

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on May 15, 2024, at 1:00 p.m. in Lane Auditorium, County Office Building, 401 McIntire Road, Charlottesville, Virginia.

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

ABSENT: None.

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

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

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

Mr. Andrews introduced Albemarle County Police Officers present, Officers Alex Davis and Dana Reeves

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

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Agenda Item No. 4. Adoption of Final Agenda.

Mr. Andrews said that because the afternoon agenda was lighter than originally anticipated, he suggested they move Item 12, From the County Executive, to after Item 9, probably after a recess, then follow it with Item 18, From the Board: Matters Not Listed on the Agenda.

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

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

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

Ms. Mallek said that she would like to report that the Virginia Association of Counties State Board meeting took place at the Kempton last weekend. She thanked the CAPE (Communications and Public Engagement Office) and Finance staff of the County, as well as the staff of the Charlottesville-Albemarle Convention and Visitors Bureau (CACVB) for their assistance with this successful event. She said that all participants were eager to return and visit at their leisure. She said that planning an outdoor event seemed to trigger rain, which was unexpected.

Ms. Mallek said, however, she was delighted that the nine weeks of almost no rain were over. She said that on Monday night, she attended the PVCC graduation ceremony. She said that she found the life stories of the participants and graduates, as well as their accomplishments and hardships they have overcome, to be truly inspiring. She said that there were young and old parents, high school students, veterans, first families, post-high school individuals, and people getting their GED at 59 years old. She said that elders pursued education to benefit their grandchildren and children, while young students graduated to improve their future. She said that she very much appreciated the new focus that President Jean Runyon has brought onto the workforce system at PVCC. She said that she looked forward to more partnerships with her.

Ms. Mallek said that yesterday, there was an announcement from Preservation Virginia, the oldest preservation organization in the United States since the 1850s, announced their most endangered properties for 2024. She said that a celebration of this recognition was held yesterday by the descendants of the founders of the Mount Carmel Baptist Church in Browns Cove. She said that as described by descendant Darryl Howard, the church was built in its current location in 1879 as a landmark for the formerly enslaved and their descendants for people who owned nothing to have a place that was theirs.

Ms. Mallek said that the small, but mighty, congregation remained and was also supported by many neighbors working to restore the adjacent 19th-century Mount Carmel Schoolhouse, known as Schoolhouse No. 9 on the 1911 County map. She said that Sugar Hollow Schoolhouse, just down the road and designated as Schoolhouse No. 10, was also built using the same modeled block made from clay on Clark Road by local farmers for those constructions. She said that the schoolhouse in White Hall and the buildings on the square in Crozet also use that same block.

Ms. Mallek said that the discovery and restoration of these gathering places of remembrance had

built their community strength. She commended the congregation for their past and future efforts in this regard. She said that furthermore, she asked the Board to consider adopting ordinances similar to those in other Virginia Counties that protect cemeteries, as Albemarle County currently had no such ordinance to uphold its obligation given by the state legislature to protect these historical sites from being bulldozed.

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Ms. LaPisto-Kirtley said that she was proud to announce that on Saturday from 10:00 a.m. to 2:00 p.m., the Stony Point Volunteer Fire Company would celebrate their 50th year of service at Stony Point with the Ruritan Club. She said that she would present a proclamation to the department. She acknowledged that their accomplishments and service were commendable, not only in Stony Point but also throughout the County.

Ms. LaPisto-Kirtley said that they recently received a long-awaited brush truck and purchased a truck to pull their gator, which could access all areas of the County for firefighting purposes. She stated that this event would take place from 10:00 a.m. to 2:00 p.m. on Saturday. She said that she attended the PVCC graduation with Ms. Mallek, where she was impressed by the graduates' determination in obtaining their GED and AA degrees. She said that she found it very inspiring.

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Mr. Gallaway said that UVA was having their graduation that weekend and two local high schools were having prom that weekend. He said that there would be many people out and about, and he encouraged everyone to be patient and drive slowly as they kept in mind there would be many extra people out and about attending these events.

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Mr. Pruitt thanked Mr. Gallaway for the reminder as he was one of those graduates who had family members attending the events. He asked that everyone be patient with his parents who were part of an additional population contributing to their community over the weekend and may not be the most confident drivers. He congratulated all the schools' graduates who would have rolling graduations in the coming month. He said that he looked forward to attending them soon.

Mr. Pruitt reminded everyone about the early voting for the Congressional Primary in the 5th District, which had already begun. He said that there were two simultaneous primaries happening for the Republican and Democrat parties. He said that for the Republican Party, there were candidates Bob Good and John McGuire. He said that for the Democratic Primary, Paul Riley, Gary Terry, and Gloria Witt were the contenders.

Mr. Pruitt said that some people preferred waiting until Election Day to vote because it felt more engaging. He said that he disagreed with this notion, because while it was a nice sentiment, it was not a practical idea. He said that they had worked hard in Virginia to establish such robust early voting opportunities. He said that early voting offered several advantages, including no lines and a fixed location, eliminating the risk of going to the wrong place.

Mr. Pruitt said that at the 5th Street County Office Building, where the police headquarters were located, they provided early voting during working hours every day of the week. He said that the deadline for registration was May 28, and in-person voting would be available until June 8. He said that people still received a sticker when voting early and could even obtain the sticker on its backing to wear it on Election Day. He said that it was not about wearing the sticker on that day; rather, it symbolized an actual vote cast in the ballot box.

Mr. Pruitt encouraged everyone to go out and vote. He said that it was especially important in jurisdictions where sometimes the primary was dispositive of the election outcome to remember this point. He said that he would also like to remind everyone that the weather had become much nicer. He said that many people have guests visiting their town and wanted to do something fun and local.

Mr. Pruitt said that everyone loved the farmers markets in the area, particularly the ones in IX Art Park and in the City. He said that however, he wanted to remind everyone about the lovely farmers market in Scottsville, which took place every Saturday at the pavilion near the James River, just past the Tavern on the James. He encouraged people to attend the Scottsville farmers market; it was an absolute delight and often had better prices than those found in Ix or the City farmers market.

Mr. Pruitt said that he was also grateful for the rain, even though he was nervous about what it might mean for his own graduation ceremony. He said that the rain had been beneficial as it had alleviated the difficult fire season they had experienced. He said that as grilling season began, he urged people to exercise good care and judgment when using fire outside. He said that there had been several tragic events in the Scottsville district due to fires, which was concerning.

Mr. Pruitt said that finally, as nicer weather approached, complaints about loose dogs increased, particularly in the rural areas of Scottsville. He said that he reminded everyone to keep their dog on a leash, even if they believed it was well-behaved. He said that small dogs could still pose traffic safety issues if they run onto the road. He said that loose dogs cause traffic backups on critical rural roads. He urged people to keep their dog on a leash during this season when they may be tempted to let them run around freely.

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Mr. Andrews reminded the public that the Ivy MUC (Materials Utilization Center) continued to do

collection days this Saturday for household hazardous waste and for tires. He said that the Ivy MUC would be closed June 8 through June 10 for scale replacement. He said that he had the pleasure of dropping off his well sample at the Virginia Cooperative Extension at the 5th Street Offices. He said that he was told that due to high demand, they planned to open it again for testing in September in addition to the annual testing held each May.

Ms. Mallek said that a few years ago, Albemarle ranked second only to Fairfax in the number of farmers markets they had. She said that the County needed to make a comprehensive list of all the farmers markets so that they could keep track of them and announce them better.

Ms. LaPisto-Kirtley said that Mr. Pruitt was correct that early voting was important to avoid potentially missing the opportunity in case of unforeseen events on Election Day such as illness or an accident.

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Agenda Item No. 6. Proclamations and Recognitions.  
Item No. 6.a. Proclamation Recognizing Asian American/Pacific Islander Heritage Month

Mr. Andrews **moved** that the Board adopt the Proclamation Celebrating Asian American and Pacific Islander Heritage Month and read the proclamation aloud. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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**Proclamation Celebrating  
Asian American and Pacific Islander Heritage Month**

**WHEREAS**, May 2024 marks the 47<sup>th</sup> anniversary of the first submitted resolution to recognize the contributions and achievements of Asian Americans and Pacific Islanders; and

**WHEREAS**, May 2024 marks the 32<sup>nd</sup> anniversary of the federal recognition of Asian American and Pacific Islander Heritage Month; and

**WHEREAS**, present-day inequities faced by Asian American and Pacific Islander communities are rooted in our nation's history of exclusion, discrimination, racism, and xenophobia; and

**WHEREAS**, Asian Americans and Pacific Islanders are a vital part of our community's history, making important contributions to the cultural, civic, and economic life of the County.

**NOW, THEREFORE, BE IT PROCLAIMED** that we, the Albemarle County Board of Supervisors, do hereby recognize and celebrate May 2024 as Asian American and Pacific Islander Heritage Month and encourage our community to observe this month by learning more about our collective history to create a more inclusive and equitable future for us all.

Signed this 15<sup>th</sup> day of May 2024

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Item No. 6.b. Proclamation Recognizing Jewish American Heritage Month

Ms. McKeel **moved** that the Board adopt the Proclamation Celebrating Jewish American Heritage Month and read the proclamation aloud. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Dr. Russ Linden, Federal Executive Institute Adjunct Professor and Task Force Chair for Welcoming Greater Charlottesville, accepted the proclamation. He thanked the Board for the proclamation. He thanked Jesse Brookins and his staff in the Equity and Inclusion Office for their excellent job in making the County more inclusive and equitable for everyone. He said that when he was growing up and attending Sunday school, his teachers taught them core Jewish values such as helping the poor, pursuing justice, and welcoming the stranger, as Ms. McKeel had mentioned earlier.

Mr. Linden said that he and his brother also shared these same values at home because their parents practiced them daily. He said that "welcoming the stranger" has always been his favorite value, which made it easier for him to take on the leadership of Welcoming Greater Charlottesville since its mission aligns with this value.

Mr. Linden said that this work involved welcoming people from other countries. He said that welcoming the stranger as not just a Jewish value; it was a shared value among all three of the world's great religions. He acknowledged that discussing the value of welcoming the stranger and its importance might seem odd, given the terrible events of October 7 and the ongoing horrific violence since then. He

said that tragically, the value of welcoming a stranger had been violated repeatedly in the Middle East for well over a century.

Mr. Linden said that the conflict was long and complicated, and it was not the time to delve into it in depth. He said that however, he wanted to emphasize that anyone with a heart was grieving over the violence there. He said that as his wife knew, she married an optimist, so without denying the violence, he wanted to recognize the many efforts in Israel and their own community among people of different faiths to try to live together with mutual respect. He said that it may amaze some people, but in Israel, there still existed groups of Muslims and Jews striving for peace. He said that similarly, this was true within the County.

Mr. Linden said that just last Sunday, three organizations, a Muslim, Jewish, and Christian organization, sponsored a film titled "Sevap/Mitzvah." Sevap and mitzvah were terms that denote good deed in Arabic and Hebrew, respectively. He said that the movie portrayed the true story of a Muslim family who saved a Jewish family from imminent death during the Holocaust. He said that to fast forward 50 years, this was an amazing story. He said that a woman from the same Muslim family was trapped in Sarajevo at the peak of the Bosnian genocide. He said that her life was at risk, and when word spread, a member of the same Jewish family that had been saved by her family earlier, saved this woman 50 years later.

Mr. Linden said that at present, when there was so much suffering and hatred in their country and worldwide, he believed it was especially important to acknowledge the numerous instances where people were building bridges and fostering mutual understanding among diverse backgrounds. He said that this was one of the reasons why he was so pleased that the Board did this so many times throughout the year. He thanked the Board for this award, but more importantly he thanked them for recognizing people from different backgrounds who were working together to build a better community.

Ms. McKeel thanked Mr. Linden for his words of optimism and his work in the community, as he had truly been a bridge-builder. She said that Jewish people comprised merely 0.2% of the world's population. She said that this equated to two out of every thousand or two-tenths of one percent. She said that in Virginia, they had an estimated 150,000 Jewish residents, which ranked among the largest in the nation. She said that within the Virginia General Assembly, Jews had won elected posts as both Democrats and Republicans.

Ms. McKeel said that a Jewish woman held the position of Speaker of the House of Delegates. She said that furthermore, Jews were among the leaders of the Democratic majorities in both the House and the Virginia Senate. She said that locally, they should not forget that a Jewish family, the Levys, had saved Thomas Jefferson's Monticello from bankruptcy and restored it for posterity. She urged everyone to learn more about their story, the Levys of Monticello.

Ms. Mallek said that one of the big blessings of teaching fourth graders was knowing children who participated in bat mitzvah or bar mitzvah ceremonies, and she was so impressed by the encouragement of debate and mastery of an idea. She said that it was not about doing something because someone told them to, but to think about it and relate what they had come to understand. She said that for a nine-year-old to manage that and do it so spectacularly was a great example of how strength was built, and she admired it very much.

Ms. Mallek said that for the past 40 years, she had known long-time White Hall residents at the synagogue and her Palestinian neighbors who had worked together in a lunch club with others monthly for all these years to build unity among people. She said that on October 15, she encountered her neighbor at the grocery store, who was visibly distressed about the ongoing dangers. She said that she appreciated the optimism expressed by Mr. Linden because it provided hope during challenging times.

Mr. Linden said jokingly that Ms. Mallek may have heard the phrase "Two Jews, three opinions" before and that they were very good at that.

Ms. LaPisto-Kirtley said that everything Mr. Linden said resonated, and she could not add much other than that she appreciated him and everything he and his organization did for the Jewish people as well as everyone. She said that it meant so much to the community, and they added a lot to the community. She said that it was important for everyone in Albemarle to get along. She congratulated Mr. Linden and thanked him for his sense of humor.

Mr. Gallaway thanked Mr. Linden for his presence and for his remarks. He said that the proclamation made him recall a memory from his friend Craig from his childhood in Wheeling, West Virginia, which was a predominantly white and Christian community. He said that there was not much diversity in the area, so he could count on one hand the people of ethnic, religious, or racial diversity that he knew. He said that Mr. Linden's comments about welcoming the stranger brought those memories of his friendship with Craig back, thinking about what he learned from Craig about what it meant to be a Jew.

Mr. Gallaway said that Craig still lived in West Virginia and was prominent in the technology sector, as well as an impressive home chef. He said that he had a great impact on him in understanding the depth of what it means to be Jewish. He thanked Mr. Linden for his words.

Mr. Gallaway said that in the spirit of welcoming the stranger and in thinking of Asian American Pacific Islander Month, poetryfoundation.org had a wonderful collection of poems in celebration of the



month. He said looking at art or reading works about or created by others from different backgrounds was a good way to celebrate and learn about their culture.

Mr. Pruitt thanked Mr. Linden for the message of hope he brought with his remarks. He said that Jewish communities in America had played a significant role in numerous critical social movements throughout history. He said that this contribution seems to be increasingly overlooked and glossed over in their current social moment.

Mr. Pruitt said that Jewish Americans and their values had driven many movements for justice, including social justice, racial justice, and economic justice. He said that they were at the forefront of labor and the Civil Rights Movement, being the first to link arms with the African American community during that important time in history. He said that he wanted to emphasize this because he would bring up a slightly somber point. He apologized for any negativity.

Mr. Pruitt said that it was becoming almost a political talking point implying partisanship to simply observe and acknowledge the increasing prevalence and vocalness of anti-Semitism in America today. He said that they must recognize this reality within themselves as well. He said that it was easy to point fingers at others who vocally displayed anti-Semitic actions, but they should also consider how their social movements and political thinking may have been influenced by this.

Mr. Pruitt said that there was a comedian named Dave Baddiel who wrote a book called Jews Don't Count. He said that the central thesis of this work was that when people on the left considered solidarity, there could be a tendency not to embrace the Jewish community with the same expectations and instincts for solidarity as other communities. He said that throughout history, the Jewish community had readily given up their own energies in support of these movements.

Mr. Pruitt said that he believed it was crucial to think about this issue and interrogate their implicit biases regarding the Jewish community. He said that in recent years, they had discussed implicit bias extensively; however, they may not have become comfortable enough considering how it affected their understanding of politics and social movements involving the Jewish community. He said that this could be destructive and harmful if left unexamined. He apologized for the tangent, but believed this was an important topic to address and thanked Dr. Linden for being there.

Mr. Linden thanked the Board for their passion and desire for what they were talking about. He said that he would like to note that the most frequently stated injunction in the Hebrew Bible was "welcome the stranger," which God instructed 36 times. He said that he also believed it would sometimes be good to say to each other, "get to know the stranger." He said that it was difficult to hate someone once they knew them better.

Mr. Andrews thanked Mr. Linden for his optimism.

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### **Proclamation Celebrating Jewish American Heritage Month**

- WHEREAS,** Jewish American Heritage Month is a time for commemorating the history, contributions, and cultures of the diverse population of Jewish Americans; and
- WHEREAS,** the Jewish community has played an important role in shaping, advancing, and enriching the fabric of Albemarle County ever since the first Jewish family settled in Albemarle County in 1757; and
- WHEREAS,** Jewish Americans, due to their own long history of persecution, have often found common cause with movements working to expand civil rights, liberty, and human dignity for all; and
- WHEREAS,** the Jewish American experience has always been held together by the forces of hope, resilience, and striving for a better tomorrow.
- NOW, THEREFORE, BE IT PROCLAIMED** that we, the Albemarle County Board of Supervisors do hereby recognize and celebrate Jewish American Heritage Month and renew our dedication to the work of building a fully inclusive tomorrow; one where a great diversity of origins is not only accepted, but also celebrated here at home and around the world.

Signed this 15<sup>th</sup> day of May 2024

Item No. 6.c. Proclamation Recognizing May 12-18, 2024, as National Police Week

Ms. LaPisto-Kirtley **moved** that the Board adopt the Proclamation Recognizing May 12-18, 2024, as National Police Week and read the proclamation aloud. Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Colonel Sean Reeves, Chief of Police for Albemarle County Police Department, accepted the proclamation. He said that he was joined by Lieutenant Colonel Terry Walsh, Deputy Chief of Police, and Major Randy Jamerson, Assistant Chief of Police. He thanked the officers in the back of the auditorium, who were the reason for the gathering. He said that as the Chief of Police during National Police Week and Peace Officers Memorial Day, he expressed his privilege to serve these men and women.

Colonel Reeves emphasized the importance of paying tribute to the valor and sacrifices of officers across the country who faced daily dangers to ensure public safety. He said that this week was also a time for law enforcement officers, their families, and loved ones to remember those lives tragically cut short in the line of duty.

Colonel Reeves said that they honored the 136 officers killed in the line of duty nationwide last year and the 58 officers and six police canines who made the ultimate sacrifice this year. He said that their lives were not defined by how they died but by how they lived and served with selfless courage. He said that on behalf of the men and women of the Albemarle County Police Department, he accepted the proclamation with a promise that they would continue their mission of safeguarding their resilient community.

Ms. McKeel said that the community appreciated the police officers' hard work even through the most difficult times. She said that she wanted to highlight that they appreciated the families of the officers as well.

Ms. Mallek expressed her gratitude for the police officers' high-performance expectations and commended their dedication to achieving the highest skill level through training. She said that she praised their empathetic approach towards citizens, especially during difficult moments when they were fearful, upset, angry or dealing with speeding cars or barking dogs. She said that despite facing various challenges daily, their unwavering commitment, whether the concern was large or small, made a significant difference for everyone. She said that she thanked them sincerely.

Ms. LaPisto-Kirtley said this was something very personal to her. She expressed her appreciation towards the dedication and professionalism of Albemarle County's Police Department and Fire Rescue team. She said that she acknowledged they were an exceptionally well-run organization which listened to and served their community. She said that she emphasized the importance of maintaining a good police department where officers put their lives on the line every day, even during simple traffic stops. She expressed gratitude towards the families who supported these officers. She said that she acknowledged serving their community was a calling and passion for all of them, keeping everyone safe.

Mr. Gallaway said that the police department was composed of individuals, including mothers, fathers, uncles, aunts, neighbors, friends, and best friends. He said that it was the quality of the individual and those people that made the department special. He said that based on how they approach policing in the community was unique because of the mindset of service. He said that he was immensely proud to be on this Board and have the opportunity to work with the people in their police force. He thanked everyone attending today and appreciated all their work.

Mr. Pruitt said that he believed his youth and approachable demeanor attracted individuals seeking guidance on government careers. He said that many asked how they could get involved, especially those finishing high school or undergraduate studies. He said that he had a reputation as a provocative leftist, so it surprised people when he asked if they had considered applying to become a police officer, stating it was one of the most rewarding careers in government.

Mr. Pruitt said that police officers gained exposure to various aspects of public service, making their work deeply fulfilling. He acknowledged that there was a misunderstanding among the public, particularly young individuals, who often viewed police officers as solely arresting criminals. He explained that their duties extended well beyond that, including ensuring road safety and traffic enforcement, responding to mental health crises in the community, picking up stray dogs, and even unusual situations like happened last year when an officer removed a beachball from a bear's head, which posed a serious danger to the community in Scottsville District as well as the bear itself.

Mr. Pruitt said that they also registered and responded to home alarm systems and enforced various ordinances, including noise ordinances. He acknowledged that police officers build relationships within their community and served as the first point of contact with County services for many people. He expressed gratitude for the dedicated force representing their community in the best possible way and appreciated their hard work. He thanked everyone for their work.

Mr. Andrews said that upon examining the annual report, he found out that there were 77,672 calls for service in the previous year, which averaged nearly 1,500 per week. He acknowledged that the police department was quite busy. He said that the report also showed that there were 9,406 traffic stops and 637 priority one calls for service in urban areas, with an average response time of three minutes and 36 seconds. He said for reference that was the length of time since the moment Col. Reeves began spoke until now.

Mr. Andrews said that in rural areas, there were 195 calls for service, although the response times were slightly longer; however, they were still commendable. He expressed his admiration for the

outstanding service provided by the police department and appreciated the dedication not only of the officers but also of their families.

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**POLICE WEEK  
May 12 – 18, 2024**

**WHEREAS,** in 1962, President John F. Kennedy signed the first proclamation recognizing May 15th as Peace Officers Memorial Day and the week in which it falls as National Police Week, “to pay tribute to the law enforcement officers who have made the ultimate sacrifice for our country and to voice our appreciation for all those who currently serve on the front lines of the battle against crime;” and

**WHEREAS,** the safety and well-being of Albemarle County citizens being of the utmost importance to the prosperity and livelihood of Virginia’s families and communities; and police officers throughout Albemarle County are dedicated to protecting and serving Albemarle County communities – our neighborhoods, schools, and families; and

**WHEREAS,** police officers risk their lives each and every day in order to ensure public safety and enforce the laws of the land; and

**WHEREAS,** Albemarle County values the courage and devotion of our police officers, as our collective prosperity depends on the integrity with which our law enforcement officers maintain peace and security; and

**WHEREAS,** Police Week and Peace Officers Memorial Day are opportunities to honor the officers who have fallen in the line of duty, and recognize the sacrifices made by the families of those officers and the families of those who continue to protect and serve our communities.

**NOW, THEREFORE, BE IT PROCLAIMED** that we, the Albemarle County Board of Supervisors, do hereby recognize

**May 12 through 18, 2024  
as  
POLICE WEEK**

and **May 15, 2024, as PEACE OFFICERS MEMORIAL DAY** in Albemarle County, and call these observances to the attention of all our citizens.

Signed this 15th day of May 2024.

Item No. 6.d. Resolution of Appreciation for Gary O’Connell

Ms. Mallek **moved** that the Board adopt a Resolution of Appreciation for Gary O’Connell and read the resolution aloud. Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Mr. O’Connell accepted the resolution. He thanked the Board for their support, as well as Mr. Richardson and his staff. He thanked them for giving them the best Board of Directors they could have had. He said that they were excellent and truly cared for the community. He said that personally, it had been a great water journey that he had fully enjoyed. He said that he had been in this particular job for 14 years and it had been exciting to watch the community rally around water issues. He said that some of them had been very involved for most of those years.

Mr. O’Connell said that the Albemarle County Service Authority (ACSA) tried to make a positive difference for the community, which he believed they had done, and staff would continue to do so. He said that as stated in the resolution, their goal was to provide safe, clean, and reliable water to the community. He said that they had been working diligently on improving customer experience and ensuring that this message reached the community. He said that they were prepared for the next 50 to 75 years, if not more, in terms of future drinking water needs for the community.

Mr. O’Connell said that there had been a significant amount of hard work from several individuals, dating back to the beginnings of these initiatives. He said that this was something that very few communities can claim. He encouraged everyone to be proud of this accomplishment. He said that one story that came to his mind because Scott brought it up at the Rivanna Board meeting. He said that the largest public hearing he had ever attended in his 50-year career took place in this room when they were discussing advanced water treatment.

Mr. O’Connell said that at that time, cost was a significant concern; however, it became clear that

the community wanted safe drinking water, leading to the decision for advanced water treatment using granular activated carbon (GAC). He said that in current news stories, it was acknowledged that GAC was the treatment of choice for new contaminants in water. He said that this community made that choice long ago, and they could confidently tell their residents that they had very safe drinking water now and in the future.

Mr. O'Connell said that there had been numerous decisions regarding water supply that this Board had been involved in, but a long-term plan was in place that was being funded, and projects were moving forward that would put them in an excellent position for the future. He thanked the Board for this recognition and for their support over the years. He said that it had been a fun journey, but he was ready for another one.

Ms. McKeel said that it had been an absolute delight to work with Mr. O'Connell. She said that as representative of the Jack Jouett District, she had the honor of working on one of the most challenging projects due to the contractor involved. She said that they spent a lot of time discussing the community's frustrations over that contractor, and Mr. O'Connell's response and his team's response were truly wonderful. She said that his team had been great in supporting him. She said that the Hydrant Art Project they worked on together was very fun.

Ms. McKeel said that one could see some painted fire hydrants around the Jack Jouett District, including one outside his office up on Pantops. She said that they had fun painting that fire hydrant, and she appreciated his willingness to participate in an art project with her. She said that he seemed like he was having fun too. She wished him the best in everything he does. She said that he had been a jewel and a gift to this community for many years in his various roles within this community. She thanked Mr. O'Connell.

Ms. Mallek said that the resolution addressed numerous strengths, such as Mr. O'Connell's ability to provide swift and accurate updates on specific projects when asked. She said that his timely and helpful return phone calls were highly appreciated. She said that the long-term impact of his arrival at ACSA began immediately with the modernization of planning strategies.

Ms. Mallek said that for the previous 30 years, the focus had been on keeping costs low to avoid tying up expenses in housing and new development projects. She said that there was no budget for capital projects. She said that now, due to the management Mr. O'Connell implemented, meeting cost expectations for future improvements and renovations of the 50-year-old pipes became a more organized process.

Ms. Mallek said that although there might be tasks they wished could be completed faster, accomplishing them within a year or two was an impressive feat. She expressed her gratitude for that. She said that the memorable meeting mentioned by Mr. O'Connell left a lasting impression on many people, including Dave Tungate who recently mentioned the date. She said that it was an intense experience with 300 attendees and 100 speakers during the four-and-a-half-hour hearing.

Ms. Mallek said that nevertheless, it remained one of her fondest memories. She said that she had been present at the table for the first many years of the water supply plan, both in her previous role and here to ensure everyone's involvement. She said that it took 20 years to finalize that plan, but now they were set for the next 50 years, which was crucial. She expressed her deepest gratitude once more and wished Mr. O'Connell happy fishing.

Ms. LaPisto-Kirtley said that she was impressed with Mr. O'Connell's commitment, collaborative style, and problem-solving approach to improving the quality of life. She said that after visiting several reservoirs, she acknowledged that due to his efforts, they would have clean water. She said that he had accomplished exceptional work as executive director for 14 years, which had made a significant impact on their community's access to clean water both now and in the future.

Ms. LaPisto-Kirtley commended him for his dedication and all the work he had done to maintain their water supply, implement innovations, and ensure new pipes and facilities were installed at each reservoir. She said that learning about these accomplishments left her truly amazed. She thanked Mr. O'Connell sincerely for his dedication and hard work.

Mr. Gallaway thanked Mr. O'Connell for being here today and for his years of service. He said that his appointee to the ACSA, Nathan Moore, who now served on the Planning Commission, had mentioned to him that the end of Mr. O'Connell's term on the ACSA would be a great loss for all of them. He said that he believed it was the ultimate compliment to say that Mr. O'Connell may be irreplaceable.

Mr. Gallaway said that Mr. O'Connell's replacement would have a high task to achieve if they were going to try to achieve what he had over the past 14 years in this position. He said that his efforts certainly were why they were where they currently were in terms of their excellent water quality. He said that the fact that he mentioned their community was in a position to say something not many communities could was a reflection of his leadership. He thanked Mr. O'Connell and asked him to please enjoy his fishing.

Mr. Pruitt said that he had not had the opportunity to collaborate with Mr. O'Connell during his tenure on the Board, but his reputation preceded him in the best way possible. He said that he was glad to hear nothing but good things about his leadership over more than a decade. He said that he had worked through some very important changes. He said that while it was not normal for water quality to be

at the heart of some of the most important policy decisions in a community, it had been the case here in Albemarle, and he was grateful for his guidance during these times. He thanked Mr. O'Connell and wished him well in his next endeavor.

Mr. Andrews said that he was very appreciative of Mr. O'Connell's hard work. He said that his predecessor, Liz Palmer, had worked alongside Mr. O'Connell for many years and highly valued his service. He said that he mentioned earlier that his well was recently tested, and he could assure everyone that with the list of potential issues, having ACSA water was a blessing due to its quality and reliability. He thanked Mr. O'Connell for providing such a good product. He said that he appreciated all his efforts. He said that despite limited time working together, Mr. O'Connell provided him with valuable orientation from the start, which he greatly appreciated. He thanked Mr. O'Connell.

Mr. Richardson said that Ms. Wall, Mr. Henry, Mr. Rosenberg, and himself are all members of ICMA, the International City/County Manager's Association, as was Mr. O'Connell. He said that at their annual conference, approximately 5,000 managers attend from cities and counties worldwide that operate under a manager council form of government. He said that this proclamation highlighted Mr. O'Connell's recent 14 years of service to the Albemarle County Service Authority; however, he also served as the City Manager of Charlottesville for a full-service career in local government.

Mr. Richardson said that he relocated to Virginia from Tennessee several years ago and began his journey in local government. He said that at their national conference each year, they recognized years of service, with perhaps one or two individuals worldwide reaching 50 years. He said that Mr. O'Connell was among this elite group, having served in local government his entire adult life. He said that it has been an honor to have been in this County with him for the past six and a half years.

Mr. Richardson said that he was one of the first people in this community that welcomed him here when he came to Albemarle County. He said that he had the pleasure of sitting beside him at the Rivanna Water and Sewer Authority, where he had served on that board for 29 years. He said that for his entire six and a half years, he noticed his attention to detail. He said that he always took copious notes and always followed up. He said that his customer service was second to none. He said that his staff, Mr. Stewart and himself, met with him on a monthly basis.

Mr. Richardson said that they never went away without whatever the commitment was that Mr. O'Connell was going to do to follow up. He said that Mr. O'Connell always followed up. He said that on behalf of Albemarle County government, from the staff, he wanted to thank Mr. O'Connell for his service and for the partnership from the Service Authority back to their staff. He said that he would be missed, but when they see him, they would see a friend and a community leader. He asked Mr. O'Connell to please come back and see them sometime.

\* \* \* \* \*

**Resolution of Appreciation  
for  
Gary B. O'Connell**

**WHEREAS**, Gary O'Connell has served Albemarle County with distinction as the Executive Director of the Albemarle County Service Authority for 14 years; and

**WHEREAS**, Gary's many professional accomplishments during his tenure as Executive Director are exemplified by his active leadership in water conservation initiatives, including the Toilet Rebate Program, the Rain Barrel Rebate Program, Free Water Conservation Kits, and the upgrade to the metering infrastructure; and

**WHEREAS**, in countless ways Gary has provided exemplary service to Albemarle County through the application of his extensive knowledge and ability, as well as through his collaborative personal style, his commitment to constructive two-way communication and his authentic problem-solving approach to improving the quality of life for the people of this county; and

**WHEREAS**, Gary's commitment to providing responsive and high-quality customer service has built a trusting relationship with the Service Authority, the Rivanna Authorities, community partners, and area residents and has resulted in a water system that is safe and reliable.

**NOW, THEREFORE, BE IT RESOLVED** that we, the Albemarle County Board of Supervisors, do hereby commend Gary O'Connell for his significant contributions to the Albemarle County Service Authority and extend its heartfelt "Thank You" for his years of service to the residents of Albemarle County.

**BE IT FURTHER RESOLVED**, that a copy of this Resolution be spread upon the minutes of this meeting of the Albemarle County Board of Supervisors as a lasting testament to the esteem in which Gary O'Connell is held by this Board.

Signed this 15th day of May 2024

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

Mr. Samuel Lindblom said that he was a resident of the Rivanna District. He said that he also wanted to express his appreciation for Mr. O'Connell and the community water supply, but that was not the reason he was here today. He said that his main purpose was to discuss the uses at Ragged Mountain. He said that he wanted to address a few misconceptions about hiker-only trails in Charlottesville and Albemarle. He said that people had claimed that there were only two places for hikers to hike or hiker-only trails in the area, but this was not accurate.

Mr. Lindblom said that they were blessed to have Shenandoah National Park, James Monroe Highlands, Charlotte Humphreys, Totier Creek, Fernbrook Natural Area, Sugar Hollow, Ivy Creek, and Ragged, which together offered approximately 75 miles of hiker-only trails. He said that he did not oppose the idea of hiker-only trails; in fact, he felt they were a valuable asset to their community. He said that another misconception was that mountain bike groups or people wanted to build trails all over Ragged Mountain. He said that however, this was also untrue.

Mr. Lindblom said that during the 2016 City-led process and community discussions, they agreed on one shared loop around the reservoir, with the rest of the trails being hiker-only. He said that they stood by that agreement and plan, stating that no new trails are needed to accommodate future needs. He said that it had been well-documented that bikes did not pose a threat to their water supply. He said that we were informed of this by RWSA. He said that there was no evidence suggesting that bikes caused any ecological damage.

Mr. Lindblom said that their trail construction, maintenance crews, and volunteer corps had resolved numerous poor, steep, eroded trails that led to erosion and vegetation damage as part of their regular process and adherence to guidelines when working on trails. He said that when RWSA removed an additional 20 feet perimeter around the existing reservoir in order to expand the water supply plan, they would be prepared to devise and implement a solution. He said that he did not understand why bikes had been specifically targeted at Ragged. He said that there were numerous prohibited items in the code, but bikes were frequently singled out.

Mr. Lindblom said that they initially believed it was about water quality, then they thought it was about conflicts with hikers, of which they asked the City how many complaints they had received and learned that none had been heard. He said that now they were hearing about destroying nature, which he also did not believe to be true. He said that it was accurate that they had been and continue to collaborate with all partners, including City parks, County parks, and other interested stakeholders in outdoor recreation and trails to protect sensitive habitats and provide recreational opportunities that serve their community.

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Ms. Christine Putnam, Scottsville District, said that she enjoyed the proclamations, which were always inspiring. She said that as a member of the Albemarle County Natural Heritage Committee, serving for eight years, she had gained extensive knowledge about the very special places in their County, particularly those rich in biodiversity and containing rare and sensitive species.

Ms. Putnam said that the Ragged Mountain Natural Area was an example deserving extra protection due to its large areas identified as biodiversity hot spots, which were sensitive to disturbance according to the Center for Urban Habitats' 2016 biological survey and comments made by the Virginia Department of Conservation Resources.

Ms. Putnam said that as human populations grew and the world became more urbanized, it was their responsibility to preserve the ecological treasures under their care because once they were gone, they were gone forever. She said that in the 1990s, the area around the Ragged Mountain Reservoir was established as a natural area where the scale of human activity would be limited. She said that the Natural Heritage Committee urged the Board to keep the present ordinance in place and not make changes to the authorized activities.

Ms. Putnam said that for further consideration, they recommended having only one trail and that no additional trails be built. She said that she enjoyed mountain biking, running, and hiking in the woods, and was thankful for the ample opportunities available in their County. She requested the Board to set aside the Ragged Mountain Natural Area as a place to study and quietly enjoy nature at a contemplative pace with the least possible impact.

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Mr. John Rabasa said that he was a resident of the Jack Jouett District. He said that he came before the Board to discuss the use of Ragged Mountain Natural Area. He said that in many growing communities, balancing the needs of different trail users could be challenging. He said that walkers, bikers, runners, and horseback riders often became pitted against each other, and it was difficult to tell one group their activity was not as worthy as other groups.

Mr. Rabasa said that the matter of recreation could be complex. He emphasized that the matter at hand with Ragged Mountain was not about recreation but conservation. He said that as a designated natural area, the Board's responsibility was not to find a solution for different groups, but to find a solution for the preservation of the natural ecosystem that exists there.

Mr. Rabasa said that any activity, if allowed, must be the one that least disrupts the rocks, plants, and wildlife in the natural area. He said that Ragged Mountain should be enjoyed, but that was not a prerogative; it was a privilege. He acknowledged the importance of democracy and the right to express diverse opinions. He said that it was their instinct to find a solution to accommodate the most, and to find a win-win. He said that in some cases, they needed to prioritize the preservation of natural treasures. He said that overuse could lead to the tragedy of commons, making the area unusable for everyone.

Mr. Rabasa said that Teddy Roosevelt's foresight in enacting the Antiquities Act demonstrated this principle. He said that comparing Ragged Mountain to Yellowstone or Shenandoah might seem like a stretch, but the spirit of conservation remained the same. He said that the benefits extended not only to the current community but also to future generations. He said that viewed through a conservation lens, the matter was simple: keep Ragged Mountain as a natural area, allowing only walking without dogs or bikes, as the activity of least disturbance.

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Ms. Kerin Yeats said that she was a resident of the White Hall District. She said that she was speaking today on behalf of Meg Hubeck, President of the League of Women Voters from the Charlottesville Area. She said that the League of Women Voters of the Charlottesville Area had become very much aware of the discussion that was occurring today about the natural area surrounding the Ragged Mountain Reservoir. She said that they felt that the recently announced agreement in early March, finally resolving a dispute between the City and County regarding usage, should remain in place.

Ms. Yeats said that this agreement restored the Ragged Mountain Natural Area to its intended level of protection. She said that the Ragged Mountain Natural Area was put together over years by Ivy Creek leaders, aiming to preserve and protect the land for the community's quiet contemplation of the native landscape, bird watching, fishing, and wildlife observation. She said that no one was excluded by this arrangement nor deprived of physical activity.

Ms. Yeats said that the only requirement they could see as appropriate for entering the Ragged Mountain Natural Area was to do so on foot. She said that this area offers a unique experience distinct from parks designed for sports. She said that it was one of only two natural areas in the County versus multiple parks open for mountain bikers. She said that the League of Women Voters of the Charlottesville area respectfully requested that the March 7 legal agreement between the City and County be upheld today, May 15.

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Mr. Zack Dameron said that he was a resident of the Jack Jouett District and had been a resident of Albemarle County for 40 out of his 65 years. He said that he was distressed to take a different side from his good friends and neighbors, but he was present to support mountain biking in the Ragged Mountain Reservoir trail. He said that he was an avid rider and had ridden in that area. He said that there were two aspects of this trail that made it unique. He said that one was its proximity to Charlottesville and the biking population. He said that to go to other parks to ride bikes in the community, they had to go 15 miles by car from his neighborhood.

Mr. Dameron said that the other was its connection to Haywood Forest Trails and O-Hill (Observatory Hill) Trails, which offered about 15 miles of trails for variety. He said that there was no other place like it. He said that regarding preservation of nature, he would love that. He said that he was on a trail last weekend and all eight riders used the Merlin app to listen to bird sounds. He said that bicycling allowed them to connect with nature sooner, faster, and further than on foot. He requested the Board amend the ordinance to permit mountain biking on the reservoir trail.

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Mr. Walter Rogers said that he was a resident of the Scottsville District. He said that he moved to the area last October with his wife from Syracuse, New York. He said that he enjoyed the winter weather and mountain biking in the area. He said that Ragged Mountain was a great trail for older riders as himself, and it was a scenic gem of a trail in the area.

Mr. Rogers said that he was also impressed with the local mountain biking group. He said that they did a lot of trail maintenance and were willing to work with all other groups to ensure shared use was maintained for everyone. He said that they were lucky to have them and could work with everyone to make successful use of the trails. He requested the Board amend the ordinance to allow mountain biking at Ragged Mountain.

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Agenda Item No. 8. Consent Agenda.

Mr. Andrews said that there were no amendments to the consent agenda other than an administrative change to Item 8.2.

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

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

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Item No. 8.1. Schedule a Public Hearing to Consider an Electric Vehicle Charging Fee Ordinance.

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

In 2021, the County installed electric vehicle (EV) chargers in the County Office Building parking lot for use by the general public. The total project cost was \$333,008, including grant funds and \$100,000 of Board dedicated climate action funds. Since commissioning, the County has hosted approximately 8,000 unique drivers at the county-owned facilities, dispensing over 696 mega-watt-hours of electricity, for an accumulated greenhouse gas emissions savings of over 487 metric tons.

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

The usage of EV chargers has been increasing steadily. A review of charger data shows that usage has been rising by approximately 10% a month. Electricity fees currently cost the County roughly \$4,600 monthly and continue to increase with demand. Staff estimates that electricity fees could approach \$8,000 per month in FY 25. A new lease contract is expected in late FY 26 that is expected to increase monthly operating expenses by an additional \$4,500 (\$54,000/yr).

Staff has prepared a draft ordinance (Attachment A), an EV Fee Methodology (Attachment B), and Additional Background (Attachment C) to outline the proposed development and implementation of an EV charging fee for the County EV chargers. Staff is requesting that the Board schedule a public hearing to consider adopting the proposed ordinance and resolution at a future Board meeting.

The County's provision of retail electric vehicle charging service to the public is expected to have no financial impact on the County. Revenue is expected to cover the variable costs of transaction fees and electricity, which would be returned to the General Fund. Retail fees charged by the County to the public for EV charging services do not apply to the use of charging stations to charge the County's fleet of electric vehicles.

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

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

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Item No. 8.2. Schedule a Public Hearing Concerning the Board of Supervisors' Compensation.

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

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

The County implemented a 2% Cost of Living Adjustment for staff, effective January 1, 2024, to support increasing wages in response to inflation and to remain competitive with employers in our area. Board member pay did not increase at that time. Because Virginia Code § 15.2-1414.3 provides that board members' salaries shall be established on a fiscal year basis, the ordinance includes an effective date of July 1, 2024.

Staff has prepared a proposed ordinance (Attachment A) to amend County Code § 2-202 to increase the compensation of Board members by 2%, to include the stipends for the Board chair and



vice-chair, which the Board can consider following a public hearing, to-be-scheduled.

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

Staff recommends that the Board schedule the public hearing on the attached proposed ordinance (Attachment A).

**By the above-recorded vote, the Board authorized the Clerk to schedule a public hearing on the attached proposed ordinance concerning the Board of Supervisors' compensation (Attachment A).**

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Item No. 8.3. Route 250 Pantops Corridor Improvements Project.

The Executive Summary forwarded to the Board states that, in Round 4 of Smart Scale, Albemarle County applied for pedestrian, turn lane, and access management improvements to the US 250 corridor between Route 20 (Stony Point Road) and Rolkin Road. Albemarle County committed \$2 million in local match to the project. The application was successful, and the project was awarded approximately \$6 million through Smart Scale. The project is being administered by the Virginia Department of Transportation (VDOT).

The US 250 East Corridor Improvements Project is now moving into more detailed design, and VDOT has shared a memo (Attachment A) describing proposed bicycle and pedestrian accommodations for the project. VDOT requests County concurrence with the proposed accommodations.

This Project will be making significant improvements to pedestrian accessibility in the Corridor including upgrading 29 curb ramps to bring them to current ADA/PROWAG standards. Of note in the memo, VDOT has identified nine existing curb ramps or commercial entrances along US 250 that likely met ADA standards when initially installed, but do not meet current ADA/PROWAG standards. It would require additional right-of-way to make any improvements to bring them fully up to the current standard. VDOT is proposing no changes to those nine curb ramps with this project.

All other bicycle and pedestrian improvements described in Attachment A are consistent with the project as described in the Smart Scale funding request, which received a resolution of support from the Board of Supervisors at the time of final application. The cost of right-of-way acquisition needed to bring the nine curb ramps up to current standards was not included in the Smart Scale application, it is not within the project scope or budget. Given the overall consistency with the project application and significant improvements to bicycle and pedestrian facilities and accessibility, County staff supports VDOT's plan for the proposed pedestrian improvements and not adding those unfunded improvements to pedestrian facilities to the scope of the project, as described in Attachment A.

It should be noted that four of the nine curb ramps not being upgraded are part of a site plan currently in review, which would be required to be upgraded through the site plan process. Additionally, staff has reviewed all nine of the locations that do not meet the current standards to confirm that they do include ramps and a detectable warning surface that provides access to the sidewalks.

No budget impact is associated with this item. The project has already been awarded funding and the \$2 million local match does not change regardless of whether Albemarle County concurs with VDOT's plans. However, without concurrence, the project budget will be impacted, which may result in reductions for other areas of the project to ensure the project can move forward.

Staff recommends that the Board authorize the County Executive to sign the attached VDOT memo (Attachment A) providing concurrence with the proposal on behalf of the County.

**By the above-recorded vote, the Board adopted authorize the County Executive to sign the attached VDOT memo (Attachment A) providing concurrence with the proposal on behalf of the County:**



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION  
1601 Orange Road  
Culpeper, Virginia 22701

Stephen C. Brich, P.E.  
Commissioner

DATE: May 6<sup>th</sup>, 2024

TO: Sean Nelson, P.E.  
District Engineer

FROM: John Rose, P.E.  
Project Manager

PROJECT: US 250 (Richmond Road) Intersection & Corridor Improvements  
from Route 20 to Hansen Road  
State Project # 0250-002-030  
Albemarle County  
UPC: 123044

SUBJECT: **Recommendation re: Bicycle and Pedestrian Accommodations**

The Commonwealth Transportation Board's "*Policy for Integrating Bicycle and Pedestrian Accommodations*" requires the project manager and local representatives to develop a recommendation on how and whether to accommodate bicyclists and pedestrians in a construction project prior to the public hearing.

For the above referenced construction project, it is my recommendation that the following bicycle and pedestrian accommodations be included:

**Bicycle Accommodations**

At the US 250 / Rte. 20 intersection, a 5 ft. wide keyhole bike lane will be provided between the westbound thru lane and westbound right turn lane. The SMART Scale application submitted for the project by Albemarle County did not include any additional bicycle accommodations. See attached email from Albemarle County dated June 15<sup>th</sup> 2020.

**Pedestrian Accommodations Recommended With This Project**

To better accommodate pedestrians crossing Rte. 20 (Stony Point Road) and Rte. 1116 (Riverbend Drive), the project will provide new marked pedestrian crosswalks on both the north and south side of US 250. New pedestrian signals will be provided for these crosswalks, and existing non-compliant curb ramps will be reconstructed in accordance with ADA standards.

North of US 250, a new 5 ft. wide sidewalk with a 2 ft. buffer strip will be constructed along the west side of Rte. 20 (Stony Point Road) from US 250 to the north side of the McDonald's entrance, where it will tie into existing sidewalk at approximate Sta. 54+72 with new ADA compliant curb ramps at the McDonald's entrance. This sidewalk will complete the pedestrian access route from US 250 to Riverside Shops Way.

South of US 250, new sidewalk and ADA compliant curb ramps will be constructed along the west side of the Rte. 1116 (Riverbend Drive) from US 250 south to the combined East Garden / Taco Bell entrance along with new ADA compliant curb ramps at the combined entrance Taco Bell / Baskin Robbins entrance.

To better accommodate pedestrians crossing US 250, the project will provide a new marked pedestrian crosswalk on the east side of Route 20. New pedestrian signals will be provided for this crosswalk, and existing non-compliant curb ramps will be reconstructed in accordance with ADA standards. **A pedestrian crosswalk on the west side of Rte. 20 will not be provided as it would negatively impact the level of service of the US 250 / Rte. 20 intersection.**

The addition of the westbound right turn lane from US 250 to Rte. 20 northbound will require relocation of approximately 250 ft. of sidewalk along the north side of US 250. The new sidewalk will tie into existing sidewalk at approximate Sta. 212+08 Lt.

Along the south side of US 250 (along the frontage of the Clean Machine Car Wash site), the existing railing behind the sidewalk will be removed and replaced with VDOT Standard HR-1 handrail.

New sidewalk will be constructed along the south side of US 250 from approximate Sta. 231+77 to Sta. 234+93.

Existing non-compliant curb ramps that lie within existing VDOT right of way and which will not require the acquisition of additional right of way to reconstruct them will be reconstructed in accordance with VDOT, PROWAG, and ADA Standards. The specific location for the existing curb ramps that will be upgraded as part of this project are listed in Table 1 and shown on the attached Exhibits 2 and 3.

**Existing commercial entrances along US 250 and Rte. 20 will not be reconstructed solely for the purpose of meeting ADA / PROWAG standards.**

Two existing commercial entrances located within VDOT right of way along US 250 at Sta. 213+75 LT. and Sta. 230+25 Lt. will be removed and reconstructed with new sidewalk and curb and gutter since they are no longer used by the business.

**Table 1: Existing Curb Ramps Not Meeting Current Standards & Will be Upgraded as Part of This Project:**

Curb Ramp No.	Entrance Location	Station Baseline	Station	Side
CR 1	Free Bridge Lane (Radius)	Route 250	200+94	LT
CR 2	Free Bridge Lane (Radius)	Route 250	201+59	LT
CR 3	Newhouse Drive (Radius)	Route 250	202+66	RT
CR 4	Newhouse Drive (Radius)	Route 250	201+97	RT
CR 5	Route 250/20 Intersection (Radius)	Route 250	208+31	LT
CR 6	Route 250/20 Intersection (Radius)	Route 250	209+51	LT
CR 7	Route 250/20 Intersection (Radius)	Route 250	209+13	RT
CR 8	Route 250/20 Intersection (Radius)	Route 250	208+18	LT
CR 9	Riverbend Drive Bank (Radius)	Route 1116	35+39	LT
CR 10	Riverbend Drive Bank (Radius)	Route 1116	35+01	LT
CR 11	Riverbend Drive Bank (Internal)	Route 1116	34+90	LT
CR 12	Riverbend Drive Taco Bell (Radius)	Route 1116	33+4	LT
CR 13	Riverbend Drive Taco Bell (Radius)	Route 1116	33+06	LT
CR 14	Riverbend Drive Duncan (Radius)	Route 1116	32+05	LT
CR 15	Riverbend Drive Duncan (Radius)	Route 1116	31+72	LT
CR 16	Pantops Corner Way (Radius)	Route 250	214+16	LT
CR 17	Pantops Corner Way (Radius)	Route 250	214+47	LT
CR 18	Pantops Corner Way (Radius)	Route 250	214+70	LT
CR 19	Pantops Corner Way (Radius)	Route 250	215+03	LT
CR 20	Peoples Place (Radius)	Route 250	214+12	RT
CR 34	Tip Top (Radius)	Route 250	232+44	LT
CR 35	Tip Top (Radius)	Route 250	233+10	LT
CR 36	Carmax (Radius)	Route 250	233+70	LT
CR 37	Carmax (Radius)	Route 250	234+36	LT
CR 38	School (Radius)	Route 250	236+86	LT
CR 39	School (Radius)	Route 250	237+37	LT
CR 40	Hanson Road (Radius)	Route 250	236+90	RT
CR 41	Hanson Road (Radius)	Route 250	237+23	RT
CR 42	Hanson Road (Radius)	Route 250	237+52	RT

**Pedestrian Accommodations Not Recommended With This Project**

The Engineer of Record for the project has identified several locations where, based on the survey provided by VDOT, the existing sidewalk is partially or completely outside of the existing VDOT right of way, or improvements to address deficiencies would require the acquisition of additional right of way. These locations are shaded in red on the attached Exhibit 1.

Right of way acquisition solely for the purpose of bringing these existing sidewalks and curb ramps into VDOT right of way was not included in the SMART Scale application for the project.

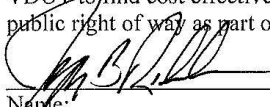
Therefore, those curb ramps that are outside of VDOT right of way, and which require significant additional right of way to upgrade, will not be upgraded as part of this project. The specific locations for the existing curb ramps that do not meet current standards, and which will not be upgraded, are listed in Table 2 and shown on the attached Exhibits 2 and 3.

**Table 2: Existing Curb Ramps Not Meeting Current Standards & Not Being Upgraded as Part of This Project**

Curb Ramp No.	Entrance Location	Station Baseline	Station	Side
CR 21	Peoples Place (Rte. 1298) (Radius)	Route 250	214+82	RT
CR 22	Flow BMW Entrance (Radius)	Route 250	216+33	RT
CR 23	Flow BMW Entrance (Radius)	Route 250	217+11	RT
CR 26	Flow Hyundai West Entrance (Radius)	Route 250	220+75	RT
CR 27	Flow Hyundai West Entrance (Radius)	Route 250	221+41	RT
CR 30	Flow Hyundai East Entrance (Radius)	Route 250	222+36	RT
CR 31	Flow Hyundai East Entrance (Radius)	Route 250	222+97	RT
CR 32	Town and Country Lane (Rte. 1776) (Radius)	Route 250	223+41	LT
CR 33	Town and Country Lane (Rte. 1776) (Radius)	Route 250	224+25	LT

**Albemarle County Concurrence**

Albemarle County concurs with the proposed bicycle and pedestrian accommodations to be included in the project and is aware of the locations where VDOT has determined that upgrades to the existing sidewalk and curb ramps are unable to be completed as part of the US 250 Intersection and Corridor Improvements Project (UPC 123044). These nine curb ramps have been reviewed by staff and it has been confirmed that at each of the locations a pedestrian ramp with some form of detectable warning surface exists which provides access to the sidewalk. In addition, Albemarle County is currently coordinating with landowners and VDOT to improve four of those nine curb ramps (CR26, CR27, CR30, and CR31) to meet current standards and will continue to work with VDOT to find cost effective ways to upgrade the remaining curb ramps and bring sidewalks into the public right of way as part of the site plan approval process for future projects along the corridor.

  
 Name: \_\_\_\_\_

5/20/24  
 Date: \_\_\_\_\_

Title:

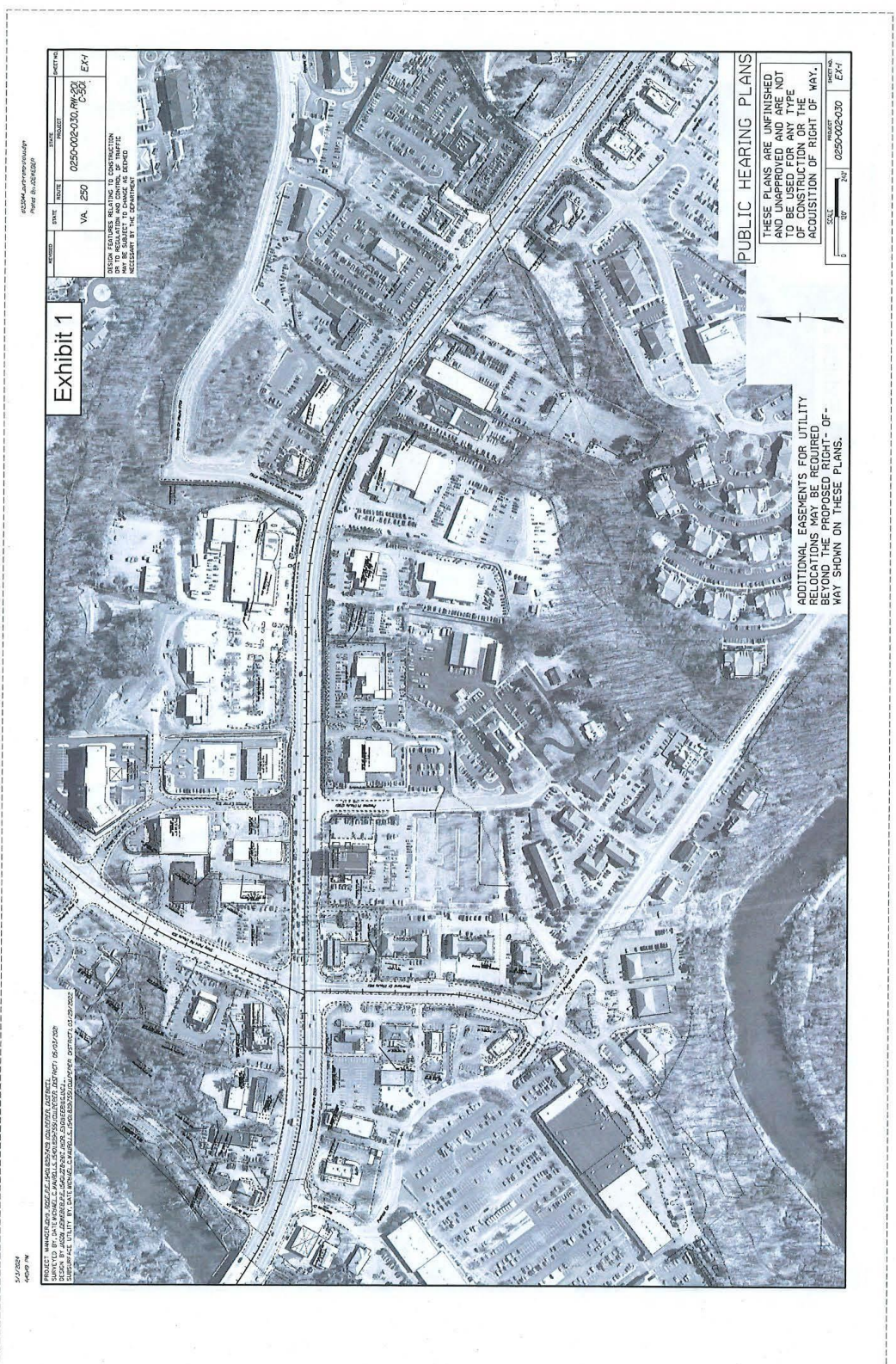
**District Engineer Confirmation**

I concur with the above recommendations from the Project Manager and local representatives on how to accommodate bicyclist and pedestrians in the subject construction project.

Sean Nelson, P.E.  
 District Engineer

Date: \_\_\_\_\_

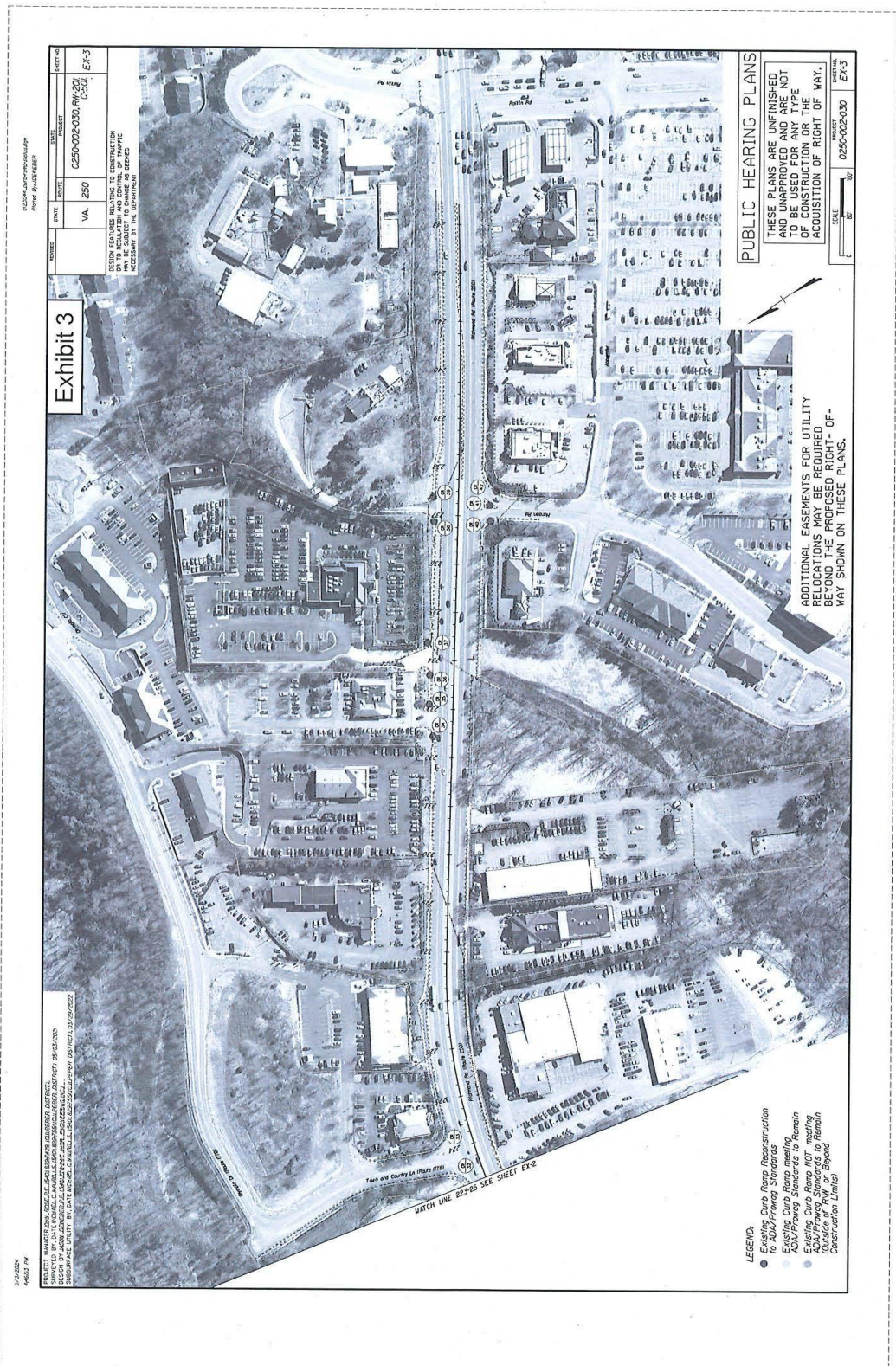












Item No. 8.4. Proclamation Recognizing the 50<sup>th</sup> Anniversary of the Stony Point Volunteer Fire Company.

**By the above-recorded vote, the Board adopted the Proclamation Recognizing the 50<sup>th</sup> Anniversary of the Stony Point Volunteer Fire Company:**

**Proclamation  
 Stony Point Volunteer Fire Company 50<sup>th</sup> Anniversary**

**WHEREAS,** the need for local fire protection in the Stony Point community was evident due to its rural nature and geographical remoteness from Charlottesville and surrounding areas, making the nearest fire department in East Rivanna less effective due to long response times; and

**WHEREAS,** in 1974, led by the proactive citizens of Stony Point and members of a local civic organization, a public meeting was convened by Chuck Norford to address the critical need for establishing a local fire service, resulting in overwhelming community support and swift action and a board of directors was promptly established, consisting of dedicated individuals including Chuck Norford, Montie Pace, Robert N. Woodall, Angelica



Kilham, John Haskell, and John Desio, with Ted Armentrout appointed as the inaugural Fire Chief; and

**WHEREAS,** through the vigorous efforts and enthusiasm of community volunteers, the challenges of securing a site, planning and constructing a firehouse, acquiring essential firefighting equipment, and organizing necessary funding were met with unwavering determination; and

**WHEREAS,** the generosity of local businesses, such as Charlottesville Oil Co. and GOCO Oil Co., funded the vital tanker trucks for the Fire Company, and the steadfast support of National Bank and Albemarle County Government allowed the purchase of additional firefighting apparatus and supported the financing of the construction of the firehouse; and

**WHEREAS,** the groundbreaking ceremony for the Stony Point Volunteer Fire Company's firehouse was held on August 5, 1975, and since then, the facility has been equipped with a modern fleet including a brand-new tanker, two pumpers, and a brush truck, significantly enhancing the capability to serve and protect the Stony Point community, as well as assisting the entire county; and

**NOW, THEREFORE, BE IT PROCLAIMED** that we, the Albemarle Board of County Supervisors, do hereby recognize and express its appreciation to the Stony Point Volunteer Fire Company for their many accomplishments during their 50 years of service and look forward to their second century of service.

Signed this 15th day of May 2024

\_\_\_\_\_  
Item No. 8.5. FY 24 Third Quarter Financial Report, **was received for information.**

\_\_\_\_\_  
Item No. 8.6. Facilities and Environmental Services (FES) Spring Quarterly Update, **was received for information.**

\_\_\_\_\_  
Item No. 8.7. VDOT Monthly Report (May) 2024, **was received for information.**

\_\_\_\_\_  
Agenda Item No. 9. **Presentation:** Ragged Mountain Reservoir Recreational Uses.

The Executive Summary forwarded to the Board states that, at its April 3, 2024 meeting, the Board directed staff to provide a presentation regarding several matters related to Ragged Mountain Reservoir, including:

(i) the results of litigation in the case Albemarle County v. City of Charlottesville, recently concluded pursuant to the City's motion to withdraw its appeal of the trial court's final order (Attachment A) granted by the Virginia Court of Appeals by order dated April 1, 2024 (Attachment B);

(ii) the terms of the agreement between the County and the City bringing the litigation to its conclusion (Attachment C);

(iii) implications of the terms of the agreement between the County and the City for purposes of the County's authority concerning regulation of recreational activities on the reservoir property; and

(iv) possible ways forward if additional recreational activities are to be considered.

The presentation will include an overview of County Code § 11-303 (Attachment D), as currently in effect, which regulates uses at Ragged Mountain Reservoir.

The City acquired the lands constituting the Ragged Mountain Reservoir in the late 1800s. The reservoir property is located entirely within Albemarle County. By the 1970s, there was public interest in use of the reservoir property for recreational purposes. As of 1974, the City administratively regulated the reservoir property, allowing permit fishing and hiking only. It prohibited swimming, boating, canoeing, and hunting. The County, at the request of and in cooperation with the City and Rivanna Water and Sewer Authority, enacted its first ordinance in 1981, permitting fishing, canoeing, boating, hiking, and birdwatching on the reservoir property. In 1997, the County and City agreed to have the Ivy Creek Foundation manage the reservoir property as a natural area to be used for hiking, nature observation and study, and fishing, with the intent that it be preserved in a natural state. Access was designated for foot travel only, with limited exceptions. This arrangement continued until 2014, when the Ivy Creek Foundation withdrew from management of the reservoir property, and the City resumed managerial responsibility.

In 2016, over the County's opposition, the City adopted an ordinance permitting, amongst other things, bicycling on the reservoir property. The County filed suit in 2017, to have the City's ordinance declared invalid under Virginia Code § 15.2-1725. The Charlottesville Circuit Court found in favor of the County in 2022. The City noted an appeal to the Virginia Court of Appeals, which the City withdrew

pursuant to an agreement with the County. Currently, County Code § 11-303 controls uses of the reservoir property and only permits fishing, hiking, birdwatching, picnicking, canoeing, and boating.

No budget impact.

Staff recommends the Board receive the presentation.

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Mr. Richard DeLoria, Senior Assistant County Attorney, said he had been asked to appear before the Board today to provide a background on the Ragged Mountain Reservoir. He said that he believed it was not too complicated; it would involve the legislative history, the history of regulation at the reservoir, and also a brief background in terms of the litigation. He said that everyone was aware that the City and the County had been involved in litigation over this issue for several years. He said that finally, they would look into what the current status was at the end of the resolution of the litigation. He said that County staff and the County Attorney's Office had worked together to come up with some options that the Board may want to consider down the road, not necessarily today, certainly up for discussion, but he did not believe it was up for any action today.

Mr. DeLoria said that he wanted to clarify that the materials he was using were generally original source materials, coming from public records, the Clerk's Office, and the minutes and actions of both the Board of Supervisors and the City Council. He said that he was trying to just use those original source materials in his presentation, and they were, for the most part, exhibits that were used in the litigation submitted to the Charlottesville Circuit Court for its consideration.

Mr. DeLoria stated that they would start with a brief history of the Ragged Mountain Reservoir, going back to the 19th century. He said that the slide showed the official tax map of the boundaries of the reservoir. He said that in the 1890s, the City of Charlottesville had undergone an effort to purchase a number of parcels in Albemarle County to create this reservoir as a water source for the City of Charlottesville. In 1972, he added that the City and County had formed the Rivanna Water and Sewer Authority (RWSA) to manage the water source. He said that the reservoir's definition involved what was within the red boundary on the map provided.

Mr. DeLoria said that part of the litigation involved whether the boundary of the reservoir was just the water itself that RWSA manages, or whether it included the dry land surrounding the reservoir. He said that in terms of the legal definition of the reservoir, it was within what was within the boundary, so it included dry land and the body of water. He said that the map from the 1980s, referred to in the ordinance, predated the dam expansion and showed a smaller body of water than existed today. He said that a more recent GIS image displayed the expanded reservoir. He said that it was now a single tax map parcel.

Mr. DeLoria said that RWSA began managing the water source in 1972 without any City or County ordinances regulating it. He said that the RWSA and Charlottesville both managed the water and property until 1981, when efforts to gain legal backing for regulation at the reservoir increased as a collaborative effort between Albemarle County, the City of Charlottesville, and RWSA. He said that historical records suggested public pressure for using the land for recreational activities like camping, hunting, boating, and fishing. He noted that there was no reference to mountain biking or jogging at that time, back in 1972.

Mr. DeLoria said that he would discuss how it was managed before 1981. He said that before 1981, the City of Charlottesville was administratively managing and regulating what happened at the reservoir property. He said that this was the first evidence they found of any formalized regulation of activity at Ragged Mountain Reservoir. He said that one thing to point out was a common thread throughout the legislation and discussions, which was the animating purpose or reason for the regulation. He said that in this case, it was an administrative regulation that applied equally to ordinances passed by the Board of Supervisors or City Council.

Mr. DeLoria said that as early as 1974, the City recognized its animating purpose was to preserve the water supply and protect it from harm. He said that the protection of the public's water supply was paramount in the Virginia Code and County Code. He said that therefore, the City put it down in writing in 1974 that they wanted to protect the city's water supply from harm. He said that this led to a continuous continuum of regulation, limiting recreational uses to low-impact activities.

Mr. DeLoria stated that the first regulation they saw was from 1974, coming out of the City of Charlottesville. He said that it delineated permitted and prohibited uses at Ragged Mountain Reservoir, identifying fishing and hiking as the only permitted uses. He said that this dichotomy was similar to what this Board had done in the past and what the City did recently in 2016. He said that at the South Fork Rivanna Reservoir, they identified permitted uses such as boating, fishing, hiking, and birdwatching. He said that recently when the County referenced birdwatching as a permitted activity that it was sourced from the South Fork documents from 1974 when the City first wrote that they would allow these activities near their drinking water reservoir.

Mr. DeLoria said that in 1980, there was a joint effort that developed between RWSA, the City, and the County regarding the regulation of activities at the Reservoir. He said that this theme of collaboration had been consistent throughout the history of the Reservoir. He said that later, the Ivy Creek Foundation joined in these efforts. He said neither the City nor RWSA had the capacity to manage the activities of the dry portion of the reservoir so they came together and worked with the County to develop

an ordinance that would govern the activities that could occur at the reservoir. He said that in 1981, Jim Bowling, County Attorney at the time, authored an ordinance with input from the RWSA Board, City Council, and both City and County departments. He said that this ordinance highlighted the animating purpose of protecting water quality in the water supply reservoirs, which applied to all County reservoirs at that time. He said that the limited recreational activities allowed were identified in that article, which included fishing, canoeing, and boating.

Mr. DeLoria explained that these were based on a model from the 1974 administrative regulation, according to Mr. Bowling's letters and comments in the minutes of the Board of Supervisors. He said that in 1981, the permitted uses were identified as fishing, canoeing, and boating. He said that they also identified that hiking and bird watching were permitted at Ragged Mountain Reservoir. He said that between 1981 and the mid-90s, he noted that there were minor changes or tweaks to the ordinance, mainly concerning firearms, camping, and hunting. He said that however, these were not focused on in the context of their litigation and research.

Mr. DeLoria stated that in the mid-90s, there was a reaffirmation of protecting the reservoir as a water supply and reaffirming low-impact recreational activities. He said that before 1997, the Ivy Creek Foundation, which manages Ivy Creek Park jointly owned by the City and County, proposed that the Ragged Mountain Reservoir become a natural area operated similarly to Ivy Creek Park.

Mr. DeLoria said that their proposal, which was part of what was presented to the Charlottesville Circuit Court, made it clear that the intent was to establish the reservoir as a natural area for activities such as hiking, nature observation, and fishing, with the intent that it be preserved in a natural state. He said that in terms of what they were proposing, it was certainly consistent with the animating purpose that the original administrative regulation had adopted and, of course, that the Board of Supervisors, with the agreement of the City and RWSA, had codified in the County code.

Mr. DeLoria said that the common thread running through all these ordinances regarding Ragged Mountain Reservoir's treatment was emphasized again. He said that they carried on with the Ivy Creek Foundation's proposal, stating it aimed to create a natural area where water quality would not be compromised by sale or lease. He said that while he was unsure sure about their exact vision, they wanted to preserve and protect the source water for public water supply. He said that they made it clear in 1997 that they wanted access to be limited to foot travel only, as per the proposal, which prohibited bicycles, all-terrain vehicles, horses, and pets.

Mr. DeLoria said that in 1997 there was an acknowledged limitation as to what could happen at the reservoir. He stated that the City approved this proposal, followed by the Board of Supervisors who agreed and adopted it, along with RWSA. He said that this was confirmed through a 1997 City Council resolution acknowledging the involvement of the City, County, RWSA, and Ivy Creek Foundation in approving the proposal, and that the reservoir should be developed as an area for public hiking, nature observations, study, and fishing.

Mr. DeLoria said that in 1998, the County code was recodified by the Board of Supervisors without significant changes. He noted that this showed that the 1998 ordinance adopted by the Board of Supervisors was essentially identical to today's resolution. He said that it was amended to essentially be current as of 1998, and again they saw the animating purpose of this 1998 recodification was to prevent the pollution of the public water supply, protect the public water supply, and to limit the recreational uses to only those identified in the County Code, which were essentially low impact uses identified.

Mr. DeLoria said those uses that were authorized in the County Code as of 1998 included fishing, hiking, and birdwatching. He acknowledged that picnicking was taken out of the prohibited activities, so people were allowed to throw down a blanket and eat at the reservoir. He said that it listed some prohibited activities but had a general prohibition that said that if it was not expressly authorized, then it was prohibited. He said that the status as of 1998 was that there were limited recreational activities permitted at the reservoir, but that they were low impact. He said that it was evident from the agreement reached in 1997 that all parties involved supported these restrictions.

Mr. DeLoria said that the next slide depicted part of the exhibits submitted to the Circuit Court, which was also included at a sign posted at the reservoir at one of the kiosks. He said that the City had investigated potential changes of uses at Ragged Mountain Reservoir, this sign was posted by the City for a significant period of time. He said that it reemphasized that in order to protect the natural environment of the reservoir, there were limitations of certain activities, such as pets jogging, bicycles, or collecting of any kind. He said that hiking and picnicking were permitted, along with other limited recreational activities allowed by the County's ordinance.

Mr. DeLoria said that in 2014, the Ivy Creek Foundation had backed away from managing the Ragged Mountain Reservoir; however, he could not speak to the specific reasons why they did so. He said that he believed it was not important to their case or this body's considerations. He said that however, when they were backing away from it, the public records made clear that the City was in a position to manage the property in a park-like fashion. He said that they proceeded to plan how the land could be used for additional recreational activities through in-house planning and community outreach, including town hall meetings and sessions on trail design sensitivity.

Mr. DeLoria acknowledged that significant efforts and investment were made to come up with a plan involving multi-use trail designs, including designing the trails in ways that were sensitive to the biodiversity of the reservoir; however, he did not include those slides. He said that there were a number of

exhibits regarding what those trails and their arrangements could be, and how they had evolved over time. He said that he did not believe it was important for this Board at this time other than to point out that they existed.

Mr. DeLoria stated that the legal context of what the City could do and what the County could do regarding the reservoir or property owned by one locality in another was based on an exercise of police powers. He said that the Board of Supervisors had a duty to protect the water supply for the public, which falls under police powers and other Virginia statutes that authorize both the City and the County to protect the water supply and take radical steps to do so. He said that however, this case boiled down to the relationship between the two localities and the code section on police powers.

Mr. DeLoria said that essentially, it stated that the City can provide for the operation and use of its property in the County by ordinance. He said that this made good sense so that the public and the Board of Supervisors understood the intent of what they would do with the property. He said that the backbone of their case was that no ordinance in conflict with an ordinance of the jurisdiction wherein the property was located shall be enacted. He said that the issue came down to whether these ordinances were in conflict, and if so, which ordinance controlled. He said this was the basis of the legal framework they were looking at.

Mr. DeLoria said that in 1997, the County exercised its police powers and water protection powers by enacting its ordinance, allowing only authorized activities such as fishing, hiking, birdwatching, picnics, and boating. He said that any activity not expressly permitted was prohibited. He said that these limited activities did not just come to mind in 1998 or 2011 or any time at that point in time, but rather originated from the intentions of the City, the RWSA, and the County as far back as 1974, in terms of identifying hiking, birdwatching, picnics, sightseeing, and that sort of thing.

Mr. DeLoria said that the prohibitory language also went back about 50 years, so it was a longstanding tradition. He said that he did not mean to go on a tangent but wanted to make clear that the case brought against the City and the case that the City brought against the County was not about biking, jogging, or horseback riding. He said that it was about the statute and the police powers and how those can be exercised. He emphasized that the permitted or prohibited activities were not the issue in the case; it was how these laws and ordinances related to each other and the police enforcement.

Mr. DeLoria said that in 2016, the County permitted specific uses and prohibited any not specifically mentioned, and in December 2016, City Council, after lengthy studies and deliberation, enacted their ordinance that only addressed the Ragged Mountain Reservoir. He said that their animating purpose in doing that was almost identical to the County's in that they were doing it for water protection reasons. He said that the City passed an ordinance that allowed bicycling on designated trails, jogging, and horse riding with a special permit. He stated that none of those were major issues in the case. He said that the purpose behind the horseback riding permit was likely Camp Holiday Trails' interest in limited horseback riding.

Mr. DeLoria said that the purpose was not meant to open the reservoir up to widespread horseback riding. He said that the fundamental question of the case, and at the end when they narrowed down the issues to present to the court, was which ordinance controlled. He said that the underlying question was why, but he had already answered that by citing the statute stating that the City's ordinance cannot be in conflict with the County's ordinance. He said that in April 2017, due to this conflict, the County decided to file a complaint, seeking the court's determination on which ordinance controls and why.

Mr. DeLoria said that when they filed the suit in April 2017, they asked that the City's ordinance be declared void. He said that the City countered with a number of counts, but essentially, they wanted to have the County's ordinance declared void. He said that what followed was a complicated, involved, and lengthy litigation process. He said that it involved a lot of motions, filings, and scheduling of preliminary injunction hearings. He said that it also involved the City and the County staff and legal staff, making significant efforts to negotiate and mediate a resolution.

Mr. DeLoria said that throughout those processes, they made progress; however, there was no concrete success in reaching a resolution. He said that they were able to narrow the issues and agreed to submit the case to the Charlottesville Circuit Court. He said that Judge Worrell received the case and ruled on it. He said that the issue was primarily legal, with few factual issues arising. He said that they had exchanged all public records. He explained that they were fairly amicable in terms of identifying exhibits. He said that they briefed it and attached their exhibits before submitting them to the court. He said that the court narrowed the issue to determining which jurisdiction's ordinance controlled.

Mr. DeLoria said that this was the issue presented to Judge Worrell, who made a decision in 2022. He said that a copy of his letter opinion was included in this presentation. He said that after creating a final order, which took some time but was clear in its findings, Judge Worrell found that the Albemarle County Code preempts Charlottesville's code, allowing only the enumerated activities in the County code. He said that this returned both the City and the County to their pre-2016 status without making any judgments on specific activities like biking, running, pets, or horseback riding. He clarified that it was a fundamental legal decision that the court made.

Mr. DeLoria said that the judge made that decision in July, and the final order was entered September 30, 2022, in the Charlottesville Circuit Court, and the City noted its appeal to the Court of Appeals of Virginia. He said that procedural wranglings occurred between the City and the County prior to

that appeal, but discussions about a possible resolution continued during that time. He said that the agreement reached by the City and the County was an agreement to end the litigation, not an agreement to end biking at Ragged Mountain Reservoir.

Mr. DeLoria reiterated that the City did not agree to say that biking was not permitted or all these things were not permitted; it was an agreement simply to end the litigation. He said that the City and the County entered into an agreement to withdraw the appeal, with straightforward terms: the City agreed to withdraw the appeal, which would end the litigation between the parties. He said that this meant that the Charlottesville Circuit Court judgment would then be the law of the case, governing the relationship between these two ordinances. He said that the City agreed in the withdrawal to repeal the biking and horseback riding provisions within six months.

Mr. DeLoria said that this would provide clarity for the public by removing conflicting ordinances. He said that however, it did not change the law of the case. He said that any portion of the City's ordinance that conflicted with the County's ordinance was ineffective; the County ordinance preempts. He said that in the agreement, the City allowed the County to place signs on the reservoir property. He said that the signs would indicate permitted and prohibited activities, as described in the agreement. He said that the County was not required to do so but was allowed.

Mr. DeLoria stated that another part offered by the City and accepted by the County was maintaining primary law enforcement responsibilities. He said that the police department researched the history of responses to calls for service at the reservoir property, and the numbers were overwhelmingly County police, which made sense because of its location in the County. He said that while there were not a huge amount of calls in the area, the County agreed that it would maintain primary law enforcement responsibilities. He said that he used 'primary' because that was what they had been doing.

Mr. DeLoria said that it was essential to clarify that this did not change the notion of concurrent police powers between the City and County at the property. He said that the impact going forward should be minimal due to few calls for service out there. He said that in March, the City filed a notice withdrawing the appeal to the Court of Appeals of Virginia. He said that the order from the Court of Appeals of Virginia was entered on April 1, 2024, officially withdrawing the appeal and ending litigation between the City and County.

Mr. DeLoria stated that the Circuit Court's order was now the law of the case and the final word on this issue. He said that the appeal had been withdrawn, leading to the current status. He said that the litigation had ended, the legal question had been answered, and they understood the relationship between ordinances and police powers related to the reservoir. He said that legal staff and County discussions resulted in three potential reactions or responses to their current situation after the end of the litigation.

Mr. DeLoria explained that the three options they have are: maintain the status quo; consider expanding limited recreational activities while protecting the public's water supply; and adopt a hybrid method that maintains the status quo but with intentions to work with the City on a memorandum of agreement for operations, similar to their agreement with Darden Towe Park.

Mr. DeLoria said that regarding maintaining the status quo, they had discussed the agreement to withdraw, which gave them the options they had. He said that in terms of what the County's response would be, one option was to post signs in the park indicating permitted and prohibited activities. He said that the communications office could also engage in public outreach through PSAs (public service announcements) or other methods to inform people about allowed recreation at the reservoir.

Mr. DeLoria said that during the pandemic, the County used ambassadors to educate the public on social distancing measures. He said that they suggested a similar approach could be taken at the reservoir to educate visitors about prohibited activities and proper behavior. He said that the other option was a legal process, and that would primarily be through law enforcement to provide warnings to the public if they had to be out there for any reason, whether it was a call for service or whether somehow, they were there just to be educational.

Mr. DeLoria said that they could issue warnings, or they could issue citations or summonses for violation of the County ordinance. He said that it could be considered pretty heavy-handed because a violation of this County ordinance was a class one misdemeanor, which was the highest misdemeanor, so it was punishable up to 12 months in jail and/or a fine of \$2,500. He said that he was unsure of the Commonwealth's Attorney would take such a heavy-handed approach, and they have had conversations with the Commonwealth Attorney's office, which was interested in the County offering education to the public and posting signs to inform them about permitted and non-permitted activities.

Mr. DeLoria said that if they maintained the status quo, there would be no change in the current situation. He said that the second option involved considering permitting additional recreational activities, which would require a change in the ordinance and public engagement, including public hearings and further discussions with the public. He said that, as they had seen with the history of changing permitted and prohibited activities, the County could be selective with certain activities like running or biking. He said that they needed to adhere to their enabling authority, which in this case was protecting the water supply.

Mr. DeLoria said if the County changed the identified permitted activities in any way, he would direct them to look back at the Virginia statute which said that the City's ordinances that provide for the

operation and the use of the reservoir could not conflict with the County's ordinance. He explained that if the County permitted an activity, the City could provide for how those activities would occur by ordinance. He said that, to some extent, the Board might encounter limitations on the scope, intensity, and uses that they could permit.

Mr. DeLoria said that the final response they identified was a hybrid model, a City-County operational memorandum of agreement, which was limited only by imagination but required a specific process to reach. He said that the hybrid method would maintain the status quo while County staff worked with the City to find possible solutions. He said that there were instances already, like Darden Towe, with operational agreements between jurisdictions. He said that in lengthy discussions, without delving into jurisdiction negotiations, there were talks of operational agreements and some that were formed.

Mr. DeLoria said this third option could allow the Board to work with the City and agree upon specific activities that could be permitted. He said that the second option would not give much say in terms of scope, intensity, and frequency of those activities. He said that community engagement through an advisory committee or a delegated review type situation could help reach an operational agreement, both of which had been contemplated already. He explained that a delegated review situation would allow the Board and City Council to delegate day-to-day operations to their Parks & Rec departments but then the local governing bodies could reserve the ability and right to review the status of the agreement, perhaps on an annual basis. He said that there was precedent for this approach as City Council adopted a resolution providing for an annual review of uses and need for continued uses at the reservoir. He said that amending the County Code and potentially the City Code would be necessary for this process, which involved community engagement through public hearings and consideration of any potential amendments.

Ms. McKeel clarified that with the second option regarding the possibility of permitting additional activities, the County would specifically name those activities and the City would control their implementation.

Mr. DeLoria said that was correct. He said that under Virginia Code, they possessed the enabling authority to provide for the operation and use. He said that the County permits picnicking, and because it was the City's land, the City could designate where it could happen, what kind of picnicking could happen, what time it could happen, and perhaps whether it happens or not.

Ms. McKeel asked if permitting additional activities would essentially take Albemarle County out of the operational piece and deciding how it played out.

Mr. DeLoria said that was correct.

Ms. McKeel said that over the past seven or eight years, during the pandemic and years before and after, there had been a lot of activity at Ragged Mountain. She said that people said that the activity saved them so much money and accomplished various things, which she understood. She said that however, this activity was not permitted during this period of time.

Mr. DeLoria said that it was an interesting dichotomy. He said that there was biking, which had evidence of continuing during that time period in which things were kind of unknown, there were also issues raised over the trails. He said that when referring to Virginia Code §15.2-1725, providing for the operation and use of that land, since hiking was permitted, it followed that the City, however they managed it, could build trails. He said that they whether they did so themselves or invited community groups to do so; he interpreted this as a permitted activity.

Ms. McKeel asked if signage was posted at the reservoir.

Mr. DeLoria said that the signage he had provided in the presentation had been posted, but as of 2016, it was removed. He said that it was up long before 2016, but after the City passed their ordinance, the sign was removed.

Ms. McKeel asked what would be necessary in terms of public hearings.

Mr. Steve Rosenberg, County Attorney, said that it was commonly misunderstood that a public hearing was required for the adoption by the governing body of a locality of any ordinance. He said that in fact, public hearings were only necessary when there was an express requirement for a public hearing in the state code. He explained that there were certain actions taken by a governing body that are identified in the state code and required a public hearing prior to being taken.

Mr. Rosenberg said that this situation did not fall under those requirements. He said that however, it had been the long-time practice of this Board, as well as other governing bodies throughout the Commonwealth of Virginia, to conduct public hearings every time the Board considered an ordinance for adoption. He said that not conducting a public hearing would be a departure from this Board's common practice when considering an ordinance for adoption.

Ms. Mallek said that regarding the second option, which was to permit additional uses, the County could not require there to be only one trail because the City could change its mind.

Mr. DeLoria said that was correct.

Ms. Mallek said that she wanted to clarify that there was no requirement for an entity to stand behind a promise in this case. She said that for that reason, she felt that that option was concerning. She said that at some point in the future, the City would make changes to its ordinances.

Mr. DeLoria said that was correct.

Ms. Mallek said that it was the same thing as repealing their code, meaning that the allowance of bicycles and other activities would be removed.

Mr. DeLoria said that was correct; they would remove the biking and horse riding from their ordinance.

Ms. Mallek asked if there would be a thorough assessment of the occurrences of the past seven or eight years.

Mr. DeLoria said that he would suggest that there would be with the hybrid option in which the Board of Supervisors would maintain the status quo and staff would work with the City. He said that in terms of the studies performed in the past, while it did not mean that things had not changed, but his understanding was that the information was from 2016.

Ms. Mallek said that her understanding was that even in the past year, the area had dramatically changed. She said that she hoped that it would not only fall upon the County to get out there and that instead there would be a formalized process for that. She said that she knew that Board members had already reviewed some of the critical resource information, but they could also consider evaluating those critical areas more thoroughly as an option three item. She said that this would align with the County's Biodiversity Action Plan, which emphasized the need to protect these areas.

Mr. DeLoria said that the third option was how that would be addressed.

Ms. Mallek said that the options for enforcement, whether it was cameras or something else, would require first obtaining authority to do so if they did not already have it. She said that regarding enforcement options, they were currently limited to face-to-face interactions with a police officer witnessing an incident. She said that Mr. DeLoria mentioned that ambassadors might be able to intercept individuals and redirect them back to the parking lot, pointing out the sign.

Mr. DeLoria said theoretically, if he saw someone riding a bicycle on the property at the reservoir, he could visit the magistrate and swear out a warrant for their arrest. He said that in such a scenario, the magistrate might issue a summons instead of a warrant. He explained that an individual not involved in law enforcement could approach the magistrate to obtain legal action against someone who violates the rules.

Ms. Mallek asked how one would prove that someone was violating the rule.

Mr. DeLoria said that eyewitness testimony served as evidence; however, it was not always the best evidence.

Ms. Mallek said that identification would be necessary to make that happen. She said that it was challenging for both law enforcement and citizens trying to carry this out, as well as frequently insufficient when presented to the judge. She said that to prevent wasting time going round in circles without resolution, she was trying to learn more about this process.

Mr. DeLoria said that he did not address it in the presentation; however, there had been mention of the County potentially changing, particularly by identifying this violation and making it a lower-level violation. He said that they had considered changing it from a Class 1 misdemeanor to a Class 4 or a Class 3 misdemeanor.

Ms. Mallek asked why it would be a good idea to make it a lower-level violation.

Mr. DeLoria said that he was not commenting on whether it was a good idea or not.

Ms. Mallek said that she was interested in holding people accountable rather than just giving them a slap on the wrist and allowing them to violate the rules after that. She said that in many discussions over the years, people had said they could not control the outliers who decided to break rules or commit crimes. She said she had concerns about the fact that they could not control what others are doing, whether it was on highways or on trails.

Ms. Mallek asked at what point in the three options they could perform an analysis of best practices for water protection. She said that it was not RWSA's job to serve as environmental protection for its own sake; rather, it was the County's and County residents' job to do so, along with the EPA (Environmental Protection Agency), DEQ (Department of Environmental Quality), and other governing bodies. She said that compared to other states, Virginia was very low in terms of expectations for water protection measures. She said that other states did not even allow walking around reservoirs.

Mr. DeLoria said that all three options would allow for that analysis of best practices. He said that the County, or a combination of the City with the County, could undertake a study before taking any action in terms of options two or three. He said that in terms of discussing operations and uses with the

City, they could condition decisions made after the studies and analyses were completed.

Ms. LaPisto-Kirtley asked if it was known whether the biking trails had caused any detriment to the area.

Mr. DeLoria said that he did not know because it was not part of the legal case. He said that the case boiled down to a legal argument. He said that over time, staff had taken pictures, but he was unsure if they could conclude that it had caused any type of detriment because they did not get that far.

Ms. LaPisto-Kirtley said that she understood the issue was regarding jurisdictional concerns. She said that she appreciated the legal history of the property, which she did not think many of them were aware of. She said that they knew they would be raising the water level at the reservoir, and it would have some type of impact. She said that the primary concern was to preserve the water. She said that the question was whether they could preserve the water supply and allow permitted activities. She said that she did not know the answer to that.

Ms. LaPisto-Kirtley said that she was unsure whether biking could be a low-impact activity or if it affected the water quality. She said that these were questions that the Board should look into before deciding on anything. She said that she respected the jurisdictional boundaries that had been created in the past. She said that she liked the idea of maintaining the status quo but perhaps moving forward with the City. She asked if either the City or the County could enforce the permitted and non-permitted uses at the reservoir due to their concurrent police powers.

Mr. DeLoria said that was correct. He said that they also had concurrent water protection powers. He said that this meant that this Board could permit certain activities, and the City could decide not to allow it. He said that likewise, either entity could decide a certain activity was detrimental to the quality of the water supply and prohibit it. He said that the jurisdictions of the localities' water protection authorities were quite broad.

Ms. LaPisto-Kirtley asked if the City decided that a permitted use was a water quality issue, the County could decide not to allow it.

Mr. DeLoria said that the City could.

Ms. LaPisto-Kirtley asked hypothetically, if the County said that row boating was permitted that the City could then limit the times that row boating could occur as well as decide it was detrimental to the water quality.

Mr. DeLoria said yes.

Ms. LaPisto-Kirtley asked what would happen if the County allowed boating but the City decided it was detrimental to the water quality.

Mr. DeLoria said that in that case, boating would be prohibited; If the County allows it but the City prohibits it then it would be prohibited and doubly so if it was prohibited due to concerns of water quality. He said that the Virginia Code granted the City the authority to provide for the uses and the operation, and if the animating purpose was protection of water quality, then they would be able to do it under that reason as well. He said that he believed that Sugar Hollow prohibited boating, which was a regulation from the County and not the City.

Ms. LaPisto-Kirtley asked if it was imperative that the County work closely with the City in order to avoid conflicting decisions on permitted uses.

Mr. Rosenberg said that the County's Attorney Office was not telling the Board what was imperative. He said that they were attempting to explain to the Board what the options were at this juncture. He said that if they chose simply to allow additional activities, as Mr. DeLoria had explained to the Board, they were limited in terms of their ability to affect how those additional activities were to be conducted. He said that if there was a decision made to engage with the City in a process to determine how this resource was going to be used, it would give the County greater input as to how the resource could be used. He said that at the end of that process, City Council and the Board of Supervisors would adopt complementary amendments to their respective codes to reflect the outcome of the process.

Ms. LaPisto-Kirtley asked if that would result in a MOA (Memorandum of Agreement).

Mr. Rosenberg said yes, if that was the route the Board chose to pursue.

Mr. Gallaway said that regarding the 1997 piece where Ivy Creek proposed the idea, and after receiving a vote of agreement from the City, County, and RWSA, he would like to know if this action granted it any additional standing beyond simply agreeing to the proposal. He said that it apparently went sideways in terms of management.

Mr. DeLoria said that it did not provide anything further than the agreement. He said that he knew the minutes from the Board of Supervisors after they approved the plan mentioned other conditions were required, but these were not put into the ordinance. He explained that when the Ivy Creek Foundation withdrew, those provisions essentially went by the wayside. He said that in terms of litigation, its purpose was to demonstrate that, as far as localities can have an intent, the Board of Supervisors, the City



Council, and the RWSA all had an intent for this area to host restricted, low-impact recreational activities.

Mr. Gallaway asked if that was only for Ragged Mountain and that they did not have a proposal for south of the other reservoir.

Mr. DeLoria said that he was not aware of the Ivy Creek Foundation having any other proposal.

Mr. Gallaway asked if the current area being used was what the City permitted in that definition of the portion of the property.

Mr. DeLoria said that the parking area was not a portion of the Ragged Mountain Reservoir. He said that when this resolution was adopted, it was for the two-acre parking area not included in the property, but it did acknowledge the agreement with the Ivy Creek Foundation's proposal.

Mr. Gallaway said that Mr. DeLoria had mentioned that the City went through some great efforts in planning, work sessions, and the public process. He asked if at any point in time during that planning was the City advised that their ordinance may be in conflict with the County's.

Mr. DeLoria said yes, on a regular basis.

Mr. Gallaway asked if they had continued with the process even though they knew it might be in conflict with the County's ordinance.

Mr. DeLoria said yes, but the City's legal opinion was that it was not in conflict.

Mr. Gallaway said that it may have been.

Mr. DeLoria said that they had been advised that the County's position was that it was in conflict. He said that the City's position was that they owned the property, the activity did not affect the water quality, and that the Virginia Code allowed them to develop parks outside their jurisdiction, so all of this was appropriate.

Mr. Gallaway asked if they had performed a study that confirmed there was no effect on water quality.

Mr. DeLoria said he did not know of one but that he was unsure.

Mr. Gallaway said that Mr. DeLoria had brought up some points regarding policing, particularly the police department. He noted that there were certain nuances he would like to inquire further about, which related to other properties of similar nature. He said that he would like to obtain answers for these questions, but he was unsure when the most suitable time to ask them would be. He said that maybe they could arrange a one-on-one meeting to discuss these matters.

Mr. DeLoria said that there may be nuances regarding other properties, such as the McIntire County Office Building and Sugar Hollow, that he was unprepared to answer today.

Mr. Jeff Richardson, County Executive, said that he would be glad to meet with Mr. Gallaway to address his additional questions.

Mr. Gallaway said that it seemed that none of the involved entities had done a study on the water quality at Ragged Mountain, and only opinions were provided.

Mr. DeLoria said that, regarding this issue, he would say no. He said that in terms of looking over their minutes, RWSA did perform regular evaluations, so there was indication of that. He said that again, it was not specific to this particular issue.

Mr. Pruitt asked the Clerk, Ms. Borgersen to make the information presented by Mr. DeLoria accessible to the public on the County website and as an attachment to this agenda.

Mr. Pruitt asked if the Ragged Mountain Reservoir existed as a natural lake before human intervention created the reservoir.

Mr. DeLoria clarified that he was not an environmental expert; however, while preparing the case and researching it, staff managed to obtain the deeds for the land purchased by the City of Charlottesville. He said that this land was a creek, but he could not confirm whether it had small dams or if the City installed them at any point in time. He said that without human intervention, this area would likely not be a lake.

Mr. Pruitt said that options one and two appeared to be very similar in many ways. He asked if it was correct that regarding trail construction, the County had no ability to exert any control proactively or restrictively. He asked if they cannot direct new trails to be constructed or restrict where trails would be built with both options one and two.

Mr. DeLoria said that it was a difficult question. He said that the impact or effect of those trails on water quality depended on whether there was a rational relationship between trail construction and compromise of the water source. He said that if such a relationship existed, then arguably, they could

conclude that restricting trail creation might be justified to protect the clean water source.

Mr. Pruitt asked if it would necessitate an additional ordinance to exercise that authority and was not something they could do administratively.

Mr. DeLoria said that it was not too complicated. He explained that if there had been land disturbance, which was documented and met a certain threshold, then erosion and sediment control issues could arise. He said that however, they were not aware of any such instances, so that scenario was hypothetical and theoretical.

Mr. Pruitt said that it seemed from the history provided earlier that jogging and biking were specifically considered late in the process. He asked if the first reference to these activities was mentioned in the City's ordinance.

Mr. DeLoria said that in 1997, the Ivy Creek Foundation identified bicycling as part of their plan. He said that however, they limited the use to foot travel only. He said that he could not recall whether they identified jogging or running as something that should be avoided or not.

Mr. Pruitt said that beginning in the 1970s, there were a lot of different restrictions and prohibitions that had changed at times. He said that it seemed like it was recent that they had started engaging in this particular issue. He said that currently, they were only prohibited in their own ordinance as "all things not otherwise addressed."

Mr. DeLoria said that as the City of Charlottesville's ordinance, as it was constructed and adopted, was very similar to the construct of the County's ordinance. He said that they permitted certain things, prohibited identified things, but they also stated that if it was not expressly permitted, it was prohibited. He said that even the animating purpose behind the City's ordinance tracked the County's language, so they were very similar in terms of their construction.

Mr. Pruitt stated that Albemarle County's ordinance did not explicitly identify jogging or biking as a prohibited activity and were only prohibited because they were not included in the permitted activities. He said that there had been other instances where the County had expressly prohibited certain activities, such as hunting, at times boating, and at times picnicking.

Mr. DeLoria said that the City's administrative regulation contained a dichotomy between permitted and unpermitted activities, and he recalled that the County's 1981 ordinance also contained a similar dichotomy.

Mr. Pruitt said that option two, permitting additional activities, had some degree of variation in how they could choose to execute that. He said that this could include some permitted uses but not others.

Mr. DeLoria said that was correct.

Mr. Andrews stated that the RWSA's website stated that they did not make recreational land use decisions. He said that RWSA did not have anything in its authority regarding land use. He asked if the RWSA had authority over water use or if their role was limited solely to managing, monitoring, and treating the water without any involvement in restricting uses.

Mr. DeLoria said that he would have to address the substance of the lease, but he did not recall that. He said that it was difficult to determine, but his recollection was that the RWSA had control over the body of water. He said that he could not say for certain whether they could prohibit kayaking or row boating, but if those activities somehow compromised the quality of the water, he assumed they would be able to do something. He said that however, he did not know for certain so he could not provide a clear answer.

Mr. Andrews asked if the City would have to determine that activities did not affect the quality of the water if they were to permit certain activities. He asked if the City would be able to exercise its sole authority as the owner of the property outside of the County ordinance had there not been a lawsuit.

Mr. DeLoria stated that the answer to the question regarding the City's authority was that it believed it was allowed under the Virginia Code to construct trails and parks. He said that the County argued that this authority could be a slippery slope as it encompassed hiking trails, biking trails, ATV trails, and motorbiking trails. He said that if they had not prevailed in their argument, then yes, the City would have been open to expanding recreational activities potentially to some things that might be detrimental to water quality or supply without needing to study their impact first.

Mr. DeLoria said that, since they prevailed, the Code allows for the County to take action if it was determined that such activities allowed by the City are indeed detrimental; however, if they could not prove that ATVs and four-wheelers were damaging the public water supply and the County had not prevailed, then those activities could continue. He clarified that there was never any intention from the City to allow ATVs or motorcycles on trails. He said that lawyers may sometimes use hypothetical scenarios to emphasize potential outcomes, but it did not necessarily mean the City intended for those situations to occur.

Mr. Andrews clarified that even if there was an agreement to only allow one trail, there was no

authority of the County to only allow one trail. He said that as long as what the City was doing with the trails did not affect the water quality, they could build more trails.

Mr. DeLoria said that was correct. He said that as long as it did not violate any other regulation, building hiking trails was not in conflict with the County's ordinance, so the City could build those trails.

Mr. Andrews asked if the Ivy Creek Foundation agreement to manage the property required ordinances from the City and County to authorize it. He asked how it was established and then un-established.

Mr. DeLoria said that he could not recall if they had resolutions. He said that from the County's perspective, there were minutes documenting that the County approved of the plan. He said that in this presentation he included information about the Ivy Creek Foundation submitting a final plan in 1998 after the City and County had approved the plan. He said that there was no ordinance accepting the plan or identifying Ivy Creek Foundation as the manager of the property. He said that there were votes taken by the Board of Supervisors and the City Council, and he was unsure if RWSA voted to approve it, but it appeared in their minutes as well.

Mr. Andrews said that RWSA's website noted that biking and running were permitted at Ragged Mountain and at Totier Creek, but it appeared that they were actually not. He said that there was some discussion about the properties affected, and the parking area was almost opposite Holiday Trails before going up the road that leads up to the reservoir. He said that the County had placed a sign on Reservoir Road that was a half a mile or more away from the parking lot which said there was no biking at the reservoir. He said that this had led to some confusion because while the sign existed, it was not where the prohibition started, but way back at the road before reaching the hill leading to the reservoir.

Mr. DeLoria said that that the two-acre parking lot near Holiday Trails adjoined the Haywood Community Forest, but it was not part of the reservoir property, so biking was permitted at that location. He said that he did not know where the sign was located.

Ms. McKeel said that she was supportive of maintaining the status quo at this point in time. She said that if the powers that be determined they wanted another option than that, she would have many more questions and require more information. She said that she was comfortable with the status quo of acknowledging Ragged Mountain as a reservoir and that the intent was to protect the water supply.

Ms. Mallek said that the more she learned, the more she believed that maintaining the status quo was absolutely essential. She said that what she had learned about option two made it a bad idea from her perspective. She said that future elected officials in either jurisdiction may decide to do something entirely different. She said that if they had already included additional activities and their partner jurisdiction decided to act differently than initially understood, they would have no choice but to accept the situation.

Ms. Mallek said that the ratepayers would then be responsible for spending more money to restore water quality to its original level if they had just maintained the status quo and focused on preventing future damage as a primary effort. She said that she supported option one and adamantly opposed option two.

Ms. LaPisto-Kirtley said that she was more in favor of permitting additional activities and a City-County operational Memorandum of Agreement (MOA). She said that this provided them with an opportunity to work together. She said that she felt comfortable, based on the presentation, that the RWSA had control over water and water quality, which was crucial for this community for protecting their water quality. She said that she trusted they had jurisdiction over that and would ensure water quality protection. She said that they were discussing agreements from 1975, and things had changed.

Ms. LaPisto-Kirtley said that different aspects had evolved, including agreements and everything else. She said that personally, she would like to explore what was possible. She said that they should explore whether biking should be allowed. She said that she did not know. She said that she did not know if it would harm water quality. She asked if there another option, such as a two-loop solution, that could permit both activities while keeping hikers and bikers separate. She said that she saw this as an opportunity to work with the City now that they had resolved their lawsuit.

Ms. LaPisto-Kirtley said that she was not suggesting specific permissions or restrictions; rather, she believed this was a good chance for them to collaborate with the City and involve the County's and City's experts to study potential detrimental uses. She said that there may be some or there may be none, but at this point that was unknown. She said that she wanted those knowledgeable individuals to inform them so that they could develop an MOU (Memorandum of Understanding) that worked effectively. She said that she cannot predict what it will look like or include at this time. She said that she would like to reiterate that she felt comfortable stating that the water source was protected.

Ms. LaPisto-Kirtley asked if there were other things they could do to permit activities. She said that the waters for the Rivanna reservoir will rise in a couple of years, which may change everything due to hiking trails around it being wiped out. She said that they should consider whether this needed to be revisited or redone. She asked if they need to study whether it was worth it or not and if they could include certain things.

Ms. LaPisto-Kirtley said that a compromise could be made ensuring water quality protection,

which was the top priority. She said that she would like to see an operational MOA discussing permitted additional activities and conducting a study to explore other possibilities. She said that these agreements go back so far that they did not even have mountain biking in the 1970s. She said that things evolved and moved. She said that she would like the opportunity to work with the City of Charlottesville and various groups to discuss their opinions. She said that they would then determine whether it would work or not.

Mr. Gallaway said that he was glad they were not taking action today because if he had to vote today, then he would be voting without the proper information to make an informed decision. He acknowledged that this process had been problematic even for another jurisdiction who had been advised that their ordinance may be in conflict. He said that they were used to making decisions where they clearly say yes or no to something and not leave it up to anecdotal evidence or just opinion.

Mr. Gallaway said that the only thing that could be pointed to as a study was an opinion letter from the RWSA, but he believed they were looking at an area where detriment to water supply had probably been studied before, and there may be existing information on it. He said that this information he would not have expected legal to bring forward. He said that he was wondering if it had been done historically to lead to these types of things.

Mr. Gallaway clarified that he was never going to go all-in on MOAs; he had seen too often how that could lead to issues, such as staffing changes affecting the City and the resulting impact on lack of street sweepers in the County. He said that to him, this had to be a decision where if the permitted additional activities were allowed, he must be confident that he had no say over how those activities were programmed except for the line that said, "if it impacts water quality," and he was unsure what that line was.

Mr. Pruitt said that he wanted to express his strong support for option three: developing a MOA with the goal of allowing biking and jogging use in the current area while de-conflicting those uses with hikers and designating trails for both activities now and in the future. He said that regarding his position, he wanted to clarify two principles guiding his perspective. He said that firstly, as a jogger and dog walker, he understood some concerns about biking on trails, such as passing other users or scaring animals; however, he believed that with proper management, these fears could be mitigated.

Mr. Pruitt said that secondly, their natural heritage had value when it had public accessibility for enjoyment and experience. He said that he was cautious of language suggesting conservation should limit enjoyment and access to resources, as this could create unfair restrictions. He said that from that, he argued that turning this into a point required recognizing how inherently combative the current system and position were for enforcement.

Mr. Pruitt said that they had divided people into two interest groups arguing against each other, broken the Board into factions arguing against each other, and experienced friction on the ground level. He said that the County government's relationship with the City and its residents had not always been strong. He said that it was not helpful to continue engendering conflict between groups in their community, on the Board, or between communities. He said that they had an opportunity for collaboration through the MOA process by bringing stakeholders to the table and engaging in the "getting to yes" exercise of figuring out what everyone could agree to.

Mr. Pruitt said that while there might be some contention about the reservoir as a water source being threatened by proposed activities, he believed that there was no compelling argument for this threat. He said that although they lacked a specific study on this question, use studies showed ongoing activities like mountain biking and jogging had not caused any issues in the past eight years. He said that from the conversations he had had with experts, heavy rain could impact filtration setups more than any amount of mountain biking would. He said that it would make them have to do significant filtration, much more so than anything they might try and legislate. He said that they could not legislate the rain.

Mr. Pruitt said that he had heard people make the point that filtration and prevention were different things, which was true. He said that however, he did not see how it related to the current question. He said that regardless of whether they filtered it or prevented it, it was still not enough to raise any concerns or desires. He said that he appreciated the distinction between filtration and prevention but believes it did not matter in this context. He acknowledged the ecological precarity and the desire to preserve biodiversity in the region. He stated that he was attentively listening when people expressed these concerns. He emphasized that nature was a construct.

Mr. Pruitt said that they described it as a natural area, but it was a manmade biome that was a creek prior to human intervention. He said that there also were important ecosystems in the area that should be protected. He said that he understood the argument that bike trails may lead to additional trail development and an increase in visitors, which could potentially cause environmental degradation. He noted that restricting bikes would actually reduce the number of people enjoying the area.

Mr. Pruitt said that he was unsure if they were able to control the main tool by which bikes might harm the area. He said that it appeared difficult for them to exert much control over new trail development, especially when it came to hiking purposes. He said that Charlottesville had the ability to create numerous hiking trails or allow intrusive uses on the mountain, unless the County became involved in the governing process. He said that they had limited tools for advancing environmental protection goals without participating in the decision-making process. He said that the best way to control environmental protection in this area was by working together towards a MOA and attempting to insert a formal agreement that outlined future actions.

Mr. Pruitt said that in addition to a restriction on biking, the current situation meant that people could not run there as well. He said that this point had been overlooked during discussions. He said that he was unsure if everyone in the public was aware that enforcing this rule would prevent people from running on Ragged Mountain. He said that it was challenging to enforce a distinction between running and jogging. He said that this decision may invite further public discontent as more people became aware of it. He said that moreover, Ragged Mountain Running was a significant community asset. He said that it seemed counterintuitive to prohibit running on Ragged Mountain.

Mr. Pruitt said that he could not comprehend the argument against running and jogging on this mountain, other than water protection concerns. He said that from a water protection standpoint, he found this argument weak. He said that realistically, they should focus on maximizing public enjoyment of this area. He said that it was wise to prioritize considering Ragged Mountain as a reservoir first but also recognize its value beyond being just a reservoir. He said that he had not heard many arguments supporting the idea that more individuals would want to enjoy this resource if hiking were the only option.

Mr. Pruitt said that people could still hike under any of these circumstances, but they could only bike in one or two situations. He said that they were essentially agreeing to reduce the total number of people who could use and benefit from this resource and potentially catering to a less diverse group of individuals in their community. He said that it was necessary to recognize and safeguard community assets and amenities that might be overlooked or taken for granted, which may not be paid for. During this process over the past few months, he learned about the robust mountain biking community in the area, something he previously did not understand fully.

Mr. Pruitt said that there were award-winning school mountain biking teams, individuals who had taken up mountain biking during retirement, and an email from someone unable to hike or jog due to joint pain and impact stress but can still mountain bike on easy trails like Ragged Mountain, which was suitable for young people and older individuals learning for the first time.

He said that he had heard concerns about revisiting a settled issue but finds the argument problematic. He said that the notion that a settled issue could not be revisited suggests embracing dead-hand guidance on all policymaking decisions, which was not how they functioned. He said that it was unclear if this had ever been explicitly contemplated by ordinances in their history, making it an issue of first impression for the Board. He said that he believes it was a prudent time to discuss this matter further and did not see it as betraying what they fought for during their lawsuit. He said that he was glad that the lawsuit had been settled, and they had law-making authority in the County of Albemarle, which they were pleased to have established. He said that this seemed like a natural next step in that process.

Mr. Andrews said that he had some unique perspectives on this issue, as no one has yet discussed the fact that while they were concerned about bicycles affecting water quality, this was a reservoir with Interstate 64 cutting through it at one end. He said that as the water level rises, more of the reservoir would be on the south side of Interstate 64, an area rarely visited by people to observe plant life. He said that the only accessible ways in were through properties off of 29 South and Poorhouse Road.

Mr. Andrews said that he could speak from experience that invasive species were present on both sides of the interstate, carried by birds and erosion from storms. He said that they must work together as humans to combat invasives rather than hoping they would resolve themselves. He said that this issue not been discussed before; what was discussed was whose ordinances were controlling the situation.

Mr. Andrews said that now that the lawsuit was settled, they had a new issue: the County can allow or disallow activities but cannot regulate or manage them. He said that the City and County must agree on how to manage these activities for any progress to be made. He stated that he favored option three. He said that he particularly supported initiating a dialogue informed by expert opinion with the help of the City. He said that a citizens advisory committee could well represent ecology, recreational users, and people concerned about the conflict between bikers and walkers.

Mr. Andrews said that during his visit to Ragged Mountain on Saturday, he observed that in an hour, six other people came from the opposite direction. He said that three were running, three were walking, and none of them were biking. He said that this suggested that discussions with a citizen advisory committee made up of different interests would be beneficial for their community. He said that these individuals would have the best interests of their community at heart and could help address issues such as trail closures, new trails, and impacts of water level changes.

Mr. Andrews acknowledged that option three was an investment of time and resources. He noted that two Board members had voiced support for maintaining the status quo.

Ms. McKeel said that it would be her preference to maintain the status quo because it would focus on preserving the water supply. She said that she had observed the South Rivanna silt in and that water source was going away. She said that she was interested in preservation rather than restoration. She said that the people paying for the restoration would be those paying for public water, and she was concerned about the restoration in the future, many years from now. She said that it may be a different issue since the discussion now was focused on biking. She reiterated that her preference would be to maintain the status quo.

Mr. Andrews said he thought he heard three people supportive of option three but asked Mr.

Galaway to clarify his position.

Mr. Gallaway said that he was not counting on the MOA. He said that the process leading up to what may potentially be an MOA was one thing, but MOAs did not mean anything until they first expired because then there was a whole other MOA process and they started from scratch all over again. He stated that he could not base this decision on the fact that an MOA can be counted on. He said that it seemed to him that understanding the line of water quality or the detriment to the water supply was an important one for two reasons: first, whether or not this activity was really impacting it or not, and second, if they allowed and permitted the activity, when would they know how to go in and enforce it by saying it was impacting the water supply.

Mr. Gallaway said that he did not know what the line was. He said that if he did not allow the activity, he did not know if he was disallowing an activity that has no impact, and if he allowed it, he must determine how exactly it impacted the water supply. He acknowledged that others had talked to experts; however, he had not seen any experts on this anywhere in this whole process, and that was a little baffling. He said that they had more expertise on things that come to them on a more regular basis.

Mr. Gallaway said that if this was the beginning of creating this ordinance, like if they were going to create an ordinance around their reservoir, which did not exist yet, he guaranteed they would have that level of expertise there to be able to make the decision on. He explained that this was why he was hearing them say that a citizen advisory committee needed to provide input and ensure they had the necessary expertise to determine what was or was not detrimental for decision-making purposes.

Mr. Gallaway said that this applied to both enforcing decisions and allowance of activities. He said that with all due respect, he was not relying on opinions, similar to when making land use decisions or rezoning applications. He said that there were legitimate studies that formed the basis for those decisions, which he had not seen in this case. He said that instead, they had personal opinions, which were not a sound basis for enforcement decisions or ordinance decisions.

Ms. McKeel said that she felt similarly and the first option, maintaining the status quo, was the right choice to proceed without that expert opinion. She said that she would default to protection.

Mr. Gallaway said that some Board members seemed to have already made up their minds, but he would like to see what evidence or information they were basing their decisions on rather than just their personal opinions.

Ms. LaPisto-Kirtley said that she agreed that more information from subject matter experts was important to consider. She said that they should invest in whatever was necessary for the Board to make the best decision. She said that she believed that all Board members agreed that water quality preservation was the top priority. She said that they must determine what the effects on the water quality were when considering any of the options before the Board.

Ms. Mallek said that they did not even know which trails, if any, would be submerged because there was also an argument about examining the maps and determining what that would entail. She said that in many ways, she saw no reason to proceed with making any changes, especially not number two, without knowing what the water edge would truly look like.

Ms. Mallek noted that everything was connected; water supply was connected to the whole ecology. She said that it was not just what was at the water's edge but everything uphill from it, such as good forest cover that slowed the velocity of rain and prevented erosion. She said that these were all interconnected aspects of the power of water and the damage it could cause. She said that it was not only about expert opinions, but about how to handle potential violations or damage to the area.

Mr. Pruitt said that although he did not have the specific data in front of him, there were periods when no one was biking and periods when people regularly used the trail for cycling, which was a natural experiment they could draw upon as a data source. He said that he believed that the RWSA had particulate filtration data related to this, so they should be able to provide some kind of data. He said that he wondered if the Board generally agreed that this information would suffice for comparative use and filtration data provided by RWSA, which could be made available for their consideration.

Mr. Andrews stated that he believed having too many confounding factors alone would be problematic due to the occurrence of 100-year storms and other issues. He said that the rising water level from before was also a concern for him. He said that he thought an expert study could be conducted; it just would not stem directly from this single experience. He said that additionally, he wanted to defend the community advisory committee as a group that actively participated in discussions to find common ground. He said that they had listened to one another and worked together to understand competing interests, identified research needs, and sought information for finding compromises.

Mr. Andrews said that if there was a compromise available, it should involve more than just gathering five people for their opinions; these individuals must be willing to collaborate on this issue. He said that regarding an MOA, he would ask the County Attorney if they were to have an agreement with the City that allowed something, even after considering competing interests and possibly researching various aspects, would it allow the parties to revert to the status quo if they felt the protections were insufficient. He asked if this would make the agreement incompatible or hinder its effectiveness.

Mr. DeLoria said that he believed that could be accommodated in an agreement; however, there

were some complexities if the agreement required ordinance changes upon its initiation. He said that if they decided to revert back to pre-agreement status after making changes to the ordinance, this would complicate matters further. He said that they could include the provision in there, and it was likely no different than the agreement reached with the City, which stated they would repeal portions of their ordinance within six months. He said that he did not know exactly how it could be structured, but it could be included.

Mr. Gallaway said that if this study was going to follow the format of previous studies they had received for decision-making purposes, he would not object to that process. He clarified that it should not be as simple as it being that they had consulted experts on the subject.

Mr. Andrews said that he believed the next question was whether and what sort of resources and obligations and commitments would be required by the County in order to have someone on staff undertake either a consultant who could conduct a study or an in-house research project, which sounded time-consuming. He said that if they knew what was involved, he would like the County Executive to help him understand this question better; if not, they could come back and visit again at some point.

Mr. Richardson said that what he had heard from the Board was that they were open to an expert review involving an environmental assessment of the property to determine if additional activities could be permitted. He said that the Board sought more assurance regarding the current state and how any permitted additional activities would impact water quality and the surrounding Ragged Mountain Reservoir area. He said that they appeared to want additional expertise to help inform the Board with their discussion with the City.

Mr. Andrews said that he believed there were three issues raised in objection to additional activities. He said that one issue concerns water quality; the second issue involves biodiversity and protection of nature in that area, including its ecology. He said that both of these concerns had been addressed by what was just described, which he considered prudent and more important than focusing on only one issue. He said that the third issue was the inherent conflict between people who do not want a bike flying past them while they walk, which was regardless of biodiversity and water protection.

Mr. Pruitt said that his understanding was that, depending on the outcomes of the first part, they were looking at a two-part step process that involved commitment from the County in both intervals. He said that the first would be completion of an environmental and water quality study by experts, followed by the inclusion of additional stakeholders for formation of the rules, governing structures, and other aspects. He said that they would have a decision point in between those two things about whether to continue.

Mr. Andrews said that they did not have four supervisors who wanted to put together a committee, but they probably did have four supervisors interested in learning about the science of water quality and biodiversity at this location. He said that such a study would likely have to involve other locations as well. He said that the impacts of the activity may require analyzing other areas where the activities had been carefully done in order to compare.

Ms. LaPisto-Kirtley said that the study for Ragged Mountain should also encompass where the additional uses may need to be located once the water level of the reservoir was raised. She noted that a walking trail may have different impacts than a biking trail. She said that flooding could impact the water quality as well. She clarified that the study should not only focus on the current state but the future of the property as well.

Mr. Andrews said that he certainly hoped that the study would take into account local circumstances and respected the fact that they had this property. He stated that different trail locations may have varying impacts. He said that he read the Ragged Mountain Natural Area 2016 Ecosystem Survey, which suggested in some places that trails higher up could be worse.

Ms. Mallek said that perhaps considering trails should be a second stage. She said that the first stage, which she heard described, involved determining additional activities and how changes would impact water quality and the surrounding property, was different from where the trails would be located. She said that she did not want to confuse the initial study described by the County Executive with expectations for solving the trail issue. She said that she believed these were separate issues, similar to user conflict, which had been discussed extensively. She said that this was not related to water quality.

Mr. Andrews said that he would imagine them receiving reports, to the extent that they were available, but not necessarily taking actions until they advanced much further.

Mr. Pruitt said that regardless of the consensus reached after any environmental study, even if this Board did not wish to proceed with expanding permitted uses, he would still be interested in exploring an operational MOA with the express purpose of trying to assert more direct control over what future trailblazing should look like. He said that they currently did not have a solid grip on controlling trailblazing and trail formation challenged biodiversity. He said that this was not rhetorical; it was something he would like to see addressed regardless, understanding that this was far in advance.

Mr. Andrews said that he agreed that an MOA was likely necessary to make sure the trails were not scattered everywhere, and there was an expectation that the City would like to undertake that as well.

Ms. LaPisto-Kirtley asked Mr. Richardson if there was a chance that Charlottesville could also be interested in helping finance the study.

Mr. Richardson said that the Board had reformatted today's agenda, and next on the agenda was his County Executive's Report. He asked if the Board would consider allowing him to give his report, then break for dinner, during which time he would meet with staff to formulate a recommendation on the environmental assessment for the Ragged Mountain property. He said that if there was a consensus from a majority of the Board to pursue an environmental study of the property, he could meet with staff to discuss what that may look like, but he did not envision it being an in-house study.

Ms. McKeel said that staff could take more time to discuss this issue past this evening.

Mr. Richardson said that staff would benefit from additional time to research what an outside consultant study would entail. He said that staff could return at a future Board meeting with a prepared recommendation for an environmental assessment and give the Board additional information.

Ms. McKeel said that she wanted to ensure staff had sufficient time to appropriately prepare the information because they wanted to approach this situation carefully and thoughtfully.

Mr. Andrews asked Mr. Rosenberg if the Board needed to take a vote to amend the agenda and move the County Executive's report again.

Mr. Rosenberg said that was not necessary and that consensus from the Board to move the item would be fine. He said that in the original action of amending the agenda, the Board left open the possibility that a different order may occur than was published on the agenda.

Mr. Andrews said that there was consensus from the Board to defer the County Executive's Report until after the Board's recess.

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Non-Agenda Item. **Recess.** The Board recessed its meeting at 4:50 p.m. and reconvened at 6:00 p.m.

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Agenda Item No. 10. Closed Meeting.  
Agenda Item No. 11. Certify Closed Meeting.  
Agenda Item No. 12. Boards and Commissions.  
Item No. 12. a. Vacancies and Appointments.

These agenda items were not held. No closed meeting was needed and no appointments to Boards and Commissions were made.

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

Mr. Jeff Richardson, County Executive, thanked Ms. Abbey Stumpf, Interim Director of Communications & Public Engagement, for her assistance with this presentation. He said that this evening, his report recognized Albemarle County Public Safety staff for their peacekeeping efforts. He said that five ACPD (Albemarle County Police Department) officers and two fire rescue members were recognized this past weekend by UVA's Frank Batten School of Leadership and Public Policy as exceptional peacekeepers and first responders in their community. He said that an event was held to honor the awardees with speakers discussing the role of peacekeepers in celebrating those who exceed expectations.

Mr. Richardson said that their Police Department awardees included Captain Kevin Miller, Detective Mike Wells, Officer Brian Miller, Officer Kelly Goforth-Adams, and Sergeant George Vieira. He said that Fire Department awardees include Firefighter Suzanne Herndon and Assistant Fire Marshal Sean Maddox. He said that he appreciated this recognition and the work here locally with the Batten School of Leadership at UVA.

Mr. Richardson said he wanted to highlight some Office of Emergency Management training that occurred recently at Yancey Community Center. He said their Office of Emergency Management organized a training for local volunteers and the American Red Cross to make the Yancey Community Center an official disaster relief site. He said that these efforts improved their community's ability to be ready and prepared to respond to emergencies in that part of the County.

Mr. Richardson said that Bright Stars recently organized the Day of the Young Child to celebrate children, support their development, and recognize the importance of early childhood education. He said that Fire Rescue recruits attended the event to interact with the students and learn about community engagement.

Mr. Richardson said that the next picture denoted that they were getting ready for a full summer swim schedule. He said that swimming beaches would operate on a full schedule this summer. He said that they would open during the weekend of May 25-27 and June 1-2, and after that they would be open seven days per week beginning on June 8 from 10:00 a.m. to 6:00 p.m. He said that the community had been working towards ensuring readiness for summer activities. He said that over the past couple of years, staff recruitment efforts had focused on hiring and training lifeguards despite a local and national shortage. He noted that canoes, kayaks, and paddleboards would be available for rent during swimming



hours. said that a storyboard outside the doors to the auditorium described services provided by the County, including information about visitors to parks and beach usage. He requested that everyone review this information before leaving as it showcases the vibrancy of the parks and their frequent use.

Mr. Richardson said that the Information Technology Department had launched an AI (artificial intelligence) policy and training program. He explained that the use of generative AI was rapidly expanding across society, and their focus was on securing County resources and data with staff using AI to ensure they understood the pros and cons of gen AI. He stated that they had developed guidance via policy and training. He said that once staff completed this training, they could generate text, images, videos, and other data using generative AI, which provided expanded efficiencies. He said that regarding the training, everyone must sign up and they were tracking participation. He said that this was part of their regular cybersecurity work with Roderick Burton and his IT staff's leadership.

Mr. Richardson said that regarding the e-billing update, tax bill design changes were being implemented for the upcoming billing cycle. He said that Finance and Budget had revamped tax bill layouts and introduced digital billing to align with customer expectations. He said that a design review was conducted to assess how people viewed their bills, leading to a new design that allowed individuals to easily find the information they need on their bill. He said that this new design was expected to reduce 15,000 phone calls per billing cycle. He said that also to improve customer service, digital billing would now be available for taxpayers who were seeking a paperless option for real estate, personal property, and business tax bills.

Mr. Richardson said that last Friday at the staff picnic, he spoke with Jennifer Matheny from Revenue Administration about internal goals for e-billing signups in the next year. He said that it would be interesting to track this as part of their savings strategy for next year to see how much money they saved by introducing e-billing and reducing postal charges for customers in Albemarle County. He said that he had discussed with this Board about the difficulties encountered by the U.S. Postal Service delivery system during the pandemic.

Mr. Richardson said that there would be an upcoming event, the Bike Month event at Crozet Elementary School on May 20. He said that County staff, including members from the Police Department's bike team, would be present with e-bike demonstrations and a kids' bike rodeo. He said that the next slide was regarding a public information officer meet-and-greet organized by Communications and Public Engagement (CAPE) staff to establish stronger relationships for cross-promotional opportunities and to be ready in the event of a community-wide emergency. He said that attendees included members from VDOT, UVA Health, UVA Safety and Security Department, Sentara Hospital, CAT (Charlottesville Area Transit), and Rivanna authorities. He said that this was the first of what was anticipated to be a quarterly series of connections that strengthen their knowledge of who to call and who got the cell phone at each organization during emergency events.

Mr. Richardson said that the next slide was regarding the introduction of the new County wordmark. He said that earlier this year, their organization embarked on a project to develop and design an Albemarle County wordmark through focus groups, surveys, and iterative design processes involving departments and organizational leaders. He said that the wordmark was launched, reflecting the essence of what they were and where they were headed. He explained that this expanded their brand with a wordmark that enabled the County to be more approachable to their community with a clean and easy-to-read identification mark. He said that it was crucial for effective communication, engagement, and delivery service. He said that the County seal would remain unchanged and would not be replaced or altered in any way. He said that this was an expansion of the brand kit, which included guidelines on how and when to use the seal and when to use the wordmark. He said that the wordmark would be introduced to the community that week.

Mr. Richardson thanked the Board for their support during Public Service Recognition Week last week, which was also Staff Appreciation Week. He said that the event was led internally by Elizabeth-Latta Brother, India Page, and Aki Parker. He said that staff members who worked closely with the County Executive's Office and staff from throughout the organization celebrated how Albemarle County employees and the community had collaborated throughout the organization. He said that highlights included fan mail that employees could send to colleagues to express appreciation, popcorn socials at each building, and an employee appreciation picnic at Darden Towe on Friday. He expressed gratitude to Board members for their involvement. He thanked CAPE and their operating departments for providing information that the community would otherwise be unaware of.

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Agenda Item No. 13. 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

Mr. Lee French said that he was a Charlottesville native and resident for 30 of his 42 years, and a member of the Charlottesville Area Mountain Bike Club (CAMBC). He said that by now, it should be clear that bikes did not pollute or disturb wildlife any more than another user group. He said that all of the wonderful outdoor places in their community were natural areas that all users cherished.

Mr. French said that in no way did allowing running and bicycling harm water quality or negatively impact flora or fauna, including that at Ragged Mountain Reservoir. He explained that the mountain bike community was supportive of helping Ragged remain a place to be in nature and purely wanted this to be accessible to everyone. He said that changing the code to allow biking would have no impact on the natural environment, as the trails were already there.

Mr. French said that the trail system at Ragged Reservoir was already built, which included 7.5 miles of hiking trails and a single 6.5-mile shared-use loop where biking was allowed. He said that CAMBC, as a club, had no plans for any additional or new trails, as they respected the ecological impact that had already been made. He stated that the only new trails that would be needed at the Ragged Reservoir would be those required to restore the hiker-only shoreline trail after the water levels were raised 12 feet next year. He said that their community had an opportunity to collaborate in ensuring protection of these sensitive habitats.

Mr. French said that at the end of the day, the mountain bike community supported happy hikers. He said that as a club, CAMBC supported investigating if bikes posed a threat to water quality. He said that maintaining and constructing sustainable trails that did not erode was CAMBC's specialty; nobody did this better. He said that they supported working with other user groups to manage conflict and any threats to biodiversity. He thanked the Board for taking the time to review and reconsider the County Code at Ragged Mountain Reservoir.

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Ms. Angela Skeeles-Worley said that she was a resident of the Scottsville District. She said that she was here to voice support for shared access on the existing trails at Ragged Mountain Reservoir. She explained that she and her family had lived in Charlottesville and Albemarle County since 2003, engaging in various outdoor activities such as mountain biking, hiking, bird watching, camping, and trail running with their two daughters and friends. She said that they found immense joy in spending time outdoors and considered it their favorite pastime.

Ms. Skeeles-Worley said that the public lands in Charlottesville and Albemarle County, particularly those close to town, were invaluable to them for their physical and mental health. She mentioned that she and her husband both had degrees and backgrounds in ecology and conservation. She said that there was compelling evidence that shared use, including mountain biking on the existing trails, would not negatively impact Ragged Mountain as an ecosystem.

Ms. Skeeles-Worley said that furthermore, if water quality remained a primary concern, she encouraged the Board to also focus upstream of the South Fork of the Rivanna River and consider what impact that would have as that water was soon to be pumped into the Ragged Mountain Reservoir during the upcoming construction as part of the Community Water Supply Plan. She said that she wanted to make it clear that her family and the mountain bike community recognized and appreciated the unique ecosystem of Ragged Mountain Reservoir, and they would not seek to harm it.

Ms. Skeeles-Worley said that one of the primary attractions of mountain biking as a recreational activity was the opportunity to spend the day in the woods, observing native flora and fauna. She said that in addition, Ragged Mountain's unique location near the city makes it an especially valuable asset for shared, equitable trail access for all users. She said that the mountain biking community did not aim to construct new trails at Ragged Mountain; instead, they dedicated numerous hours and expertise to sustainably maintain the existing trails at Ragged Mountain and throughout the Charlottesville-Albemarle area for all trail users.

Ms. Skeeles-Worley explained that the mountain biking community works diligently to uphold a positive, service-oriented, and collaborative trail culture and to educate the community on proper trail etiquette and usage. She requested the Board to consider allowing shared access to Ragged Mountain for all trail users. She said that this decision would help support health, happiness, connectedness, and outdoor access in their community.

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Ms. Rebecca Dameron said that she had been an Albemarle County resident since 1985. She said that she had seen a lot and was here to speak a little bit about Ragged Mountain Reservoir, which she had watched from the very beginning up until now. She said that she was an avid mountain biker and shared this activity with many a youth in their area. She said that a wise educator once said to their school system that when dealing with teenagers, provide them with acceptable risks to take. She said that she and other community members collected old bikes and invited some teens to work on them. She said that some of those children had never even ridden a bike before.

Ms. Dameron said that they fixed the bikes and she taught them how to ride. She said that once they passed her driveway test, they took them on road bike rides. She noted that there were not many safe road bike routes in Charlottesville anymore. She said that she had lived here a long time and that ship had sailed. She said that she introduced those kids to the local mountain biking places, which was difficult to do in Charlottesville because there were not many nearby beginner trails. She said that Ragged Mountain was basically the only one, and that was the truth.

Ms. Dameron said that she taught those kids to mountain bike there, and they did not turn to drugs or alcohol and had to pass her test before riding off on their own. She provided them with a bike rack for their bikes on her car, and after graduation they could take those bikes from her to mountain bike. She said that now, these kids are all over the U.S., enjoying the outdoors. She said that they sent her pictures of the Northern Lights or running marathons in remote locations. She said that one kid could not bike at first because her family had never taken her outside, but now she was an outdoor enthusiast. She said that as a physician, she made a more significant impact through mountain biking than through being a doctor.

Ms. Dameron said that she really believed in the trail system, and CAMBC had put in so much sweat equity. She said that the trails provided a learning environment for kids on how to respect others, such as walkers and birders. She said that these kids also loved birding. She requested that the mandate prohibiting mountain biking or trail running there be reconsidered. She noted that it was not evidence-based, and it was crucial for their community, especially those without wealthy families, to be able to access these trails.

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Mr. John Gulley said that he was a longtime resident of Ivy. He said that he was not a mountain biker; he was a trail runner who wanted to speak to the great experiences he had on the well-maintained trails, which were maintained by community mountain bikers. He said that he had great relationships and positive interactions with the mountain biking community and the work they had done. He said that they were an excellent community partner in building infrastructure for children and adults in the city.

Mr. Gulley said that he did gravel riding outside of town but did not frequently mountain bike at all. He said that part of gravel riding's growth was due to people not having anywhere else to ride, and maintaining access to the City trails would be very helpful in that respect. He said that he had a very positive experience with the mountain biking community, and they had built great relationships with the trail runners and bikers. He encouraged the Board to think more broadly about what a great community partner CAMBC could be for the County in the future, creating infrastructure to give people access to opportunities.

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Agenda Item No. 14. **Public Hearing: VDOT/Albemarle County FY 25-30 Secondary Six-Year Plan Public Hearing.** To receive public comment on the proposed Secondary Six-Year Plan for Fiscal Years 2025 through 2030 in Albemarle County, and on the Secondary System Construction Budget for Fiscal Year 2025.

The Executive Summary forwarded to the Board states that the purpose of this public hearing is to adopt the County's Secondary Six-Year Plan. The attached updated report provides details on each project to be considered (Attachment A). Also attached is the proposed Virginia Department of Transportation (VDOT) Secondary Six-Year Plan (SSYP) for Fiscal Years (FY) 25-30 (Attachment B). For reference, the Unpaved Road Policies and Review Process is provided as Attachment C.

The SSYP allocates funding for construction, maintenance, and improvement of roads in the state secondary system (roads with a route number of 600 or higher). The funds allocated to Albemarle County through the SSYP include state and federal funds for a variety of road improvements. The SSYP for Albemarle County is updated and approved annually and identifies the specific funding source, use, and levels allocated for the immediate fiscal year. The SSYP also identifies projected funding allocations for the next five fiscal years.

The Board reviewed the proposed SSYP, priorities, and recommendations at its April 3, 2024 meeting. The FY 25 Albemarle County Priority List for Secondary Road Improvements, Unpaved Roads, is included as (Attachment D). Last year's approved SSYP is provided for reference (Attachment E).

The proposed Albemarle County FY 25-30 SSYP (Attachment B) has been revised by VDOT and includes an updated cost estimate for the Berkmar Drive Extended project, which increased from about \$11.5 million to \$19 million. This project was previously awarded Revenue Sharing (RS) funding of approximately \$3.5 million, with an identical local match, sourced from the Capital Improvement Plan (CIP) (for a total of \$7 million). The Berkmar Extension was submitted during the latest round of RS funding applications, to help cover the additional cost. In coordination with VDOT, the project was submitted for approximately \$4 million of RS funding, with an identical local match, to be sourced from the CIP (a total of \$8 million). This application was successful for the full amount, bringing the total RS funding to roughly \$15 million. As part of the updated SSYP, about \$2.2 million of Telefee funds have been allocated to address the remaining amount of about \$4 million. Once they become available, future Telefee funds will need approval to cover the remaining balance.

The SSYP allocates funding to pave public unpaved roads from the County Priority List for Secondary Road Improvements, Unpaved Roads (Attachment D) that have been the subject of petitions by property owners and supported by the Board. Staff has received no public comment on the FY 25 - 30 SSYP.

The SSYP outlines the expenditure of the State/VDOT secondary road construction funds allocated to the County. The SSYP does not require the expenditure of County funds unless the Board directs appropriation of additional funding to a project.

After the public hearing, staff recommends that the Board adopt the attached resolution (Attachment F) approving the FY 25-30 Secondary Six-Year Plan and authorizing the County Executive to sign it on behalf of the County.

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Mr. Alberic Karina-Plun, Transportation Planner in the Community Development Department, said that he would cover the Secondary Six-Year Plan (SSYP) for this year and a list of roads that needed paving under the Rural Rustic Program. He said that the Secondary Six-Year Plan was a document that applies to roads within the secondary system, outlining the funding allocated for the following fiscal year while estimating available funds for the subsequent five fiscal years.

Mr. Karina-Plun stated that TeleFee funding came from utility companies paying a fee to VDOT for placing lines in their right-of-way. He said that these funds were being used to help fund the Berkmar Drive extension project by Airport Road. He said that District Grant Unpaved Funds were utilized for both Rural Rustic and other paving projects. He said that this plan was updated and adopted annually each spring by the Board.

Mr. Karina-Plun said that the SSYP heavily relied on the Albemarle County Priority List for Secondary Road Improvement. He said that it was guided by the Albemarle County Unpaved Road Policies and review process. He said that in May 2022, the document was updated to require demonstration of support from two-thirds of residential property owners along the road segment before any paving work could commence. He said that Henderson Lane and Glendower Road were the two roads that received enough signatures this year to move forward with Rural Rustic Paving.

Mr. Karina-Plun said that additional roads were requested for paving that were listed in the report but did not receive enough support. He noted that staff would continue to work with property owners on these roads, and if they could demonstrate two-thirds support, they could add those other roads to future Secondary Six-Year Plans. He said that Stony Point Pass was paved in two segments last year: a northern portion and a southern portion. He said that staff recommended extending the project an additional 0.2 miles due to residents along the segment requesting additional paving as part of the original Rural Rustic Project.

Mr. Karina-Plun said that this segment was fairly flat and straight without any major drop-offs, making construction relatively easier there. He said that it also addressed some road geometry issues, such as the fact that this segment was a very narrow part of the road. He said that VDOT had preliminarily estimated the cost to be \$91,500, and available funds existed in the District Grant Unpaved pot of money. He said that provided was the motion that the Board can choose to adopt following the public hearing, which would approve the Secondary Six-Year Plan.

Ms. Mallek asked if any work was being done in preparation for Senator Russett Perry's bill that would permit gravel road funding to be utilized for other maintenance and design aspects, not just paving.

Mr. Karina-Plun thanked Ms. Mallek for raising this point. He clarified that a bill had been passed in the Virginia House, which allowed District Funds to be used for various paving projects. He said that during a conversation with VDOT last month, there was uncertainty about how this would fit into their program. He said that they would gather more information on eligible projects under the new rules, likely starting this summer. He stated that currently, there were no updates to share.

Mr. Gallaway said that he had previously asked if Berkmar Drive Extended was fully funded, and he received a positive response. However, he noticed that the document stated it was mostly funded. He said that it needed a pledge of future TeleFee funds totaling \$2 million to complete it. He said that he imagined that they would most likely endorse this and allocate those funds. He asked whether the project was on hold until the \$2 million were allocated or if they could proceed with the project prior to that.

Mr. Kevin McDermott, Deputy Director of Planning, said that they had put the project on hold due to a shortfall in funding, which they then applied for through Revenue Sharing. He explained that the funding was approved for inclusion in VDOT's recommended Six-Year Plan. He said that, as long as there were no changes to that Six-Year Plan, once the new fiscal year began, VDOT could resume the project. He added that TeleFee funds would be allocated towards the project over the next few years. He said that if they continued adding TeleFee funds to the program as shown in the Secondary Six-Year Plan, the project should be fully funded.

Mr. Gallaway asked if the project was underway, meaning that schedules and reports would begin on July 1.

Mr. McDermott said yes.

Mr. Gallaway stated that they would be committing future TeleFee funds to cover the new shortfall on the project in order to complete the work.

Mr. McDermott clarified that there would be no shortfall as long as they received the full amount of funding recommended through revenue sharing and the amount of funding shown in the Secondary Six-Year Plan for TeleFee funds.

Mr. Gallaway asked if the \$2 million shortfall mentioned in the report had been addressed already or if this was an additional shortfall they must cover.

Mr. McDermott said that it was not a new shortfall. He said that there was TeleFee money assigned to the project to be allocated in future years, which was meant to cover that shortfall between now and when they go to construction advertisement.

Mr. Pruitt said that regarding the connector road for Berkmar, the Six-Year Plan in the spreadsheet showed the allocated funding for each year, and he understood that the row below it was labeled as future District Grant Unpaved Funds. He asked if this represented the difference between their projected funds if they received additional two-thirds votes in future years to fulfill the primary role for the project.

Mr. Karina-Plun said that the District Grant Unpaved Funds were separate from TeleFee, so those could not be allocated to the Berkmar project. He said that these funds could be utilized for future Rural Rustic projects. He said that with the passing of the new bill, that money was being looked at for different purposes as well.

Mr. Andrews opened the public hearing.

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Ms. Dawn Baber, Scottsville District, said that she was representing the residents of Glendower Road, specifically the eastern section. She said that she would like the Board to picture what she described. She said that it was 1955, poodle skirts were popular, and a new dirt road stretched out towards the horizon. She said that her grandparents and great-grandparents had claimed a piece of paradise along this dusty path, promised to be paved within a year, which was a modern marvel that would make their lives easier and cleaner.

Ms. Baber said that here they were, five generations later, and that dusty road still kicked up a fuss. She said that unfortunately, the promise of pavement remained unfulfilled. She said that fast forwarding to the present day, this road had seen better days. She said that traffic was booming as everyone used it as a shortcut home from work or to unwind at the local wineries. She said that however, the road itself was stuck in 1955, unchanged. She said that it was like a dusty time capsule, and only potential for nasty pothole surprises had been preserved.

Ms. Baber acknowledged that Glendower Road had its charm but added that the romance wore thin when residents were dodging potholes the size of craters and inhaling enough dust to develop respiratory problems, especially after a good rain. She said that the road transformed into an off-road racing landscape after rain, with no prize money at all at the finish line, just a hefty repair bill for a car's undercarriage. She said that it was not just about aesthetics; this cloud dust created a real safety hazard. She said that it was difficult to see a car, let alone a bike or a mom with a stroller due to the unpaved earth.

Ms. Baber said that the issues caused by this situation go beyond mere inconvenience. She said that the constant churning of unpaved earth creates a thick dust cloud that covers the entire area. She said that this dust creates brownout conditions, making it hazardous to drive and impossible to see oncoming cars, bikes, and pedestrians. She said that this dust posed a significant health risk, particularly for those living close to the road. She said that it infiltrated homes and made breathing difficult, necessitating constant cleaning efforts. She also said that the financial burden of the unpaved road also affected the community.

Ms. Baber said that driving over the gravel washboard caused damage to vehicles, requiring frequent and costly repairs to struts and alignment. She requested that the Board pave Glendower Road for the sake of safety, financial savings, and better health. She said that the residents deserved the same level of infrastructure as other communities. She said that paving this road would increase safety for all users, save money, and improve the community's overall health. She requested that the Board pave the road. She mentioned that her dad's 83rd birthday was tomorrow, and she would like him to be able to see the road paved.

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Ms. Mallek asked for clarification regarding the Berkmar extension. She said that she wanted to confirm if she understood correctly that July marked the beginning of construction or if it was a five-year funding period.

Mr. McDermott said that the engineering on the project was not yet complete, so it was put on hold. He explained that they were still in the process of doing engineering and would not be getting out their shovels in July. He stated that they must complete the engineering phase and right-of-way phase before moving forward. He clarified that the money was available immediately to start the project. He said that there would be no further delays; they would resume work as soon as the engineering and right-of-way phases were completed.

Ms. Mallek asked if there was any way to establish a timeframe for the design and right-of-way, either in terms of months or years. She asked whether the two-year right-of-way phase applied for VDOT to complete the short section.

Mr. McDermott said that it would not take months; rather, it would likely take a couple of years until it was ready for construction. He said that there was no definite date for this. He said that they would collaborate with VDOT when the funds became available.

Mr. Andrews closed the public hearing and the matter rested with the Board.

Ms. McKeel asked if Mr. Karina-Plun could address the concerns raised by the person who spoke during public comment.

Mr. Karina-Plun said that he had heard from local residents living on Glendower Road regarding the dust issues and poor road conditions. He said that they provided enough signatures for the road to be included in the Secondary Six-Year Plan, which meant it should be paved eventually. He said that he was unsure of the exact timing as that depended on VDOT's schedule. He said that once the Secondary Six-

Year Plan was adopted, the road would indeed be paved.

Mr. Pruitt said that he was aware of the severe dust issues on Glendower Road, and it was not the first time he had heard about it from the residents. He said, as a person with asthma, he no longer ran on the Keene circuit because of the dust, and he understood the concern was real and important. He said that he looked forward to casting a vote on something that had been a promise for 50 years.

Ms. LaPisto-Kirtley **moved** the Board of Supervisors to adopt the Resolution (Attachment F) to approve the FY 25-30 Secondary Six-Year Plan and authorize the County Executive to sign the FY 25-30 Secondary Six-Year Plan. Mr. Pruitt **seconded** the motion.

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

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

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**RESOLUTION TO APPROVE  
THE SECONDARY SYSTEM SIX-YEAR PLAN (FY 25-30)**

**WHEREAS**, Virginia Code § 33.2-331 provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary System Six-Year Plan; and

**WHEREAS**, the Board has previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (FY 25-30), after being duly advertised so that the public had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List; and

**WHEREAS**, local and regional representatives of the Virginia Department of Transportation recommend approval of the Secondary System Six Year Plan (FY25-30); and

**WHEREAS**, the Secondary System Six Year Plan (FY 25-30) is in the best interest of the County and of the community.

**NOW, THEREFORE, BE IT RESOLVED**, that the Albemarle County Board of Supervisors hereby approves the Secondary System Six-Year Plan (FY 25-30) and authorizes the County Executive to sign it on behalf of the County; and

**BE IT FURTHER RESOLVED**, that the clerk of the Board forward a certified copy of this resolution to the District Administrator of the Virginia Department of Transportation.

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Secondary System  
 Albermarle County  
 Construction Program  
 Estimated Allocations

Fund	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	Total
TeleFee	\$285,663	\$285,663	\$285,663	\$285,663	\$285,663	\$285,663	\$1,713,978
District Grant Unpaved	\$939,229	\$963,821	\$963,821	\$963,821	\$963,821	\$1,017,428	\$5,811,941
<b>Total</b>	<b>\$1,224,892</b>	<b>\$1,249,484</b>	<b>\$1,249,484</b>	<b>\$1,249,484</b>	<b>\$1,249,484</b>	<b>\$1,303,091</b>	<b>\$7,525,919</b>

Board Approval Date: May 15, 2024

Resident Engineer

Date



County Executive

Date

6/12/24





**SECONDARY SYSTEM CONSTRUCTION PROGRAM (in dollars)**

Route	PPMS ID	Project #	Description	FROM	TO	Length	Priority #	Type of Project	Type of Funds	Accomplishment	Road Name	Estimated Cost	Previous Funding	Additional Funding Required	PROJECTED FISCAL YEAR ALLOCATIONS						Balance to complete	Traffic Count	Scope of Work	FHWA #	Comments		
															2024-25	2025-26	2026-27	2027-28	2028-29	2029-30							
0085.00	RL0850	118983	S/F HIRED EQUIP. S	NO PLAN, SECONDARY	STONEY POINT PASS	0800-002-894, N-501	PE RW CON	\$2,557 \$0 \$400,000	\$402,557	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	81 VPD 08/03/2021				DISTRICT GRANT UNPAID >50 VPD
0085.00	RL0721	113780	S/F HIRED EQUIP. S	NO PLAN, SECONDARY	OLD DOMINION ROAD	0721-002-F82, N-501	PE RW CON	\$10,000 \$0 \$270,000	\$280,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	88 VPD 08/20/2018				DISTRICT GRANT UNPAID >50 VPD
0085.00	RL0805	115843	S/F HIRED EQUIP. S	NO PLAN, SECONDARY	HENDERSON LANE	0805-002-P87, N-501	PE RW CON	\$0 \$0 \$85,000	\$85,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	70 VPD 9/24/2018				DISTRICT GRANT UNPAID >50 VPD
0087.00	RL0887	124623	S/F HIRED EQUIP. S	NO PLAN, SECONDARY	SUTHERLAND ROAD	0887-002-084, N-501	PE RW CON	\$15,000 \$0 \$385,000	\$400,000	\$88,834	\$311,166	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	82 VPD 07/28/2021				DISTRICT GRANT UNPAID >50 VPD
0088.00	RL0713	125466	S/F HIRED EQUIP. S	NO PLAN, SECONDARY	GLENDOWER ROAD	0713-002-043, N-501	PE RW CON	\$10,000 \$0 \$365,000	\$375,000	\$10,000	\$365,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	126 VPD 05/02/2018				DISTRICT GRANT UNPAID >50 VPD
0088.00	RL0712	137466	S/F HIRED EQUIP. S	NO PLAN, SECONDARY	ROUTE 712	0335 MI. N. ROUTE 712 1.97 MI. N. ROUTE 712	PE RW CON	\$10,000 \$0 \$365,000	\$375,000	\$10,000	\$365,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	126 VPD 05/02/2018				DISTRICT GRANT UNPAID >50 VPD

District: Culpeper  
 County: Albemarle County  
 Board Approval Date: May 15, 2024

**SECONDARY SYSTEM CONSTRUCTION PROGRAM (in dollars)**

District: Calpeper  
 County: Albemarle County  
 Board Approval Date: May 15, 2024

Route	Road Name	Project #	Description	Type of Funds	Type of Project	Priority #	Length	Estimated Cost	Previous Funding	Additional Funding Required	PROJECTED FISCAL YEAR ALLOCATIONS						Balance to complete	Traffic Court Scope of Work FHWA # Comments
											2024-25	2025-26	2026-27	2027-28	2028-29	2029-30		
RL0713	BLUESHOWER ROAD	125497	0713-002-044, N-501 RTE. 713 - RURAL RUSTIC RD (SURFACE TREAT NONHARDSURFACE RD)	S	S/F HIRED EQUIP.	NO PLAN, SECONDARY	0.07 M.I.E. ROUTE 20 1.40 M.I.E. ROUTE 20 1.33	PE \$10,000 RW \$0 CON \$300,000 Total \$310,000	\$10,000	\$300,000	\$0	\$0	\$0	\$0	\$0	\$0	136 VPD 05/02/2018 DISTRICT GRANT UNPAID >50 VPD RURAL RUSTIC PROJECT RESOLUTION NEEDED	
RL0600	STONE POINT PASS	125488	9000-002-045, N-501 RTE. 800 - RURAL RUSTIC RD (SURFACE TREAT NONHARDSURFACE RD)	S	S/F HIRED EQUIP.	NO PLAN, SECONDARY	0.90 M.I.S. ROUTE 20 1.12 M.I.S. ROUTE 20 0.22	PE \$5,000 RW \$0 CON \$86,500 Total \$91,500	\$5,000	\$86,500	\$0	\$0	\$0	\$0	\$0	\$0	\$1 VPD 08/03/2021 DISTRICT GRANT UNPAID >50 VPD RURAL RUSTIC PROJECT RESOLUTION NEEDED	
RL0707	BLAIR PARK ROAD	113777	0707-002-043, N-501 RTE. 707 - RURAL RUSTIC RD (SURFACE TREAT NONHARDSURFACE RD)	S	S/F HIRED EQUIP.	NO PLAN, SECONDARY	ROUTE 691 END STATE MAINTENANCE 0.35	PE \$10,000 RW \$0 CON \$100,000 Total \$110,000	\$11,105	\$98,895	\$0	\$0	\$0	\$0	\$0	\$0	70 VPD 11/28/2018 DISTRICT GRANT UNPAID >50 VPD RURAL RUSTIC PROJECT RESOLUTION NEEDED	
RL0813	STARLIGHT ROAD	116885	0813-002-096, N-501 RTE. 813 - RURAL RUSTIC RD (SURFACE TREAT NONHARDSURFACE RD)	S	S/F HIRED EQUIP.	NO PLAN, SECONDARY	ROUTE 712 END STATE MAINTENANCE 0.59	PE \$10,000 RW \$0 CON \$115,000 Total \$125,000	\$0	\$125,000	\$0	\$0	\$0	\$0	\$0	\$0	50 VPD 8/29/2018 DISTRICT GRANT UNPAID >50 VPD RURAL RUSTIC PROJECT RESOLUTION NEEDED	
RL0855	BURTON LANE	125170	0855-002-046, N-501 RTE. 855 - RURAL RUSTIC RD (SURFACE TREAT NONHARDSURFACE RD)	S	S/F HIRED EQUIP.	NO PLAN, SECONDARY	ROUTE 711 END STATE MAINTENANCE 0.40	PE \$10,000 RW \$0 CON \$85,000 Total \$105,000	\$0	\$105,000	\$0	\$0	\$0	\$0	\$0	\$0	190 VPD 06/24/2018 DISTRICT GRANT UNPAID >50 VPD RURAL RUSTIC PROJECT RESOLUTION NEEDED	



**SECONDARY SYSTEM CONSTRUCTION PROGRAM (in dollars)**

Route	PPAIS ID	Accomplishment	Project #	Description	FROM	TO	Length	Priority #	Estimated Cost	Previous Funding	Additional Funding Required	PROJECTED FISCAL YEAR ALLOCATIONS						Balance to complete	Traffic Count				
												2024-25	2025-26	2026-27	2027-28	2028-29	2029-30			Scope of Work	PHVA #	Comments	
99700	RI4007	COUNTYWIDE TRAFFIC SERVICES	1204007	COUNTYWIDE TRAFFIC SERVICES	FROM	TO	Length	Priority #	FE	\$0	\$234,418	\$0	\$0	\$0	\$0	\$0	\$234,418	TELEFEE FUNDS					
									RW	\$0													
									CON	\$359,675													
									Total	\$359,675	\$125,257	\$0	\$0	\$0	\$0	\$0	\$234,418						
99775	RI4008	COUNTYWIDE RIGHT OF WAY ENGR.	1204008	COUNTYWIDE RIGHT OF WAY ENGR.	FROM	TO	Length	Priority #	FE	\$0	\$50,341	\$0	\$0	\$0	\$0	\$0	\$0	TELEFEE FUNDS					
									RW	\$0													
									CON	\$50,341													
									Total	\$50,341	\$0	\$0	\$0	\$0	\$0	\$0	\$0						
99803	RI4005	COUNTYWIDE FERTILIZATION & SEEDING	1204006	COUNTYWIDE FERTILIZATION & SEEDING	FROM	TO	Length	Priority #	FE	\$0	\$21,233	\$0	\$0	\$0	\$0	\$0	\$0	TELEFEE FUNDS					
									RW	\$0													
									CON	\$21,233													
									Total	\$21,233	\$0	\$0	\$0	\$0	\$0	\$0	\$0						
99846	RI4003	COUNTYWIDE TRAFFIC CALMING	1204009	COUNTYWIDE TRAFFIC CALMING	FROM	TO	Length	Priority #	FE	\$0	\$59,034	\$0	\$0	\$0	\$0	\$0	\$0	TELEFEE FUNDS					
									RW	\$0													
									CON	\$59,034													
									Total	\$59,034	\$0	\$0	\$0	\$0	\$0	\$0	\$0						
99823	RI4005	COUNTYWIDE ENGINEERING & SURVEY	1204005	COUNTYWIDE ENGINEERING & SURVEY	FROM	TO	Length	Priority #	FE	\$0	\$7,784	\$0	\$0	\$0	\$0	\$0	\$0	TELEFEE FUNDS					
									RW	\$0													
									CON	\$7,784													
									Total	\$7,784	\$0	\$0	\$0	\$0	\$0	\$0	\$0						

**Agenda Item No. 15. Public Hearing: ZMA202300016 Stonefield Code of Development Amendment.**

PROJECT: ZMA202300016 Stonefield Code of Development Amendment  
 MAGISTERIAL DISTRICT: Jack Jouett  
 TAX MAP/PARCEL: 061W0-03-00-019A0  
 LOCATION: 1951 Swanson Drive, near its intersection with Hydraulic Rd.  
 PROPOSAL: Amend the Code of Development for the NMD to allow motor vehicle sales as a use by-right. Currently, the use requires a special use permit. No new dwellings or change in residential density proposed.  
 ZONING CATEGORY/GENERAL USAGE: NMD Neighborhood Model District - residential (3 – 34 units/acre) mixed with commercial, service and industrial uses  
 COMPREHENSIVE PLAN LAND USE/DENSITY: Urban Mixed Use (in areas around Centers) – commercial and retail uses that are not accommodated in Centers and residential (3 – 34 units/acre).  
 ENTRANCE CORRIDOR: Yes. .

The Executive Summary forwarded to the Board states that, at its meeting on April 9, 2024, the Planning Commission (PC) voted 5:0 to recommend approval of both the rezoning to amend the code of development (ZMA202300016) and special use permit SP202300019 for outdoor storage, display, and sales, for the reasons stated in the staff report.

Attachments A, B, and C are the PC staff report, action letter, and meeting minutes.

The PC asked for clarification on the Blocks to which the requested code of development amendment would potentially apply. Staff has provided a Block exhibit (Attachment D). Motor vehicle sales and service of up to 4,500 square feet would be allowed by-right in Blocks A, B, C, and G, according to the Narrative (Attachment A1). Though the initial draft code of development showed the use by-right in all blocks of Stonefield, the applicant has since provided an updated code of development to reflect that that use will be permitted by-right only in Blocks A, B, C, and G. (Attachment E)

Staff recommends that the Board adopt both the attached Ordinance to approve an amended code of development (Attachment F) and the attached Resolution to approve the special use permit(Attachment G).

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Ms. Rebecca Ragsdale, Planning Manager, said that her presentation would cover two separate items. She said that the first was an amendment to the Stonefield Code of Development and the second was a special use permit (SP) for outdoor storage and display. She said that currently, Stonefield's Code of Development allowed motor vehicle sales in certain blocks through a special use permit.

Ms. Ragsdale said that this proposal aimed to allow up to 4,500 square feet of space for such sales in specific areas. She said that the rezoning process would amend their permitted uses within the Code of Development, affecting only the ZMA (zoning map amendment). She said that for the special use permit, it would allow outdoor storage of vehicles limited to ten spaces. She said that these locations were visible from the entrance corridor, which necessitated the requirement for a special use permit.

Ms. Ragsdale said that the location map was displayed on the right of the slide, highlighting the areas circled in yellow where the special use permit applied. She said that the red arrows represented stretches along Route 29 and Hydraulic where one could see into the parking lot. She said that the anticipated motor vehicle sales area was 4,000 square feet, located beside the building that housed Torchy's Tacos and Lens Crafters at the Trader Joe's corner. She said that the other spaces were across District Avenue at the Regal Movie Theater

Ms. Ragsdale said that a community meeting was held for this proposal, which resulted in no concerns, and it received a recommendation from the Planning Commission for approval. She said that auto sales was already contemplated in the Code of Development and was contemplated as a secondary use in the land use plan, so there were no concerns in that regard. She said that the next slide showed the Stonefield Block Plan, which regulated permitted uses and other things by block.

Ms. Ragsdale said that in the blocks where auto sales were limited to 4,500 square feet, they would be permitted by right were A, B, C, and G. She said that the special use permit would only apply to the plan presented to the Architectural Review Board (ARB) regarding where vehicles could be visible from the entrance corridor. She said that if there was a change in that plan, they may go back to the ARB or through the process to get another outdoor storage and display special use permit.

Ms. Ragsdale said that also provided were more pictures of the locations, which they had already reviewed. She said that staff recommended approval, as well as the Commission, without any concerns about consistency with the master plan or the prior intent of the Stonefield Code Development. She said that provided were the conditions recommended for the special use permit. She said that she had motions available for when the Board opened the public hearing for the ZMA and then for the special use permit.

Mr. Pruitt asked if there was a charging infrastructure as part of this request.

Ms. Ragsdale confirmed that was correct.

Mr. Pruitt asked if it would be only for the four spots for display vehicles.

Ms. Ragsdale said that the applicant could discuss whether they had obtained the required permits for the charging stations.

Mr. Andrews opened the public hearing.

Mr. Andrews said there were no public speakers and asked the applicant to present.

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Mr. Steve Blaine said that he was representing the O'Connor Group and Stonefield. He said that he did not have anything to add to Ms. Ragsdale's presentation but wanted to provide some context. He said that as one of the authors of the Code of Development 20 years ago for Stonefield, he could say that the notion of a very limited showroom, rather than the conventional big three auto sales facility they were familiar with, was not contemplated at the time. He explained that manufacturers now had limited models and did not keep all inventory on site. He said that they would have classified this as a by-right use in that case; however, it was a special use permit in their code.

Mr. Blaine said that they were also present because the special use permit was required when

there was a display visible from the entrance corridor. He said that if one automobile was on display, that triggered the need for the special use permit. He confirmed that there would be charging infrastructure for up to ten spaces, although they may not use all of them for inventory. He said that each space would have a charger so that vehicles were always charged. He said that also harkening back to a prior era, this was similar to the way showrooms in urban centers used to be in an office building with just a showroom and not a lot of parking. He said that he believed this provided some context as well.

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Mr. Andrews closed the public hearing and the matter rested with the Board.

Ms. McKeel **moved** that the Board adopt the Ordinance to approve ZMA202300016 Stonefield Code of Development Amendment (Attachment F). Ms. Mallek **seconded** the motion

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

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

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**ORDINANCE NO. 24-A(10)**  
**ZMA 2023-00016**

**AN ORDINANCE TO AMEND THE ZONING MAP FOR  
PARCEL 061W0-03-00-019A0**

**WHEREAS**, an application was submitted to amend the Neighborhood Model District (NMD) Code of Development on Parcel 061W0-03-00-019A0;

**WHEREAS**, on April 9, 2024, after a duly noticed public hearing, the Planning Commission recommended approval of ZMA 2023-00016;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the transmittal summary and staff report prepared for ZMA 2023-00016 and their attachments, the narrative last revised on March 5, 2024, the Code of Development last revised April 23, 2024, the information presented at the public hearings, any written comments received, the material and relevant factors in Virginia Code § 15.2-2284 and County Code § 18-19.1, and for the purposes of public necessity, convenience, general welfare, and good zoning practices, the Board hereby approves ZMA 2023-00016 with the revised Code of Development Appendix A prepared by the applicant, dated March 5, 2024, last revised April 23, 2024, and with the narrative revised March 5, 2024.

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Agenda Item No. 16. **Public Hearing: SP202300019 Stonefield Tesla Outdoor Storage, Display, and Sales.**

PROJECT: SP202300019 Stonefield Tesla Outdoor Storage, Display, and Sales

MAGISTERIAL DISTRICT: Jack Jouett

TAX MAP/PARCEL: 061W0-03-00-019A0

LOCATION: Within existing parking lots adjacent to 1951 and 1954 Swanson Drive, near its intersection with Hydraulic Rd.

PROPOSAL: Establish outdoor storage, display and/or sales of vehicles within the Entrance Corridor

PETITION: Outdoor storage, display and sales serving or associated with a permitted use in accordance with Section 30.6.3.a.2(b) of the Zoning Ordinance on approximately 32.7 acres. No dwelling units proposed.

ZONING CATEGORY/GENERAL USAGE: NMD Neighborhood Model District - residential (6.01-60 units/acre) mixed with commercial, service and industrial uses SECTION: 30.6.3.2.b Outdoor storage, display and/or sales in the Entrance Corridors

COMPREHENSIVE PLAN LAND USE/DENSITY: Urban Mixed Use (in Centers) – retail, residential, commercial, employment, office, institutional, and open space uses in Neighborhood 1 – Places 29. (6.01-60 units/acre)

ENTRANCE CORRIDOR: Yes.

The Executive Summary is the same for item no. 15 Public Hearing: ZMA202300016 Stonefield Code of Development Amendment and item no. 16 Public Hearing SP202300019 Stonefield Tesla Outdoor Storage, Display, and Sales.

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Mr. Andrews opened the public hearing. Seeing no speakers, he asked if the applicant had a presentation.

Mr. Blaine said that he had nothing further to add.

Mr. Andrews closed the public hearing and brought the item back to the Board.

Ms. McKeel **moved** that the Board of Supervisors adopt the Resolution to approve SP202300019

Tesla Outdoor Storage, Display, and Sales (Attachment G). Ms. Mallek **seconded** the motion Roll was called and the motion carried by the following recorded vote:

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

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**RESOLUTION TO APPROVE SP202300019  
STONEFIELD OUTDOOR STORAGE, DISPLAY, AND SALES**

**WHEREAS**, upon consideration of the staff reports prepared for SP202300019 Stonefield Outdoor Storage, Display, and Sales 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 §§ 18-30.6.3(a)(2)(b) 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 Neighborhood Model (NMD) zoning district, and with the public health, safety, and general welfare (including equity); and
4. be consistent with the Comprehensive Plan and the applicable design guidelines.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves SP202300019 Stonefield Outdoor Storage, Display, and Sales, subject to the conditions attached hereto.

\* \* \*

**SP202300019 Stonefield Outdoor Storage, Display, and Sales Special Use Permit Conditions**

1. Use of this site must be in general accord with the Tesla Parking Plan. To be in general accord, vehicles for sales, storage and/or display must be parked only in the spaces indicated for sales, storage and display on the Tesla Parking Plan.
2. Vehicles for sales, storage and/or display must be parked in striped parking spaces.
3. Vehicles must not be elevated anywhere on site.

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Agenda Item No. 17. **Public Hearing: Public Hearing for the Rivanna Water and Sewer Authority South Fork Rivanna Water Main Crossing Easement.** To receive public comment on its consideration of the granting of an underground, trenchless waterline easement on County land (Parcel No. 04500-00-00-066B0) transversed by Berkmar Drive and adjacent to the South Fork Rivanna River..

The Executive Summary forwarded to the Board states that the Rivanna Water and Sewer Authority (RWSA) has previously identified through master planning that a 24-inch water main will be needed from the South Rivanna Water Treatment Plant (SRWTP) to Hollymead Town Center to meet future water demands. Two segments of this water main were constructed as part of the VDOT Rt. 29 Solutions projects, including a 24-inch water main along Rt. 29 and a 24-inch water main along the new Berkmar Drive Extension, behind the Kohl's department store. An additional 24-inch water main was just installed from Kohl's to the northern terminus of Berkmar Drive Extension to the new Airport Road Pump Station, which will be completed this summer.

To complete the connection between the SRWTP and the new 24-inch water main under Rt. 29, there is a need to construct a new river crossing at the South Fork Rivanna River. The selected alternative will include an underground trenchless river crossing in-between the South Fork Rivanna Dam and the Berkmar Bridge to minimize environmental impacts. Acquisition of easements is required for the river crossing on the County's Brook Hill River Park (Tax map parcel 45-66B) and along Rio Mills Road. Staff has identified granting this easement has no impact on current or future recreational development.

RWSA is requesting Albemarle County to grant a temporary construction easement and a permanent waterline easement to install an underground trenchless 24" waterline crossing under the South Fork Rivanna River from South Rivanna Water Treatment Plant to Hollymead Town Center to meet future water demands. The line would cross Brook Hill River Park (Attachment A), which Crockett Corporation gifted to the County in 2018 for outdoor recreation. Staff confirmed that the Crockett Corporation did not have any concerns with the proposed deed of easement. The draft deed of easement (Attachment B) includes language to address wetlands located through this area

There is no budget impact associated with this item.

Staff recommends that, following the public hearing, the Board adopt the attached Resolution

(Attachment C) to approve granting the proposed easement and to authorize the County Executive to execute any documents, once approved by the County Attorney, to convey this proposed easement.

Mr. Bob Crickenberger, Director of Parks and Recreation, said that he did not have a slide presentation and provided one exhibit to share with Board, found within the executive summary as Attachment A. He said that the matter before the Board was a request from Rivanna Water and Sewer Authority to grant a temporary construction easement and a permanent waterline easement. He explained that the purpose of these easements was to install an underground, trenchless, 24-inch waterline crossing under the South Fork Rivanna River from the South Rivanna Water Treatment Plant.

Mr. Crickenberger said that the connection would go to Hollymead Town Center, as it had been determined by a comprehensive master plan that this was necessary to meet the future water needs of that area. He said that two segments of this water main had already been constructed as part of the VDOT Route 29 solution project. He said that to complete the connection, there was a need to construct a new river crossing in between the South Fork Rivanna Dam and Berkmar Bridge. He said that the line would actually run to the west of Berkmar Bridge.

Mr. Crickenberger noted that acquisitions for a temporary construction easement and a permanent waterline easement for the river crossing on the County's Brook Hill River Park and along Rio Mills Road were necessary to complete the connection. He said that Brook Hill River Park was gifted to the County in 2018 by the Crockett Corporation for Outdoor Recreation. He said that as a courtesy, staff contacted the Crockett Corporation to confirm whether they had any concerns regarding the proposed easement, and they did not have any.

Mr. Crickenberger said that with the proposed easement within that exhibit, there was language included addressing the wetlands located in that general area. He said that the language was developed and approved by the County Attorney. He said that granting these easements would have no impact on current or future recreation development and no budget impact associated with this item. He said that staff recommended that after the public hearing, the Board adopt the Resolution (Attachment C) to approve granting the proposed easement and authorize the County Executive to execute any documents, once approved by the County Attorney.

Ms. Mallek asked if Mr. Crickenberger could provide more details about the disturbance to the wetlands in the area.

Mr. Crickenberger said that the goal of the trenchless water line was so that they did not have to dig a conventional trench. He said that they would bore tunnels for pipe installation.

Mr. Scott Schiller, Senior Civil Engineer with Rivanna Water and Sewer Authority, said that they had performed various studies, and as Mr. Crickenberger referenced, the horizontal directional drill method to install the pipeline beneath the river would bring it up past the wetlands area. He said that they planned to come closer to Rio Mills Road and then run the pipeline alongside the road.

Ms. Mallek asked if the east-west section was in the highway right-of-way.

Mr. Schiller said yes.

Ms. Mallek said that it was the north-south section that she was concerned about. She asked how deep the horizontal drill would be.

Mr. Schiller said that they had to get underneath the base of the river, so it was U-shaped.

Ms. Mallek said that she was concerned that they maintain the proper depth to prevent losing the water resource and did not puncture the clay liner.

Mr. Schiller said that they had carried out an in-depth investigation to pinpoint the locations of the wetlands, particularly focusing on establishing a plan to avoid them. He said that he could confirm those specifics for Ms. Mallek.

Mr. Andrews asked if the 24-inch diameter pipe was done all at once with the boring machine.

Mr. Schiller said that there was a process called a string out, which involved assembling the pipe and then pulling it through underneath the river in one piece. He said that they needed additional property on the southern side to perform this task. He said that they would connect the pipe using more traditional installation methods once it was on Rio Mills Road.

Mr. Andrews opened the public hearing. Seeing no speakers, he closed the public hearing and brought the matter back to the Board.

Mr. Gallaway **moved** the Board to adopt the Resolution (Attachment C) to approve the proposed easement and authorize the County Executive to execute any documents once approved by the County Attorney to convey the proposed easement. Ms. Mallek **seconded** the motion.

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



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

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**RESOLUTION APPROVING DEED OF EASEMENT BETWEEN  
THE COUNTY OF ALBEMARLE AND THE RIVANNA WATER AND SEWER AUTHORITY**

**WHEREAS**, the County of Albemarle was gifted in 2018 Parcel 04500-00-00-066B0 (the "Property") by Crockett Corporation for "preservation of land area for outdoor recreation by, or the education of, the general public through a county park"; and

**WHEREAS**, the Rivanna Water and Sewer Authority (the "RWSA") has requested a permanent easement on the Property for the construction and maintenance of an underground, trenchless waterline that will cross the Rivanna River; and

**WHEREAS**, Crockett Corporation found nothing objectionable to the RWSA's request.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves the granting of the proposed easement to the Rivanna Water and Sewer Authority on Parcel 04500-00-00-066B0, and authorizes the County Executive to sign any deed or document, once approved as to form and substance by the County Attorney, necessary to convey this easement to the Rivanna Water and Sewer Authority.

\* \* \* \* \*

202400004748 PG 001

This document was prepared by:  
Rivanna Water and Sewer Authority  
695 Moores Creek Lane  
Charlottesville, Virginia 22902

Tax Map and Parcel Number 04500-00-00-066B0

This deed is exempt from taxation under Virginia Code § 58.1-811(A)(3) and from Court Clerk's fees under Virginia Code § 17.1-266.

This **DEED OF EASEMENT**, made this 6<sup>th</sup> day of June, 2024 by and between **COUNTY OF ALBEMARLE, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, Grantor ("Property Owner"), and **RIVANNA WATER AND SEWER AUTHORITY**, a body politic and corporate created pursuant to the Virginia Water and Waste Authorities Act, whose address is 695 Moores Creek Lane, Charlottesville, Virginia 22902, Grantee (the "Authority").

**WITNESSETH:**

WHEREAS, the Authority has requested and Property Owner has agreed to grant the Authority the various easements shown on the plat attached hereto and recorded herewith entitled "Plat Showing RWSA Permanent Waterline Easements and Temporary Construction Easements to be Acquired by Rivanna Water and Sewer Authority on Albemarle Tax Map Parcel 45-66B on the Land of County of Albemarle, Rio Magisterial District, Albemarle County, Virginia" prepared by Rinker Design Associates, P.C. dated September 20, 2022, last revised March 9, 2023 (the "Plat"); and

WHEREAS, as shown on the Plat, the proposed easements cross a portion of the property conveyed to Property Owner by deed dated September 4, 2018, and recorded in the Clerk's Office of the Circuit Court of the County of Albemarle on September 20, 2018, in Deed Book 5096, page 538 (Instrument Number 201800010558) (the "Vesting Deed"), and Property Owner is the fee simple owner of the said property as of the date hereof.

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NOW, THEREFORE, for and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, Property Owner does hereby GRANT and CONVEY with SPECIAL WARRANTY of TITLE unto the Authority a perpetual right of way and easement to construct, install, operate, maintain, repair, replace, relocate and extend a water line consisting of pipes, equipment, and appurtenances to such pipes and equipment, over, under and across the real property of Property Owner located in the County of Albemarle, Virginia, and to access any other adjacent easement held by the Authority, the location and width of the easement hereby granted and the boundaries of the property being more particularly described and shown on the Plat as "40' RWSA PERMANENT WATERLINE ESMT. (HEREBY GRANTED) AREA 1," and "RWSA PERMANENT WATERLINE ESMT. (HEREBY GRANTED) AREA 2" (collectively, the "Water Easements"). Reference is made to the Plat for the exact location and dimension of the Water Easements hereby granted and the property over which the same crosses.

Further, Property Owner does hereby GRANT and CONVEY with SPECIAL WARRANTY of TITLE unto the Authority two temporary construction easements each for a term so long as necessary to construct and install those certain water lines comprising the RWSA South Fork Rivanna River Crossing Water Main project (the "Project"), of which the water line to be constructed in the Water Easements (the "Water Line") is a part, and to do all things reasonably necessary and incident to such construction, provided that such term not exceed 10 years from the execution of this deed. The location and size of the temporary construction easements hereby granted and the boundaries of the property are more particularly described and shown on the Plat as "TEMPORARY CONSTRUCTION ESMT. (HEREBY GRANTED) AREA 1," and "TEMPORARY CONSTRUCTION ESMT. (HEREBY GRANTED) AREA 2" (collectively, the

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“Temporary Construction Easements”). Reference is made to the Plat for the exact location and dimension of the Temporary Construction Easements hereby granted and the property over which the same crosses. The Temporary Construction Easements shall each automatically terminate upon the expiration of the above-described term.

The Authority acknowledges that this Deed of Easement remains subject to the Virginia Open-Space Land Act, Virginia Code § 10.1-1700, et seq. (the “Act”), as required by the Vesting Deed. Property Owner warrants that it has all power and authority to convey this Deed of Easement. The Authority agrees to carry out all work in connection with the Project consistent with the plans prepared by Michael Baker International entitled “South Fork Rivanna River Crossing 24” Water Main RFB No. 400 Erosion and Sediment Control Plan WPO 2023-00031” (the “WPO Plan”), as such WPO Plan is approved by Albemarle County. Except as may be otherwise required by the WPO Plan, the Authority agrees (i) to construct and install the Water Line under the Rivanna River through the use of a trenchless horizontal directional drill (“HDD”), (ii) to cause no disturbance to the South Fork Rivanna River riverbed or to the wetlands within the Water Easements or the Temporary Construction Easements, (iii) to install silt fences and barrier fencing around all wetlands within the Water Easements or the Temporary Construction Easements during any activities that may subject such wetlands to sedimentation, and (iv) to repair and restore all surfaces within the Water Easements and the Temporary Construction Easements as nearly as reasonably possible to their prior condition, including but not limited to needed soil stabilization, replacement of ground cover, and spot improvements, as well as general site cleanup.

Easement Obstructions

Property Owner, its successors or assigns, agree that trees, shrubs, fences, buildings, overhangs or other improvements or obstructions shall not be located within the Water Easements, or the Temporary Construction Easements (during the term thereof). The Water Easements, and the Temporary Construction Easements (during the term thereof) shall include the right of the Authority to cut any trees, brush, and shrubbery, remove obstructions, and take other similar action reasonably necessary to provide economical and safe water line installation, operation, and maintenance. The Authority shall have no responsibility to Property Owner, its successors or assigns, to replace or reimburse the cost of trees, brush, shrubbery, or other obstructions located in the Water Easements, or the Temporary Construction Easements (during the term thereof) if cut or removed or otherwise damaged.

Easement Access and Maintenance

As part of the Water Easements and the Temporary Construction Easements, the Authority shall have the right to enter upon the above-described property within the Water Easements and the Temporary Construction Easements (during the term thereof) for the purpose of installing, constructing, operating, maintaining, repairing, replacing, relocating and extending the above-described water line and appurtenances thereto within the Water Easements; and in addition, the Authority shall have the right of ingress and egress thereto as reasonably necessary to construct, install, operate, maintain, repair, replace, relocate and extend such water lines. If the Authority is unable to reasonably exercise the right of ingress and egress over the right-of-way, the Authority shall have the right of ingress and egress over the property of Property Owner adjacent to the right-of-way, and shall restore surface conditions of such property adjacent to the right-of-way as nearly as reasonably possible to the same condition as prior to the Authority's exercise of such right.

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Excavation

Whenever it is necessary to excavate earth within the Water Easements or the Temporary Construction Easements (during the term thereof), the Authority agrees to backfill such excavation in a proper and workmanlike manner so as to restore surface conditions as nearly as reasonably possible to the same condition as prior to excavation, including restoration of such paved surfaces as may be damaged or disturbed as part of such excavation.

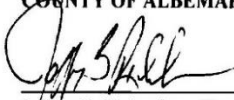
Ownership of Facilities

The facilities constructed within the Water Easements shall be the property of the Authority, its successors and assigns, which shall have the right to inspect, rebuild, remove, repair, improve and make such changes, alterations, and connections to or extensions of its facilities within the boundaries of the Water Easements as are consistent with the purposes expressed herein.

**SIGNATURES ON FOLLOWING PAGES**

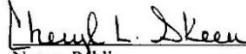
202400004748 PG 006

WITNESS the following signatures and seals:

PROPERTY OWNER:  
COUNTY OF ALBEMARLE, VIRGINIA  
  
\_\_\_\_\_(SEAL.)  
Jeffrey B. Richardson, County Executive

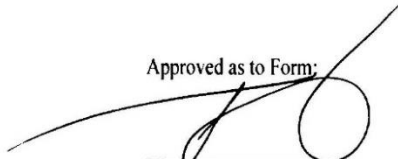
COMMONWEALTH OF VIRGINIA  
COUNTY OF ALBEMARLE, to-wit: CITY OF CHARLOTTEVILLE, to-wit:

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of June, 2024, by Jeffrey B. Richardson, County Executive, on behalf of the County of Albemarle, Virginia.

  
Notary Public

My commission Expires: Oct. 31, 2027 Commission No.: 7153762

Approved as to Form:

  
\_\_\_\_\_  
Albemarle County Attorney

202400004748 PG 007

**GRANTEE:**  
**RIVANNA WATER AND SEWER AUTHORITY**

W. I. Mawyer, Jr. (SEAL)  
Williams I. Mawyer, Jr., Executive Director

COMMONWEALTH OF VIRGINIA  
COUNTY OF ALBEMARLE, to wit:

The foregoing instrument was acknowledged before me this 23<sup>rd</sup> day of April, 2024, by William I. Mawyer, Jr., Executive Director, on behalf of the Rivanna Water and Sewer Authority.

Deborah Gumm Anama  
Notary Public



My commission Expires: January 31, 2026 Commission No.: 7972678



20089-001

LINE	BEARING	DISTANCE
L1	N72°55'01"W	20.27'
L2	N49°05'41"W	15.25'
L3	N49°05'41"W	94.74'
L4	N40°54'19"E	125.72'
L5	S66°25'40"E	60.00'
L6	S19°51'50"W	100.00'
L7	N66°25'40"W	60.00'
L8	N19°51'50"E	100.00'
L9	S49°47'19"E	58.18'
L10	S51°11'45"E	96.69'
L11	S46°01'57"W	15.00'
L12	S38°04'20"E	68.55'
L13	N66°24'54"W	29.07'

**NOTES**

1. THE PARCEL IDENTIFICATION NUMBER FOR THE PROPERTY SHOWN HEREON IS 04500-00-00-06600.
2. NO TITLE REPORT FURNISHED. THIS PLAT IS SUBJECT TO ANY EASEMENTS AND RESTRICTIONS OF RECORD.
3. BOUNDARY INFORMATION SHOWN HEREON IS BASED ON DEEDS AND PLATS OF RECORD.

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	1610.28'	261.29'	130.93'	261.00'	S63°54'46"E	97°17'49"
C2	775.00'	245.07'	123.57'	244.05'	N59°37'12"W	180°07'05"
C3	2025.00'	80.02'	40.01'	80.01'	N67°32'49"W	2°15'50"

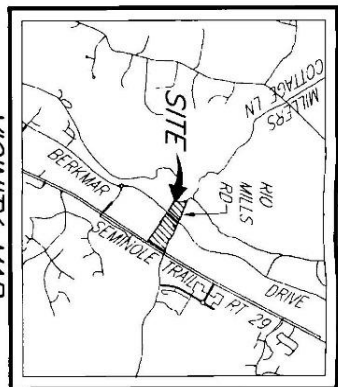
**AREA TABULATION**

RMSA PERMANENT WATERLINE EASEMENT (AREA 1)	18,020 SQ. FT.	0.4137 ACRE
RMSA PERMANENT WATERLINE EASEMENT (AREA 2)	11,813 SQ. FT.	0.2712 ACRE
RMSA PERMANENT WATERLINE EASEMENT (TOTAL)	29,833 SQ. FT.	0.6849 ACRE
TEMPORARY CONSTRUCTION EASEMENT (AREA 1)	12,907 SQ. FT.	0.2963 ACRE
TEMPORARY CONSTRUCTION EASEMENT (AREA 2)	2,488 SQ. FT.	0.0571 ACRE
TEMPORARY CONSTRUCTION EASEMENT (TOTAL)	15,395 SQ. FT.	0.3534 ACRE

**SURVEYOR'S CERTIFICATE**

I, NICHOLAS KOUGOULIS, A DULY LICENSED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA, DO HEREBY CERTIFY THAT THE PROPERTY SHOWN HEREON IS NOW IN THE NAME OF COUNTY OF ALBERMARLE AS RECORDED IN DEED BOOK 506 AT PAGE 538 AMONG THE LAND RECORDS OF ALBERMARLE COUNTY, VIRGINIA.

NICHOLAS KOUGOULIS  
 LAND SURVEYOR

**VICINITY MAP**  
 SCALE: 1" = 4,000'

PLAT SHOWING  
**RMSA PERMANENT WATERLINE EASEMENTS  
 AND TEMPORARY CONSTRUCTION EASEMENTS**  
 TO BE ACQUIRED BY  
**RIVANNA WATER AND SEWER AUTHORITY**  
 ON ALBERMARLE TAX MAP PARCEL 45-688  
**COUNTY OF ALBERMARLE**  
 RIO MASTERFUL DISTRICT  
 ALBERMARLE COUNTY, VIRGINIA

SCALE: 1" = 100'  
 SEPTEMBER 20, 2022  
 REVD MARCH 9, 2023  
 SHEET 1 OF 3

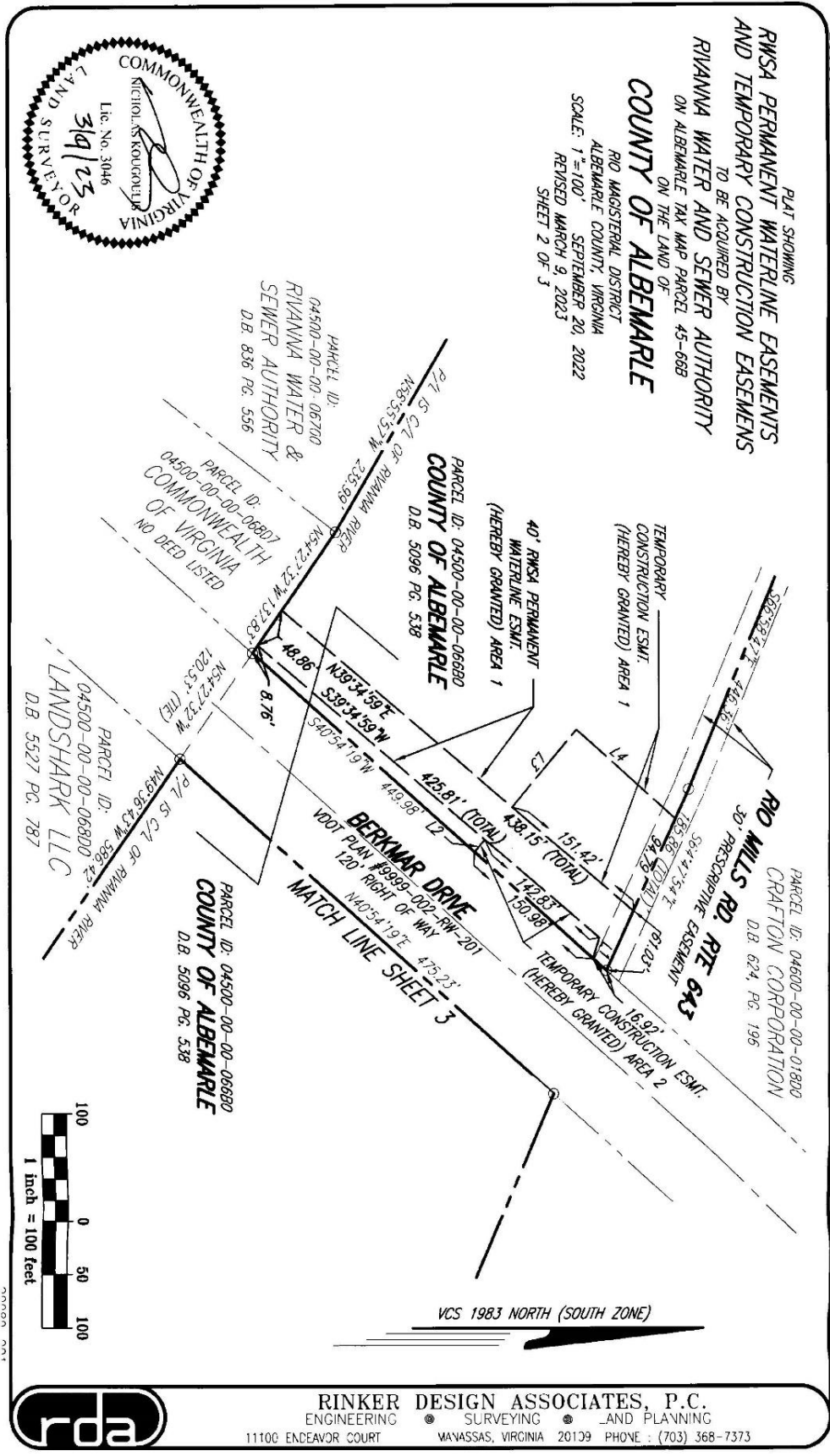


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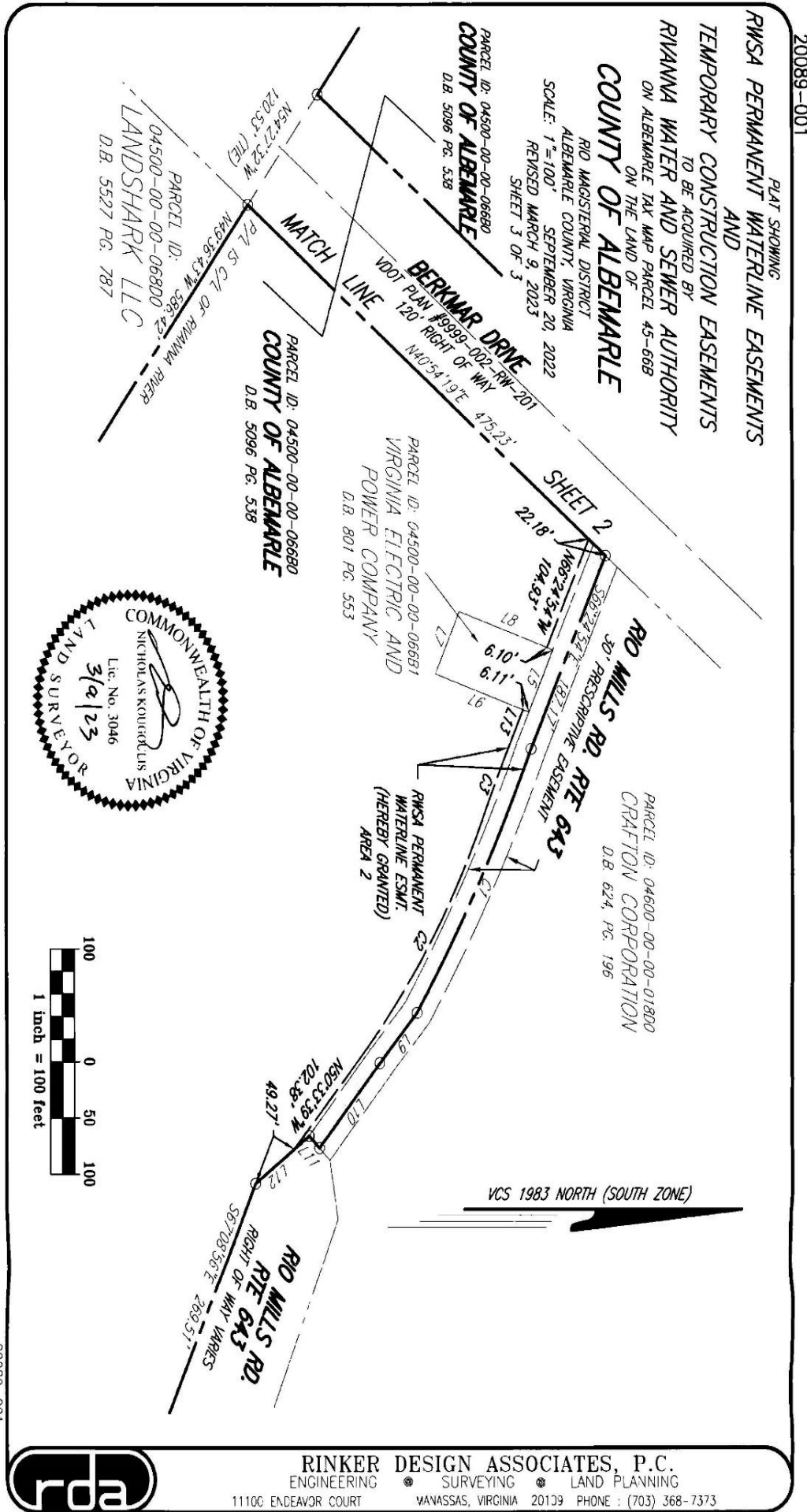


**RINKER DESIGN ASSOCIATES, P.C.**  
 ENGINEERING SURVEYING LAND PLANNING  
 1100 ENDEAVOR COURT MANASSAS, VIRGINIA 20109 PHONE : (703) 368-7373

20089-001



**rda** RINKER DESIGN ASSOCIATES, P.C.  
 ENGINEERING SURVEYING LAND PLANNING  
 11100 ENDEAVOR COURT MANASSAS, VIRGINIA 20139 PHONE : (703) 368-7373



202400004748 PG 011

INSTRUMENT # 202400004748  
E-RECORDED IN THE CLERK'S OFFICE OF  
ALBEMARLE ON  
JUNE 12, 2024 AT 08:26AM

JON R. ZUG, CLERK  
RECORDED BY: MEB

Agenda Item No. 18. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Mr. Andrews stated that he had something to share, which was mostly an apology and a correction. He noted that the County Attorney informed him about needing to make a disclosure he had not made earlier while discussing the Ragged Mountain Reservoir natural area. He explained that the disclosure was that his spouse owned an interest in a Limited Liability Company (LLC) which owned property adjacent to the property comprising the Ragged Mountain Reservoir. He said that as a result, he had a personal interest in the Board's consideration of matters related to the Ragged Mountain Reservoir recreational uses.

Mr. Andrews said that although this property was located south of Interstate 64 and about a mile away from Interstate 64, it could still be potentially affected by future developments. He stated that according to the State and Local Government Conflict of Interest Act, he may participate in any official action or contemplation of official action because the Limited Liability Company was part of a group of three or more property owners who would be affected by an action. He said that he can participate fairly, objectively, and in the public interest. He said that he would file a written disclosure statement with the Clerk to the Board of Supervisors, which further explained his declaration and participation.

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Agenda Item No. 19. Adjourn.

At 7:06 p.m., the Board adjourned its meeting to June 5, 2024, 1:00 p.m., Lane Auditorium, Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA. Mr. Andrews said information on how to participate in the meeting would be posted on the Albemarle County website Board of Supervisors home page and on the Albemarle County calendar.

Mr. Andrews said that additionally, it was anticipated that there would be a special meeting of the Board on May 29, 2024 at 9:00 a.m. at the Hilton Garden Inn, Peter Jefferson Room A, 1793 Richmond Road, Charlottesville, Virginia. He said that he would direct the Clerk to prepare the special meeting notice once the details of the meeting were confirmed.

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Chair

Approved by Board
Date 08/07/2024
Initials CKB