

ACTIONS
Board of Supervisors Meeting of August 7, 2024

August 8, 2024

AGENDA ITEM/ACTION	ASSIGNMENT	VIDEO
<p>1. Call to Order.</p> <ul style="list-style-type: none"> The meeting was called to order at 1:03 p.m. by the Vice Chair, Ms. McKeel. All BOS members were present except for Mr. Andrews who joined the meeting at 4:00 p.m. and participated remotely. Also, present were Jeff Richardson, Steve Rosenberg, and Claudette Borgersen. 		Link to Video
<p>4. Adoption of Final Agenda.</p> <ul style="list-style-type: none"> By a vote of 5:0:1 (Andrews absent), ADOPTED the final agenda. 		
<p>5. Brief Announcements by Board Members.</p> <p><u>Mike Pruitt:</u></p> <ul style="list-style-type: none"> Commented on national and regional election ballots and encouraged community members to vote starting on September 20, 2024, at the 5th Street County Office Building. He reminded everyone that the last day to register to vote was October 15, 2024, and if that was not possible, community members could request a provisional ballot. Reflected on the contributions from the volunteers of the Rivanna Trail Foundation for the construction of the Rivanna Trail and encouraged others to join the Foundation or consider volunteering for other organizations. Remarked that Habitat for Humanity won the bid for the Carlton Mobile Home Park in Charlottesville and highlighted Albemarle County's leadership regarding affordable housing and community-led development. <p><u>Ned Galloway:</u></p> <ul style="list-style-type: none"> Expressed appreciation for those involved in the maintenance of Rio Road and the maintenance of businesses on that road. <p><u>Bea LaPisto-Kirtley:</u></p> <ul style="list-style-type: none"> Mentioned that she attended the St. John Family Life and Fitness Center Community Day the previous Saturday and announced that there would be free health screenings at that location on Saturday, September 28, 2024, from 10:00 a.m.–2:00 p.m. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Expressed appreciation for all the volunteers in the community and thanked the Crozet Trails Crew for their work building trails in Crozet for the past 15 years, and that they were raising funds for a bridge over Lickinghole Creek. Mentioned that the previous evening she had attended the National Night Out event at Putt-Putt, which was sponsored by the Albemarle County Police Department, and expressed her appreciation to staff for their work organizing the very successful event. Commented that the previous week the CACVB (Charlottesville Albemarle Convention 		

<p>and Visitors Bureau) hosted an open house at their new location on Remson Court and commented that she was pleased with the new offerings for outdoor recreation events on their website.</p> <ul style="list-style-type: none"> Mentioned that, based on the Virginia Cooperative Extension and U.S. Department of Agriculture (USDA), Albemarle County has been experiencing a drought and has received primary natural disaster designation status from the USDA. She stated that those who had livestock and pasture forage losses could contact the Farm Service Agency (FSA) in Louisa, and those with crop losses could contact the Verona FSA. <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> Complimented VDOT for their early completion of the roundabout at Hydraulic Road. 		
<p>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.</p> <ul style="list-style-type: none"> <u>Adrienne Eichner</u> spoke regarding the Affordable Housing Voucher Program. 		
<p>8.2 FY 2024 Appropriations.</p> <ul style="list-style-type: none"> ADOPTED resolution to approve appropriations #2024046 and #2024047 for County government projects and programs. 	<p><u>Clerk:</u> Forward copy of signed resolution to Finance and Budget and County Attorney's office. (Attachment 1)</p>	
<p>8.3 FY 2025 Appropriations.</p> <ul style="list-style-type: none"> ADOPTED resolution to approve appropriations #2025002 for County government projects and programs. 	<p><u>Clerk:</u> Forward copy of signed resolution to Finance and Budget and County Attorney's office. (Attachment 2)</p>	
<p>8.4 Tax Refund Approval Request.</p> <ul style="list-style-type: none"> ADOPTED resolution to approve the refund requests and authorize the Department of Finance and Budget to initiate the refund payments. 	<p><u>Clerk:</u> Forward copy of signed resolution to Finance and Budget and County Attorney's office. (Attachment 3)</p>	
<p>8.5 Resolution Approving the County's Participation in a Proposed Settlement of Opioid-Related Claims.</p> <ul style="list-style-type: none"> ADOPTED resolution both to approve of the County's participation in the latest proposed Opioid Settlement Agreement and to AUTHORIZE the County Attorney to execute the necessary documents on the County's behalf. 	<p><u>Clerk:</u> Forward copy of signed resolution to County Attorney's office. (Attachment 4)</p>	
<p>8.6 Approval of Boards and Commissions Welcome Pamphlet.</p> <ul style="list-style-type: none"> APPROVED the Welcome to an Albemarle County Board, Committee, or Commission pamphlet for mailing with letters of appointment. 	<p><u>Clerk:</u> Include pamphlet with letters of appointment. (Attachment 5)</p>	
<p>9. Public-Private Transportation Act (PPTA) Finding of Public Interest - Eastern Avenue.</p> <ul style="list-style-type: none"> By a vote of 5:0, SUPPORTED the County Executive signing the Finding of Public Interest. 	<p><u>County Executive:</u> Proceed as authorized and provide Clerk with copy of signed Finding of Public Interest. (Attachment 6)</p>	
<p>10. Presentation: Wildland Fire Prevention Strategies.</p> <ul style="list-style-type: none"> RECEIVED. 		
<p>11. Presentation: Virginia Department of Transportation (VDOT) Quarterly Report.</p> <ul style="list-style-type: none"> RECEIVED. 		

<ul style="list-style-type: none"> By a vote of 5:0 APPROVED request to allow Supervisor Andrews to participate remotely in accordance with applicable Board Rules of Procedure enacted pursuant to the Freedom of Information Act, stating that he was unable to attend the meeting in person due to a personal matter. 		
<p>12. Closed Meeting.</p> <ul style="list-style-type: none"> At 4:02 p.m., the Board went into Close Meeting pursuant to section 2.2-3711(A) of the Code of Virginia: under subsection (1), to discuss and consider appointments to various boards and commissions including, without limitation, Agricultural and Forestal District Advisory Committee, Economic Development Authority, Places 29 (Hydraulic) Community Advisory Committee, and Places 29 (North) Community Advisory Committee; under subsection (1), to discuss and consider appointment of an interim county attorney; under subsection (7), to consult with legal counsel and receive briefings by staff members pertaining to actual litigation concerning a decision of the Board of Zoning Appeals in the case styled <i>In re June 6, 2023 Decision of the Board of Zoning Appeals of the County of Albemarle, Virginia</i> where consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the County and the Board; and under subsection (39), to discuss or consider information subject to the exclusion in subsection (3) of § 2.2-3705.6 related to business development in the Rio Magisterial District. 		
<p>13. Certify Closed Meeting.</p> <ul style="list-style-type: none"> At 6:01 p.m., the Board reconvened into an open meeting and certified the closed meeting. 		
<p>14. Boards and Commissions:</p> <p>a. Vacancies and Appointments.</p> <ul style="list-style-type: none"> REAPPOINTED Ms. Kate Lambert, Mr. Vito Cetta, Ms. Jane Foy, and Mr. William Love to the Places 29 (Hydraulic) Community Advisory Committee with said terms to expire on August 5, 2026. REAPPOINTED Ms. Janet Moran and Mr. William McLaughlin to the Places 29 (North) Community Advisory Committee, with said term to expire on August 5, 2026. APPOINTED Ms. Wendy Ellis, Mr. Gary Gonyar, Mr. Jeffrey Matriccino, and Ms. Lisa Bushey to the Places 29 (North) Community Advisory Committee with said terms to expire on August 5, 2026. 	<p><u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.</p>	
<p>Non-Agenda: Appointment of Interim County Attorney.</p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED Resolution Appointing the Interim County Attorney. 	<p><u>Clerk:</u> Forward copy of signed resolution to Human Resources, and the County Attorney's office. (Attachment 7)</p>	

<p>15. From the County Executive: Report on Matters Not Listed on the Agenda. <u>Trevor Henry:</u></p> <ul style="list-style-type: none"> • Provided update of Tropical Storm Debby. 		
<p>16. From the Public: Matters on the Agenda but Not Listed for Public Hearing or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.</p> <ul style="list-style-type: none"> • There were none. 		
<p>17. <u>Pb. Hrg.: Compensation for the Planning Commission and Other Boards.</u></p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED ordinance to increase compensation for the Planning Commission and Other Boards as amended with an effective date of July 1, 2024. 	<p><u>Clerk:</u> Forward copy of signed ordinance to Human Resources and County Attorney's office. (Attachment 8)</p>	
<p>18. <u>Pb. Hrg.: SP202300021 Flow Hyundai Outdoor Storage, Display, and Sales and SE202300046 Flow Hyundai.</u></p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED resolution to approve the special use permit for SP202300021 Flow Hyundai Outdoor Storage, Display, and Sales with the conditions, as amended. • By a vote of 6:0, ADOPTED resolution to approve the special exception SE202300046 with the conditions contained therein. 	<p><u>Clerk:</u> Forward copies of signed resolutions to Community Development and County Attorney's office. (Attachments 9 and 10)</p>	
<p>19. <u>Pb. Hrg.: ZMA202300010 Granger Development.</u></p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED ordinance to approve ZMA202300010 Granger Development. 	<p><u>Clerk:</u> Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachment 11)</p>	
<p>20. <u>Pb. Hrg.: ZTA 2023-00008 Grading Standards and Steep Slopes Overlay District.</u></p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED ordinance. 	<p><u>Clerk:</u> Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachment 12)</p>	
<p>21. From the Board: Committee Reports and Matters Not Listed on the Agenda. <u>Ned Gallaway:</u></p> <ul style="list-style-type: none"> • Inquired as to who was responsible for maintaining Historical markers on public roads, specifically the ones near Riverview Park. <p><u>Jim Andrews:</u></p> <ul style="list-style-type: none"> • Announced that the Rivanna Solid Waste Authority voted to change the name of the Ivy MUC (Material Utilization Center) to Ivy Solid Waste and Recycling Center. • Announced that electronic waste (e-waste) collection will start on September 14, 2024, with additional collection days to be announced in the future. <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> • Inquired regarding the status of the second historical marker for John Henry James at the site of his lynching on Rt. 250 West. • Mentioned that she had recently spoken with a school board member regarding the spreadsheet that the Board and staff used for projected enrollments and requested that it annotate new schools that are scheduled to be built. 	<p><u>Staff:</u> Provide the information as requested.</p> <p><u>Staff:</u> Provide the information as requested.</p>	

<ul style="list-style-type: none"> • Commented on the abuse of antique license plates on vehicles. 		
24. Adjourn to August 14, 2024, 5:30 p.m. Room 241. <ul style="list-style-type: none"> • The meeting was adjourned at 8:22 p.m. 		

ckb/tom

- Attachment 1 – Resolution to Approve Additional FY 2024 Appropriations
- Attachment 2 – Resolution to Approve Additional FY 2025 Appropriations
- Attachment 3 – Resolution Requesting Tax Refunds
- Attachment 4 – Resolution Approving the County’s Participation in the Proposed Settlement of Opioid-Related Claims
- Attachment 5 – Boards And Commissions Welcome Pamphlet
- Attachment 6 – Public-Private Transportation Act (PPTA) Finding of Public Interest - Eastern Avenue
- Attachment 7 – Resolution Appointing the Interim County Attorney
- Attachment 8 – Ordinance No. 24-2(2) - Ordinance to Increase Compensation for the Planning Commission and Other Boards
- Attachment 9 – Resolution to Approve SP202300021 Floy Hyundai Outdoor Storage, Display, and Sales
- Attachment 10 – Resolution to Approve SE202300046 Flow Hyundai
- Attachment 11 – Ordinance No. 24-A(13) ZMA 2023-00010 Granger Development
- Attachment 12 – Ordinance No. 24-18(2) - Grading Standards and Steep Slope Overlay District

**RESOLUTION TO APPROVE
ADDITIONAL FY 2024 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That the FY 24 Budget is amended to increase it by \$221,033;
- 2) That Appropriations #2024046; and #2024047 are approved;
- 3) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2024.

**RESOLUTION TO APPROVE
ADDITIONAL FY 2025 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriation #2025002 is approved;
- 2) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2025.

**RESOLUTION
REQUESTING TAX REFUNDS**

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

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

NOW, THEREFORE, BE IT RESOLVED that a refund in the amount of \$103,663.36 has been reviewed and certified due to amended business tangible personal property tax returns filed for tax years 2023 and 2024 and this refund shall be remitted to Bonumose, Inc. to conform with Virginia code §58.1-3981;

BE IT RESOLVED that a refund in the amount of \$67,109.08 has been reviewed and certified due to overpayment of business tangible personal property taxes and this refund shall be remitted to Farmington Country Club to conform with Virginia Code §58.1-3981; and

BE IT RESOLVED that a refund in the amount of \$11,133.17 has been reviewed and certified due to overpayment of real estate taxes and this refund shall be remitted to Emanuel C Ackerman, Trustee to conform with Virginia Code §58.1-3981.

RESOLUTION

A RESOLUTION OF THE ALBEMARLE BOARD OF SUPERVISORS APPROVING OF THE COUNTY'S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST KROGER AND ITS RELATED CORPORATE ENTITIES, AND DIRECTING THE COUNTY ATTORNEY TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE COUNTY'S PARTICIPATION IN THE SETTLEMENT

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its counties and cities, including the County of Albemarle, by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services by the County's various departments and agencies; and

WHEREAS, the Commonwealth of Virginia and its counties and cities, including the County of Albemarle, have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of the Commonwealth and the County; and

WHEREAS, a settlement proposal has been negotiated that will cause Kroger to pay over a billion dollars nationwide to resolve opioid-related claims against it; and

WHEREAS, the County has approved and adopted the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (the "Virginia MOU"), and affirms that this pending settlement with Kroger shall be considered a "Settlement" that is subject to the Virginia MOU, and shall be administered and allocated in the same manner as the opioid settlements entered into previously with opioid distributors McKesson, Cardinal Health, and AmerisourceBergen, opioid manufacturers Janssen Pharmaceuticals, Teva Pharmaceuticals, and Allergan, and retail pharmacy chains CVS, Walgreens, and Walmart;

WHEREAS, the County Attorney has reviewed the available information about the proposed settlement and has recommended that the County participate in the settlement in order to recover its share of the funds that the settlement would provide;

NOW THEREFORE BE IT RESOLVED that the Albemarle County Board of Supervisors, this 7th day of August, 2024, approves of the County's participation in the proposed settlement of opioid-related claims against Kroger and its related corporate entities, and directs the County Attorney to execute the documents necessary to effectuate the County's participation in the settlement, including the required release of claims against Kroger.

Congratulations on your appointment!

Public service is a vital part of our community and plays an important role in County governance. Through your service, you are assisting the Board of Supervisors in addressing specific County issues by lending professional expertise, facilitating community input for decision-making, and serving as a conduit between community members, County staff and departments, and the Board. We hope you will find the experience rewarding.

The contact person listed in your appointment letter will be in touch with you soon to provide details specific to the Board, Commission, or Committee to which you were appointed, and they will also provide information on orientation training, as applicable. If you are not contacted within one week of receiving your appointment letter, please feel free to reach out to them.

In your capacity as an appointee, it is important to remember that you have a duty to act in the best interests of Albemarle County and to represent the interests of the adopted policies of the Board of Supervisors. You should familiarize yourself with agendas, minutes, and documents governing the Board, Commission, or Committee to which you were appointed. Reviewing these documents will help you get a sense of your responsibilities and the limits of your role.

Your participation is deeply appreciated. Please accept our thanks for your time, dedication, and commitment.

The Albemarle County Board of Supervisors



Decorum in Meetings:

- Keep the agenda in mind to give each item the appropriate time.
- Let the designated person run the meeting.
- Seek to be recognized before speaking.
- Be fair, impartial, and respectful of the public, staff, and each other.
- Give your full attention when others speak.
- Listen to concerns.
- Do not engage in side conversation or otherwise be distracted.

Questions to Consider:

- What is the history behind an item?
- What is the objective?
- What are the benefits and drawbacks?
- Who/what groups will benefit? Who/what groups are burdened?
- Who/what groups in the community might be overlooked in the discussion?
- What are your concerns?
- What specific, constructive alternatives can you recommend?
- What are the long-range implications?

Obligations of the Person Running the Meeting:

- Follow the agenda.
- Remain impartial.
- Allow room for debate.
- Keep the debate germane to the topic.
- Maintain control of the meeting.



Welcome to an Albemarle County Board, Committee, or Commission



Albemarle.org/bos

434-296-5843

Tips for Being an Effective Member

Through your appointed position, you will contribute to the advancement of the quality of life in Albemarle County by maintaining and improving programs and services for our community members.

Appointed members such as yourself represent the public at-large. Appointments often are made to reflect a geographic interest or an area of expertise. Each member brings an important perspective to the meeting, and differing points of view produce effective solutions.

Here are some tips for being an effective member:

- Place community needs above your personal interests.
- Familiarize yourself with the documents governing your body such as county ordinances, bylaws, relevant element(s) of the Comprehensive Plan, and other pertinent documents or reports.
- Review agendas and minutes from recent meetings to learn what current issues have been under consideration.
- Attend regularly scheduled meetings, as well as all subcommittees on which you have agreed to serve.
- Be punctual so that meetings start and end on time.
- Come prepared to participate in discussions and make recommendations.
- Constructively communicate with fellow members and actively participate in group discussions.
- Be willing to compromise and work as a team to reach consensus.

Frequently Asked Questions:

Are there attendance requirements?

Members are required to attend 75% of meetings. If the requirement is not met, the chair of the body may request that the Board terminate the appointment. If you are unable to attend a meeting you should notify the chair and as applicable, staff.

Are members compensated?

Most appointments are non-paid positions. If your position is compensated, the staff liaison listed on your appointment letter will coordinate compensation.

Who should I notify if I need to resign from my appointed position?

Notify the Clerk of the Board of Supervisors in writing by e-mail at clerk@albemarle.org or by postal mail. Also notify the chair of the body. If applicable, notify the staff liaison and the Board of Supervisors member appointed to the body.

When are appointments and reappointments made?

Appointments are considered at the first meeting of every month. Applications received after the agenda packet is published will not be considered until the following month, provided there is still a vacancy.

Do I have to submit a new application to be reappointed?

To be considered for reappointment, a new application must be submitted. Applications should be submitted 30 days prior to the end of your term that is stated on your appointment letter.

What is an unexpired or partial term?

If your appointment letter states that you are filling an unexpired term, the person who previously held the position did not complete their full term and you are carrying out the rest of that term. You must reapply at the end of the unexpired term to be considered for reappointment.

Why am I being asked to complete the Statement of Economic Interest, Financial Disclosure, or Real Estate Disclosure form?

Virginia Code §2.2-3115 legislates the requirements for the filing of these forms. You should retain a copy of your completed form.

Where do I mail completed disclosure forms?

Clerk to the Board of Supervisors
401 McIntire Rd., Room 229
Charlottesville, VA 22902-4536

Are board, commission, and committee meetings open to the public?

Yes, meetings are open to the public. Boards, commissions, and committees must abide by the Virginia Freedom of Information Act (FOIA). You will receive FOIA training during orientation.

Who do I contact for questions regarding FOIA?

Contact the County's FOIA officer at 434-972-4067 x7930.



County of Albemarle
County Executive Office

Tel: 434-296-5841
Fax: 434-296-5800

Eastern Avenue Extension Public Private Transportation Act Finding of Public Interest (FOPI)

Project Description

The purpose of the proposed project is to provide a connection between residential areas on the north side of Lickinghole Creek and Route 250 (Rockfish Gap Turnpike). This connection will eliminate the approximately 5.5-mile detour currently required for residents to cross Lickinghole Creek and reach Route 250 (Rockfish Gap Turnpike), which is a key minor arterial linking residents to shopping centers and schools and providing interstate access. As residential development and employment increase within Crozet, Eastern Avenue is needed to link the neighborhoods and mitigate the congestion that is otherwise expected to occur on Route 240 (Crozet Avenue and Three Notch'd Road) and at the western intersection of Route 250 and Route 250 (Rockfish Gap Turnpike). This extension is consistent with the Downtown Crozet Master Plan, adopted in 2004. This project also includes proposed pedestrian and bike facilities to provide safe and accessible connectivity for pedestrians and cyclists for commuting and recreational activities between their homes, schools, and other neighborhood destinations. In 2019 and 2020, the County conducted preliminary engineering studies evaluating alternatives for the extension of Eastern Avenue, which culminated in January 2021 when Albemarle County selected a Locally Preferred Alternative for the extension.

The Eastern Avenue proposed improvements total approximately 3,100 linear feet of two-lane undivided road connection between Westhall Drive and Route 250 (Rockfish Gap Turnpike), including pedestrian and bike facilities, and a bridge crossing over Lickinghole Creek. A bridge will be used to cross Lickinghole Creek at a location where the alignment most nearly crosses perpendicular to Lickinghole Creek and provide a bicycle and pedestrian crossing of Lickinghole Creek on the proposed bridge.

Section 1 – Project Benefits

The proposed project is expected to increase access from Route 250 (Rockfish Gap Turnpike) to neighborhoods north of Lickinghole Creek through the existing intersection of Route 250 at Cory Farm Road. The Eastern Avenue Extension was identified in Albemarle County's Downtown Crozet Master Plan as part of the goal to establish a more connected and complete street network serving areas of development, such as the Clover Lawn Village Center. The Clover Lawn development would be located directly to the east of the Eastern Avenue Extension on Route 250 and consists of commercial, retail, and residential development, in addition to the Clover Lawn Village, across Rt.250 is the Blue Ridge Shopping Center that includes a national chain grocery store, home center, bank, and medical practices. The proposed Eastern Avenue Extension would increase neighborhood access to the Clover Lawn development by providing a more direct route to the Village Center. The proposed connection would also allow more direct access from the neighborhoods north of Lickinghole Creek to the three Albemarle County Public Schools located to the west on Route 250. The proposed roadway cross-section for the Eastern Avenue Extension includes improvements such as sidewalks and bicycle lanes to improve multimodal connectivity in the region and would connect to existing bicycle lanes to the north on Eastern Avenue and to a proposed shared-use path to the south on Route 250. Further, the bicycle and

pedestrian facilities associated with the extension of Eastern Avenue across Lickinghole Creek would connect with recently completed pedestrian improvements on Route 250.

A 2021 Eastern Avenue Connection Traffic Report prepared by Kimley-Horn projected that approximately 2,100 trips per day were projected on the proposed Eastern Avenue Extension by the future year 2045. The connection is projected to remove a similar volume from Route 240 (Three Notch'd Road and Crozet Avenue), as vehicles would have the option to access Route 250 directly from the Eastern Avenue extension. The Downtown Crozet Master Plan identified two intersections along this segment of roadway as two major crash hotspots in existing conditions: Route 240 at Route 788 (Railroad Avenue) and the western intersection of Route 240 at Route 250. The Eastern Avenue Extension is projected to reduce volumes along this congested corridor, which is projected to reduce the number of crashes at these intersections and improve operations.

Additionally, the extension of Eastern Avenue across Lickinghole Creek would provide further redundancy for emergency ingress/egress and shorten response times for emergency responders.

Section 2 – Need for Public Subsidy

Albemarle County conducted an analysis of the cost estimate for the proposed project, available County funding, and the findings of the risk assessment workshop conducted on May 24, 2024. Based on this information, the County determined that the maximum public contribution that will be allowed under this procurement shall be \$17.3 million. The actual public contribution to the project will be determined and documented in the executed Comprehensive Agreement.

Section 3 – Benefits of PPTA versus Design-Bid-Build or Design-Build

There are three identified feasible options that are in the public's interest for the delivery of The Project:

- A publicly financed Design-Bid-Build (DBB) delivery.
- A publicly financed Design-Build (DB) delivery.
- A Public-Private Partnership (P3) Design Build (DBF) delivery.

The County elected to pursue delivery of the Project using a PPTA because of the benefits of the PPTA delivery mode when compared to the other feasible options considered for delivery. The delivery of the Project using the PPTA guidelines versus one of the two procurement options available to Albemarle County could provide the following benefits:

- Enable Albemarle County to share or transfer major project risks, including escalation in project costs and risks.
- Combine design and construction in one agreement thereby maximizing creativity and efficiencies in construction.
- Ability to advance the project's completion from 2031+ (pending full funding) to 2028 with the inclusion of private financing, which also saves the County cost of escalation until the project is fully funded.
- Versus being required to select the lowest responsive bid on a design-bid-build delivery, the determination of a selected private partner can be based on qualifications, experience, cost efficiencies, design innovation, and other factors.

Delivery Method	Funding	Risk Transfer Available	Innovation Possibility
Design-Bid-Build	100% Public	No	No
Design-Build	100% Public	Yes	Yes
Public-Private Partnership	Public-Private	Yes	Yes

Section 4 – Risk Transfer

The final allocation of risks will be defined by the County in the Comprehensive Agreement but will conform with the high-level overview of the risks, responsibilities, and liabilities outlined below. Albemarle County held an initial Risk Assessment Workshop (or RAW) on May 24, 2024. Participants in the RAW included County Staff from Facilities & Environmental Services, Finance & Budget, County Attorney’s Office, and Community Development plus staff from Kimley-Horn and Associates, Inc. and representatives of the Virginia Department of Transportation. Participants worked through identifying, categorizing, and developing the impacts of various risk events specific to the project across all phases of project development consisting of procurement, design, environmental, and construction. The results and work products from the RAW will be used by the County through the life cycle of the project to track risk, document risk mitigation strategies, inform the development of procurement documents (RFP, Technical Requirements, etc.), and contribute to an active discussion/management of risk throughout the project.

Risk Owner	Procurement Risks	Schedule	Cost Escalation Before Comprehensive Agreement	Cost Escalation After Comprehensive Agreement
Private Partner				
Albemarle County				
Shared				

Section 5 – Risk Level

Based on experience related to the development of projects of similar size and complexity, the inputs received from internal and external stakeholders, and the results of the risk analysis workshop, the delivery risk of this

Project is assessed to be medium. The determination of the risk level of the project was made based on the results of a Risk Assessment Workshop held on May 24, 2026.

Section 6 – Procurement

On March 20, 2024, the Board of Supervisors adopted the *Guidelines for the Implementation of the Public-Private Transportation Act of 1995* (the Guidelines). As stipulated in the Guidelines, the County intends to seek to enter into either an interim agreement or a comprehensive agreement. In accordance with *The Guidelines* that are consistent with the procurement of "other than professional services" through competitive negotiation as set forth in § 2.2-4302.2 and subsection B of § 2.2-4310. Albemarle County shall not be required to select the proposal with the lowest price offer but may consider price as one factor in evaluating the proposals received. Other factors that Albemarle County will consider are, (i) the proposed cost of the qualifying transportation facility; (ii) the general reputation, qualifications, industry experience, and financial capacity of the private entity; (iii) the proposed design, operation, and feasibility of the qualifying transportation facility; (vi) benefits to the public;(vii) the private entity's plans to employ local contractors and residents; (viii) the safety record of the private entity; (ix) the private entity's plan to comply with all legal requirements intended to ensure environmental protection; (x) other criteria that Albemarle County deems appropriate.

Albemarle County intends to select a Best Value procurement methodology with an interim or comprehensive agreement, which presents the following benefits:

- Allows for efficient risk transfer and mitigation of risk.
- Allows for evaluation of financing options as they may not all be equal.
- Allows for and considers evaluation of design innovations offered by an Offeror.
- Allows for a more thorough review and score of an Offeror's full qualification.

The RFP will stipulate, and communicate to potential offerors, both the functional requirements of a responsive offer and stipulate the scoring methodology to be used by Albemarle County for selection of the best value offer prior to submittal of responses.

Authorization

The County Executive has reviewed the information contained herein for the Finding of Public Interest (FOPI) for the Eastern Avenue Extension Project in Crozet, Virginia dated August 7, 2024. The County Executive finds that procurement of the Eastern Avenue Extension project as a Public-Private Partnership is in the County's public interest.

Jeffrey B. Richardson
County Executive

**RESOLUTION APPOINTING THE
INTERIM COUNTY ATTORNEY**

BE IT RESOLVED by the Board of Supervisors of the County of Albemarle, Virginia ("Board"), that Andrew H. Herrick ("Herrick") is hereby appointed the Interim County Attorney ("Interim County Attorney") for the County of Albemarle, Virginia effective September 1, 2024, pursuant to Virginia Code § 15.2-1542; and

BE IT FURTHER RESOLVED that, during the term of Herrick's appointment, he shall have and shall exercise all statutory powers and duties set forth in Virginia Code § 15.2-1542 and any other powers and duties set forth in any other sections of the Code of Virginia (1950), as amended; and those powers and duties assigned or imposed by the Albemarle County Code or by duly adopted motion, resolution or uncodified ordinance of the Board; and

BE IT FURTHER RESOLVED that Herrick's annual salary shall be increased by ten percent (10%) above his salary prior to the effective date of his appointment, plus any cost-of-living increase provided to employees generally, during the term of this appointment, and his salary shall be payable in biweekly installments as other County employees are paid; and

BE IT FURTHER RESOLVED that Herrick shall serve as Interim County Attorney at the pleasure of the Board pursuant to Virginia Code § 15.2-1542; and

BE IT FURTHER RESOLVED that, except as otherwise provided in this resolution, Herrick is entitled to all other rights and benefits that he would receive as Deputy County Attorney; and

BE IT FURTHER RESOLVED that the term of Herrick's appointment shall not extend beyond the earlier to occur of February 28, 2025, the effective date of the appointment of a new permanent full-time County Attorney or the effective date of the appointment of a different Interim County Attorney; and

BE IT FURTHER RESOLVED that, upon the expiration of the term of Herrick's appointment as Interim County Attorney, his resignation as Interim County Attorney, or his removal as Interim County Attorney by the Board, Herrick may return full-time to his position as Deputy County Attorney unless he has committed an act that would warrant his termination from County employment.

ORDINANCE NO. 24-2(2)

AN ORDINANCE TO ADOPT AND REORDAIN CHAPTER 2, ADMINISTRATION OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 2, Administration, of the Code of the County of Albemarle, Virginia, is hereby amended as follows:

By Amending:

- Sec. 2-401 Composition, appointment, terms, and compensation.
 Sec. 2-905 Identified appointed boards; compensation and reimbursement.

CHAPTER 2. ADMINISTRATION**ARTICLE 2****Sec. 2-401 Composition, appointment, terms, and compensation.**

The composition of the Planning Commission and the appointment, terms, and compensation of its members are as follows:

- A. *Composition.* The Planning Commission is composed of eight members, seven of whom are voting members and one of whom is a non-voting member.
- B. *Qualifications.* All members of the Planning Commission shall be County residents and qualified by knowledge and experience to make decisions on questions of community growth and development. Members are not required to be residents of the magisterial district represented by the member of the Board of Supervisors who nominated them. At least one-half of the members shall be owners of real property.
- C. *Nomination and appointment.* Each member of the Planning Commission is appointed by the Board of Supervisors. Before being appointed by the Board, each member of the Planning Commission is nominated as follows:
 1. *Voting members.* Of the seven voting members, one is nominated from each of the six magisterial districts by the member of the Board of Supervisors representing that district, and one is nominated to serve at-large.
 2. *Non-voting member.* The non-voting member is nominated by the President of the University of Virginia.
- C. *Terms.* The terms served by members of the Planning Commission are as follows:
 1. *Voting members, other than at-large member.* The voting members, other than the at-large member, are appointed for four-year terms. The terms are coterminous with the term of the member of the Board of Supervisors who nominated the member.
 2. *Voting member, at-large.* The at-large member is appointed for a two-year term, and is appointed each even-numbered year following County elections for the Board of Supervisors.
 3. *Non-voting member.* The non-voting member is appointed for a one-year term.
- E. *Compensation and Expense Reimbursement.*
 1. *Compensation.* Each voting member of the Planning Commission shall be paid \$7,685.00 per year, to be paid in monthly installments. The chairman of the Planning Commission shall be paid an additional \$1,500.00 per year, to be paid in monthly installments.

2. *Reimbursement for travel and related expenses.* Each voting member of the Planning Commission shall be reimbursed for reasonable and necessary travel and related expenses incurred to attend regular and special meetings and to discharge duties.

F. *Vacancies.* The Board of Supervisors may appoint a qualified person to fill a vacancy. The appointment shall be for the unexpired term only.

G. *Holdover until successor appointed.* Any member of the Planning Commission whose term has expired shall continue as a member until the Board of Supervisors re-appoints the member or appoints a successor.

(4-21-66, § 1; 2-15-68, § 1; 1-16-69; 10-16-69; 1-21-71; 7-19-73; 4-17-75; 1-15-76; 4-21-76; 1-3-77; 5-2-79; 2-13-80; 12-10-80; 2-10-82; 6-13-84; 11-14-84; 3-12-86; 9-10-86; Ord. of 8-1-90; Code 1988, § 2-4; § 2-401, Ord. 98-A(1), 8-5-98; Ord. 00-2(2), 8-2-00; Ord. 18-2(2), 4-11-18; Ord. 23-2(2), 6-7-23, 7-1-23; Ord. 23-2(2), 8-7-24)

State law reference(s)—Va. Code § 15.2-2212.

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CHAPTER 2. ADMINISTRATION

ARTICLE 9

Sec. 2-905 Identified appointed boards; compensation and reimbursement.

The duly appointed members of the boards identified in this section shall be compensated and entitled to reimbursement for their travel and related expenses as follows:

A. *Eligible boards.* Each member of the Architectural Review Board, the Board of Zoning Appeals, the Building Code Board of Appeals, the Board of Equalization, and the Fire Prevention Code Board of Appeals is entitled to compensation and reimbursement as provided in subsections (B) and (C).

B. *Compensation to attend meetings.* Each member shall be paid \$85.00 for each regular and special meeting attended, provided that any member of the Board of Supervisors and any County employee appointed to a board shall not be compensated for attending meetings.

C. *Reimbursement for travel and related expenses.* Each member shall be reimbursed for reasonable and necessary travel and related expenses incurred to attend regular and special meetings and to discharge duties.

((§ 2-1105: 6-20-74; 3-20-75; 10-16-75; 10-10-84; 4-13-88; Ord. of 8-1-90; Ord. of 7-17-91; Ord. of 12-11-91; Code 1988, § 15-2; Ord. 98-A(1), 8-5-98; Ord. 00-2(2), 8-2-00); (§ 2-1106: 6-20-74; 3-20-75; 1-15-76; 4-21-76; 10-10-84; 4-13-88; Ord. of 8-1-90; Code 1988, § 15-3; Ord. 98-A(1), 8-5-98); (§ 2-1107: 6-2-74; 3-20-75; 10-10-84; Ord. of 8-1-90; Code 1988, § 15-4; Ord. 98-A(1), 8-5-98); § 2-904, Ord. 18-2(2), 4-11-18; Ord. 23-2(2), 6-7-23, 7-1-23; Ord. 23-2(2), 8-7-24)

State law reference(s)—Va. Code § 15.2-514.

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

**RESOLUTION TO APPROVE SP202300021
FLOW HYUNDAI OUTDOOR STORAGE, DISPLAY, AND SALES**

WHEREAS, upon consideration of the staff reports prepared for SP202300021 Flow Hyundai 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 Highway Commercial (HC) 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 SP202300021 Flow Hyundai Outdoor Storage, Display, and Sales, subject to the conditions attached hereto.

* * * * *

SP202300021 Flow Hyundai Outdoor Storage, Display, And Sales Special Use Permit Conditions

1. Use of this site must be in general accord with the Flow Hyundai Concept Plan + Exhibits by Shimp Engineering last revised June 19, 2024. 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 Flow Hyundai Parking Plan.
2. Vehicles for sales, storage, and/or display must be parked in striped parking spaces.
3. Vehicles must not be elevated anywhere outside a building on site.
4. Final site plan approval is subject to Architectural Review Board (ARB) approval of the landscape plan (submitted with the site plan). Landscaping shown on the plan may be required to exceed the minimum requirements of the ARB guidelines and/or the Zoning Ordinance to mitigate the visual impacts of the proposed use and must include additional planting in the island south of the Rt. 29 site entrance.
5. Final site plan approval is subject to ARB approval of the lighting plan (submitted with the site plan). Maximum light levels must not exceed 30 footcandles in the display lot and 20 footcandles in all other locations. The maximum height of pole lights must not exceed 20 feet. All fixtures must have lamps whose color temperature is between 2000 and 3000 Kelvin.
6. Discharge from stormwater facilities must be routed to the northern boundary of the subject parcel.

**RESOLUTION TO APPROVE SE202300046
FLOW HYUNDAI**

WHEREAS, the Owner of Parcel ID 04500-00-00-068C0 filed a request for a modification of the screening requirements for vehicles awaiting repair under County Code Section 18-5.1.31(b), in conjunction with SP202300021 Flow Hyundai Outdoor Storage, Display, and Sales; and

WHEREAS, upon consideration of the staff reports prepared in conjunction with SE202300046 Flow Hyundai, and the attachments thereto, including staff's supporting analysis, and all of the relevant factors in Albemarle County Code §§ 18-5.1 and 18-5.1.31(b), the Albemarle County Board of Supervisors hereby finds that a modified regulation would satisfy the purposes of the Zoning Ordinance to at least an equivalent degree as the specified requirement.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves a modification of the screening requirements for vehicles awaiting repair under County Code § 18-5.1.31(b), as requested, subject to the conditions attached hereto.

* * * *

SE202300046 FLOW HYUNDAI CONDITIONS

1. The final site plan must include a landscape plan that contains the following, to the satisfaction of the Director of Planning:
 - a. A landscape buffer adjacent to Berkmar Drive that considers the alignment of the future shared-use path, as indicated on the Flow Hyundai Concept Plan + Exhibits by Shimp Engineering last revised June 19, 2024, and screens parking areas for vehicles awaiting repair;
 - b. Landscaping in the buffer, meeting or exceeding the requirements of *County Code* § 18-32.7.9, including a mix of large shade trees, flowering ornamental trees, evergreen trees, and evergreen shrubs; and
 - c. The wooded area remaining as identified on the Flow Hyundai Concept Plan + Exhibits by Shimp Engineering last revised June 19, 2024.

**ORDINANCE NO. 24-A(13)
ZMA 2023-00010**

**AN ORDINANCE TO AMEND THE ZONING MAP FOR
PARCEL 07600-00-00-02400**

WHEREAS, application ZMA 2023-00010 was submitted to rezone Parcel 07600-00-00-02400 from R-1 Residential to Planned Residential Development (PRD); and

WHEREAS, on May 14, 2024, after a duly noticed public hearing, the Planning Commission recommended approval of ZMA 2023-00010;

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 2023-00010 and their attachments, the Application Plan last revised July 22, 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 § 18-33.6, and for the purposes of public necessity, convenience, general welfare, and good zoning practices, the Board hereby approves ZMA 2023-00010, subject to the Application Plan last revised July 22, 2024.

ORDINANCE NO. 24-18(2)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE II, BASIC REGULATIONS AND CHAPTER 18, ZONING, ARTICLE III, DISTRICT REGULATIONS OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article II, Basic Regulations and Chapter 18, Zoning, Article III District Regulations are hereby reordained and amended as follows:

By Amending:

- Sec. 4.3.3 Grading standards
- Sec 30.7.5 Design Standards

Chapter 18. Zoning

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Article II, Basic Regulations
Sec. 4.3.3 Grading standards

...

Sec. 4.3.3 Grading standards.

The following design standards apply to any land disturbing activity either (i) to establish a use permitted by right or by special use permit in the steep slopes overlay district or (ii) requiring a soil erosion control and stormwater management.

A. *Retaining walls.* Retaining walls shall meet or exceed the following minimum standards:

1. *Height.* The maximum height for a single retaining wall, measured from grade to grade, shall be ten feet, except as provided in subsection (A)(3). When the overall retained height would exceed ten feet, the retaining wall shall be broken into multiple stepped walls.
2. *Multiple stepped walls; separation.* A minimum horizontal distance of three feet shall be maintained between each individual wall in a stepped wall system, and shall be landscaped with screening shrubs planted on ten foot centers.
3. *Incorporation of wall into design of a building.* Retaining walls may be incorporated into the design of a building so that they become part of the building. Retaining walls incorporated into the design of a building shall not be subject to height limitations of subsection (A)(1).
4. *Special exception.* By special exception, the Board of Supervisors may waive or modify the standards otherwise required by this subsection (A). A special exception may be granted only for public improvements requiring a linear corridor (such as roads, sidewalks, shared-use paths, or trails) where the required standards would either:
 - a. Require acquisition of right of way or easements at a cost that would not be consistent with the prudent use of public funds; or
 - b. Require rerouting or redesign of the improvement(s) to an extent that the improvement(s) would not serve the intended purpose; or
 - c. Significantly increase maintenance costs; or
 - d. Result in a design that would be unsafe for users and/or maintenance of the improvement(s).

B. *Cuts and fills.* Any cut or fill shall meet or exceed the following minimum standards:

1. *Rounding off.* Any cut or fill shall be rounded off to eliminate sharp angles at the top, bottom and side of graded slopes.

2. *Location of toe of the fill slope.* The toe of any fill slope shall not be located within ten feet horizontally of the top of an existing or proposed cut slope.
 3. *Tops and bottoms.* Tops and bottoms of cut and fill slopes shall be located either: (i) a distance from existing and proposed property lines at least equal to the lesser of three feet plus one-fifth ($\frac{1}{5}$) of the height of the cut or fill, or ten feet; (ii) any lesser distance than provided in subsection (B)(3)(i) the zoning administrator determines would not adversely impact the abutting parcel based on information provided by the owner of the abutting parcel; or (iii) on the abutting parcel if the owner obtains an easement authorizing the slope on the abutting owner's parcel.
 4. *Steepness.* Cut and fill slopes shall not be steeper than a 2:1 (50 percent) slope. If the slope is to be mowed, the slope shall be no steeper than a 3:1 (33 percent) slope.
- C. *Reverse slope benches or a surface water diversion.* Reverse slope benches or a surface water diversion or both shall meet or exceed the following minimum standards:
1. *When required.* Reverse slope benches or a surface water diversion or both shall be provided whenever: (i) the vertical interval (height) of any 2:1 (50 percent) slope exceeds 20 feet; (ii) the vertical interval (height) of any 3:1 (33 percent) slope exceeds 30 feet; or (iii) the vertical interval (height) of any 4:1 (25 percent) slope exceeds 40 feet.
 2. *Width and location of benches.* Reverse slope benches shall be at least six feet wide and located to divide the slope face as equally as possible and shall convey the water to a stable outlet. Benches shall be designed with a reverse slope of 6:1 (approximately 17 percent) or flatter to the toe of the upper slope and have a minimum of one foot. The bench gradient to the outlet shall be between two percent and three percent, unless accompanied by appropriate design and computations.
 3. *Flow length within a bench.* The flow length within a reverse slope bench shall not exceed 800 feet unless accompanied by appropriate design and computations demonstrating that the flow length is designed to be adequate to ensure the stability of the slope and prevent or minimize erosion.
 4. *Surface water diversions.* Surface water shall be diverted from the face of all cut or fill slopes or both, using diversions, ditches, and swales, or conveyed downslope by using a designed structure. The face of the slope shall not be subject to any concentrated flows of surface water such as from natural drainage ways, graded swales, downspouts, or similar conveyances.

(§ 30.7.5; Ord. 14-18(2), 3-5-14; § 4.3.3; Ord. 20-18(1), 7-15-20, Ord. 24-18(2), 8-7-24)

State law reference(s)—Va. Code §§ 15.2-2280 (1), (2), 15.2-2286 (A)(4).

Chapter 18. Zoning

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Article III District Regulations Sec 30.7.5 Design Standards

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Sec. 30.7.5 Design standards.

Land disturbing activity to establish a use permitted by right or by special use permit in the steep slopes overlay district is subject to the design standards of Section 4.3.3, regardless of whether such activity requires a soil erosion control and stormwater management plan.

(§ 30.7.5; [Ord. 14-18\(2\)](#), 3-5-14; [Ord. 20-18\(1\)](#), 7-15-20, Ord.24-18(2), 8-7-24)

State Law reference— Va. Code §§ [15.2-2280](#)(1), (2), [15.2-2286](#)(A)(4).