support greater flexibility for localities in the preservation and management of trees.

LEGISLATIVE POSITIONS

Broadband

The Planning District's member localities urge and support state and federal efforts and financial incentives that assist localities and their communities in deploying universal, affordable access to broadband technology in unserved areas. While we appreciate federal and state actions that have substantially increased funding for the Virginia Telecommunication Initiative (VATI), we believe state and federal support for broadband expansion that utilizes both fiber and wireless technologies, public/private partnerships and regulated markets should include the following:

- Support for cooperative efforts among private broadband, internet and wireless companies, and electric cooperatives to ensure access to service at an affordable cost.
- Support for linking broadband efforts for education and public safety to private sector efforts to serve businesses and residences.
- Maintaining local land use, permitting, fee and other local authorities.
- The ability of localities to establish, operate and maintain sustainable broadband authorities to provide essential broadband to communities.
- Provisions and incentives that would provide a sales tax exemption for materials used to construct broadband infrastructure.

Children's Services Act

The Planning District's member localities urge the State to be partners in containing Children's Services Act (CSA) costs and to better balance CSA responsibilities between the State and local governments. Accordingly, we take the following positions:

- We support local ability to use state funds to pay for mandated services provided directly by the locality, specifically for private day placements, where the same services could be offered in schools.
- We support the state maintaining cost shares on a sum sufficient basis by both the State and local governments; changing the funding mechanism to a per-pupil basis of state funding would shift the sum sufficient portion fully to localities, which we would oppose.
- We support enhanced state funding for local CSA administrative costs.
- We support a cap on local expenditures (with the State making up any gaps) in order to combat higher costs for serving mandated children.
- We support the State being proactive in making residential facilities, services and service providers available, especially in rural areas, and in supporting locality efforts to provide facilities and services on a regional level.
- We oppose state efforts to increase local match levels and to make the program more uniform by attempting to control how localities run their programs.

Economic and Workforce Development

The Planning District's member localities recognize economic development and workforce training as essential to the continued viability of the Commonwealth. Policies and additional state funding that closely link the goals of economic and workforce development and the state's efforts to streamline and integrate workforce activities and revenue sources are crucial. Accordingly, we support the following:

- Enhanced coordination with the K-12 education community to equip the workforce with in-demand skill sets, so as to align workforce supply with anticipated employer demands.
- Continuing emphasis on regional cooperation in economic, workforce and tourism development.
- Continuation of the *GO Virginia* initiative to grow and diversify the private sector in each region.
- State job investment and small business grants being targeted to businesses that pay higher wages.
- State support for the Virginia Business Ready Sites Program and for an economic development project adjacent to the existing Rivanna Station.
- Increased state funding for regional planning district commissions.

Education

The Planning District's member localities believe that, in addition to funding the Standards of Quality (as previously noted), the State should be a reliable funding partner with localities by recognizing other resources necessary for a high-quality public education system. Accordingly, we take the following positions:

- Concerning school facilities:
 - >We support allowing all localities the option of levying a one-cent sales tax to be used for construction or renovation of school facilities.
 - >The State should discontinue seizing dollars from the Literary Fund to help pay for teacher retirement.
 - >We appreciate and support the school construction assistance programs enacted in 2022 and request that they be consistently funded.
- We support 1) amending the LCI formula to recognize the land use taxation value, rather than the true value, of real property; and 2) preserving current *Code* provisions stipulating that local school funds unexpended at the end of the year be retained by the local governing body.
- We believe that unfunded liability associated with the teacher retirement plan should be a shared responsibility of state and local government.

Environmental and Water Quality

The Planning District's member localities believe that environmental and water quality should be funded and promoted through a comprehensive approach, and address air and water quality, solid waste management, land conservation, climate change and land use policies. Such an approach requires regional cooperation due to the inter-jurisdictional nature of environmental

resources, and adequate state funding to support local and regional efforts. Accordingly, we take the following positions:

- We oppose legislation mandating expansion of the Chesapeake Bay Preservation Act's coverage area. Instead, we urge the State to provide legal, financial and technical support to localities that wish to improve water quality and use other strategies that address point and non-point source pollution. This includes support for cyanobacteria monitoring, mitigation and remediation efforts at Lake Anna. We also support aggressive state investment in meeting required milestones for reducing Chesapeake Bay pollution to acceptable levels.
- We support state investment targeted to permitted dischargers to upgrade treatment plants, to aid farmers with best management practices, and to retrofit developed areas.
- We support continued investment in the Stormwater Local Assistance Fund (SLAF) to assist localities with much-needed stormwater projects and in response to any new regulatory requirements. Any such requirements should be balanced, flexible and not require waiver of stormwater charges.
- We support the option for localities, as a part of their zoning ordinances, to designate and/or reasonably restrict the land application of biosolids to specific areas within the locality.
- We support legislative and regulatory action to ensure effective operation and maintenance of alternative on-site sewage systems and to increase options for localities to secure owner abatement or correction of system deficiencies.
- We support dam safety regulations that do not impose unreasonable costs on dam owners whose structures meet current safety standards.
- The State should be a partner with localities in water supply development and should work with and assist localities in addressing water supply issues, to include providing funding for development and implementation of state-required regional plans and investing in regional projects.

General Government

The Planning District's member localities believe that since so many governmental actions take place at the local level, a strong local government system is essential. Local governments must have the freedom, flexibility and tools to fulfill their responsibilities. Accordingly, we take the following positions:

- State policies should protect local governments' current ability to regulate businesses, to include collection and auditing of taxes, licensing and regulation (whether they are traditional, electronic, internet-based, virtual or otherwise), while encouraging a level playing field for competing services in the marketplace.
- We oppose intrusive legislation involving purchasing procedures; local government authority to establish hours of work, salaries and working conditions for local employees; matters that can be adopted by resolution or ordinance; and procedures for adopting ordinances.
- The state should maintain the principles of sovereign immunity for local governments and their employees, to include regional jail officers.
- Localities should have maximum flexibility in providing compensation increases for state-supported local employees (including school personnel), as local governments provide significant local dollars and additional personnel beyond those funded by the State. We also support the use of a notarized waiver to allow volunteer workers to state they are willing to provide volunteer services and waive any associated compensation.
- We urge state funding to address shortfalls in elections administration dollars, as administration has become more complex and federal and state financial support for elections continues to lag

behind the need. We request adequate funding for costs associated with voting equipment, registrar offices, early voting requirements and election security standards.

- We urge state funding necessary for agencies to carry out tasks such as processing applications, reviewing permits and other critical administrative functions.
- We support expanding the allowable use of electronic meetings for all local public bodies, with flexibility for them to determine public comment, participation and other procedures. Also, any changes to FOIA should preserve 1) a local governing body's ability to meet in closed session; 2) the list of records currently exempt from disclosure; and 3) provisions concerning the creation of customized records.
- We support the use of alternatives to newspapers for publishing various legal advertisements and public notices.
- We support federal and state funding for localities to acquire and maintain advanced cybersecurity to protect critical systems and sensitive data.
- We support enhanced state funding for local and regional libraries.
- We support expanding local authority to regulate smoking in public places.
- The State should not inhibit the ability of localities to determine how best to use artificial intelligence (AI) or require any related reporting requirements that are unreasonable.

Health and Human Services

The Planning District's member localities recognize that special attention must be given to helping disabled people, poor people, and young and elderly people achieve their full potential. Transparent state policies and funding for at-risk individuals and families to access appropriate services are critical. Accordingly, we take the following positions:

- We support full state funding for any local costs associated with Medicaid expansion, including local eligibility workers and case managers, but oppose any shifting of Medicaid matching requirements from the State to localities.
- The State should provide sufficient funding to allow Community Services Boards to meet the challenges of providing a community-based system of care for people with behavioral health and developmental disability service needs that helps divert people from needing state hospital care, as well as having services such as outpatient and permanent supportive housing available. We also support improvements in state hospital capacity to accept individuals under a TDO.
- We support the provision of sufficient state funding to match federal dollars for the administration of mandated services within the Department of Social Services, and to meet the staffing standards for local departments to provide services as stipulated in state law.
- We support continued operation and enhancement of early intervention and prevention programs, including the Virginia Preschool Initiative and Part C of the Individuals with Disabilities Education Act (infants and toddlers).

Housing

The Planning District's member localities believe every citizen should have an opportunity to afford decent, safe and sanitary housing. The State, regions and localities should work to promote affordable and mixed-use housing, and to expand and preserve the supply and improve the quality of housing that is affordable for the elderly, disabled, and low- and moderate-income households. Accordingly, we take the following positions:

- We support 1) local authority to promote and flexibility in the operation of housing affordability programs and establishment of affordable dwelling unit ordinances; 2) increased federal and state funding, as well as appropriate authority and incentives, to assist localities in fostering housing that is affordable; 3) grants and loans to low- or moderate-income persons to aid in purchasing dwellings; 4) funding for rental assistance to low-income families with school-aged children; and 5) policies and direct state investments to prevent homelessness and to assist the chronic homeless.
- We support incentives that encourage rehabilitation and preservation of historic structures.

Public Safety

The Planning District's member localities encourage state financial support, cooperation and assistance for law enforcement, emergency medical care, criminal justice activities and fire services responsibilities carried out locally. Accordingly, we take the following positions:

- The Compensation Board should fully fund local positions that fall under its purview, to include supporting realistic levels of staffing to enable constitutional offices to meet their responsibilities and limit the need for localities to provide additional locally-funded positions. The Compensation Board should not increase the local share of funding for Constitutional offices or divert money away from them, and localities should be afforded flexibility in the state use of state funds for compensation for these offices.
- We encourage state support and incentives for paid and volunteer fire/EMS/first responders and related equipment needs, given the ever-increasing importance they play in local communities. We oppose regulatory action that hinders the provision of emergency services by increasing costs of operations or deterring recruitment and retention of emergency services employees.
- We support state efforts to assist localities in recruiting and retaining law enforcement personnel.
- We support changes to the Line of Duty Act (LODA) to afford officers employed by private police departments the benefits available under LODA.
- We urge state funding of the HB 599 law enforcement program in accordance with *Code of Virginia* provisions.
- We support adequate and necessary funding for mental health and substance abuse services at juvenile and adult detention facilities and jails.
- We encourage needed funding for successful implementation of policies and programs that 1) supplement law enforcement responses to help individuals in crisis to get evaluation services and treatment; 2) provide alternative transportation options for such individuals; and 3) reduce the amount of time police officers must spend handling mental health detention orders.
- In an effort to fairly share future cost increases, we support indexing jail per diem costs as a fixed percentage of the actual, statewide daily expense average, as set forth in the annual Jail Cost Report.
- We support the ability of local governments to 1) adopt policies regarding law enforcement body worn cameras that account for local needs and fiscal realities, and 2) utilize photo speed camera devices to address safety concerns, including on locally-designated highway segments.

Transportation

The Planning District's member localities recognize that revenues for expanding and maintaining all modes of infrastructure are critical for meeting Virginia's well-documented transportation challenges; for attracting and retaining businesses, residents and tourism; and for keeping pace with growing public needs and expectations. We encourage the State to prioritize funding for local and regional transportation needs. Accordingly, we take the following positions:

- As the State continues to adjust the "Smart Scale" prioritization and the funds distribution process, there should be state adequate funding and local authority to generate transportation dollars for important local and regional projects across modes.
- We support additional authority to establish mechanisms for funding transit and non-transit projects in our region.
- We support the Virginia Department of Transportation utilizing Metropolitan Planning Organizations and regional rural transportation staff to conduct local transportation studies.
- We oppose attempts to transfer responsibility to counties for construction, maintenance or operation of current or new secondary roads.
- We support ongoing state and local efforts to coordinate land use and transportation planning and urge state and local officials to be mindful of various local and regional plans when conducting corridor or transportation planning within a locality or region.

**RESOLUTION
REQUESTING TAX REFUNDS**

WHEREAS, Virginia Code §58.1-3981 requires that erroneous tax assessments be corrected and that a refund, with interest as applicable, be paid back to the taxpayer;

WHEREAS, Tax refunds resulting from erroneous assessment over \$10,000 must be approved by the Board of Supervisors, after being certified by the Chief Financial Officer and the County Attorney;

NOW, THEREFORE, BE IT RESOLVED that a refund in the amount of \$37,091.94 has been reviewed and certified due to business tangible personal property tax returns being filed in Albemarle County in error and this refund shall be remitted to Caton Construction Group Inc. to conform with Virginia code §58.1-3981;

BE IT RESOLVED that a refund in the amount of \$30,000.00 has been reviewed and certified due to overpayment of real estate taxes and this refund shall be remitted to Webb, Bernard C Trust & Alison H Webb Trust to conform with Virginia Code §58.1-3981;

BE IT RESOLVED that a refund in the amount of \$28,478.74 has been reviewed and certified due to amended business tangible personal property tax filings and this refund shall be remitted to LTD Hollymead LLC to conform with Virginia Code §58.1-3981;

BE IT RESOLVED that a refund in the amount of \$22,910.69 has been reviewed and certified due to overpayment of real estate taxes and this refund shall be remitted to Charlottesville Chelsea Store LLC to conform with Virginia Code §58.1-3981;

BE IT RESOLVED that a refund in the amount of \$19,721.24 has been reviewed and certified due to amended business tangible personal property tax filings and this refund shall be remitted to The Blake at Charlottesville LLC to conform with Virginia Code §58.1-3981;

BE IT RESOLVED that a refund in the amount of \$15,283.16 has been reviewed and certified due to overpayment of business license and this refund shall be remitted to Alltel Corporation D/B/A Verizon Wireless to conform with Virginia Code §58.1-3981;

BE IT RESOLVED that a refund in the amount of \$15,017.75 has been reviewed and certified due to overpayment of real estate taxes and this refund shall be remitted to Keating, Kevin B & Masha Keating, Co-Trustees to conform with Virginia Code §58.1-3981;

BE IT RESOLVED that a refund in the amount of \$13,801.63 has been reviewed and certified due to overpayment of real estate taxes and this refund shall be remitted to Bright, Michie P Revocable Trust Agreement to conform with Virginia Code §58.1-3981;

BE IT RESOLVED that a refund in the amount of \$12,673.65 has been reviewed and certified due to overpayment of real estate taxes and this refund shall be remitted to Clouse, William D & Krista K Clause, Trustees U/T to conform with Virginia Code §58.1-3981; and

BE IT RESOLVED that a refund in the amount of \$11,686.50 has been reviewed and certified due to overpayment of real estate taxes and this refund shall be remitted to Downer, William B to conform with Virginia Code §58.1-3981.

FY 2025 Amended ACFR and Sheriff's Office Pay Scale RESOLUTION

WHEREAS, the County's budget for Fiscal Year 2025 ("FY25") was adopted on May 1, 2024 and became effective on July 1, 2024, and included funding for employee compensation based on the pay scales outlined in the COUNTY OF ALBEMARLE Classified Public Safety Pay Scales, for each of the Police Department, Department of Fire and Rescue, and Sheriff's Office (collectively, the "FY 2025 Salary Scales"); and

WHEREAS, the Department of Fire and Rescue has proposed modifications to its pay scale as detailed in the attached COUNTY OF ALBEMARLE Fire Rescue public safety pay scale to better align with industry standards and its competitive market, address projected leadership gaps through succession planning, and include a frontline supervisor position;

WHEREAS, the Sheriff's Office has proposed modifications to its pay scale as detailed in the attached COUNTY OF ALBEMARLE Sheriff public safety pay scale to better align with operational and supervisory needs;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Albemarle County hereby approves the amended Fire Rescue public safety pay scale, and the Sheriff public safety pay scale, as presented, to be effective on November 6, 2024.

**RESOLUTION TO AUTHORIZE THE COUNTY EXECUTIVE TO SIGN
RIVANNA FUTURES LAND USE AGREEMENT**

WHEREAS, the County of Albemarle purchased the 462-acre Rivanna Futures property on Boulders Road in the Rivanna Magisterial District in December 2023;

WHEREAS, the property is currently largely undeveloped and well-suited for conducting non-combat field training; and

WHEREAS, the Defense Intelligence Agency (DIA) has requested to use portions of the Rivanna Futures property to conduct non-combat training for personnel stationed at the adjacent Rivanna Station facility;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors authorizes the County Executive to sign a proposed agreement on behalf of the County to allow non-combat training on the County's Rivanna Futures property, once the agreement is approved as to form and substance by the County Attorney.

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**TRAINING LAND USE GRATUITOUS SERVICES AGREEMENT
BETWEEN THE COUNTY OF ALBEMARLE, VIRGINIA AND THE
OPERATIONS SECTION, OFFICE ADVANCED TECHNOLOGIES
INTELLIGENCE, DIRECTORATE FOR SCIENCE AND TECHNOLOGY,
DEFENSE INTELLIGENCE AGENCY**

DATE: 25 SEPTEMBER 2024

1. Overview.

1.1. Purpose: The purpose of this document is to establish a gratuitous land use agreement between the County of Albemarle, Virginia (hereinafter the "County") and the Operations Section, Office Advanced Technologies Intelligence, Directorate for Science and Technology, Defense Intelligence Agency (hereinafter "Land User") for County-owned property in vicinity of Rivanna Station for training purposes. The following agreement is for the use of the following County-owned parcels (hereinafter "County Property"):

- 02100-00-00-014C0
- 03300-00-00-00100
- 03300-00-00-001B0
- 03300-00-00-001D0
- 03300-00-00-001G0
- 03300-00-00-01000
- 03300-00-00-01400
- 03300-00-00-01500
- 03300-00-00-01600

1.2. Participating Parties This land use agreement (the "Agreement") is between the County and the Land User. This agreement will outline both parties' responsibilities. It encompasses:

- 2. Term of Agreement
- 3. Permitted Use of County Property
- 4. Prohibited Use and Items
- 5. Responsibilities of Land User (DIA/ST/ATI Operations)
- 6. Responsibilities of the County
- 7. Insurance and Liability
- 8. Costs or Fees
- 9. Termination
- 10. Miscellaneous
- 11. Points of Contact

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2. **Term of Agreement-** This Agreement will commence on 1 OCTOBER 2024 (start date) and will continue until 01 OCTOBER 2025 (end date), unless terminated earlier in accordance with the provisions of this Agreement. Either party may terminate this Agreement at any time for any reason. This Agreement will be reviewed and may be updated as needed by each party.

3. **Permitted Use of County Property**

- 3.1. The County grants the Land User the right to enter upon the County Property for training purposes. The specific activities permitted include, but are not limited to, the below list.

- **Land Navigation** – Students will navigate from point to point utilizing map and compass. Participants may be in military uniform. Exercise control will establish markers for points prior to training and remove upon completion.
- **Basic Outdoor/ Survival Evasion Skills** – This training will train students ranging from having prior training and Military backgrounds to students that have never camped before. While this training may be mostly classroom, it may also transition to practical outdoor training scenarios.
- **Medical training** – This training may encompass and/or reinforce lifesaving principles in a simulated austere environment. Training may include Live Actors (simulated injuries), Simulaid (mannequin) realistic looking injuries, and/or load and drive causality in vehicle (training would not enter public roadways).
- **Downed Aircraft Recovery Team (DART) Training-** Downed Aircraft Recovery Team (DART) training would consist of students learning what duties to do as part of a DART team. Training locations would be set up with pieces of an Aircraft or drone and student will learn how to recover those pieces, or techniques to destroy those pieces (no explosives or destructive techniques will occur). All material used for the training will be packaged and removed from County property at the end of training.
- **CBRN threat/ Protective gear training-** Chemical, Biological, Radiological, Nuclear (CBRN) threats training will give students a brief overview of what CBRN threats exist; how and what types of CBRN threats are used; protective gear overview and techniques for protective equipment; and decontamination processes. No chemical, biological, radiological, or nuclear materials will be used during this training, as the training will focus on just techniques. Students may be in Personal Protective Equipment (PPE).
- **Counterintelligence threat identification and mitigation or other intelligence training-** Students will study techniques and procedures to identify potential counterintelligence threats. Mitigation tactics will be covered, and the Land User

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may request use of the house on Parcel 03300-00-00-00100 to complete hands-on practical exercise. As with elsewhere, no weapons or firearms will be used during this training.

- **UAS/Drone use-** If drone use for training is needed, the Land User will coordinate with the Charlottesville/Albemarle Airport per FAA regulation and inform the County prior to any such use.

4. Prohibited Use and Items

4.1. The below listed activities and items are strictly prohibited on the County Property. Negligence or failure to adhere to the County's Prohibited Use and Items list by the Land User may result in the termination of this Agreement. The County may add to this list at any time but must notify the Land User in writing.

- **Firearms** – At no time will any firearms be authorized on the County Property. The County does not allow firearms or weapons training (lethal or non-lethal), combat or combat-like simulations, paratroop training, or any similar training on the County Property. This is intended for the safety of everyone involved, including County employees, DIA employees, and any civilians that may be in the general vicinity. Any training aids that look like or resemble firearms must be bright in color or have bright tape or markings around the muzzle and along the barrel to ensure they can be easily identified training aid from a functional weapon. If the Land User intends to use any "look alike" or other dummy weapons during any training, it must notify the County prior to requesting use of the County Property.
- **Large Military Vehicles-** No heavy or combat vehicles (i.e. tanks, HEMTT, Oshkosh, HMMWV, etc.) are allowed on the County Property. Land User vehicles are restricted to standard 4x4 passenger vehicles or 4-wheeler-like transport.
- **Permanent Change to Property or Land-** The Land User is not allowed to permanently change any of the County Property.
- **Hunting/fishing/personal recreational use-** The County Property may be used for professional training only during such periods of use relevant to this Agreement. No personal leisure activities such as hunting or fishing will be permitted on the County Property under this Agreement.

5. Responsibilities of the Land User (DIA/ ATU/ ST Operations)

- 5.1. The Land User will notify the County Facilities & Environmental Services office of any future training no later than 30 days prior to the start of training.
- 5.2. The Land User will notify the County Facilities & Environmental Services office daily at the commencement of each day of training. Notification can be by: Phone, text message, or email.

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- 5.3. The Land User must ensure that all activities conducted on the County Property are safe and do not cause damage to the County Property.
 - 5.4. The Land User must maintain the County Property in good condition and perform any necessary cleanup or repairs resulting from its use.
 - 5.5. The Land User must comply with all applicable laws, regulations, and ordinances during the use of the County Property.
 - 5.6. Upon completion of each training event, the Land User must remove all Land User property and restore the County Property to its original condition, reasonable wear and tear excepted.
 - 5.7. Upon completion of training activities, the Land User will notify the County Facilities & Environmental Services office. Notification can be by: Phone, text message, or email.
 - 5.8. In the event of a medical emergency, the Land User will utilize standard emergency response procedures, such as local first-aid and 9-1-1 emergency lines.
6. **Responsibilities of the County**
- 6.1. The County will provide access to the County Property during the agreed-upon times and dates. The County will provide the Land User's team with combination to property gates and will unlock dwelling on Parcel 03300-00-00-00100 if requested in advance.
 - 6.2. The County will notify and deconflict with DIA/ST/ATI Operations team and other parties if any other entities are using the County Property.
 - 6.3. The County will inform DIA/ST/ATI Operations of any known hazards or conditions on the County Property that may affect the safety of the activities conducted.
7. **Insurance and Liability**
- 7.1. The Land User must ensure that all Participants sign any Liability Waivers or Releases that the County may require prior to engaging in any activities on the County Property. The Waiver must be in a form satisfactory to the County and at its discretion;
 - 7.2. Additionally, the Land User hereby releases the County from any and all claims, demands, actions, suits, or proceedings of every kind and nature whatsoever, including but not limited to claims for personal injuries, property damage, or other losses or damages, arising out of or resulting from the activities of the Participants on the County Property;
 - 7.3. The Land User hereby waives any and all rights to seek damages or other relief from the County, including but not limited to claims for negligence, breach of contract, or any other tort or breach of duty.
 - 7.4. The County is not responsible or liable for any legal liability or recourse arising out of or resulting from the activities of the Participants on the County Property, including but not limited to claims for personal injuries, property damage, or other losses or damages. The Land User hereby indemnifies and holds harmless the County from and against any and all claims, demands, actions, suits, or proceedings of every kind and nature whatsoever arising out of or resulting from the activities of the Participants on the County Property.

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7.5. The Land User must ensure that any Waivers or Releases requested by the Landowner are signed by all Participants prior to engaging in any activities on the Land, and provide the County with copies of the signed Waiver(s) prior to the commencement of any activities on the County Property.

8. Costs or Fees

- 8.1. There are no costs or fees to the Land User in order to use any of the referenced County Property pursuant to this Agreement.
- 8.2. Any County-required fees or costs would necessitate further review by the Land User in accordance with the Land User's policies and regulations.
- 8.3. The Land User is responsible for all costs to return the County Property to its original state, with reasonable wear and tear excepted.

9. Termination

- 9.1. Either party may unilaterally terminate this Agreement with thirty (30) days written notice to the other party.
- 9.2. Upon termination of this Agreement, the Land User must remove all of its property, and restore the County Property to its original condition to the practical extent possible, with reasonable wear and tear excepted.

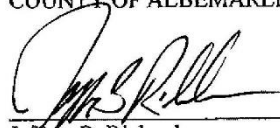
10. Miscellaneous

- 10.1. This Agreement constitutes the entire agreement between the parties and supersedes all prior agreements, representations, and understandings.
- 10.2. This Agreement may be amended only in writing signed by both parties and will be reviewed and require signature yearly.
- 10.3. If any provision of this Agreement is found to be invalid or unenforceable, the remaining provisions will continue in full force and effect.
- 10.4. This Agreement will be governed by and construed in accordance with the laws of the Commonwealth of Virginia.

11. Points of Contact- The point of contact (POC) for this document for the County is Bill Strother, Chief of Facilities and Operations, 434-296-5816, Ext. 3939 bstrother@albemarle.org. The Land User POC is Zachary Wood, Operation Support Specialist, 434-995-4132 or zachary.wood5@dodis.mil.

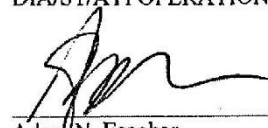
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LANDOWNER
COUNTY OF ALBEMARLE, VIRGINIA



Jeffrey B. Richardson
County Executive

LAND USER
DIA/ST/ATI OPERATIONS



Adam N. Escobar
Chief of Operations

Date: 11/12/24

Date: 09/25/2024

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**RESOLUTION TO AUTHORIZE COUNTY ENGINEER
TO SIGN A LETTER OF SUPPORT FOR
ACCEPTANCE OF HUNTERSTAND COURT
INTO THE STATE SECONDARY SYSTEM**

WHEREAS, Hunterstand Court (Rte. 1700) was proposed to be a private street within the Airport Industrial Park Subdivision, Project No. 2105;

WHEREAS, the developer's Road/Subdivision Performance Bond in the amount of \$27,000 was called by the County on September 14, 2009;

WHEREAS, the bonding company has been collaborating with the Virginia Department of Transportation (VDOT) to finish the road;

WHEREAS, because VDOT owns property at the road's end, the bonding company transferred the right-of-way and road to VDOT to enable VDOT to finish the improvements and accept Hunterstand Court as a public road; and

WHEREAS, VDOT has requested a letter of support for acceptance of Hunterstand Court into the VDOT Secondary Street system;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby authorizes the County Engineer to sign a letter of support on behalf of Albemarle County for acceptance of Hunterstand Court into the VDOT Secondary Street system.

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 6th day of November 2024, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Hyland Park Phase 2**, as described on the attached Additions Form AM-4.3 dated **November 6, 2024**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Hyland Park Phase 2**, as described on the attached Additions Form AM-4.3 dated **November 6, 2024**, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right-of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

**RESOLUTION TO APPROVE SE 2024-00021
VICTORIAN HEIGHTS**

WHEREAS, upon consideration of the staff reports prepared for SE2024-00021 Victorian Heights and the attachments thereto, including staff's supporting analysis, any comments received, and all relevant factors in Albemarle County Code §§ 18-4.19 and 18-33.9, the Albemarle County Board of Supervisors hereby finds that:

- (i) the requested special exception would allow the applicant flexibility in design to construct a compact, high-density development, with a variety of housing types, including single-family attached units and multi-family residential units;
- (ii) the proposed design of the site would relegate all driveways and garages to the rear of the proposed units; and
- (iii) the proposed special exception would allow the applicant flexibility with the design of the proposed decks.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves a special exception to reduce the 20-foot minimum rear setback otherwise required by County Code § 18-4.19 on Parcels 045A2-00-00-00100, 045A2-00-00-00200, 045A2-00-00-00300, 045A2-00-00-00400, 045A2-00-00-00500, 045A2-00-00-00600, 045A2-00-00-00700, 045A2-00-00-00800, 045A2-00-00-00900, 045A2-00-00-01000, 045A2-00-00-01100, 045A2-00-00-01200, 045A2-00-00-01300, 045A2-00-00-01400, 045A2-00-00-01500, 045A2-00-00-01600, 045A2-00-00-01700, 045A2-00-00-01800, 045A2-00-00-01900, 045A2-00-00-02000, 045A2-00-00-02100, 045A2-00-00-02200, 045A2-00-00-02300, 045A2-00-00-02400, 045A2-00-00-02500, 045A2-00-00-02600, 045A2-00-00-02700, 045A2-00-00-02800, 045A2-00-00-02900, 045A2-00-00-03000, 045A2-00-00-03100, 045A2-00-00-03200, 045A2-00-00-03300, and 045A2-00-00-03400 to 10 feet.

**RESOLUTION TO APPROVE SE2024-00023
CROZET WASTEWATER PUMP STATION 3**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE2024-00023 Crozet Wastewater Pump Station 3 application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-5.1.20(b) and 18-33.9, the Albemarle County Board of Supervisors hereby finds that a modified regulation would satisfy the purposes of the Zoning Ordinance to at least an equivalent degree as the specified requirement.

NOW, THEREFORE, BE IT RESOLVED, that in association with SE2024-00023 Crozet Wastewater Pump Station 3, the Albemarle County Board of Supervisors hereby approves a special exception to modify the 100 foot setback otherwise required by Albemarle County Code § 18-5.1.20(b) on Parcel 05700-00-00-079A1 to approximately 25 feet, as shown on the "Rivanna Water and Sewer Authority Crozet WWPS Improvements" plans attached to the applicant's "SE Request Letter CZWWPS 3," dated May 13, 2024.

**RESOLUTION TO APPROVE SE2024-00024
CROZET WASTEWATER PUMP STATION 4**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE2024-00024 Crozet Wastewater Pump Station 4 application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-5.1.20(b) and 18-33.9, the Albemarle County Board of Supervisors hereby finds that a modified regulation would satisfy the purposes of the Zoning Ordinance to at least an equivalent degree as the specified requirement;

NOW, THEREFORE, BE IT RESOLVED, that in association with SE2024-00024 Crozet Wastewater Pump Station 4, the Albemarle County Board of Supervisors hereby approves a special exception to modify the 100-foot setback otherwise required by Albemarle County Code § 18-5.1.20(b) on Parcel 05700-00-00-035A0 to approximately 25 feet, as shown on the applicant's "Rivanna Water and Sewer Authority Crozet WWPS Improvements" plans attached to the applicant's "SE Request Letter CZWWPS 4," dated May 13, 2024.

**RESOLUTION TO APPROVE SP202400015
KNIGHT BERKSHIRE MIXED USE**

WHEREAS, upon consideration of the staff reports prepared for SP 202400015 Knight Berkshire Mixed Use and all of their attachments, including staff's supporting analysis, the information presented at the public hearings, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-22.2.2(6), 18-18.2.1(3), and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

1. not be a substantial detriment to adjacent parcels;
2. not change the character of the adjacent parcels and the nearby area;
3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the C-1 Commercial zoning 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 SP 202400015 Knight Berkshire Mixed Use, subject to the conditions attached hereto.

* * *

SP202400015 Knight Berkshire Mixed Use Special Use Permit Conditions

1. Development of the use must be in general accord with the conceptual plan titled "Knight Berkshire Mixed Use Special Use Permit," drawn by Line and Grade Civil Engineering dated April 15, 2024, last revised September 18, 2024. To be in general accord, development must reflect the following major elements essential to the design of the development:
 - a. Location of building envelope;
 - b. Location of the parking areas; and
 - c. Building height

**RESOLUTION TO APPROVE SE2024-00011
KNIGHT BERKSHIRE STEPBACK WAIVER**

WHEREAS, upon consideration of the staff reports prepared for SE2024-00011 Knight Berkshire Stepback Waiver and the attachments thereto, including staff's supporting analysis, any comments received, and all relevant factors in Albemarle County Code §§ 18-4.20(a)(4), 18-22, and 18-33.9, the Albemarle County Board of Supervisors hereby finds that the proposed waiver would be consistent with the intent of the Commercial Districts – Generally zoning district and the Neighborhood Model Principles of the Comprehensive Plan, including criteria contained in land use recommendations from the Places29 Master Plan and relevant Neighborhood Model Principles contained in Chapter 8 of the Albemarle County Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves a special exception to waive the 15-foot stepback requirement of County Code § 18-4.20(a)(4) on Parcel 04500-00-00-091A0.

**RESOLUTION TO APPROVE SE2024-00012
KNIGHT BERKSHIRE BUFFER**

WHEREAS, upon consideration of the staff reports prepared for SE2024-00012 Knight Berkshire Buffer and the attachments thereto, including staff's supporting analysis, any comments received, and all relevant factors in Albemarle County Code §§ 18-21.7(c) and 18-33.9, the Albemarle County Board of Supervisors hereby finds that:

- (i) the developer or subdivider has demonstrated that grading or clearing is necessary or would result in an improved site design;
- (ii) minimum screening requirements will be satisfied; and
- (iii) existing landscaping in excess of minimum requirements will be substantially restored.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves a special exception to allow a disturbance of the 20-foot buffer area otherwise required by County Code § 18-21.7(c) on Parcel 04500-00-00-091A0, subject to the following condition:

1. Development of the use must be in general accord with the conceptual plan titled "Knight Berkshire Mixed Use Special Use Permit," drawn by Line and Grade Civil Engineering dated April 15, 2024, last revised July 15, 2024. To be in general accord, development must reflect the following major elements essential to the design of the development:

- a. The location for minor grading within the 20' use buffer to allow existing entrance alignment to remain;
- b. The location to allow new storm water connection to existing storm pipe within use buffer; and
- c. The location to allow for a future pedestrian connection to Agnor Hurt Elementary School, if this connection is desired by the Albemarle County Public Schools.

**RESOLUTION TO APPROVE SP202400009
OUR LADY OF PEACE AMENDMENT**

WHEREAS, upon consideration of the staff reports prepared for SP 202400009 Our Lady of Peace Amendment and all of their attachments, including staff's supporting analysis, the information presented at the public hearings, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-20.3.2(3), 18-5.1.13, and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

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

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SP 202400009 Our Lady of Peace Amendment, subject to the conditions attached hereto.

* * *

SP 202400009 Our Lady of Peace Amendment Special Use Permit Conditions

1. Development of the property must be in general accord with the concept plan titled "Our Lady of Peace Special Use Plan," dated 2/19/2024 and last revised 5/20/2024. The following major elements must be developed as shown on the concept plan:
 - a. General location, sizes, and heights of buildings, and parking areas;
 - b. Limits of disturbance; and
 - c. Interparcel connection.

**RESOLUTION TO APPROVE SE 2024-00006 AND SE 2024-00007
OUR LADY OF PEACE AMENDMENTS**

WHEREAS, upon consideration of the staff reports prepared for SE2024-00006 and SE2024-00007 Our Lady of Peace Amendments and the attachments thereto, including staff's supporting analysis, any comments received, and all relevant factors in Albemarle County Code §§ 18-8.5.5.3(c) and 18-33.9, the Albemarle County Board of Supervisors hereby finds that the proposed special exceptions:

- (i) are consistent with the goals and objectives of the comprehensive plan;
- (ii) do not increase the approved development density or intensity of development;
- (iii) do not adversely affect the timing and phasing of development of any other development within the Planned Unit Development (PUD) zoning district;
- (iv) do not require a special use permit; and
- (v) are in general accord with the purpose and intent of the approved application.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves special exceptions:

- a. SE2024-00006 -- to adjust the size of Parcel 061Z0-03-00-00800 ("Area A") to approximately 7.91 acres and of Parcel 061Z0-03-00-001A0 ("Area B") to approximately 11.58 acres; and
- b. SE2024-00007 -- to allow the location of the new wing of the Our Lady of Peace facility proposed with the SP202400009.

**RESOLUTION APPROVING THE PROPOSED CONVEYANCE OF EASEMENTS
AND RIGHT-OF-WAY ACROSS COUNTY-OWNED PARCEL 09100-00-00-002E0**

WHEREAS, the County of Albemarle owns Parcel 09100-00-00-002E0, where Albemarle County Fire Rescue Station 11 is located;

WHEREAS, Albemarle County Public Schools (ACPS) is developing the Southern Feeder Pattern Elementary School Project on the adjacent Parcel 09100-00-00-01100 and is requesting that the County grant a temporary construction easement and permanent private sanitary sewer and drainage easements across this County-owned Parcel;

WHEREAS, ACPS is also requesting dedication of additional right-of-way for public use as part of the Founders Place widening and sidewalk construction; and

WHEREAS, the requested easements and right-of-way access are necessary for the development of the Southern Feeder Pattern Elementary School Project.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the granting of the proposed easements and right-of-way across Parcel 09100-00-00-002E0, and authorizes the County Executive to execute any deeds and other necessary or related documents to convey these interests, once approved as to form and substance by the County Attorney.

Prepared by:
 Richard G. Rasmussen, III, VSB # 40694
 McCallum & Kudravetz, P.C.
 250 E. High Street
 Charlottesville, VA 22902
 (434) 293-8191

Tax Map Parcels: 09100-00-00-002E0 and 09100-00-00-01100

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT made this ____ day of _____, 2024, by and among the COUNTY OF ALBEMARLE (the “County”) and the COUNTY OF ALBEMARLE SCHOOL BOARD (the “School Board”).

WITNESSETH:

WHEREAS, the County is the owner of that certain tract or parcel of land currently designated as Albemarle County Tax Map Parcel 09100-00-00-002E0, containing 13.27 acres, more or less (the “County Parcel”), as shown on a plat prepared by Timmons Group, dated June 21, 2024, entitled “Plat Showing Right-of-Way Dedication and Various Easements Across the Lands of County of Albemarle Tax Map Parcel 91-2E, Scottsville Magisterial District, Albemarle County, Virginia”, which plat is attached hereto as Exhibit A and recorded herewith (the “Plat”).

WHEREAS, the School Board is the owner of that certain tract or parcel of land currently designated as Albemarle County Tax Map Parcel 09100-00-00-01100, containing 15.80 acres, more or less, being the same property conveyed to the School Board by Deed of Gift of the County of Albemarle, Virginia, dated December 19, 2019, recorded in the Clerk’s Office of the Circuit Court of Albemarle County, Virginia in Deed Book 5258, page 620 (the “School Board Parcel”), which is adjacent to the County Parcel.

WHEREAS, the County desires to grant certain easements to the School Board, as more particularly described herein and shown on the Plat.

NOW THEREFORE, in consideration of the foregoing recitals and the following mutual promises, agreements and undertakings, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Temporary Construction Easement. The County does hereby grant and convey unto the School Board, and its successors and assigns, a temporary construction easement (the "Temporary Construction Easement") in the area designated as "TEMPORARY CONSTRUCTION EASEMENT (27,073 SF)" on the Plat (the "Temporary Construction Easement Area"), to allow the School Board and its respective employees, contractors, and agent to enter upon the County Parcel to (i) widen the entrance road, build an additional sidewalk, and rebuild the ADA curb ramp; (ii) construct stormwater management facilities; and (iii) install a conduit and connect to an existing conduit for the connection of ACPS fiber to the School Board Parcel (collectively, the "Construction Work"). The Temporary Construction Easement shall automatically terminate upon the completion of the Construction Work. Upon termination of the Temporary Construction Easement, the Temporary Construction Easement Area shall be restored to substantially the same condition that existed before commencement of the Construction Work with the exception of all improvements constructed as a part of the Construction Work which may remain. The Construction Work shall not disturb or impede the rights of ingress and egress of the Albemarle Fire and Rescue Station located on the County Parcel.

2. Private Sanitary Sewer Easement. The County does hereby grant and convey unto the School Board a perpetual easement upon, over and under the portion of the County Parcel designated as "20' PRIVATE SANITARY SEWER EASEMENT HEREBY DEDICATED (107 SF)" on the Plat (the "Sanitary Sewer Easement Area"), to construct, install, maintain, repair, replace, and extend sanitary sewer lines consisting of pipes and appurtenances thereto, and to

connect such improvements to the School Board Parcel. The costs of maintaining the improvements within the portion of the Sanitary Sewer Easement Area up to and including the Albemarle County Service Authority manhole shall be borne solely by the School Board. The costs of maintaining the remaining portion of the Sanitary Sewer Easement Area shall be borne solely by the County.

3. Easement Areas. As used herein, the term "Easement Areas" shall include the Temporary Construction Easement Area and the Sanitary Sewer Easement Area.

4. Ownership of the Improvements. All fiberoptic cables installed by the School Board and all improvements constructed within the Sanitary Sewer Easement Area shall be and remain the property of the School Board. All other improvements constructed pursuant to this Agreement shall be and remain the property of the County.

5. Right of Ingress and Egress. The School Board shall have the right and easement of ingress and egress over any lands of the County adjacent to the Easement Areas between any public or private roads and the Easement Areas, to inspect, maintain and operate the improvements.

6. Right to Inspect, Maintain and Operate the Improvements. The School Board may enter the Easement Areas to inspect, maintain and operate the improvements in the Easement Areas.

7. Right of the School Board to Disturb and Maintain the Easement Areas. The School Board shall have the right within the Easement Areas to trim, cut or remove any trees, brush or shrubbery, remove fences, structures or other obstructions, and take other similar action reasonably necessary to provide adequate and fully functioning improvements; provided, however, that the School Board, at its own expense, shall restore as nearly as possible, the premises to their original condition. This restoration shall include the backfilling of trenches, the replacement of fences and

shrubbery, the reseeding or resodding of lawns or pasture areas, and the repair or replacement of structures and other facilities located outside of the Easement Areas that were damaged or destroyed by the School Board. However, the School Board shall not be required to repair or replace any structures, trees, or other facilities located within the Easement Areas, but be required only to repair or replace groundcover within the Easement Areas that was disturbed, damaged or removed as a result of installing or maintaining any of the improvements. In addition, the School Board shall remove from the Easement Areas all trash and other debris resulting from the installation, maintenance or operation of an improvement, and shall restore the surface thereof to its original condition as nearly as reasonably possible. Notwithstanding the foregoing, the School Board shall not be required to repair or replace anything identified in this paragraph if to do so would be inconsistent with the proper maintenance or operation of the improvements. In addition, neither the School Board nor any other public agency shall be responsible for conducting routine maintenance except as expressly provided in this paragraph.

8. Right of the County to Maintain the Easement Areas. The County shall have the right to perform routine maintenance of the Easement Areas, including the removal of trash and landscaping debris, mowing and manicuring lawns and groundcovers, and making any other aesthetic improvements desired by the County that are not inconsistent with the rights herein conveyed, and which do not adversely affect the proper operation of any of the improvements. The right to maintain the Easement Areas does not include the right to maintain the improvements.

9. School Board's Right to Assign. The School Board shall have the right to assign this Easement as its interests may require.

10. Binding Effect. The easements and the rights and obligations established herein shall run with the land in perpetuity, and shall be binding upon the County, the School Board, and

their successors and assigns. All references herein to the County and the School Board include their respective successors and assigns, and, when exercising any right or obligation herein, includes their officers, employees and agents.

WITNESS the following signatures and seals.

COUNTY OF ALBEMARLE

By: _____ (SEAL)
Name: _____
Its: _____

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____

The foregoing instrument was acknowledged this _____ day of _____ 2024,
by _____, _____ of the County of Albemarle,
on its behalf.

Notary Public

My Commission Expires: _____

County of Albemarle School Board

By: _____ (SEAL)

Name: _____

Its: _____

COMMONWEALTH OF VIRGINIA

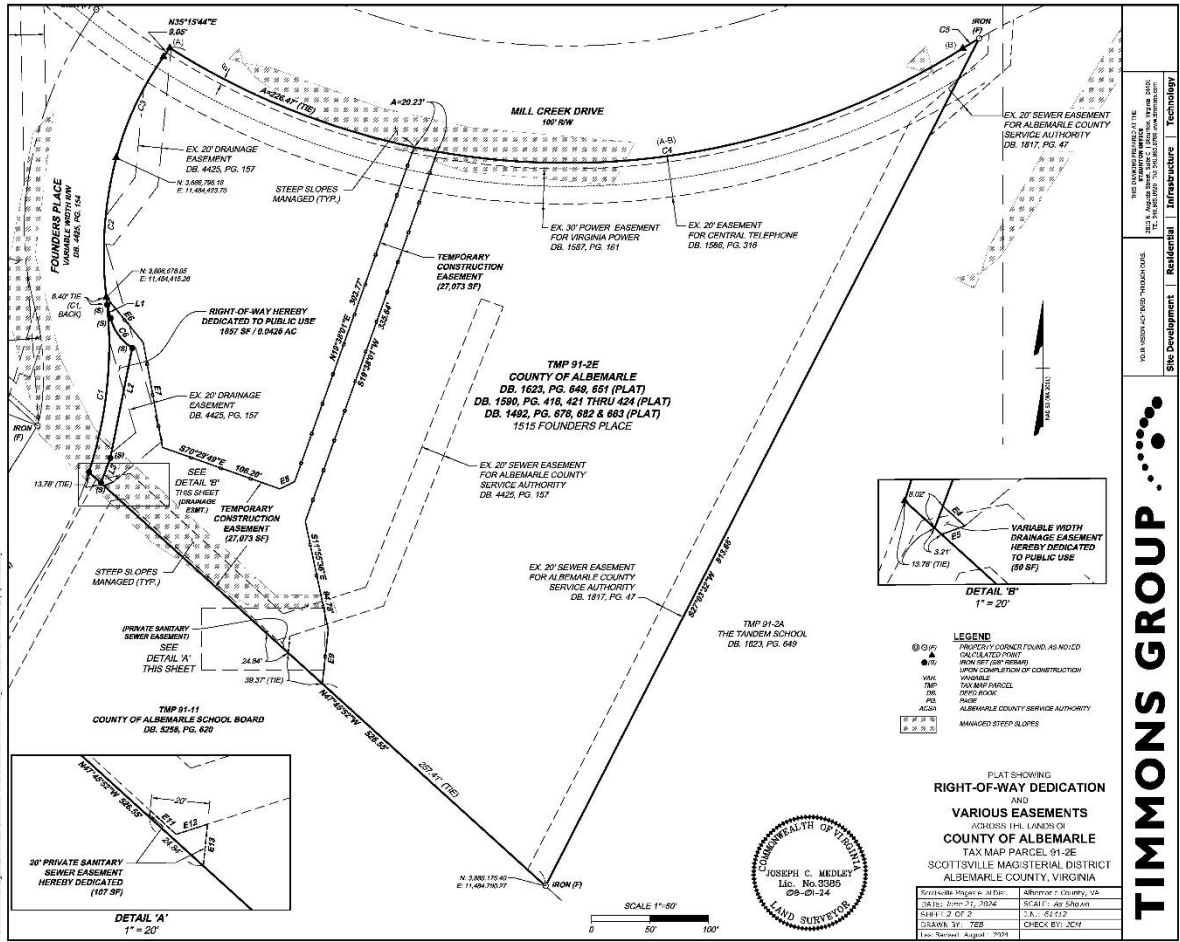
CITY/COUNTY OF _____

The foregoing instrument was acknowledged this _____ day of _____ 2024,
by _____, _____ of the County of Albemarle School Board, on its
behalf.

Notary Public

My Commission Expires: _____

EXHIBIT A



TIMMONS GROUP

Site Development Residential Infrastructure Technology