

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on August 7, 2024, at 1:00 p.m. in Lane Auditorium, Second Floor, County Office Building, 401 McIntire Road, Charlottesville, Virginia.

BOARD MEMBERS PRESENT: Mr. Jim H. Andrews (joined remotely at 4:00 p.m.), Mr. Ned Gallaway, Ms. Beatrice (Bea) J.S. LaPisto-Kirtley, Ms. Ann H. Mallek, Ms. Diantha H. McKeel, and Mr. Mike O. D. Pruitt.

BOARD MEMBERS 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 Vice-Chair, Ms. McKeel.

Ms. McKeel noted that Chair Jim Andrews (Samuel Miller District) was requesting to participate remotely in today's meeting in accordance with applicable Board Rules of Procedure, rule number 8.B.1.d., enacted pursuant to the Freedom of Information Act.

Due to issues with technology, Mr. Andrews was unable to join the meeting at that point.

Ms. McKeel introduced the Albemarle County Police Department officers present to provide their services at the meeting, Police Officer Steve Cowles and Senior Police Officer Kristian Hernandez.

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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.

Ms. McKeel said that she was not aware of any changes to the agenda, and if there were none, she would entertain a motion.

Ms. Mallek **moved** to adopt the final agenda. Ms. LaPisto-Kirtley **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Andrews.

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

Mr. Pruitt said that in national politics, that there had been a lot of excitement up and down the ticket, and also in regional politics. He commented that there was a recent recount at the regional level, and that the result was that the names that would be on the ballot were finally known. He said that Virginia is one of the first localities to start early voting and that it would begin on Friday, September 20, 2024, at the 5th Street County Office Building. He said 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 and do same day registration.

Mr. Pruitt said that while on a recent run he had the opportunity to reflect on volunteerism in the community, and he noticed the contributions from the volunteers of the Rivanna Trail Foundation and the construction of the Rivanna Trail. He said that there were new bridges constructed, and clearing had been done. He said that the Foundation met on Saturdays encouraged others to join. He encouraged community members to consider volunteering for other organizations, and that volunteerism is critical to the structure of our community. He said that the Board has had to address the costs of reduced volunteerism.

Mr. Pruitt remarked that Habitat for Humanity won the bid for the Carlton Mobile Home Park in Charlottesville. He highlighted Albemarle County's leadership role regarding affordable housing and community-led development, which gave him much pride.

Mr. Gallaway expressed appreciation to staff, VDOT, and private business owners and residents involved in the maintenance of Rio Road. He said it looks better than it has in a long time.

Ms. LaPisto-Kirtley said that she attended a community day event the previous Saturday at St. John Family Life and Fitness Center where they showed a movie that showed the former students of the St. John School from the 1940s and would ask staff to put it on the County website. She said that St. John Family Life and Fitness Center, located at 1569 St. John Road, off Rt. 231, would be offering free screenings and information, health screenings, health and wellness resources, immunizations, community resources, fitness information, and financial health resources that would be provided by UVA and Sentara. She said that the event would take place on Saturday, September 28, from 10:00 a.m. to 2:00

p.m.

Ms. Mallek stated that she appreciated the comments of earlier speakers who had highlighted the work that the volunteers do throughout the community, whether it involved building trails or serving their neighbors through storms and helping veterans transition back to civilian life, among other stressors that were alleviated by fellow citizens along the way.

Ms. Mallek said that this served as a great reminder to thank the Crozet trails crew, who had been constructing trails in the growth area in Crozet for 15 years and were now raising funds for a significant bridge over Lickinghole Creek, which would connect neighborhoods south of the creek to the downtown without requiring them to go on the street.

Ms. Mallek said that she was fortunate to attend the National Night Out and Putt-Putt event with the Police Department the previous night. She said that despite the heat, there were many families and children of all ages, including teenagers, enjoying food and meeting with various branches of local government. She said that she had a great conversation with Mason Walsh, the animal protection officer, to learn about their initiatives. She said that she truly appreciated all the staff's efforts to make this event happen.

Ms. Mallek said that last week, the CACVB (Charlottesville-Albemarle Convention & Visitors Bureau) had hosted their anniversary open house at their new location off of Greenbrier on Remson Court, and they had greatly expanded their offerings in outdoor recreation on their website. She said that she was thrilled to see the staff person who had developed it running through the offerings, which she may not have access to at her home, but people with better broadband could. She said that they discussed the development of an online trail map, similar to what Harrisonburg and Rockingham offers, accessible through QR codes to ensure safe trail exploration.

Ms. Mallek said that the Virginia Cooperative Extension and the US Department of Agriculture (USDA) had released information that stated that Albemarle was in a drought, with the driest June on record since 1895, the fourth driest in Albemarle County, and the County had received primary natural disaster designation status from the USDA.

Ms. Mallek said that she would provide the full details to the Clerk so it could be made available to the public. She said that for those who had livestock and pasture forage losses, they could contact the Farm Service Agency (FSA) in Louisa, and those who had experienced crop losses could contact the Verona Office of FSA to find help for offsetting the costs for those farmers who lost their forage and had to buy hay. She said that unfortunately, the recent rain would not bring back the lost crops.

Ms. McKeel said that she appreciated all the comments made, especially about the drought and thanking volunteers and everyone. She said that that was really lovely. She said that she wanted to send a shoutout to VDOT, who had completed their work a week early at the roundabout on Hydraulic Road, which was a real positive for the community. She said that although she had not driven that area herself, it had opened the previous day, and she was looking forward to trying it for the first time. She said that Ms. Mallek had said it worked, which was great.

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#### Agenda Item No. 6. Proclamations and Recognitions.

There were no proclamations or recognitions.

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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.

Ms. Janie Holbrook, White Hall District, said that she really wanted to believe that Eastern Avenue would be extended to 250 in Crozet, but she also harbored doubts about the proposed partnership's true intentions. She said that she believed the project might be a way to justify the development of Oak Bluff at maximum density. She said that the Kimley Horn risk assessment in May had appeared to have overlooked community concerns that made it a high-risk project.

Ms. Holbrook said that the expected cost under a PPTA (Public-Private Transportation Act), according to Lance Stewart, Director of Facilities and Environmental Services (FES), was \$23 million; however, this figure would require removing all contingencies and inflation from the VDOT estimate of \$39.5 million. She said that the cost of the 250-240 roundabout in Crozet increased by 53% between FY24 and FY25. She said that the Exit 107 Park and Ride went up 25% during that same time period. She said that even with a shorter construction timeframe, inflation could not be ignored.

Ms. Holbrook said that there was a \$5.7 million funding gap between Mr. Stewarts number and the 17.3 million in identified funding, with no ongoing revenue stream to fill it or repay financing. She said that no rational road construction company would bid on such a project requiring a significant subsidy. She said that they were back to Riverbend, the only potential partner with something to gain, and questioned whether Riverbend could increase the cost of market rate homes at Oak Bluff by an average of \$50,000 to cover the funding gap. She said that there was no offer of cash under Project Heron, only project management and a significant amount of dirt.

Ms. Holbrook said that this dirt posed a very serious regulatory problem in a floodplain. She said

that residents of East Crozet had worried about the situation. She said that after green space from three surrounding neighborhood HOAs (Homeowners Association) had been taken away and the entrances to Oak Bluff had been built, the County would let Riverbend walk away with a choice of reasons as to why the bridge could not be completed, including VDOT (Virginia Department of Transportation), FEMA (Federal Emergency Management Agency), Rivanna Water, DEQ (Department of Environmental Quality), and funding risk.

Ms. Holbrook said that she was advised that \$17.3 million in County funds comes from the transportation leveraging program. She said that Eastern was one of six listed projects and the only unranked tier two priority. She asked whether each of them could put their hand on their heart and say that they would vote to allocate the majority of program funds to Eastern for the next two years. She said that the finding of public interest did not address the reality that project risk was borne by the residents of East Crozet.

Ms. Holbrook asked if the County would mitigate some of the risk by getting required approvals on the bridge design before approving Oak Bluff. She said that this was the right thing to do. She asked them to imagine Old Trail without Old Trail Drive, which was what the County had allowed to happen in East Crozet. She said that development had not been supported by infrastructure and, in reality, would never be. She requested the Board to please ask questions this afternoon.

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Ms. Carol Fairborn, White Hall District, said that she was a resident of Crozet. She said that the potential for a PPTA initially gave her hope that the County would address Crozet's severe infrastructure problems. She said that however, she remained worried that the connector might remain more of an empty promise than a reality due to unanswered questions regarding its cost estimates, funding, and environmental issues. She said that as a taxpaying constituent, she wanted to share her concerns with the Board, hoping that they would ask Mr. Stewart these questions on her behalf.

Ms. Fairborn said that her first question was about the cost estimates. She said that the previous year, VDOT's cost estimate for the connector had risen to \$39.5 million, with an unfunded portion of \$23.3 million. She said that earlier this year, a County representative stated that the County did not have the funds to complete the Eastern Avenue Bridge over Lickinghole Creek. She asked about the status of the latest cost estimates for the connector and the unfunded portion. She asked how much funding the County had available for the connector. She asked if it was \$17 million and how that would be funded.

Ms. Fairborn asked whether the plan would rely on an estimated \$8 million from VDOT revenue sharing. She asked what the criteria for securing those VDOT funds were under this PPTA. She said that she wanted to know if full project funding, including the County's matching funds, was required. She said that her fourth question was regarding the sensitive environmental issues involved in building a bridge over Lickinghole Creek, located within a 100-year FEMA floodplain.

Ms. Fairborn asked what would happen if the plan was not accepted by FEMA, the Virginia DEQ, the Rivanna Water and Sewer Authority (RWSA), or VDOT. She asked what would happen to the entire project if the bridge did not receive approval. She said that her last question was directed at all Supervisors. She asked if they would vote in favor of using County funds for this connector, knowing it might defer projects from their own districts. She emphasized that Crozet's existing road systems were unsafe, inadequate, and not designed for the current population.

Ms. Fairborn asked if the Crozet community could please receive honest answers to reassure them that this project was not simply a ploy to justify future high-density developments in Crozet. She said that they were firm believers that necessary infrastructure like this connector must come first before approving additional high-density developments. She said that she hoped that the Supervisors would agree that this approach was logical and valid, and that their future votes would responsibly reflect this necessity for adequate infrastructure to come first in Crozet.

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Mr. Bill O'Malley, White Hall District, said that he had sent this question earlier, not knowing if he would be able to attend the meeting. He said that he wanted to ask how the Board planned to mitigate the risk if FEMA did not approve the bridge connector design. He said that relying on hope was not a viable plan. He said that this appeared to be a hope-filled plan endorsed by Mr. Richardson, County Executive, which could leave the community with more homes, increased density, more traffic, and additional safety issues, without a connector.

Mr. O'Malley said that safety issues were a daily concern. He said that the public would be closely observing the details of the RFP, and Crozet citizens urgently needed the Eastern Avenue connector. He said that however, they did not support it at all costs. He said that they were eagerly awaiting the County's response to the quid pro quo issues related to Project Heron and the Crozet community, as well as the site plan issues. He asked how many more times they needed to write to the County.

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#### Agenda Item No. 8. Consent Agenda.

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

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

Item No. 8.1. Approval of Minutes: August 17, October 19, October 26, 2022, and May 15, 2024.

Mr. Andrews had read the minutes of August 17, 2022 and found them to be in order.

Mr. Gallaway had read the minutes of October 19, 2022 and found them to be in order.

Ms. LaPisto-Kirtley had read the minutes of October 26, 2022 and found them to be in order.

Mr. Pruitt had read the minutes of May 5, 2024 and found them to be in order.

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

Item No. 8.2. FY 2024 Appropriations.

The Executive Summary forwarded to the Board states that Virginia Code §15.2-2507 provides that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget; provided, however, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The Code section applies to all County funds, i.e., General Fund, Capital Funds, E911, School Self-Sustaining, etc.

The total change to the Fiscal Year 2024 (FY 24) budget due to the appropriations itemized in Attachment A is \$221,033. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

Staff recommends that the Board adopt the attached resolution (Attachment B) to approve the appropriations for County government projects and programs described in Attachment A.

FY 24 Appropriations Attachment A – Descriptions

**Appropriation #2024046**

<b>Sources:</b>	Local Tax Revenue	\$136,033
<b>Uses:</b>	Economic Development Authority Fund	\$136,033
<b>Net Change to Appropriated Budget:</b>		<b>\$136,033</b>

**Description:**  
This request is to appropriate \$136,033 from local tax revenue to be transferred to the Economic Development Authority Fund pursuant to the Habitat Southwood Performance Agreement dated July 1, 2019. After Board of Supervisor approval, the EDA will transfer the rebate to Habitat for Humanity.

**Appropriation #2024047**

<b>Sources:</b>	Federal	\$85,000
<b>Uses:</b>	Housing Assistance Fund	\$85,000
<b>Net Change to Appropriated Budget:</b>		<b>\$85,000</b>

**Description:** This request is to appropriate \$85,000 in federal revenue to the Housing Assistance Fund to update the budget for the anticipated federal revenue to be received and related program expenditures. The Housing Assistance Fund is increasing expenses to two programs: Housing Choice Voucher (HCV) which provides rental assistance to program participants in the form of a voucher, and Moderate Rehabilitation (MR) which is a rental assistance program specifically for senior citizens at Scottsville School Apartments. The FY 24 budget for these programs was adopted prior to the final federal allocations for these programs being known.

**By the above-recorded vote, the Board adopted the attached resolution (Attachment B) to approve the appropriations for County government projects and programs described in Attachment A:**

**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.

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APP#	Account String	Description	Amount
2024046	4-1000-99000-493000-934001-9999	SA2024046 SA2024047 Transfer out of GF to EDA	\$136,033.06
2024046	3-1000-11000-311000-110155-1000	SA2024046 SA2024047 Local Tax Revenue to EDA - Southwood Rebate	\$136,033.06
2024046	3-4700-91095-351000-512004-9999	SA2024046 SA2024047 Transfer into EDA Fund from GF	\$136,033.06
2024046	4-4700-91095-491095-950031-9999	SA2024046 SA2024047 EDA Use of Funds from GF	\$136,033.06
2024047	4-5130-51420-481000-591300-1564	SAAPP2024047 Increase HCV program support	\$85,000.00
2024047	3-5130-51410-333000-330016-1564	SAAPP2024047 Increase HCV federal funding	\$85,000.00

Item No. 8.3. FY 2025 Appropriations.

The Executive Summary forwarded to the Board states that Virginia Code §15.2-2507 provides that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget; provided, however, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The Code section applies to all County funds, i.e., General Fund, Capital Funds, E911, School Self-Sustaining, etc.

The total change to the Fiscal Year 2025 (FY 25) budget due to the appropriations itemized in Attachment A is \$0. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

Staff recommends that the Board adopt the attached resolution (Attachment B) to approve the appropriations for County government projects and programs described in Attachment A.

FY 25 AppropriationsAttachment A – Descriptions

**Appropriation #2025002**

<b>Sources:</b>	Reserve for Contingencies	\$281,639
	Previously Appropriated FY 25 General Fund operating budget – She Office	\$51,512
<b>Uses:</b>	Police Department Operating Budget	\$333,151
<b>Net Change to Appropriated Budget:</b>		<b>\$0</b>

**Description:**

This request is for the reallocation of \$333,151 in previously appropriated FY 25 funding as follows. These reallocations are to align the budget with the new service provider after a Memorandum of Understanding dated May 17, 2022 between the Albemarle County Sheriff’s Office and Albemarle County Police Department has been terminated effective August 15, 2024

- Funding reallocated from the currently appropriated Reserve for Contingencies to the Police Department:
- The transfer of \$201,639 for the addition of one additional Police Officer to assist with Temporary Detention Orders (TDOs). This authorizes 1.0 FTE increase for ACPD, and the funding will cover the salary, benefits, operating, and one-time equipment costs associated with that position.
  - The transfer of \$80,000 for a temporary instatement of a Temporary Detention Order (TDO) and Emergency Custody Order (ECO) Transport Incentive. This appropriation authorizes the

County Executive to provide this incentive to sworn ACPD, who work hours outside of their regular schedule, to perform transport services. The incentive pay will be added to either the regular rate of pay or overtime rate, as applicable. Personnel who are not on the public safety pay scale would be ineligible for the transport incentive.

Funding reallocated from the currently appropriated Sheriff's Office to the Police Department, because the Police Department will now perform these services:

- The reallocation of \$30,412 for Overtime and FICA costs associated with performing TDOs,
- The reallocation of \$13,000 for post-conviction fingerprinting services and related revenues; and
- The reallocation of \$8,100 for extradition services.

By the above-recorded vote, the Board adopted the attached resolution (Attachment B) to approve the appropriations for County government projects and programs described in Attachment A:

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.

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APP#	Account String	Description	Amount
2025002	4-1000-23100-421800-120000-9999	SA2024002 Sheriff OT wages for TDO	-28251.00
2025002	4-1000-23100-421800-210000-9999	SA2024002 Sheriff FICA for TDO	-2161.00
2025002	4-1000-23100-421800-552400-9999	SA2024002 Sheriff Travel for extradition	-8100.00
2025002	4-1000-23100-421800-592000-9999	SA2024002 Sheriff Fingerprinting Program Support	-13000.00
2025002	3-1000-23100-316000-160117-9999	SA2024002 Sheriff Fingerprinting Revenue	-13000.00
2025002	4-1000-94000-499000-999990-9999	SA2024002 Reserve for Contingency - PD Position; Premium Pay	-281639.00
2025002	4-1000-31100-431000-120000-9999	SA2024002 PD Premium Pay - OT; Regular OT	108251.00
2025002	4-1000-31100-431000-210000-9999	SA2024002 FICA; PD OT FICA	6340.00
2025002	3-1000-31100-316000-160117-9999	SA2024002 PD Fingerprint Revenue	13000.00
2025002	4-1000-31100-431000-610100-9999	SA2024002 PD Fingerprinting Equipment and Program Support	13000.00
2025002	4-1000-31100-431000-552400-9999	SA2024002 PD costs extradition	8100.00
2025002	4-1000-31100-431000-110000-9999	SA2024002 Salaries-Regular	55063.00
2025002	4-1000-31100-431000-222110-9999	SA2024002 VRS	8423.00
2025002	4-1000-31100-431000-231000-9999	SA2024002 Health Insurance	8644.00
2025002	4-1000-31100-431000-232000-9999	SA2024002 Dental Insurance	240.00
2025002	4-1000-31100-431000-241000-9999	SA2024002 VRS Group Life Insurance	732.00
2025002	4-1000-31100-431000-372200-9999	SA2024002 Computer M&R/Software Licenses	680.00
2025002	4-1000-31100-431000-520300-9999	SA2024002 Telecommunications	480.00
2025002	4-1000-31100-431000-580100-9999	SA2024002 Dues & Memberships	200.00
2025002	4-1000-31100-431000-600100-9999	SA2024002 Office Supplies	400.00
2025002	4-1000-31100-431000-410013-9999	SA2024002 Automotive Insurance; Public Official Liability	1232.00
2025002	4-1000-31100-431000-600800-9999	SA2024002 Vehicle & Equip. Fuel	4600.00
2025002	4-1000-31100-431000-331500-9999	SA2024002 Vehicle R&M	2071.00
2025002	4-1000-31100-431000-379400-9999	SA2024002 Laundry & Dry Cleaning	471.00
2025002	4-1000-31100-431000-600900-9999	SA2024002 Vehicle & Equipment Supplies	1582.00
2025002	4-1000-31100-431000-601011-9999	SA2024002 Ammunition	1200.00
2025002	4-1000-31100-431000-345700-9999	SA2024002 Other Professional & Technical Services	200.00
2025002	4-1000-31100-431000-800500-9999	SA2024002 Motor Vehicles	45470.00
2025002	4-1000-31100-431000-800502-9999	SA2024002 Motor Veh-Extra Equipment	33577.00
2025002	4-1000-31100-431000-345100-9999	SA2024002 Health & Medical Services	930.00

2025002	4-1000-31100-431000-345200-9999	SA2024002 Instructional Services	5120.00
2025002	4-1000-31100-431000-379000-9999	SA2024002 Other Purchased Services	131.00
2025002	4-1000-31100-431000-601100-9999	SA2024002 Uniforms & Apparel	5580.00
2025002	4-1000-31100-431000-601010-9999	SA2024002 Firearms & Equipment	5498.00
2025002	4-1000-31100-431000-610300-9999	SA2024002 Communication Equipment	9436.00
2025002	4-1000-31100-431000-610700-9999	SA2024002 Technology Equipment	5500.00

Item No. 8.4. Tax Refund Approval Request.

The Executive Summary forwarded to the Board states that Virginia Code §58.1-3981 requires that erroneous tax assessments shall be corrected and that a refund, with interest as applicable, be paid back to the taxpayer. Tax refunds resulting from erroneous assessment over \$10,000 must be approved by the Board of Supervisors before any payments are made.

Staff is requesting approval from the Board for the itemized refunds in Attachment A totaling \$181,905.61 to conform with Virginia Code §58.1-3981. Each refund amount listed has been reviewed and certified by staff and the Chief Financial Officer with the consent of the County Attorney’s Office. It is the County’s practice to request such refunds on a quarterly basis.

Staff do not anticipate a budget impact associated with the recommended Board action. Tax refunds are a customary part of the revenue collection process and refund expectations are included in the annual revenue budget assumptions.

Staff recommends that the Board adopts Resolution (Attachment A) to approve the refund requests and authorize the Department of Finance and Budget to initiate the refund payments.

**By the above-recorded vote, the Board adopted the Resolution (Attachment A) to approve the refund requests and authorize the Department of Finance and Budget to initiate the refund payments:**

**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.

Item No. 8.5. Resolution Approving the County's Participation in a Proposed Settlement of Opioid-Related Claims.

The Executive Summary forwarded to the Board states that, in 2021, Virginia local governments and the Commonwealth of Virginia entered a memorandum of understanding relating to the allocation and use of litigation recoveries relating to the opioid epidemic. As additional settlements are made, Virginia local governments are being asked to participate in these agreements. On November 17, 2021, the Board approved the County's participation in both the Virginia Opioid Abatement Fund and a settlement agreement with McKesson, Cardinal Health, AmerisourceBergen, Janssen, and their related corporate entities. On March 15, 2023, the Board approved a second agreement, with manufacturers Teva and Allergan, and retail pharmacy chains Walmart, CVS, and Walgreens. Between September 2022 and June 5, 2024, the Board of Supervisors has appropriated opioid settlement funding totaling \$531,223.

A third agreement has now been proposed with Kroger. As part of a coordinated effort with other localities, the Virginia Attorney General's Office has provided a proposed resolution, adapted by the County Attorney's Office (Attachment A), which would authorize the County to enter into this new Opioid Settlement Agreement. Appropriated funds from this settlement would be used for opioid abatement-related programming across a variety of County services.

There is no budget impact from this action. Disbursements from the settlement would be appropriated at future Board meetings once they are received.

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

**By the above-recorded vote, the Board adopted the attached resolution (Attachment A) 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:**

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.

\* \* \* \* \*



New National Opioids Settlement: Kroger  
Opioids Implementation Administrator  
[opioidsparticipation@rubris.com](mailto:opioidsparticipation@rubris.com)

Albemarle County, VA  
Reference Number: CL-798663

***TO LOCAL POLITICAL SUBDIVISIONS:***

**THIS PACKAGE CONTAINS DOCUMENTATION TO PARTICIPATE IN THE NEW NATIONAL OPIOIDS SETTLEMENT. YOU MUST TAKE ACTION IN ORDER TO PARTICIPATE.**

**Deadline: August 12, 2024**

A new proposed national opioids settlement ("*New National Opioids Settlement*") has been reached with Kroger ("Settling Defendant"). This *Participation Package* is a follow-up communication to the *Notice of National Opioids Settlement* recently received electronically by your subdivision.

You are receiving this *Participation Package* because Virginia is participating in the Kroger settlement.

If a state does not participate in a particular Settlement, the subdivisions in that state are not eligible to participate in that Settlement.

This electronic envelope contains:

- The *Participation Form* for the Kroger settlement, including a release of any claims.

**The *Participation Form* must be executed, without alteration, and submitted on or before August 12, 2024, in order for your subdivision to be considered for initial participation calculations and payment eligibility.**

Based upon subdivision participation forms received on or before August 12, 2024, the subdivision participation rate will be used to determine whether participation is sufficient for the settlement to move forward and whether a state earns its maximum potential payment under the settlement. If the settlement moves forward, your release will become effective. If a settlement does not move forward, that release will not become effective.

Any subdivision that does not participate cannot directly share in the settlement funds, even if the subdivision's state is settling and other participating subdivisions are sharing in settlement funds. Any subdivision that does not participate may also reduce the amount of money for programs to remediate the opioid crisis in its state. Please note, a subdivision will not necessarily directly receive settlement funds by participating; decisions on how settlement funds will be allocated within a state are subject to intrastate agreements or state statutes.

In Virginia, participating counties and independent cities may receive some of the settlement funds directly, pursuant to the allocation framework set forth in the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (“MOU”), which has been previously approved by all Virginia counties and cities, and the Virginia Opioid Abatement Fund statute, Va. Code § 2.2-2374. In addition, some towns are being asked to approve the settlements and submit participation forms because, due to the structure of the settlement agreements, towns above a certain population threshold must approve the settlements and submit participation forms in order to maximize the overall recovery for the Commonwealth and its subdivisions. Participating towns are not eligible to receive direct shares from the settlement funds—however, they may be able to apply for, request, or receive funds for opioid abatement programs through their counties. Participation by these towns will help to maximize the recovery for all of Virginia’s counties, including the counties in which they are located.

You are encouraged to discuss the terms and benefits of the *New National Opioids Settlement* with your counsel, your Attorney General’s Office, and other contacts within your state. Many states are implementing and allocating funds for this new settlement the same as they did for the prior opioids settlements with McKesson, Cardinal, Cencora (formerly AmerisourceBergen), J&J/Janssen, Teva, Allergan, CVS, Walgreens, and Walmart but states may choose to treat this settlement differently.

Information and documents regarding the *New National Opioids Settlement* and how it is being implemented in your state and how funds will be allocated within your state can be found on the national settlement website at <https://nationalopioidsettlement.com/>. This website will be supplemented as additional documents are created.

#### **How to return signed forms:**

There are three methods for returning the executed *Participation Form* and any supporting documentation to the Implementation Administrator:

- (1) *Electronic Signature via DocuSign*: Executing the *Participation Form* electronically through DocuSign will return the signed form to the Implementation Administrator and associate your form with your subdivision’s records. Electronic signature is the most efficient method for returning the *Participation Form*, allowing for more timely participation and the potential to meet higher settlement payment thresholds, and is therefore strongly encouraged.
- (2) *Manual Signature returned via DocuSign*: DocuSign allows forms to be downloaded, signed manually, then uploaded to DocuSign and returned automatically to the Implementation Administrator. Please be sure to complete all fields. As with electronic signature, returning a manually signed *Participation Form* via DocuSign will associate your signed forms with your subdivision’s records.
- (3) *Manual Signature returned via electronic mail*: If your subdivision is unable to return an executed *Participation Form* using DocuSign, the signed

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*Participation Form* may be returned via electronic mail to [opioidsparticipation@rubris.com](mailto:opioidsparticipation@rubris.com). Please include the name, state, and reference ID of your subdivision in the body of the email and use the subject line Settlement Participation Form - [Subdivision Name, Subdivision State] - [Reference ID].

Detailed instructions on how to sign and return the *Participation Form*, including changing the authorized signer, can be found at <https://nationalopioidsettlement.com>. You may also contact [opioidsparticipation@rubris.com](mailto:opioidsparticipation@rubris.com).

**The sign-on period for subdivisions ends on August 12, 2024.**

If you have any questions about executing the *Participation Form*, please contact your counsel, the Implementation Administrator at [opioidsparticipation@rubris.com](mailto:opioidsparticipation@rubris.com), or Tom Beshere at the Virginia Attorney General's Office at 804-823-6335 or [tbeshere@oag.state.va.us](mailto:tbeshere@oag.state.va.us).

Thank you,

New National Opioids Settlement Implementation Administrator

*The Implementation Administrator is retained to provide the settlement notice required by the New National Opioids Settlement and to manage the collection of the Participation Form.*

**Subdivision Participation and Release Form**

Governmental Entity: Albemarle County	State: VA
Authorized Signatory: Steven L. Rosenberg	
Address 1: 401 McIntire Road	
Address 2: Suite 325	
City, State, Zip: Charlottesville	virginia 22902
Phone: 4349724067	
Email: srosenberg@albemarle.org	

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated March 22, 2024 (“*Kroger Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the Kroger Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Kroger Settlement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Governmental Entity elects to participate in the Kroger Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event no later than 14 days after the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal with Prejudice substantially in the form found at <https://nationalopioidsettlement.com/>.
3. The Governmental Entity agrees to the terms of the Kroger Settlement pertaining to Participating Subdivisions as defined therein.
4. By agreeing to the terms of the Kroger Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Kroger Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Kroger Settlement. The Governmental Entity likewise agrees to arbitrate before the National



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Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the Kroger Settlement.

7. The Governmental Entity has the right to enforce the Kroger Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Kroger Settlement, including without limitation all provisions of Section XI (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Kroger Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Kroger Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Kroger Settlement.
10. In connection with the releases provided for in the Kroger Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

**General Release; extent.** A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her would have materially affected his or her settlement with the debtor or released party.

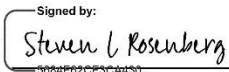
A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Kroger Settlement.





11. Nothing herein is intended to modify in any way the terms of the Kroger Settlement, to which Governmental Entity hereby agrees. To the extent this Participation and Release Form is interpreted differently from the Kroger Settlement in any respect, the Kroger Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Governmental Entity.

Signature:	<div>Signed by:  3084f62cf3ca130...</div>
Name:	Steven L. Rosenberg
Title:	County Attorney
Date:	8/9/2024



Item No. 8.6. Approval of Boards and Commissions Welcome Pamphlet.

The Executive Summary forwarded to the Board states that, after the May 10, 2023, Board of Supervisors retreat, the staff from the Clerk’s, Attorney’s, and Executive’s Offices met to identify next steps in developing orientation and onboarding materials and programing, and to bring back recommendations to the Board of Supervisors.

After meeting with the County Executive’s Office and the County Attorney’s Office, the Clerk conducted research and outreach to other localities on methods of orientation. Many localities provide a welcome letter and guidelines for members to observe while serving on a Board or Commission. The Clerk’s Office determined that an introductory pamphlet to Albemarle County’s Boards and Commissions would provide a streamlined approach to delivering a welcome message from the Board of Supervisors to new appointees and provide them with essential information regarding their appointment.

The Clerk’s office drafted the content of the pamphlet, worked with CAPE on the layout and formatting, and consulted with the County’s Attorney’s office for legal compliance. If the Board approves the welcome pamphlet, Welcome to an Albemarle County Board, Committee, or Commission (Attachment A), a copy will be mailed to appointees with their appointment letter.

There is no impact to the FY 2025 Budget.

Staff recommends that the Board approve the Welcome to an Albemarle County Board, Committee, or Commission pamphlet (Attachment A) for mailing with letters of appointment.

**By the above-recorded vote, the Board approved the “Welcome to an Albemarle County Board, Committee, or Commission” pamphlet (Attachment A) for mailing with letters of appointment:**

# 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*

## Welcome to an Albemarle County Board, Committee, or Commission



### 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.



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](mailto: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.

Item No. 8.7. Transportation Planning Quarterly Report, ***was received for information.***

Item No. 8.8. Albemarle Broadband Authority Quarterly Report, ***was received for information.***

Item No. 8.9. Board to Board, July 2024, A Monthly Report from the Albemarle County School Board to the Albemarle County Board of Supervisors, ***was received for information.***

Item No. 8.10. Albemarle County Service Authority (ACSA) Fiscal Year (FY) 2025 Annual Operating and Capital Improvement Budget, ***was received for information.***

Agenda Item No. 9. **Action Item:** Public-Private Transportation Act (PPTA) Finding of Public Interest - Eastern Avenue.

The Executive Summary forwarded to the Board states that the purpose of the Eastern Avenue Extension project is to provide a connection between residential areas in Crozet that are located on the north side of Lickinghole Creek and Route 250 (Rockfish Gap Turnpike). This connection will mitigate the traffic congestion in Downtown Crozet and enhance the convenience of driving, biking and walking for residents in this area. This long-awaited project is consistent with the Downtown Crozet Master Plan,



adopted in 2004, as well as subsequent updates to that Plan. The Virginia Department of Transportation committed future funds of \$8,121,000 toward the project. However, escalation in total cost of the project led to a 2023 staff recommendation that the County consider alternative means to execute this project. At its meeting on March 20, 2024, the Board adopted guidelines to enable local implementation of the PPTA. Staff recommended at that time that the Eastern Avenue Extension project be among a short list of planned transportation projects that could benefit by seeking a public-private partnership.

Following the adoption of the PPTA guidelines, staff further explored the appropriateness of the Eastern Avenue Extension project as a possible public-private partnership. The consulting engineering firm Kimley-Horn & Associates, which had previously conducted several studies for this project, was engaged to provide assistance for this effort. The PPTA and our own guidelines require that we evaluate projects based upon the public benefits of the project scope; the benefits of delivering the project as a public-private partnership as compared to more traditional methods; the risks involved with executing the project under PPTA guidelines; how those risks can be mitigated; and the estimated amount of public funds that would be required to execute the project. Based on this evaluation, staff recommended that procurement through the PPTA is in the County's best interest and prepared a Finding of Public Interest for consideration by the County Executive.

Acceptance of the Finding of Public Interest will have no direct budgetary impact

Staff recommends that the Board support the County Executive signing the Finding of Public Interest (Attachment A).

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Mr. Lance Stewart, Director of Facilities and Environmental Services (FES), said that he was glad for the opportunity to brief the Board today. He said that it had been since March that he had last addressed the Board about this project. He said that at that time staff had requested that the Board adopt a set of guidelines. He said that he now planned to walk them through some history. He said that he would also share the podium with consultant Brian McPeters, who had been assisting the County with the project for several years to advance the work.

Mr. Stewart said that this project had been a significant part of their transportation plans for the development of the Crozet area since they had begun planning for its growth. He said that as early as 2004, it had been included in the initial Crozet Master Plan and the extension of Eastern Avenue in the 2010 and 2021 versions. He said that in 2020, shortly before the last master plan, they had consulted with Kimley-Horn to determine the most efficient alignment of the road and bridge.

Mr. Stewart said one of the three options presented had been the most appropriate in terms of alignment, environmental impact, and lowest cost. He said that this was followed by a basis of design report that summarized the findings of the preliminary design, discussed the environmental compliance requirements, assessment of the structure of the bridge, outlining in high-level detail some of the associated risks, provided a cost estimate of \$17.4 million at that time, and a high-level schedule.

Mr. Stewart said that subsequently, VDOT updated for the outyears of FY25 and FY26 a little over \$8 million towards a Revenue Sharing project. He said that since 2000, they had experienced a significant uptick in construction costs for this type of work, although this had slowed down, and individual items like steel and concrete had become less expensive than during the peak of the pandemic.

Mr. Stewart said that nevertheless, VDOT updated their estimates based on statewide trends, and the previous year officially increased their estimate to \$39.5 million, meaning the County needed to cover a larger match than they had expected. He said that previously, they had been working with a \$23 million figure. He said that they came to the Board in March, having spent time looking at alternative means to secure funding for the project.

Mr. Stewart said that they had prepared an Albemarle County-specific set of guidelines for the Virginia Public Private Transportation Act (PPTA), which had been authorized in April. He said that this was a very complex process, not just a finding of a public interest, but the entire effort which they were working on for the first time. He said that fortunately, Kimley-Horn had experience with this, having worked on a number of PPTA projects, both as the owner's representative for VDOT, where they were assisting them in the finding of public interest, developing the Request for Proposal (RFP), and helping throughout the project.

Mr. Stewart said that Brian McPeters had been a part of the project for a long while. He said that he was present at today's meeting, and they were extremely happy to have him on the team. He said that his participation and leadership in the drafting of the finding of public interest were essential. He said that Mr. McPeters would do most of the speaking for a while, and then he would return to answer questions. He said that this was just a briefing, and it was actually not an action item. He said that they had made an error in that process that they had not caught until the very end.

Mr. Brian McPeters said that as Mr. Stewart had mentioned, his role for the next few minutes was to establish a common understanding of the project's history and current status. He said that he would walk them through each section of the Finding of Public Interest. He said that the draft of that had been included in their packet previously, which they likely had a chance to review.

Mr. McPeters said that to ensure they were all familiar with the project, this was regarding the extension, or the gap, of Eastern Avenue on the north side of Lickinghole Creek in Crozet. He said that

the preferred alignment, which the Board had selected in 2020 and endorsed, crossed Lickinghole and connected to Quarry Farm Road, which then connected to Route 250.

Mr. McPeters said that the project spanned approximately 3,000 linear feet and included a bridge across Lickinghole Creek. He said that this map may give the impression that a planner or County staff simply drew a line and declared a need to connect from point A to point B. He explained that the County, as part of the basis design report, had invested preliminary engineering funds with the assistance of Kimley-Horn. He said that they had also reviewed the project with VDOT.

Mr. McPeters said that they had established the typical section, determined the alignment, estimated quantities, conducted environmental analyses, including wetland and stream delineations, and identified jurisdictional and wetland impacts. He said that they had conducted a floodplain analysis. He said that whenever a bridge crossed a floodplain, they had to consider its length and width and the associated floodplain implications. He said that this procedure was governed by both Albemarle County and FEMA.

Mr. McPeters said that although it was a standard part of their operations not to have completed the Conditional Letter of Map Revision (CLOMR), regardless of the project delivery methodology, they had conducted the necessary analysis. He said that the result indicated a minor increase in the floodplain, which they were accustomed to routing through the FEMA process and being approved. He said that no one present today could guarantee FEMA's approval, but they were aware of the process and its potential impacts.

Mr. McPeters said that they had identified this project as a potential public-private partnership project. He said that the Virginia State Code outlined the steps the Albemarle County Executive's Office had to take to move to the next phase, which included soliciting RFPs or Requests for Information (RFI) from an actual P3 partner (public-private partner). He said that this task required the FOIP (Finding of Public Interest) to do six things, including discussing the project's benefits, and identifying the amount of funds the County was willing to convey. He said that it was important to note that the funds offered in the RFP were not necessarily the final offer. He said that it established a ceiling number that would work through it.

Mr. McPeters said that they needed to document why a P3 would be beneficial to the County and compare it to other project delivery methodologies. He said that they had to conduct a risk assessment and understand the problems and come up with solutions, which was why they had hired engineers. He said that they helped them evaluate and codify the project risk level, categorizing it as low, medium, or high risk. He said that lastly, they had to come up with a scoring system for the RFP process, so that they could explain that if it was not the lowest offer, it was rather a better proposal that benefited the County.

Mr. McPeters said that they had detailed each section, starting with the proposed project benefits. He said that as part of the alignment study preceding 2020, they had performed a traffic operations analysis to examine the short-term and long-term impacts of connecting the missing link across Lickinghole Creek on Eastern Avenue. He said that this connection increased access and provided a secondary emergency access route for EMS (Emergency Medical Services) services in the County. He said that it also pulled traffic from Route 240 and Crozet Avenue, which would have benefits in terms of safety.

Mr. McPeters said that it was important to note that the benefits of Eastern Avenue's concept sketch were localized to the Crozet area, and they were not making improvements to 250 or the interchange at 64, but they were enabling beneficial improvements in that sub-area network based on the missing connection. He said that they had discussed the benefits, so they now had to consider the maximum amount the County would be willing to offer to the concessionaire, or the public-private partner.

Mr. McPeters said that the Capital Improvement Plan and the FOIP document identified \$17.3 million as the ceiling. He said that this figure did not necessarily reflect the actual offer, as it had to account for County costs, permits, consulting fees, risk, contingency, and other factors. He said that the actual number offered to the concessionaire could be less than the ceiling. He said that the 2023 VDOT cost estimates showed a project bid in that year would cost \$28.3 million. He said that if the project was bid in 2031, the cost would have increased to \$39.5 million due to VDOT's inflation methodology, which included a two-year design period, a two-year period to buy right-of-way and move utilities, and a two-year construction period.

Mr. McPeters said that the third section that needed to be discussed was the comparison of a public-private partnership to other delivery methodologies. He said that Kimley-Horn and County staff collaborated to identify three potential project delivery methodologies, then evaluated the pros and cons of each methodology.

Mr. McPeters said that the first methodology, based on the original estimate, was the Design-Bid-Build (DBB). He said that in this method, an engineer, and architect were hired to design the project, and they put all the project drawings and specifications together. He said that the County then advertised a bid, contractors submitted their bids, and the County selected the lowest-priced responsible bidder.

Mr. McPeters said that the second methodology was Design-Build. He said that in this approach, instead of hiring a firm like Kimley-Horn to do all the design work, they would be hired to do a portion of the design work, establishing the framework for the contracting team. He said that a design builder, contractor, and engineer would be then hired under one contract. He said that having the contractor at the

table during the design allowed for risk transfer to the contractor, as they now bore the cost of any design-related increases. He said that however, risk transfer came with a cost.

Mr. McPeters said that both options one and two required the County to secure the ultimate bid price for the inflated year of 2031 in the bank. He said that nothing could start with options one or two unless 100% of public funds were present and in the account.

Mr. McPeters said that option three, the P3, or Public-Private Partnership, allowed the County to potentially close the funding gap with private funds, eliminating the need for 100% of public funds available for the total cost of the project. He said that it would bring with it the benefits of the Design-Bid-Build, and they were now hiring the contracting team to do the design work, the permitting work, and a contractor to build it, all on one team. He said that they would discuss the RFP, which the County would write to establish the rules for the project.

Mr. McPeters said that the RFP outlined what the contractor could and could not do, including the allowed and disallowed innovations. He said that because of the cost of escalation and the time it would take for a Design-Bid-Build to go through the system, the P3 did offer the opportunity to deliver the job sooner, which could help stay below the projected inflation rate.

Mr. McPeters said that the next step they performed was to conduct a risk assessment process to identify potential issues and work together to mitigate them. He said that the goal was to understand what might happen in the future so that they could plan, mitigate, and respond accordingly. He said that this process continued throughout the project's lifecycle. He said that the VDOT methodology depicted in the graphic on the right side of the slide rated risks based on their impact of occurrence. He said that some risks had minimal impacts, while others had significant ones. He said that they also considered the probability of that risk actually occurring, and if they had taken steps to mitigate that risk such that it was no longer a concern, then the probability was lowered.

Mr. McPeters said that the team, including County consultant Kimley-Horn and VDOT, had worked through this process for projects including the Hydraulic roundabout and the design-build bundle roundabouts currently under construction. He said that this process had been a normal and healthy part of project management, allowing them to create a risk matrix to guide them through the entire project delivery lifecycle. He said that most importantly, in the next step, if the County Executive signed the finding of public interest and they started writing the RFP, the RFP would be informed by that risk matrix.

Mr. McPeters said that if a risk event occurred on that risk matrix, something would be written into the RFP to establish a sandbox or corral for the P3 offerer team to work within. He said that they would reassess the risk once they received the offers, signed the contract, and as they built the job. He said that the text provided was just a sampling of some of the risk events. He said that the colors generally corresponded with the severity index score that they had seen on the previous slide, and that questions would be welcome to discuss any of these.

Mr. McPeters said that given the project's uniqueness for Albemarle County, it was understandable that there would be some unfamiliarity and risk when starting something new and trying a different way of doing things. He said that the County had partnered with the VDOT and hired outside staff to facilitate this process. He said that all of this was to say that the project team had established a medium risk level for the project.

Mr. McPeters said that had they done this before, had they done innovative delivery and hired design-build teams on many other projects, it would have been very likely that the risk on this would have been deemed to be low. He said that there was nothing unusual about this new alignment project. He said that it was actually easier than a roadway transportation construction project because they did not have to maintain traffic and work alongside the public while they drove through the work zone.

Mr. McPeters said that regarding the procurement methodology and the reasons for choosing best value and Design-Build. He said that choosing best value instead of lowest price allowed them to establish a way to track and evaluate the transfer and mitigation of risk. He said that if they only considered the lowest bid, they would have no way of assessing the contractor's responsiveness or qualifications. He said that they also lacked the ability to understand the financial aspects of the P3.

Mr. McPeters said that therefore, in the RFP, they would establish a scoring process that addressed the procurement risk associated with the P3. He said that this process enabled them to evaluate transparently, as the public record of the contract would be open for review and public consumption. He said that the Design-Builds in Albemarle County, done by VDOT, were examples of best value contracts, not the lowest price contracts. He said that this may be new ground for the County, but not for the region.

Mr. Stewart said that the flowchart on the screen outlined how their guidelines adopted in March functioned and how they operated within that process. He said that the orange "We Are Here" logo signified their current position, which was early in the process. He said that they had identified an opportunity and developed a finding of public interest for consideration. He said that the next step involved the County Executive's authorization and execution of the document.

Mr. Stewart said that Mr. McPeters had outlined the high-level steps for developing an RFP, which would involve collaboration between his team and the County's, with support from their attorney's office. He said that this led to the issuance of the RFP. He said that although there were many individual

steps following, it was important to manage expectations, as the process typically took a minimum of six months from the RFP issuance to the point where they might seek the County Executive's authorization for the agreement. He said that this timeline was quite fast, especially since they were new to this. He said that developing the RFP was expected to be challenging, as the template used by VDOT was over 300 pages long and complex.

Mr. Stewart said that a simplified chart provided on the screen covered the near-term steps. He said that it was presented earlier on the P3 guidelines, and staff was here today to present and explain the finding of public interest. He said that assuming the County Executive had their support, he would then execute the finding of public interest, and they would target issuing an RFP that fall.

Ms. McKeel clarified that this item was not an action item, therefore staff was requesting Board direction rather than formal action or a vote.

Mr. Stewart said that was correct.

Mr. Gallaway said that the Board had been advocating for P3s for an extended period, not solely in transportation. He said that they had successfully established some P3s in various areas. He said that from his observations, he believed the process mirrored the one being discussed, whether it pertained to economic development, a project between the School Division and a private building, or Southwood.

Mr. Gallaway said that he was thrilled months ago to find out that they could get the PPTA for transportation projects because it was an alternative tool available to help them get more accomplished with transportation projects in the County. He said that this approach was welcomed news to him, and he had been on the record stating that about P3s since his time on the School Board. He said that Ms. McKeel and he had both advocated for these types of projects during their time on the School Board. He said that he did not really have any questions. He said that he understood the process.

Mr. Gallaway said that over the years, he had had plenty of opportunities to educate himself on this. He said that he appreciated this, as it was specific to their current project. He said that although he was not sure if it would address all the public comments, it at least provided his perspective on the matter. He said that VDOT contingencies, especially when starting a project, could often be a significant hurdle. He said that the contingency on the pedestrian bridge from Pantops to Woolen Mills had been substantial.

Mr. Gallaway said that he understood they needed to cover all bases, but this hurdle was common in many projects across the Commonwealth. He said that contingencies had almost prevented projects from happening in the past. He said that they had to get a RAISE (Rebuilding American Infrastructure with Sustainability and Equity) planning grant for the pedestrian bridge to ensure a better understanding from VDOT about what the real contingency was. He said that over the years he had learned that it was impossible to predict with certainty whether a project would win Revenue Sharing or SMART SCALE.

Mr. Gallaway said that it was essential to find alternative ways and commit to the project over multiple years. He said that the Berkmar Drive Extension served as another example of this, as it had taken an extended period to finalize funding, involving several iterations of Revenue Sharing. He said that he appreciated citizens from a specific locality who focused on one particular project and asked questions about it. He said that he often found that the answers were driven by the transportation priorities list and the Board's commitment to completing projects.

Mr. Gallaway said that he was on record the previous February, when a certain development was approved, expressing concerns that the connector might not be completed. He said that he made a public statement at that time about trying to find alternative ways to get it done in the face of the new estimate which had skyrocketed for the project. He said that he could not control what people thought and felt about what he said or about the votes he took. He said that when he said things, he did so in good faith, intending to mean them. He said that it was up to the voters to decide if they believed he followed through on his statements or not. He said that he was comfortable with this.

Mr. Gallaway said that this project being outside of his district did not deter him from taking votes on this project and moving it forward. He said that he was pleased to do this for many other transportation projects as well. He said that he was enthusiastic about this project, which he believed was a creative approach to achieving their goals.

Mr. Gallaway said that the public was watching, and he encouraged them to not only watch this item but also their transportation priorities list conversation, VDOT quarterly reports, and SMART SCALE applications for other projects. He said that all of this information helped to understand how transportation projects got done in Virginia.

Mr. Gallaway said that it was important to recognize that their unfamiliarity with P3s was a risk assessment, but they had had some good practice in the County with P3s. He said that although they may not have done one for a transportation project, they had established procedures and processes that could guide them. He said that he appreciated the concerns about potential risks but expressed confidence that they operated ethically and legally. He said that their actions always should stand up to scrutiny and prove their integrity. He said that he was willing to address any concerns about transparency to ensure that their work remained above reproach.

Mr. Gallaway said that although he could not control litigation, which could arise from various

reasons, he remained committed to upholding their ethical and legal standards. He said that if people felt they had to litigate, then he was confident that they had done what was legal and ethical.

Mr. Gallaway said that regarding best value, he wished that best value could be the basis for all decisions, expressing that there had been many low bid items that resulted in issues, where people did not get the bang for their buck or the longevity they desired. He said that low bid items had historically proven to be problematic. He said that he wished that best value could be the basis for all decisions.

Mr. Gallaway said that they had had projects where other agencies or authorities had to sign off on the project. He said that despite their efforts to obtain that approval, he acknowledged that it was ultimately out of their control whether they did or did not. He said that if they put something forward, it was assumed it would be approved, and they did not have the time or energy to put items forward that they were not trying to get accomplished.

Mr. Gallaway said that he was happy to have this discussion today and was thrilled to get it going and to understand how it worked. He said that he believed this would reduce the unfamiliarity risk and allow them to see potential future projects that could benefit from this mechanism.

Ms. LaPisto-Kirtley said that she was willing to take the risk on the P3 because it had been implemented in other areas, although it had not been in transportation. She said that taking this risk was justified due to the limited funds and the necessity of completing the project without significantly raising taxes. She emphasized the importance of supporting the best value, as stated by Mr. Gallaway. She said that choosing the lowest bid often resulted in subpar outcomes. She said that she advocated for exploring new approaches, such as the P3 model, to discover what could be achieved. She said that she was supportive of the P3 and believed that the best value was extremely important.

Ms. Mallek asked what the criteria were for an RFP versus an RFI.

Mr. Stewart said that RFIs were more about gauging the market and the viability of the model being considered. He said that they had initiated a septic-to-sewer program with ARPA (American Rescue Plan Act) funds. He said that the procurement of services had begun with a request for information, which consisted of relatively simple documents outlining desired achievements and available resources and identifying potential partners willing to work with them. He said that this process could either progress directly to negotiation or lead to a more detailed RFP.

Ms. Mallek said that they appeared to have accomplished a lot of the elements of the RFI because they were aware of what was out there. She said that someone had mentioned that the benefits were localized to Crozet, but she would draw a different parallel, noting that during the period from 2000 to 2015, when the ribbon was cut on Berkmar Extension, that road was seen as an important element to divert traffic from Route 29. She said that this element was meant to help reduce traffic on Route 250, benefiting all through traffic. She said that she advised not to shortchange this project, as it had a bigger impact than they might know.

Ms. Mallek said that she acknowledged the unfamiliarity with the P3 but emphasized that many other counties had done this for a long time, and she knew that staff had done some research and learned from their experiences.

Ms. Mallek said that in response to a question about mitigating the risk in case FEMA denied the design, she inquired about the timetable for the FEMA response and how quickly they would respond back, to understand where it fit in the overall timetable.

Mr. McPeters said that the decision regarding FEMA and the crossing of Lickinghole Creek, which was common to any bridge construction, did not exist in this instance. He said that they were not in the floodway; rather, they were in the floodplain where water tends to accumulate. He said that the analysis conducted in 2022 had indicated a negligible increase, approximately 0.24 feet, which was slightly less than three inches, corresponding to the elevation change of the 100-year flood.

Mr. McPeters said that, although he was not entirely certain, it was not anticipated that the impact to the floodplain would expand further upstream. He said that they must document this, and all of that had been done in their analysis. He said that if FEMA were to deny an increase in the floodplain, it could result in a potentially longer and taller bridge. He said that the floodplain controlled the elevation and length of the bridge. He said that the longer the bridge where there's no fill in the floodplain, the less impact on there would be on the floodplain. He said that it now got into a dollars and common sense and benefits discussion.

Mr. McPeters said that although they had not yet drafted the RFP, Kimley-Horn staff envisioned giving the CLOMR to the concessionaire of the P3 offer. He said that this approach was preferred because if the CLOMR process, which took eight to 12 months for a final answer, was initiated, any changes requested by the concessionaire, such as moving the road or bridge structure, would require going through the CLOMR process again. He said that he believed this risk was not worth the investment for the County because they already knew the impact of the design would be on the floodplain.

Ms. Mallek asked if this would be a task for the builder in the P3 and if the timeline would still be eight months to 12 months.

Mr. McPeters said yes. He said that they would have the same process to go through. He said

that the way the floodplain worked meant that he could not build anything in the floodplain until they received CLOMR approval. He said that they would not be able to work in the floodplain, although they could work on either side. He said that one thing the P3 project did was that it got a contractor on the ground and able to start work a lot sooner. He said that as soon as the contractor had plans that were functional enough for the County to review and approve them from an EMS standpoint, they could work on low-risk tasks to save time. He said that in this case, until the CLOMR was approved, they could not do much of anything inside the floodplain.

Ms. Mallek asked if staff had the most recently updated versions of the floodplain delineations from the state.

Mr. McPeters said that that was all in development in 2020 and 2021 when the work was done. He said that they could take that as an action item to verify. He said that generally speaking, given the surrounding topography and terrain, from experience and not from this unique location, it was unlikely that the floodplain would be significantly different. He said that effective model differences were typically observed in urbanized areas where rules may not have been strictly enforced in the past, leading to things being done and the floodplain not being updated, and more surprising things. He said that from a risk standpoint they could verify the effective model against what they had. He said that he did not expect significant changes in elevation from the existing number.

Ms. Mallek said that the topography downstream would help in that situation because it was not a canyon.

Mr. McPeters said that was correct. He said that upstream was where they would see the elevation increase.

Ms. Mallek asked if that was due to the obstruction created by the piers.

Mr. McPeters said that it was due to the size of the hole created for water to flow through.

Ms. Mallek said that the 3-inch measurement seemed satisfactory, but they would have to find out. She said that one of the questions earlier was about the source of the funding, referencing Mr. Stewart's presentation, which had indicated that the \$17.3 million dollars from the CIP (Capital Improvement Plan) had already been allocated.

Mr. Stewart said that was correct.

Ms. Mallek said that the gap would be closed by the contributions of the potential P3 partner. She asked if Revenue Sharing dollars went away when they decided not to proceed with the VDOT plan.

Mr. McPeters said that the staff and consultants had wrestled with this issue during the risk assessment workshop. He said that they had concluded that if they wanted to utilize the Revenue-Sharing funds, they could not yet claim reimbursement for them, meaning any funds extended through the RFP process would not be eligible for reimbursement. He said that it was also likely that the use of those funds would significantly extend the project's schedule. He said that therefore, they had proceeded forward with the understanding that it was not a VDOT funded Revenue Sharing program.

Mr. McPeters said that if that were the County staff and the Executive's direction, the funds would go away. He said that despite this, the agreement remained in place, and a decision had not yet been made. He said that if they decided to go that route, it would result in a longer project timeline, and therefore the County's administrative costs during that extended timeline would be higher than what would be required without VDOT funding.

Ms. Mallek said the VDOT Revenue Sharing timetable was for 2029. She said that the math they would have to do would be for potential cost increases for the concrete and other materials which would be greater than they could possibly get or save. She said that she understood that speeding up the process reduced the contingency need.

Ms. Mallek said that she was supportive of the best value rather than the lowest cost for this project. She said that it was important to confirm a completion date for all projects to ensure work was completed timely and safely. She said that she supported efforts to ensure that the project designed could be enforced and delivered as projected and supported by all parties.

Mr. Pruitt said that Mr. Gallaway had discussed the existing experience with other P3s, which had led him to seek more clarity on the risks involved. He asked what the standard form term sheet they typically presented at the table looked like, and if they adequately addressed transportation-specific terms, such as who would bear the risk for cost overruns or DEQ denials. He said that he had wondered if this was the primary risk they had been considering.

Mr. McPeters said that those were issues on the procurement side, prior to awarding the contract. He said that the most discussion they had in the risk workshop about the risk item were regarding after the award. He said that they would publish an RFP that included written words and drawings that would be partially complete. He said that those words defined the expectations of the design builder and the owner. He said that they would need to address questions such as who bore the risk of FEMA approval for a three-inch raise.

Mr. McPeters said that if this could potentially become a deal-breaker, they would also need to determine who paid for a longer bridge if required. He said that one of the challenges they faced was adhering to the technical requirements outlined in the contract. He said that once the contract was signed, they were bound to these requirements, making it difficult to negotiate changes. He said that this could lead to commercial liability if the design builder made a quantification error, resulting in a change order. He said that using VDOT's contract as a template, they lost some flexibility in the contract.

Mr. McPeters said that they may hold fast to what the contract said they had to do, but when it came to the details of the everyday deliverables, clients may struggle with how to respond, organize, and stick to what they said they would do. He said that on Design-Bid-Build, there were design drawings that were relatively easy to understand; however, in this case, there may be some drawings that were not 100% complete, and there would be words that they would have to work on interpreting. He said that this was what staff would work on in the next step, because this was one of the most important aspects to this type of project.

Mr. Pruitt asked if there was an expectation for what the market environment would look like that they were preparing to work with.

Mr. Stewart said that that was an area where being new to this was a risk factor. He said that often such projects were done, say, as part of a toll road, which may have funding from long-term operators other than VDOT. He said that this was unique for them. He said that they hoped to find potential partners. He said that however, they noted that one risk factor was whether they would receive a response to their RFP or if they would need to revisit the process and try another approach. He said that despite this, they remained optimistic and committed to making the project attractive to the private sector.

Mr. McPeters said that, considering VDOT's Design-Build shortlist, from the jobs Kimley-Horn had been involved in with the County over the past 20 years, this project was quite substantial. He said that when anticipating responses, it was likely that there would be variety of contractors who were unfamiliar because they were smaller. He said that they may be involved, but their names would not be on the contract. He said that this was akin to an IFB (Invitation for Bid). He said that similar to an IFB, publishing one for a million-dollar project could potentially yield no responses.

Mr. McPeters said that the Virginia market was very interesting, with outsiders looking at Virginia due to neighboring states' comparative underperformance in transportation. He said that it was a good time to bid in Albemarle County, and he believed it was viable. He said that they would likely see a different list of bidders on a Design-Bid-Build, and adding in the P3 would likely result in a different list of folks who would respond.

Ms. McKeel said that she was eager to move forward with this project. She said that she wanted to express her appreciation for the entire team's forward-thinking approach, which she greatly appreciated. She said that when she first joined the Board, she had requested a work session on P3s and PPTAs, but it had never happened due to one PPTA and P3 project that had played out in the state as a disaster, and everybody was running scared. She said that there had been enough successes with P3 projects since then that people were more inclined to pursue them.

Ms. McKeel said that she appreciated the intent to seek the best value and not the lowest bid. She said that she recalled a recent ACSA (Albemarle County Service Authority) project in her district where they had to accept the lowest bid, which had turned out to be a disaster. She said that she strongly advocated for moving away from the lowest bid approach, as it had proven to be detrimental in the past. She said that this project was very important to the community and to the Board, regardless of the magisterial district they resided in.

Mr. Gallaway said that he did not want to give the impression that issues arising after the contract award was unique to this situation. He said that if they got a SMART SCALE project approved and wished to add 100 feet of sidewalk, the process would not be easy. He said that Fontaine Avenue served as a recent example of what happened when design changes were necessary and what needed to be done.

Ms. McKeel confirmed that there was a unanimous agreement from the Board for staff to move forward with the plan as proposed. She asked if staff required any further direction from the Board.

Mr. Jeff Richardson, County Executive, said that Ms. Wall and the team, as well as he, had sat in and reviewed this several weeks ago, as Mr. McPeters had mentioned earlier in his presentation, and found it compelling that they needed to move forward with this. He said that he appreciated the Board's patience today. He said that several SMART SCALE discussions ago, they had pulled this project off of SMART SCALE.

Mr. Richardson said that he had explained that they were pulling this from SMART SCALE due to cost implications, and they needed to find another way to complete it. He said that Ms. Mallek frequently checked in to ask about the project's progress, as she should. He thanked the Board for their patience. He said that they were early in the process on this. He thanked Mr. Stewart for his leadership and Mr. McPeters for all his hard work.

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**Eastern Avenue Extension**  
**Public Private Transportation Act**  
**Corrected Finding of Public Interest (FOPI)**  
**Revised April 25, 2025**

**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, 2024.

**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, and revised April 25, 2025. 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

5/16/25  
Date

Corrected Finding of Public Interest  
Revised April 25, 2025  
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**Agenda Item No. 10. Presentation: Wildland Fire Prevention Strategies.**

The Executive Summary forwarded to the Board states that the 2023 Regional Natural Hazard Mitigation Plan notes Albemarle County faces significant risk from wildland fires due to its diverse topography, heavily forested areas, and increasing urban-wildland interface. This became more evident than ever on March 20, 2024, when every fire apparatus owned by Albemarle County was in use by Fire Rescue. On that day a combination of Red Flag conditions, downed power lines, and other causes led to 26 separate wildfire dispatches with the three largest fires burning a total of 520 acres. Effective wildland fire prevention strategies are crucial to protect lives, property, and natural resources.

Effective wildland fire prevention strategies include aggressive community outreach and education, vegetation management, land use planning and development, and emergency preparedness some of which include collaborations and partnerships at the local and state level.

Albemarle County Fire Rescue (ACFR) has taken initial measures to enhance our preparedness for wildfires including expanding our analytic capabilities. This includes evaluating our operational effectiveness and identifying training and equipment gaps, as well as conducting a comprehensive community risk assessment to identify priority areas to focus outreach efforts.

The National Fire Protection Agency's (NFPA) Firewise USA program is a model approach to community outreach and education about the threat of wildfire. It requires community involvement and

provides resources and support for neighborhoods to achieve Firewise recognition. In 2019, ACFR staff worked with the Virginia Department of Forestry (VADOF) to conduct a pilot Firewise program with the Emerald Ridge community. Implementation of this program countywide will require a multi-year approach and involve collaboration with VADOF among other partners.

ACFR staff has also researched local ordinances from other counties throughout the Commonwealth and stands prepared to provide recommendations for revision to our current Open Burning ordinance.

This is an exploratory discussion with no specific funding requested at this time.

There are no specific recommendations from staff at this time.

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Mr. Dan Eggleston, Chief of Fire Rescue, said that the purpose of his presentation was to discuss wildland fire prevention strategies, a topic that the Board had requested to revisit due to the wildland fires that had occurred on March 20, 2024. He said that he was joined by Chief Pelliccia for his presentation and planned to cover their risk assessment, the after-action report from the March 20, 2024, wildland fires that had burned hundreds of acres and stressed their fire rescue system, as well as enhanced preparedness and mitigation strategies.

Mr. Eggleston said that he would conclude by offering an opportunity for consensus on whether or not the Board was interested in their suggestions to simplify and enhance their burn ordinance. He said that some Board members had shown interest in this area and that they had some ideas for that. He said that discussing mitigation strategies required a mindset change. He said that a compelling example of this was when he drove past the charred remnants of a fire at Taylor's Gap, which had reached up to 15 feet in the air on trees the day after the wildland fires.

Mr. Eggleston said that the homes along Taylor's Gap had survived mainly because they had defensible space. He said that they had green grass around those homes and yards that had been raked and did not have any debris. He said that this had given their firefighters a fighting chance to save those homes. He said that the property loss, injuries, and loss of life were diminished that day due to that help. He said that many of these strategies they would hear today were a result of asking and helping educate homeowners on how they could protect their own properties.

Mr. Eggleston said that Chief Pelliccia, leader of the Community Risk and Resiliency Division, formerly known as the Fire Prevention Division, would be giving the presentation today. He said that the division had expanded its scope greatly in order to work alongside Emergency Management and Human Services to address some of the risks in their community. He said that Chief Pelliccia was celebrating her 30th year in fire service and considered by her peers a subject matter expert in fire services.

Chief Emily Pelliccia said that she appreciated the opportunity to discuss strategies to enhance their position regarding wildland fire risks. She emphasized the importance of understanding the reasons behind the escalation of these risks.

Chief Pelliccia said that climate change and urbanization were the two significant factors contributing to wildfire risk, which were evident not only locally but also nationwide. She said that climate change exacerbated wildfire risk through rising temperatures, extended dry spells, and lower air humidity, which all dried out the soil and vegetation, serving as fuel for fires. She explained that the Wildland Urban Interface (WUI) was the migration of building into rural settings, which posed challenges.

Chief Pelliccia said that human behavior was the primary cause of 85% to 90% of wildfires, so the urban interface was challenging. She said that also, this urban interface complicated land management strategies, leading to an increase in wildfire risks and difficulties in managing them. She said that historically, with larger tracts of rural land, there was less risk associated with fires, but it was more challenging with urbanization and building taking place.

Chief Pelliccia said that when referring to recent assessments, including the state's 2023 hazard mitigation assessment and TJPDC's (Thomas Jefferson Planning District Commission) similar plan completed in 2023, these highlighted the issues. She acknowledged that the County's climate vulnerability and risk assessment, conducted in 2022 with close collaboration from their climate program staff, might have underestimated the growing risk. She said that they certainly saw this on March 20. She said that some risk planning was based on historical calls, which did not always capture the potential risk.

Chief Pelliccia said that all of these plans identified a need for enhanced wildfire prevention posture. She said that red flag days were a rare occurrence, happening roughly once a year with seven instances in the last decade. She said that red flag days were events characterized by drought conditions with low humidity, and high or erratic winds, which served as a wake-up call for the community, with every piece of County apparatus in use and resources mobilized from across the state.

Chief Pelliccia said that they observed that homeowners in rural parts of the County were particularly aware of the risk. She said that an after-action review had identified the need for improvements, particularly noting the challenge of three concurrent major fire incidents. She said that this had caused massive resource depletion, and it was challenging to pull in mutual aid resources from around the state, which took several hours to respond.



Chief Pelliccia said that the coordination and communication during such times had proved to be challenging. She said that this could be frustrating, especially in the heat of the moment. She said that the evacuation and notification process had been evaluated, identifying gaps in the notification systems and the need for more targeted public education.

Chief Pelliccia said that significant strides had been taken in analytic capabilities by hiring a performance analyst who had been developing products to aid in real-time decision-making. She said that one such product was a situational awareness dashboard, which was still being built and included various topics and pages to monitor changing conditions. She said that the Environmental Services Division had recently purchased a data set that would significantly impact risk assessment. She said that they were excited about this and were working closely with the climate team to integrate this data into their decision-making process.

Chief Pelliccia said that during peak periods of wildfire risk, the fire marshal conducted a daily wildfire threat analysis, providing all chief officers with a daily report on the conditions. She said that these were some of the short-term actions that had been taken.

Chief Pelliccia said that the longer-term effort was to conduct a comprehensive risk assessment across the entire County. She said that some of the resilient together initiative had been a significant part of their work, but it was not solely focused on specific work around wildfire risk, because they were examining all environmental impacts of climate change.

Chief Pelliccia said that provided was a sample which represented what the situational awareness dashboard looked like. She said that it highlighted historic call data and tied in the precipitation and maximum temperature of each day, allowing them to anticipate what they might expect during this time of year. She said that however, relying solely on historical call data could be misleading. She said that this tool had been developed primarily for the Office of Emergency Management as well as for department-wide use to provide a comparative analysis of historical call data.

Chief Pelliccia said that provided was an example of the daily wildfire threat analysis looked at, with different sources checked every morning by the fire marshal.

Chief Pelliccia said that regarding future preparedness, the biggest area of opportunity was engaging the broader community in thinking about fire as a problem and mitigating the potential for wildfires. She said that they had a strong relationship with the Department of Forestry, but they had limited resources.

Chief Pelliccia said that they worked closely with them and had identified strategies such as fostering fire-adapted communities, which was a broad term encompassing various approaches. She said that development and implementation of an enhanced wildfire training program for their personnel was also identified as a necessary effort. She said that they also were evaluating and identifying essential equipment needed for wildfire management, which was not extensive, but they had a plan in place.

Chief Pelliccia said that they collaborated with the Department of Forestry to develop a fuel management plan for Albemarle County, comprehensively working on land management strategies around fire fuels. She said that they also identified updating their open burn ordinance Chapter 6, Article 4, to address the gaps mentioned by Chief Eggleston as an important step. She said that they were fortunate to have hired several firefighters from the west coast, including a National Wildland Firefighter, who had joined their last class. She said that they had all stepped up to assist with training and equipment identification of needs.

Chief Pelliccia said that fire-adapted communities represented a model adopted nationally by various organizations. She said that it was not prescriptive but served as an example of some of the common actions and programs a community could undertake. She said that they should design their programs based on what they find in their risk assessment. She said that to achieve this, it required a long-term, collaborative process.

Chief Pelliccia said that one area they could focus on was resident mitigation. She said that Firewise USA was a program nationally adopted by the National Fire Protection Agency (NFPA), U.S. Forest Service, and other key national players. She said that Firewise USA was started in 1985 following a devastating fire season, created by the U.S. Department of Agriculture in partnership with NFPA. She said that it essentially provided a framework to assist neighbors, neighborhoods, or communities in organizing and taking action at the community level to mitigate wildfire risks.

Chief Pelliccia said that it was a community-driven mitigative effort, and the Fire Department was currently in the process of identifying communities and reaching out to solicit interest. She said that the benefits of Firewise communities included reducing the risk of property damage and loss, decreasing their resource needs, as exemplified by the Taylor's Gap fire, where homes with defensible space made firefighting efforts less challenging. She said that it empowered and educated the community, thereby increasing overall community resilience.

Chief Pelliccia said that some principles were about creating defensible space by physically walking neighborhoods and assessing home hardening strategies, evacuation planning, and developing a full implementation plan. She said that the first step was to complete a comprehensive community risk assessment, which they had begun and planned to finalize by this fall. She said that they would identify prioritized areas of risk and seek participation in the Firewise program, as demonstrated by the Emerald

Ridge community pilot in 2019.

Chief Pelliccia said that a copy of the plan was available for the Board to review. She said that the program was requested by the community and conducted in collaboration with the Department of Forestry, receiving positive feedback. She said that interest was expressed by another community as well. She said that steps three and four required resources to complete, and these were long-term endeavors. She said that they could realistically handle three to four of these endeavors per year, as they were quite in-depth and required time on-site with homeowners.

Chief Pelliccia said that Chief Eggleston mentioned the need to revise Article Four, the Burning of Brush Ordinance. She said that they had identified several areas of confusion within the ordinance, and considerable time was spent researching and conducting a comparative analysis of other localities in Virginia and beyond. She said that they had also been considering future developments, such as the impact of climate change on forestry and fire services, which were beginning to recognize the need to anticipate rather than react to changes.

Chief Pelliccia said that a gap analysis of the existing ordinance had been completed, and several recommendations for revisions had been made. She said that these recommendations would be presented to the Board to see if they would like to pursue a full revision, which the department was prepared to do. She said that further legal review was needed, particularly regarding air quality authority, which had been a gray area. She said that they were ready to take any steps that the Board wanted them to.

Mr. Pruitt said that his only question originated from an early point in the presentation when Chief Eggleston discussed the recent wildfires and how the availability of defensible land around the houses most directly encroached on by the fire made them more defensible. He said that this idea had occurred to him as great, but also potentially at cross-purposes with some of the stated goals in community development around maintaining tree canopies and trying to preserve as much tree canopy as possible. He said that he could not think of specific provisions of code that might be driving this, but he wondered if there had been any points of friction or cross-purposes where their approach to zoning and community development might actually be hindering them in fire prevention.

Chief Pelliccia said that there were several areas where they bumped up against each other, not just with the tree canopy. She said that defensible space referred to the clearance around the house, the ground clearance, and the types of materials used around the ground. She said that there was not a specific conflict with trees in this regard. She said that regarding the tree canopy, more tree canopy was beneficial, especially considering heat emergencies, as it helped mitigate such issues. She said that the trends of building and access presented more significant issues.

Mr. Gallaway said that regarding the burn ordinance review, he believed it was favorable, provided that the resources' capacity was appropriate, especially considering its impact on other departments and their schedules or work orders. He said that his only question was about understanding the situational awareness dashboard. He said that this tool allowed them to analyze past events and theorize future events. He said that he wanted to know if it was also used in real-time to assess given situations.

Chief Pelliccia said that they had three different fields populated in the dashboard: heat emergencies, wildfires, and wildfire risk. She said that flooding was the newest field they had built, which was a prime example of real-time data integration. She said that it pulled in actual data from stream gauges in the County, as well as satellite data from NASA (National Aeronautics and Space Administration) and other sources.

Mr. Gallaway asked if they looked at the dashboard and could tell that there may be a situation on a certain road at a certain time so that they could proactively address the issue.

Chief Pelliccia said yes. She said that it was challenging to prioritize when there were multiple calls coming in. She said that there had been two calls for heat emergencies. She said that they had to determine if it indicated a trend, suggesting the need for a broader community-wide collaboration with emergency management.

Mr. Gallaway said that urbanization seemed to be linked to an increase in the population, which in turn raised the level of wildfires, as most fires appeared to start due to human behavior.

Chief Pelliccia said yes, that summed it up. She said that it had originally been coined when people were building in obscure locations such as mountainside cliffs in Colorado. She said that, however, at the end of the day, it was about more people, more behavior, and more events.

Ms. LaPisto-Kirtley asked how local burn laws would interact with air quality. She said that some states had banned burning. She asked how much they should control burning to ensure it was safe and did not negatively affect neighbors.

Chief Pelliccia said that air quality was the one area of the code that had been a bit of a challenge to dissect and identify where the authority lay. She said that this was an area that they would definitely need to work closely with the legal team to resolve, as in some counties where the health department was embedded in the organization, the line of authority was clearer.

Chief Pelliccia said that in the majority of counties in Virginia, where a regional entity existed, air quality technically fell under the health official. She said that this presented a challenge for them, as there was no dedicated organization. She said that the section in the statewide fire code pointed to air quality as a piece that they would be responsible for. She said that nevertheless, some counties had leveraged the statewide fire code to assert their authority over air quality.

Ms. LaPisto-Kirtley asked if it was possible to include measures to address air quality in the ordinance as they potentially updated it.

Chief Pelliccia said potentially, yes. She said that it gave them the authority to ban it in certain circumstances.

Ms. LaPisto-Kirtley asked regarding communication, the last time with the Taylor's Gap fire, whether there had been a problem with coordinating assistance from other entities.

Ms. Pelliccia said that the main communication issue was notifying the community members, because the emergency notification was an opt-in system, and less than 5% of the community had signed up. She said that this low participation rate posed a significant challenge, as it required door-to-door notification efforts during the time of the emergency or evacuation.

Ms. LaPisto-Kirtley apologized for misinterpreting it as the notification to other entities to assist in fire suppression.

Ms. Pelliccia said that when they brought in units from other areas, such as Cumberland County and others, they did not use the same radio system, so there were in fact two distinct challenges.

Ms. LaPisto-Kirtley said that perhaps the County could work on improving the notification system for the community or other means of communication.

Ms. Pelliccia said that they had identified it as something they had to plan for and navigate. She said there were logistics to consider with getting radios out when they were already spread thin and didn't have runners to distribute the radios.

Ms. LaPisto-Kirtley said that perhaps getting more residents signed up for the emergency communications was something they could work on, perhaps through news agencies.

Ms. Mallek said that it was concerning to see there were many bodies of water in the County that had completely evaporated, which she assumed was because of the consistently high temperatures and the wind. She said that she appreciated all of the recommendations of staff, and with assistance from the Board and CACs (Community Advisory Committees), she hoped that they could adequately notify the County's residents of what was necessary for the future. She said that it was essential for there to be proactive education and communication on how to handle wildfire situations, so that they were organized in advance. She said that it was concerning that the state's collection of rainwater data may not accurately reflect the local conditions, when it may be necessary for local measurements to accurately record any risks.

Chief Eggleston said that relying solely on the Department of Forestry risk assessment on a daily basis was somewhat challenging. He said that Chief Pelliccia and her staff had expanded it to a broader view. He said that the previous week, he had seen a prototype from the analyst in Fire Rescue that was developing a system quickly. He said that this system had taken in a number of inputs, including weather inputs and even some NASA data, as Chief Pelliccia had mentioned.

Chief Eggleston said that he believed this would augment what the state provided and give them a much clearer picture across the 723 square miles. He said that he was excited about it, as it would help pinpoint areas, where it might be wet in Crozet but dry in Free Union or White Hall, thus improving their operational picture.

Ms. Mallek said that another suggestion from other communities was to have citizens involved in groundwater assessments. She said that other localities had agreements with homeowners to arrange for measurement of the well levels. She said that she was thrilled with the ordinance update. She said that particularly regarding the year-round no-burning before 4:00 p.m. for recreation, it provided neighbors with a daytime window to enjoy their yards. She said that they had learned that some other Virginia localities were doing this and not having to reinvent the wheel on those would be good. She said that she looked forward to hearing more and asked if they were looking at any timetable for this. She said that she wondered if a more targeted, swift approach to modifying the burn ordinance, rather than a complete overhaul, was being considered.

Chief Pelliccia said that she believed there was an opportunity to redo the entire thing. She said that, however, she also acknowledged that recommendations were available that could be implemented for incremental improvement if desired. She said that they should determine if they should seek input from the community, developers, and all stakeholders involved in the issue or just use the research they had done so far.

Ms. Mallek said that she believed significant progress had been made several years ago in increasing the distances recommended by the fire marshal for urban areas to protect houses located in close proximity. She said that the implementation to prevent the importation of logs from other places for

burning in one neighborhood was also important. She said that although she could not provide a definitive answer regarding the number of amendments, but if it was strictly clarifying the categories, it should be made clear on the website for civilian use. She said that it was very important to address this issue to ensure everyone understood what was required.

Chief Pelliccia acknowledged that this was an identified gap that needed to be addressed.

Chief Eggleston said that they had reached a point where they could bring back some minor recommendations to simplify and clarify the burning ordinance. He said that one such recommendation was to consider a fall burn ban, similar to those implemented in northern Virginia. He said that this would not be as restrictive as a complete ban on daytime burning. He said that if they also took a holistic approach and engage with the community and those affected with more restrictions, they could do that. He said that if they wanted to avoid creating problems by making changes in one area while causing issues in another.

Chief Eggleston said that a more stringent burn ban could lead to traffic and noise problems if contractors had to transport materials offsite or grind them onsite. He said that they should carefully consider the potential consequences before bringing those recommendations forward. He said that they could re-engage with the County Executive's Office to discuss the advantages and disadvantages of these options, and then proceed accordingly.

Ms. Mallek said that she believed air quality and the rights of neighbors were often overlooked by other stakeholders. She said that smoke traveled far and wide. She said that they were aware of the numerous health warnings for their area over the past year, especially due to Canadian fires. She said that living in a neighborhood where someone burned all day was different from a casual campfire with children. She said that staff had to challenge themselves to redefine what these issues truly were, except when they were created by the state, which presented a different problem.

Ms. McKeel said that she was interested in learning more about the conflicts with development codes and getting the ordinance updated. She said that she agreed that they needed to include the community as an educational piece, as it would make it much easier to bring them along in the process. She said that it was essential that they make some immediate progress in this regard, so they were prepared for the next wildfire situation. She said that she would appreciate if the local CACs and the Albemarle County Public Schools (ACPS) Advisory Committee for Environmental Sustainability received a presentation on this issue because they have a lot of property and so that education could begin as quickly as possible.

Ms. McKeel said that invasive species were another component to creating fire hazards that should be addressed. She said that in her district and other districts as well, the University of Virginia (UVA) Foundation owned many parcels of land that contained dead timber and other debris that could be considered fire hazards, some of which were located beside neighborhoods. She emphasized that UVA and the UVA Foundation should be included in this outreach. She said that she also believed that neighborhood walks with the Fire Department would be beneficial as well.

Ms. McKeel confirmed that there was consensus from the Board for staff to proceed with their work as described. She expressed her appreciation to all of the staff for their dedicated work on this issue.

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Agenda Item No. 11. **Presentation:** Virginia Department of Transportation (VDOT) Quarterly Report.

Ms. Carrie Shephard, Charlottesville Residency Administrator with the Virginia Department of Transportation (VDOT), said that she would be providing VDOT Quarterly Report. She said that starting with the preliminary engineering slide, the changes since her last presentation included a planned public hearing for the Berkmar Drive Connector Road to Airport Road, tentatively scheduled for October, which may be shifted to early November. She said that a public hearing for the Route 250/Route 20 intersection improvements was scheduled for September 10.

Ms. Shephard said that a citizen's information meeting for the District Avenue Roundabout project had been held just under two months ago in June at the Holiday Inn. She said that the Route 601 Old Ivy Bridge bid had come in too high, leading to a decision to re-advertise, which was expected to occur in late summer or early fall.

Ms. Shephard said that the Route 680 Browns Gap Turnpike Bridge replacement had a public hearing on July 10, and the team would be moving forward to compile the transcript of the comments received.

Ms. Shephard said that next, she would discuss their design-build bundles. She said that the Hydraulic intersection, which had been closed but had now been reopened, looked very good. She said that she encouraged everyone to drive through it if they had not already. She said that the team would continue with the pedestrian bridge over Sand Road.

Ms. Shephard said that as of June 18, the second Albemarle bundle with the five components had been awarded, and geotechnical surveys were underway with right-of-way development in progress.



Ms. Shepherd said that for their rural rustic projects, the construction on Old Dominion Road was complete, and the crew was currently working on Sutherland Road, placing the base stone. She said that they had made decent progress, although the upcoming rain may cause some delays.

Ms. Shepherd said that regarding construction activities, they had been planning a turn lane extension at 240/250, which was the southbound right turn lane on 240. She said that they aimed to complete it that summer, despite some delays caused by coordinating with the Albemarle County Service Authority (ACSA), who had been replacing a water line in the area. She said that they had postponed the start of construction to the following Monday to avoid creating a mess due to the incoming storm, with the goal of finishing before school started on August 21.

Ms. Shepherd said that they had three ongoing bridge projects. She said that the Route 708 Red Hill Road bridge replacement had one lane open and had made decent progress, with an estimated completion in December. She said that the Frays Mill Road bridge replacement was still underway. She said that the estimated completion for that was also in December. She said that the Route 810 bridge replacement was scheduled to be complete later that month.

Ms. Shepherd said that the traffic engineering work order updates included that the Plank Road through-truck restriction was approved, and they were currently fabricating signs to be installed soon. She said that Georgetown Road signage was still under review; however, they did clear the brush from the signs, so it was enforceable at this point in time. She said that she informed the Police Department of this as well.

Ms. Shepherd said that Sugar Hollow Road and Sugar Ridge Road had outdated signage, so they would be removing the "End 35 mph" speed sign from Sugar Hollow Road, and they would be removing the "End 30 mph" sign from Sugar Ridge Road. She said that they would be transitioning to gravel, making the entire road a 30-mph zone. She said that this change had been made because it had made logical sense. She said that they had also been requested by the community in Batesville to look at an all-way stop at Plank Road and Craigs Store Road, which was currently under review.

Mr. Pruitt said that he was looking forward to the Glendower Road construction. He asked if it was possible for the project to be split into two phases because they would be doing them at different stages and different times.

Ms. Shepherd asked if Mr. Pruitt was requesting that they be included as one project.

Mr. Pruitt said that it currently was listed as one project, but his understanding was that the project would be completed in phases with a break at one of the intersections. He asked if they could have those two parts of the project represented separately in reporting so that the different phases could be kept track of more consistently.

Ms. Shepherd said that she believed they were in sequential order on the Secondary Six-Year Plan (SSYP). She said that the different phases were tied to funding, and she believed that if they were in sequential order, they would attempt to complete them simultaneously. She said that she would double-check that information to confirm. She said that she was unsure if they would begin work on it this year or next spring.

Mr. Gallaway asked if, for the diverging diamond interchange project for example, they performed post-construction analysis on whether the conditions were improved.

Ms. Shepherd said yes, but she was not sure if they had done that yet. She said that they had made adjustments to the timing of the traffic signals based on the speed of the traffic since the opening. She said that she was not certain if they waited for a specific period, such as two or three years, before doing the analysis.

Mr. Gallaway asked if that information was available or if it had to be requested.

Ms. Shepherd said that the information would have to be requested. She said that she was unsure whether it was made publicly available, but she could check to find out the status.

Mr. Gallaway said that he was interested in the data since it would show whether the project was worth doing, rather than relying on anecdotal evidence. He said that the Highway Safety Improvement Program (HSIP) had its budget cut by the state. He said that the modular roundabout at the Hillsdale and Greenbrier intersection did not appear to be forwarded for funding. He asked how this impacted the timing of the project.

Ms. Shepherd said that after realizing that the project was not funded through HSIP, they decided to utilize residency funds for a study. She said that currently, they had a consultant on board who would specifically examine this matter for a roundabout. She said that the consultant would explore various methods, considering the residency budget and their capacity to handle the project themselves.

Ms. Shepherd said that options like the delineators would be more cost-effective for them compared to the stick-on raised alternatives. She said that the consultant would develop a conceptual design for them, and they would evaluate the costs and determine what they could fund and make happen. She said that she was optimistic about this and promised to keep them informed.

Ms. LaPisto-Kirtley said that the section on page 14, at the very bottom, stated that in March, the speeding concerns were directed to the Police Department. She said that she had a concern the website for traffic safety issues required information when an individual was reporting something such as the make and model of the car, license plate, and other identifying details. She said that typically, this information was hard to get when a car was speeding. She asked what was being done with the information. She said that a private individual could not impose a fine on someone who was speeding.

Ms. Shepherd said that generally, when speeding concerns were received, they came through their system or from citizens, and they discussed them in their monthly meetings as either a generalized area or a specific road. She said that when they addressed these complaints, they involved ACPD (Albemarle County Police Department), who initially ran radar to determine if there was a problem. She said that if there was one, they could proceed with speed studies and related actions if a problem was identified.

Ms. LaPisto-Kirtley clarified that VDOT was still taking speeding reports.

Ms. Shepherd said that was correct.

Ms. LaPisto-Kirtley said that the monthly report did not say that anymore.

Ms. Shepherd said that reports could come from any source, but they were directed to ACPD because that was where the process started. She said that VDOT was still involved.

Ms. Mallek said that she was confused about the chart that described the Route 240, 250 and 680 roundabout and the Route 680 bridge scheduled for 2027. She said that she had understood that the bridge had to be completed first before the roundabout construction could begin. She said that the roundabout was supposed to start construction that year.

Ms. Shepherd said that the dates displayed were correct, but they might change in the near future. She said that she was not certain about it. She said that if that did happen, the Board would be some of the first to know.

Ms. Mallek said that she had found it interesting that every time she watched a European bicycle race, she noticed how in France they had statues and trees, which helped to direct traffic. She said that she found it a simple way to slow people down as a traffic calming measure. She said that she had wondered if VDOT would consider implementing an experimental roundabout in the existing right-of-way with posts. She said she was worried about design costs, and she thought it may be better to do an experimental roundabout.

Ms. Shepherd said that the Hillsdale Greenbrier intersection served as a good example of this approach. She said that they were doing the project in-house on a smaller scale. She said that delineators and modular roundabouts were designed to be removable, which allowed for flexibility. She said that if they proved to be problematic, they could be easily removed. She said that if they proved successful and they wished to make them permanent, they could explore alternative funding sources beyond their current capabilities.

Ms. Mallek asked if they had encountered issues at the Route 641 bridge. She said that she passed the site often, and there was usually no one there.

Ms. Shepherd said that she was not sure.

Ms. Mallek said that she had noticed no changes for weeks. She said that she had been curious about the situation. She said that she would rat them out so an investigator could be sent there to find out what was happening. She said that she appreciated hearing back from Captain Jamerson that the Police Department was transferring the guardrail at Austin Critzer's consideration to VDOT. She said that she appreciated the attention being given to finding a real solution.

Mr. Kevin McDermott, Deputy Director of Planning, said that he wanted to clarify the question Ms. LaPisto-Kirtley had mentioned. He said that the link discussed was actually in the County Transportation Quarterly Report, not VDOT's report. He said that with the speeding concerns, VDOT, County staff, along with the ACPD, had been working together on this process.

Mr. McDermott said that they acknowledged that the best source for addressing immediate speeding concerns on a road was the ACPD. He said that they were trying to direct everyone to visit the ACPD website or call them when they identified speeding concerns, not specific vehicles, but roadways where this was happening. He said that this was their best resource for citizens to address speeding concerns.

Ms. Mallek said that residents should use the non-emergency number, 977-9041, for the data to be compiled, even if somebody did not have a make and model and license number.

Mr. McDermott said that was correct. He said that the online system permitted one to enter the make and model of the car, but it was not necessary.

Ms. McKeel asked if the consultant's report for the Hydraulic Lambs Lane Campus recommendations was back. She said she would love to be able to see it at some point.

Mr. McDermott said that Facilities and Environmental Services (FES) led the project with their input, and they were done with the review. He said that they had a few comments, and they had discussed how to bring those back to the Board.

Ms. McKeel said that people who complained about paving progress should consider the delays caused by rain. She asked if the VDOT website included a publicly accessible paving schedule. She said that a constituent wanted to know where his neighborhood was on the paving schedule.

Ms. Shephard said that they had recently changed over to a new website, so some of the links may not work correctly. She said she had to check if the links were working, but if there was a specific road, she could provide that information.

Ms. McKeel said that the road was Terrell Road West.

Ms. Shephard said that it was not on the 2025 schedule, but the team had been developing the 2026 schedule and was going to review that road. She said that she was unsure about the status of the matter.

Ms. McKeel said that the link for the schedule should be sent to the whole Board so that they could refer constituents to it.

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Non-Agenda Item. Remote Participation for Mr. Jim H. Andrews

Ms. McKeel said that she would now entertain a motion from the Board to invite Mr. Andrews to participate in the meeting remotely.

At 4:00 p.m. Mr. Andrews joined the meeting via Zoom said that he was located in Sorrento, Maine due to family business.

Ms. Mallek **moved** that the Board invite Mr. Andrews to participate in the meeting remotely. Ms. LaPisto-Kirtley **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Andrews.

Mr. Andrews joined the meeting.

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Agenda Item No. 12. Closed Meeting.

At 4:01 p.m., Mr. Pruitt **moved** that the Board go into Closed 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 *In re June 6, 2023 Decision of the Board of Zoning Appeals of the County of Albemarle, Virginia* 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.

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. 13. Certify Closed Meeting.

At 6:01 p.m., Mr. Pruitt **moved** that the Board of Supervisors certify by a recorded vote that, to the best of each supervisor's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting, were heard, discussed, or considered in the closed meeting.

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. 14. Boards and Commissions.  
Item No. 14.a. Vacancies and Appointments.

Ms. LaPisto-Kirtley moved that the Board of Supervisors appoint the following individuals to Boards and Commissions:

- **Reappoint** 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.
- **Reappoint** Ms. Janet Moran and Mr. William McLaughlin to the Places 29 (North) Community Advisory Committee, with said term to expire on August 5, 2026.
- **Appoint** 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.

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. 14.b. Resolution to Appoint Andy Herrick as Interim County Attorney

Ms. LaPisto-Kirtley **moved** that the Board adopt the Resolution appointing the Interim County Attorney, who will be Andy Herrick, effective as of September 1, 2024.

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.

Mr. Andy Herrick, Deputy County Attorney, said that he expressed his gratitude for the Board's confidence in him and in their office. He said that Mr. Rosenberg's leadership over the past couple of years meant a great deal to him. He said that he was grateful for their confidence and for the offer and eagerly anticipated continuing the good work that had been started.

Ms. McKeel said that on August 21, they will be celebrating Mr. Rosenberg's retirement, but that they were currently celebrating Mr. Herrick's appointment.

Mr. Pruitt said that although he had not had as much time to get to know Mr. Herrick, he had really enjoyed working with him so far. He said that he knew that Mr. Herrick had been working closely with the Planning Commission during his time on the Board, and that filling this role would not be a change of pace. He said that since they would be sitting next to each other, he would frequently turn to him with even the most inconsequential, irrelevant legal questions.

Mr. Gallaway said that he was thrilled to have Mr. Herrick take over in this capacity, as his expertise was undisputed. He said that he looked forward to continuing their work together and his leadership of the office.

Ms. LaPisto-Kirtley said that she had worked with Mr. Herrick for five years, and that she had complete confidence in him.

Ms. Mallek said that she appreciated Mr. Herrick's devotion to his work and the County.

Mr. Andrews said that he wanted to congratulate Mr. Herrick. He said that they had worked together prior to his time on the Board, and that he had found Mr. Herrick's work to be excellent. He said that he was confident in Mr. Herrick's ability.

Ms. McKeel said that she was delighted to have Mr. Herrick working with the Board.

Mr. Rosenberg said that he had worked with Mr. Herrick for the past two years and had no doubt that he was well equipped to provide exemplary legal services to the Board, the County, and to lead the County Attorney's Office. He said that he wished Mr. Herrick the very best in his new role.

Mr. Jeff Richardson, County Executive, said that upon learning of the upcoming announcement, there had been a significant amount of support and excitement across the board. He said that Mr. Rosenberg often credited the legal department staff for their exceptional work. He said that Mr. Herrick had done an outstanding job supporting County departments, and they looked forward to continuing to work with Mr. Herrick.

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**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.

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Agenda Item No. 15. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Jeff Richardson, County Executive, said that he did not have a formal report, but that Mr. Henry would provide an update on the approaching inclement weather, including state-wide and local preparation efforts.

Mr. Trevor Henry, Deputy County Executive, said that Tropical Storm Debbie had moved through Florida into Georgia and was now heading north. He said that VDEM (Virginia Department of Emergency Management) had been actively monitoring the situation, and that the County had been coordinating resources, both internal and external. He said that they had activated their Emergency Operations Center virtually that day and were prepared to continue their efforts as the storm approached.

Mr. Henry said that based on the latest forecast, the heavy part of the storm would primarily consist of rain, with the threat of flooding and flash flooding, particularly on Thursday afternoon through Friday. He said that they were continuously monitoring the situation. He said that public communications regarding storm preparation, including having supplies on hand and avoiding driving through rising water, had already begun.

Mr. Henry said that they were utilizing a data dashboard that Chief Eggleston mentioned in an earlier presentation to manage water and stream levels proactively. He said that the eastern slope of the Blue Ridge appeared to be the area most likely to experience the most intense rainfall. He said that on average, three to seven inches of rainfall was expected, but locally, it could potentially exceed 10 inches. He said that he urged residents to take this seriously and be prepared.

Mr. Henry said that their staffing plan included additional personnel for Police and Fire, and Fire Rescue Station 11, which housed their swift water rescue team, and Western Albemarle Rescue Team would have extra staff. He said that the Scottsville Volunteer Fire Department would be on standby. He said that the final consideration for declaring a local emergency would be based on tomorrow's 5 a.m. forecast update.

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Agenda Item No. 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

There were no speakers.

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Agenda Item No. 17. **Public Hearing: Compensation for the Planning Commission and**

**Other Boards.** To receive public comment on the proposed ordinance to amend Section 2-401 to increase the compensation of the voting members of the Planning Commission, from \$7,534.00 per year to \$7,685 per year; and to amend Section 2-905 to increase the compensation of members 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 for each regular or special meeting attended from \$83.00 to \$85. This ordinance would take effect upon adoption.

The Executive Summary forwarded to the Board states that Albemarle County Local Government provides compensation to members serving on the following Boards and Commissions, at rates codified in the County Code: the Architectural Review Board, the Board of Zoning Appeals, the Equalization Board, the Fire Prevention Board of Appeals/Local Board of Building Code Appeals (the "Other Boards"), and the Planning Commission ("PC"). On June 7, 2023, the Board of Supervisors adopted an ordinance which increased compensation for members of the Other Boards and PC at the same rate of increase that Board of Supervisors ("BOS") members received. It was the expressed desire of the BOS to increase pay in this same manner in subsequent years.

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. On June 12, 2024, the Board of Supervisors adopted an ordinance increasing compensation for BOS members by 2%, in alignment with the staff increase that occurred in January 2024. Wages for members of the PC and Other Boards were not increased at that time.

To align with the 2% compensation increases for staff and BOS members, staff has prepared a proposed ordinance (Attachment A) to increase the compensation for members of the PC and Other Boards by 2%, which the Board can consider following the public hearing.

The proposed ordinance will increase Planning Commission compensation from \$7,534 to \$7,685 annually and will increase compensation for members serving on Other Boards from \$83 to \$85 per meeting attended in FY25.

Staff recommends that, after the public hearing, the Board adopt the attached proposed ordinance to increase compensation for the Planning Commission and Other Boards (Attachment A).

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Ms. Jessica Rice, Director of Human Resources, said that the public hearing was for the consideration of a County ordinance to amend County Code 2-401 and 2-905, which would increase compensation for members serving on the Planning Commission and other appointed boards. She said that in addition to the Board of Supervisors, Albemarle County Local Government provided compensation to appointed members serving on the following boards and commissions: the Architectural Review Board, the Board of Zoning Appeals, the Equalization Board, the Fire Prevention Board of Appeals, the Local Board of Building Code Appeals, and the Planning Commission.

Ms. Rice said that beginning in June of 2023, the Board of Supervisors expressed a desire to increase compensation for these board and commission members to be in alignment with cost-of-living adjustments that had been provided for County staff and for the Board of Supervisors. She said that the County had implemented a two percent cost-of-living adjustment for staff effective January 1, 2024. She said that on June 12, 2024, the Board of Supervisors adopted an ordinance to increase compensation for board members, which had gone into effect on July 1, 2024.

Ms. Rice said that at that time, they did not address the compensation for Planning Commission members and the other appointed board and commission members. She said that they were bringing this matter forward for their consideration that night. She said that their goal was to align their compensation with the 2% increase that County staff and the Board of Supervisors had received.

Ms. Rice said that the proposed ordinance would increase compensation for the Planning Commission members from \$7,534 annually to \$7,685 annually and also increase compensation for members serving on the other appointed boards from \$83 to \$85 for each attended meeting. She said that they were requesting the ordinance to be retroactive to July 1, 2024.

Mr. Pruitt said that he noticed that the list of boards compensated under the current structure consisted of those that were statutorily required. He said that he wondered if he was correct in assuming that they only had the authority to provide salaries to these boards and not to others that the County might create.

Mr. Andy Herrick, Deputy County Attorney, said that the Board had the discretion to compensate members of various boards and commissions as it deemed appropriate. He said that there was no statutory limitation on the compensation the Board could provide to these entities if it chose to do so.

Mr. Steve Rosenberg, County Attorney, said that the proposed ordinance did not provide for a retroactive effective date. He said that if the Board desired this, it would have to be incorporated into the motion.

Ms. McKeel opened the public hearing. There was no one signed up to speak, so the public hearing was closed and the matter brought back before the Board for comments or a motion.

Ms. Mallek **moved** that the Board of Supervisors adopt the proposed Ordinance to increase

compensation for the Planning Commission and other boards in the form of Attachment A, as amended to provide for a retroactive effective date of July 1, 2024.

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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**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.
- D. *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.

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.**

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**Agenda Item No. 18. Public Hearing: SP202300021 Flow Hyundai Outdoor Storage, Display, and Sales and SE202300046 Flow Hyundai.**

PROJECT: SP202300021 and SE202300046 Flow Hyundai

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCEL: 04500-00-00-068C0

LOCATION: Between 2070 and 2150 Seminole Trl. fronting on both Seminole Trl. and Berkmar Dr.

PROPOSAL: Establish outdoor storage, display and sales of vehicles

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 5.73 acres. No dwelling units proposed. Associated with this request is a special exception request to waive the requirement under 5.1.31(b) regarding eliminating visibility of vehicles awaiting repair.

ZONING: HC Highway Commercial – commercial and service; residential by special use permit (15 units/ acre)

ENTRANCE CORRIDOR: Yes

OVERLAY DISTRICT: EC Entrance Corridor, AIA Airport Impact Area, and Steep Slopes – Managed

COMPREHENSIVE PLAN: Urban Mixed Use (in areas around Centers) – commercial and retail uses that are not accommodated in Centers and residential (3 – 34 units/ acre) in Neighborhood 1 in the Places 29 Master Plan

The Executive Summary forwarded to the Board states that, at its meeting on May 28, 2024, the Planning Commission (PC) voted 7:0 to recommend approval of SP202300021 with the conditions, and for the reasons, stated in the staff report. After discussion on SE202300046, the PC recommended providing additional (and, where possible, preserving existing) landscaping, including evergreens, along Berkmar Drive and at the perimeter and interior of the parking areas to mitigate visibility of vehicles awaiting repair.

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

The PC raised no objection to the special use permit request. After discussing the special exception request, the PC acknowledged that the site's topography makes eliminating the visibility of vehicles awaiting repair challenging and recognized that there would be little visual difference between vehicles awaiting repair and display vehicles. However, the PC observed that more landscaping could be added along Berkmar Drive to provide greater screening of the areas where vehicles awaiting repair would be located. No members of the public spoke at the public hearing on this proposal.

Following the PC meeting, the applicant updated the concept plan in response to staff and PC



comments on the special exception request. The revised plan includes a landscape buffer along Berkmar Drive, a note identifying the required contents of the buffer, and an existing wooded area to remain at the southwest corner of the site. The buffer and existing wooded area to remain are expected to better satisfy the screening requirements for vehicles-awaiting-repair by reducing the visibility of the areas where these vehicles would be located. The limits of the shared-use path right-of-way reservation have also been added to the plan. With these revisions, staff recommends approval of the special exception with the conditions listed in Attachment F.

Staff recommends that the Board adopt the attached Resolution (Attachment E) to approve SP202300021 with conditions, and the Resolution (Attachment F) to approve SE202300046 with conditions.

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Mr. Khristopher Taggart, Senior Planner, said that Margaret Maliszewski had assisted with the review and was also present. He said that he would present the SP first, and the Special Exception first. He said that the subject property was situated on the west side of Route 29 between 2070 and 2150 Seminole Trail, and both housed automobile dealerships. He said that residential properties were located across Berkmar Drive to the west and across Route 29 to the east. He said that Route 29 was the entrance corridor, and that Berkmar Drive was not. He said that the subject property was currently vacant and mostly wooded.

Mr. Taggart said that the special use permit request pertained to outdoor storage display and sales of vehicles in the Entrance Corridor Overlay District. He said that the plan illustrated spaces for outdoor display in blue and yellow shading, with yellow shaded spaces also identified for vehicles wait and repair. He said that motor vehicle sales was a by-right use in the zoning district, but outdoor display was a special use when it occurred in the Entrance Corridor Overlay District.

Mr. Taggart said that special use permits for outdoor display were reviewed under Section 30.6, which limited the factors considered to determining whether outdoor display was consistent with the entrance corridor design guidelines. He said that the Architectural Review Board (ARB) had applied these guidelines in its review of the request in February of that year, voting to recommend no objection to the special use permit requests with revisions to the concept plan that could be resolved during final site plan review, under conditions of approval that were standard for this type of request.

Mr. Taggart said that at its May 28 meeting, the Planning Commission (PC) unanimously recommended approval of the special use permit with no changes to the ARB's recommended conditions, which were displayed on the screen.

Mr. Taggart said that the favorable factor for this request was that the outdoor display use would be consistent with entrance corridor design guidelines if the ARB's recommended conditions were upheld. He said that staff recommended approval of the special use permit for outdoor display.

Mr. Taggart said that there was a request for an exception to the Supplementary Regulation 5.1.31(b), which required vehicles waiting repair to be located where they were not visible from any public street or residential property.

Mr. Taggart said that most of the spaces on the lot were visible from public streets and residential properties due to Berkmar Drive being elevated between 2 and 28 feet above them. He said that from Berkmar Drive, views of vehicles awaiting repairs would be visible south of the building down into the parking lot with an open view available at the site entrance. He said that from Route 29, views of these spaces would be visible at the site entrance. He said that Victorian Heights, a residential development currently under construction across Berkmar Drive, had units that would be elevated between 15 and 64 feet above the areas where vehicles awaiting repair would be located, which would allow views into most of these areas.

Mr. Taggart said that although there had been no previous requests for exceptions from the requirements for screening vehicles awaiting repairs, there were many examples of such screening through the site plan review processes. He said that visibility had been eliminated by positioning the vehicles awaiting repairs so that buildings, topography, fencing, landscaping, or a combination of these features screened vehicles from public streets and residential properties.

Mr. Taggart said that at the May 28 PC meeting, staff and the PC had acknowledged that there would be little visual difference between vehicles awaiting repairs and vehicles on display, and that the topography made meeting the visibility requirement a challenge.

Mr. Taggart said that, however, the ordinance was clear and more could be done to reduce visibility. He said that based on the concept plan reviewed at the PC meeting, staff recommended denial of the special exception. He said that while the PC was not required to act on the special exception, they had recommended that the applicant provide additional and, where possible, preserved existing landscaping, including evergreens along Berkmar Drive.

Mr. Taggart said that after the PC meeting, the applicant revised the concept plan to show a landscape buffer along Berkmar Drive and wooded areas remaining along the southern property line. He said that with these revisions, staff recommended approval of the special exception with the conditions listed on the screen and in Attachment F to ensure additional landscaping was provided.

Mr. Gallaway said that in the top section of the concept plan, there was a reference to the existing 20-something waterline easement. He said that during the PC discussion, the topic of where the stormwater exiting the site would be located, and that it could either go north or south. He said that it seemed like the end of the conversation was that this issue would be addressed in the final site plan review. He said that the question was whether it would connect to the stormwater on the north side or the south side.

Mr. Taggart said that the applicant could better answer the question.

Mr. Gallaway said that some of the adjustments pertained to the Berkmar buffer and visibility from either side of the property line. He said that it was unclear whether the trees within the parking lot had been proposed by staff or were part of the original plan. He said that he was curious if these were the original plan or if the County had been seeking to add trees within the parking lot.

Mr. Taggart said that the tree island discussion was regarding screening for vehicles awaiting repair, and it was presented by staff as an option. He said that there was an internal tree requirement.

Ms. LaPisto-Kirtley asked if the trees and other plantings would be native species.

Mr. Taggart said that they are required to be native species and that those details would be included in the final site plan stage.

Ms. Mallek asked if other uses along the corridor had met the screening requirements.

Mr. Taggart said that they had.

Mr. Andrews said that it was important for him to determine whether vehicles awaiting repairs at other nearby car dealerships were also completely screened or if they were visible.

Mr. Taggart said that at Malloy Ford, vehicles awaiting repair were screened by an auto body shop, fencing, and existing trees that shielded it from Berkmar Drive. He said that it was also screened from Route 29 due to the distance. He said that both Malloy and Price Chevrolet predated the screening requirements.

Ms. McKeel asked where the construction site entrance would be located.

Mr. Taggart said that would be better answered by the applicant.

Ms. McKeel, hearing no further questions, opened the public hearing.

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Ms. Kelsey Schlein, Planner with Shimp Engineering, said that she was representing Flow 21 Seminole, LLC. She said that the project engineer, Justin Shimp, was also present. She said that Flow Companies had expanded in Charlottesville in recent years, now operating about 15 dealerships and employing over 375 people in Albemarle County. She said that they were hoping that Flow Hyundai could have a permanent home on this property on Route 29.

Ms. Schlein said that Hyundai previously shared a site with Chevrolet under the Price brand. She said that when that dealership sold, Malloy purchased Chevrolet, and Flow acquired Hyundai. She said that consequently, Hyundai was now temporarily located at a Pantops site, but this site met Hyundai's requirements for a new dealership. She said that the site was ideal for Hyundai's permanent home.

Ms. Schlein said that the special use permit request pertained to outdoor storage, display, and sales affiliated with a by-right use in the Entrance Corridor Overlay District. She said that they requested this permit because they were located in an entrance corridor. She said that they requested a special exception from 5.1.31(b), which pertained to vehicles waiting for repair. She said that the specific issue they faced at this site was the visibility of vehicles due to the extreme grade change between Berkmar and Route 29.

Ms. Schlein said that they presented a plan that addressed the PC's concerns regarding the visibility of vehicles awaiting repair. She said that the property had two frontages on public streets, and the grade change made it difficult to meet the visibility standards. She said that the property was adjacent to a future residential development that would be approximately 30 to 40 feet higher, which will also affect visibility. She said that they were committed to meeting the intent of the ordinance to the best of their ability.

Ms. Schlein said that the application had been reviewed by the ARB, which had recommended approval of the special use permit with no objections. She said that they had made revisions in response to their feedback. She said that the PC had also given a unanimous recommendation of approval, and they had made revisions to the concept plan in response to their concerns about the special exception.

Ms. Schlein said that the site was a vacant lot between two existing car dealerships. She said that they had revised the concept plan, which included adding a wooded area to remain and an additional screening buffer adjacent to Berkmar Drive. She said that the PC had expressed concern about the landscaping along the Berkmar Drive corridor, particularly with the upcoming multi-use path proposal between Woodbrook and Hilton Heights Road. She said that they wanted to ensure a pleasant future bike

and pedestrian experience, given the significant investment and multimodal infrastructure in that area. She said that in response, they had incorporated additional buffers in those areas.

Ms. Schlein said that they proposed a mixture of repair and display storage because the demand for both services fluctuated. She said that if there were recalls, then they required more space for repairs. She said that it was important to note that the site would be for vehicle repairs, not autobody repair. She said that there would be little discernable difference between vehicles awaiting repair for an oil change or a tire rotation and new vehicles for sale.

Ms. Schlein said that the future Victorian Heights residential development would also have visibility of the other dealerships once it was constructed due to the height. She said that Chevrolet predated any type of entrance corridor special use permit requirement for outdoor storage and display, and it also predated the Section 5 supplemental regulation requirements. She said that Malloy Ford did not, and it also did not have a continuous connection between Berkmar Drive and Route 29. She said that Malloy Ford, which was formerly the Better Living Site and was developed decades ago, had its property completely cut down. She said that this created a significantly different elevation situation.

Ms. Schlein said that the Malloy Ford site was much flatter than their site would be, but they had stepped the site's grade and established a continuous vehicular connection between Berkmar and Route 29. She said that this change would inherently alter their final grade on the property to meet County requirements for maximum grades along parking areas.

Ms. Schlein said that she acknowledged the challenge posed by the strict language of visibility due to the elevation differences. She said that she wanted to emphasize the importance of preserving the existing landscape along Berkmar Drive and presented the shared use path plan, which would need revision to accommodate improvements and grading. She said that the visual exhibit aimed to showcase the site's improvements and their impact on the existing vegetation.

Mr. Gallaway asked where the stormwater management would connect.

Ms. Schlein said that stormwater would flow north.

Mr. Gallaway noted that it would go past Chevy, Walmart, and down to the river, and asked if that was locked in and if there was no way that it could shift. He said that if it shifted, then it would cross Route 29, and all of the drainage would move through Carrsbrook, which already was experiencing issues. He asked if this was something that was locked in or if it had to be included as a condition.

Ms. Schlein asked if that condition was specifically related to the request.

Ms. Jodie Filardo, Director of Community Development, said that it should be included as a condition.

Mr. Gallaway said that he requested that the Board add a condition stating that the stormwater must exit to the north of the site.

Mr. Justin Shimp said that the natural drainage pattern for most of the site, probably three-quarters of it, flowed to the north. He said that regulations essentially required them to honor that amount. He said that they also required them to reduce it. He said that the current stormwater calculations for the expected rainfall equated to a flow similar to that from a garden hose. He said that there was a tremendous amount of detention required that had not been required previously. He said that had the stormwater regulations of 2014 been around in 1984, he didn't think that they would have the problems that they had today.

Mr. Shimp said that to condition that would be a little tricky. He said that there were slopes where there would be runoff, but they had no way to capture it. He said that they had to calculate the flow in the context of what previously existed. He said that the reason he needed to redirect all the water was that the water naturally flowing onto the Malloy Ford site equaled the allowable discharge under regulations. He said that he did not want to agree to no stormwater runoff in that direction, as achieving zero flow was practically impossible. He said that zero flow would mean not a single gallon per minute, and he acknowledged that it was not feasible to grade the site to achieve zero flow. He said that they could condition piped discharge.

Mr. Gallaway said that he was not looking for the natural runoff, nor was he too worried about that. He said that he was worried about the piped discharge and the runoff from the stormwater detention. He said that the stormwater detention should discharge to the north.

Mr. Shimp said that they were fine with that. He said that the regulations in effect thoroughly addressed the situation. He said that to provide context, if the site work in this project amounted to \$3 million, over a million of it would pertain to stormwater.

Mr. Gallaway said that he wanted to include a condition regarding discharge of the managed stormwater to the north.

Mr. Steve Rosenberg, County Attorney, said that he could draft a condition.

Mr. Gallaway said that he appreciated the flexibility mentioned regarding the relocation of cars

and parking arrangements. He said that he found the specificity of the rules perplexing, particularly the hard numbers set for 93 for outdoor storage display sales, 248 for those awaiting repair outdoor storage display and sales, and 31 for employees, customers, and EV charging. He said that he preferred a general concept plan rather than strict location guidelines.

Mr. Gallaway said that he did not want to set places up for noncompliance. He said that he believed the rule was overly restrictive, especially in situations where the car business experienced a shift in inventory, such as when new car inventory was moved down due to recent events, and the repairs increase. He said that he had been in the industry for years and understood its realities.

Ms. Margaret Maliszewski, Planning Division, said that the ARB's policy had been to ensure that the approved concept plan clearly indicated the number and location of parking spaces. She said that it did not matter what the parking was used for.

Mr. Gallaway said that if that was the case, they should not define where vehicle uses will park.

Ms. Maliszewski said that it was important at the beginning to know where the vehicles awaiting repair were proposed so that they could determine what would be visible and how to deal with it.

Mr. Gallaway asked what the importance of waiting for repairs was. He said that it might relate to a body shop or a commercial service facility. He said that he wondered if their concern was about the appearance of cars in repair rather than the display of new vehicles.

Ms. Maliszewski said that she believed several years ago, a change had been made in the ordinance, and inadvertently, auto body repair had become intertwined with vehicles awaiting repair.

Mr. Gallaway said that there was really no good reason for the rule. He said that they only had limited opportunities at car dealerships. He said that Malloy was new and in front of them, so they were able to figure out how that should look and have some say in it. He said that he did not understand this particular rule. He said that someone shopping for a vehicle could park their car, similar to a car parked awaiting repair, but it would be in the same condition.

Ms. Maliszewski said that she believed everyone understood that, but the ordinance was as it was, and the applicant had agreed to include landscaping to help the site meet the intent of the ordinance. She said that with the upcoming Zoning Ordinance updates, there was hope for further clarification.

Mr. Gallaway asked for clarification about the internal tree requirements.

Ms. Maliszewski said that the landscape ordinance mandated that for every ten parking spaces, there had to be at least one internal tree for every site plan with parking spaces.

Mr. Gallaway said that he would address the reality of a car dealership having trees internally within their lot, whether it was customers waiting for repairs or on display. He said that they would create more car wash scenarios. He said that this became a problem during a drought. He said that he questioned whether their appreciation for aesthetics in the County outweighed water usage concerns. He said that he admitted that he had yet to meet an environmentalist who had purchased a car from him without wanting their car washed upon sale.

Mr. Gallaway said that car dealerships were also required to wash cars as a courtesy before they left the lot to meet manufacturer standards. He said that in a competitive business, regular car washes were necessary. He said that this could increase water usage. He said that water usage had always seemed to be a bigger issue, especially recently, than aesthetics. He said that he did not see many trees in Malloy's lot. He said that he wondered if it was a different approach.

Ms. Schlein said that along the frontage and in the front display lot, there were tree plantings, although much of it had been pre-existing. She said that in the rear they had added a few landscape islands.

Mr. Gallaway said that he understood the desire for screening and landscaping improvements from the entrance corridor and from Berkmar. He said that he appreciated the efforts in this regard. He said that he had concerns about the emphasis on climate change and tree planting, as it might lead to increased water usage.

Ms. Mallek said that she did not know if it was possible to re-separate those terms for interpretation value without waiting for two more years for the zoning code to be fixed. She said that she suggested taking it out if it had been inadvertently included. She was worried that the requirement was there because they were facing looking at acres and acres of rent vehicles, which was completely different in her mind.

Mr. Andrews said that he appreciated the applicants' addition of trees, particularly along Berkmar, and he believed it had enhanced the proposal.

Ms. McKeel asked for clarification about the construction entrance.

Ms. Schlein said that construction would likely be phased, and there would probably be a

construction entrance at both Route 29 and Berkmar. She said that the entrances would allow ease of construction vehicle access and for grading the site.

Ms. Mallek asked if the Route 29 entrance was right in and right out.

Ms. Schlein said yes.

Ms. McKeel said there were no speakers from the public and that the applicant had five minutes for rebuttal.

Mr. Shimp said that, as written, the ordinance applied to visibility from any residential or public street. He said that every dealership in the County was probably in zoning violation. He said that body shops required a separate special use permit, and they typically incorporated a screening fence. He said that realistically, they would not be able to effectively screen the stored vehicles. He said that this was especially true for places like Victorian Heights, where vehicles waiting for repairs would be seen. He said that in the past, vehicles that were damaged were treated differently than vehicles that were shuffled in and out. He said that nobody had really noticed in until they looked closely at it and decided to try to address it with a condition rather than risking a violation at some point in the future.

Ms. McKeel closed the public hearing.

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Mr. Pruitt said that he supported this proposal and looked forward to voting in favor of it. He said that additionally, he might be interested in revisiting the text that Mr. Gallaway had highlighted, and Mr. Shimp had drawn further attention to, as it appeared there may be a serious potential drafting concern.

Mr. Gallaway said that cars of this type might not be necessary in the area within the next decade. He said that upon reviewing recent statistics, the average age of cars on the road was currently 12.6 years for light trucks and passenger cars, and 14 years for cars alone. He said that this average age had been increasing over time. He said that out of 286 million cars, only three million were electric vehicles, indicating that electric vehicles had not yet become prevalent.

Mr. Gallaway said that it was important to recognize that car ownership was a reality, and many residents likely owned cars that were six to eight years old or older. He said that despite hopes for a faster transition to electric vehicles this may not happen as quickly as desired. He said that electric vehicle production had actually been slowing down. He said that he threw that out there because they were discussing the installation of more EV charging stations at that site.

Mr. Gallaway said that he hoped they would have the flexibility to make the necessary changes, as a local car dealership, often driven by a larger company, may not always make decisions independently. He said that the site required some flexibility in both design and business approach. He said that as he observed Flow's upgrades to the buildings they had acquired, it became clear that these improvements were not merely because they had just bought them but to ensure compliance with manufacturer requirements.

Mr. Gallaway said that he appreciated the fact that the view of the new residential development would be able to see other dealerships. He said that the PC had agreed that imposing unique conditions on this applicant was not feasible. He said that he looked forward to approving this and was grateful for the special condition regarding the site's water discharge.

Ms. LaPisto-Kirtley said she supported the proposal.

Ms. Mallek said that she supported the proposal.

Mr. Andrews said he supported the proposal and appreciated the additional condition.

Ms. McKeel said that she was supportive as well and appreciated the efforts to ensure that the initiatives aligned with the County's parameters. She asked if Mr. Gallaway would like to make the motion.

Mr. Gallaway said that Mr. Rosenberg had sent the wording for the revised condition, which stated that discharge from stormwater facilities must be routed to the northern boundary of the subject parcel. He said that the applicant was indicating that they did not have a concern with the condition.

Ms. Mallek said that she just wanted to ensure that when one referred to stormwater facilities, it encompassed all elements that captured water, including drop inlets and drains in parking lots that typically led to lagoons or similar structures.

Mr. Rosenberg said that was correct.

Ms. Maliszewski said that Mr. Taggart had added the additional condition to the list of conditions.

Mr. Gallaway **moved** the Board of Supervisors to adopt the Resolution (Attachment E) to approve the special use permit for SP202300021 Flow Hyundai Outdoor Storage, Display, and Sales, with the revised conditions as recommended in the staff report.

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.

**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.

Mr. Gallaway **moved** the Board of Supervisors to adopt the Resolution (Attachment F) to approve the special exception, SE202300046, with the conditions contained therein.

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.

**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.

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SP2023-00021

CONCEPT PLAN + EXHIBITS

# FLOW HYUNDAI

TMP 45-68C

Project ID: 23.071  
Submitted 18 December 2023  
Revised 06 February 2024  
Revised 18 March 2024  
Revised 19 June 2024

## Context Map

Sheet 1 of 7

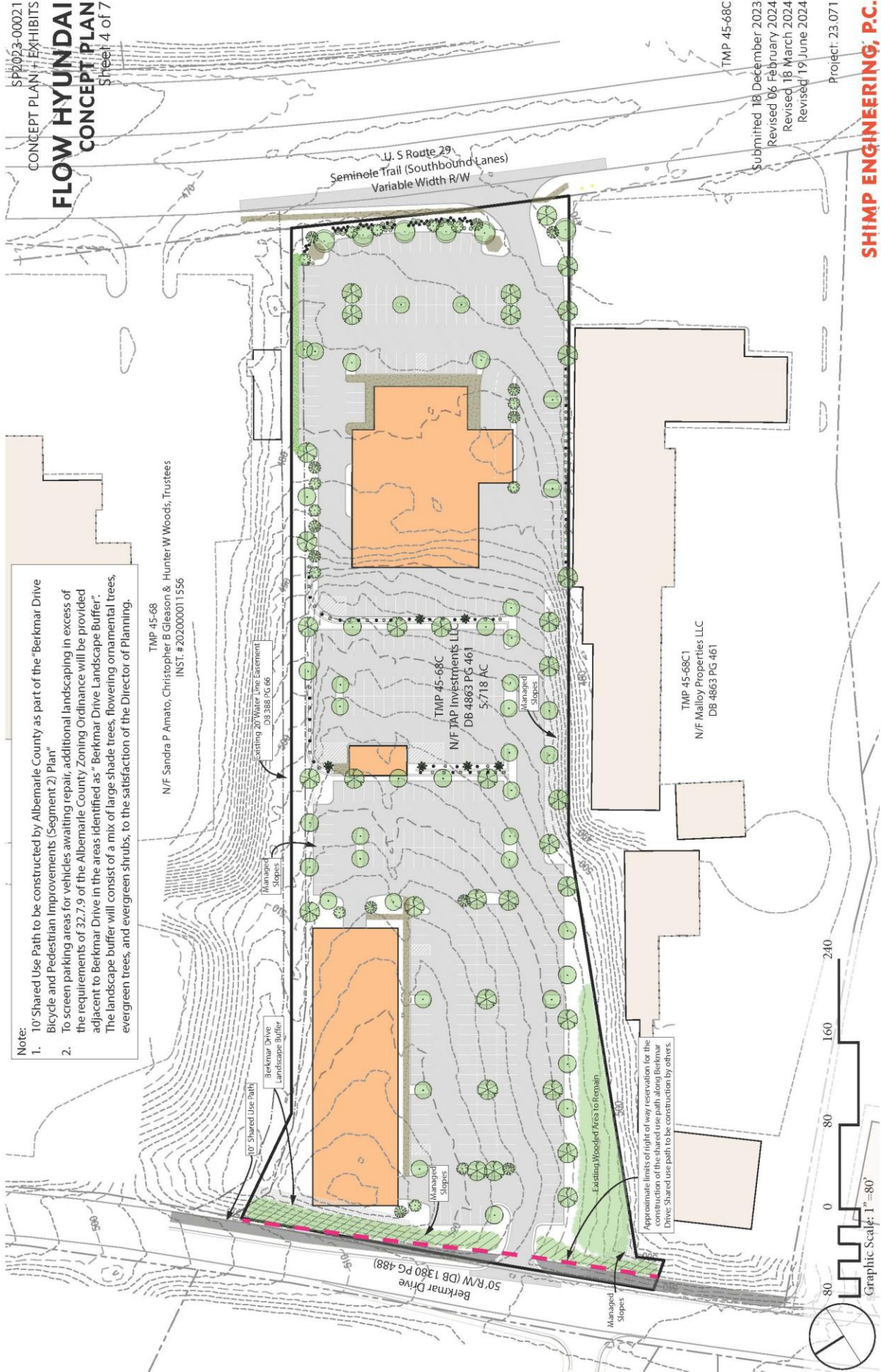
### INDEX OF SHEETS

- 1 - Cover & Context Map
- 2 - Site & SP Details
- 3 - Existing Conditions
- 4 - Concept Plan
- 5 - Parking Allocation
- 6 - Grading and Utilities
- 7 - Site Section



Image provided by Google Maps






**Note:**

1. 10' Shared Use Path to be constructed by Albemarle County as part of the "Berkmar Drive to Skyline" project.
2. Screen and Pedestrian Improvements (Segment 2) Plan<sup>1</sup>
  - a. To screen parking areas for vehicles awaiting repair, additional landscaping in excess of the requirements of 32.7.9 of the Albemarle County Zoning Ordinance will be provided adjacent to Berkmar Drive in the areas identified as "Berkmar Drive Landscape Buffer". The landscape buffer will consist of a mix of large shade trees, flowering ornamental trees, evergreen trees, and evergreen shrubs, to the satisfaction of the Director of Planning.

## Parking Allocation

-  = Vehicles Awaiting Repair / Outdoor Storage and Display
-  = Employee Parking
-  = Outdoor Storage + Display
-  = Customer Parking

TMP 45-68  
N/F Sandra P Amato, Christopher B Gleason & Hunter W Woods, Trustees  
INST. #202000011556

TMP 45-68

INST. #202000011556

✓TMP 45-68C

Submitted 18 December 2023

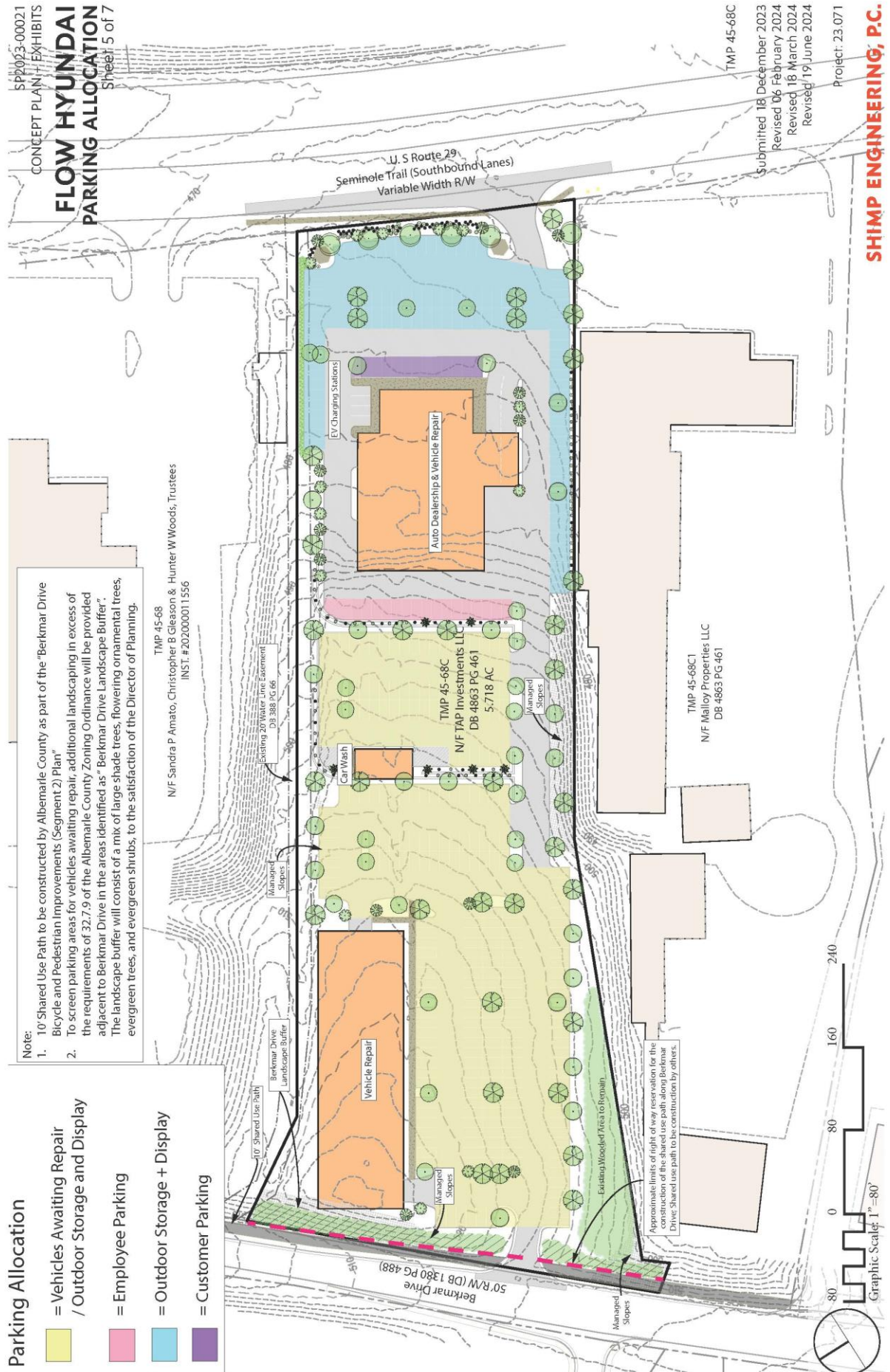
Revised 06 February 2024

Revised 18 March 2024

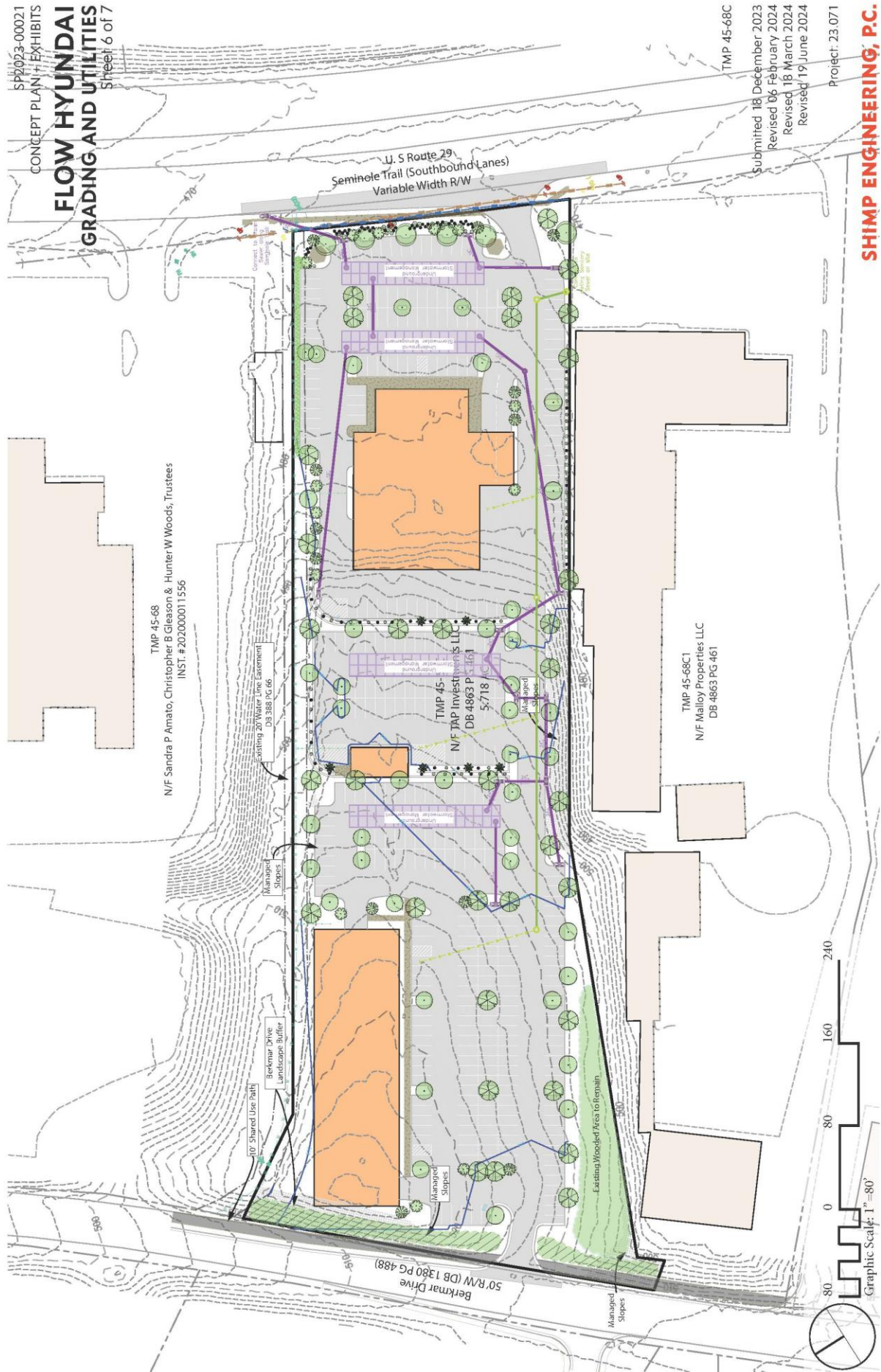
Revised 19 June 2024

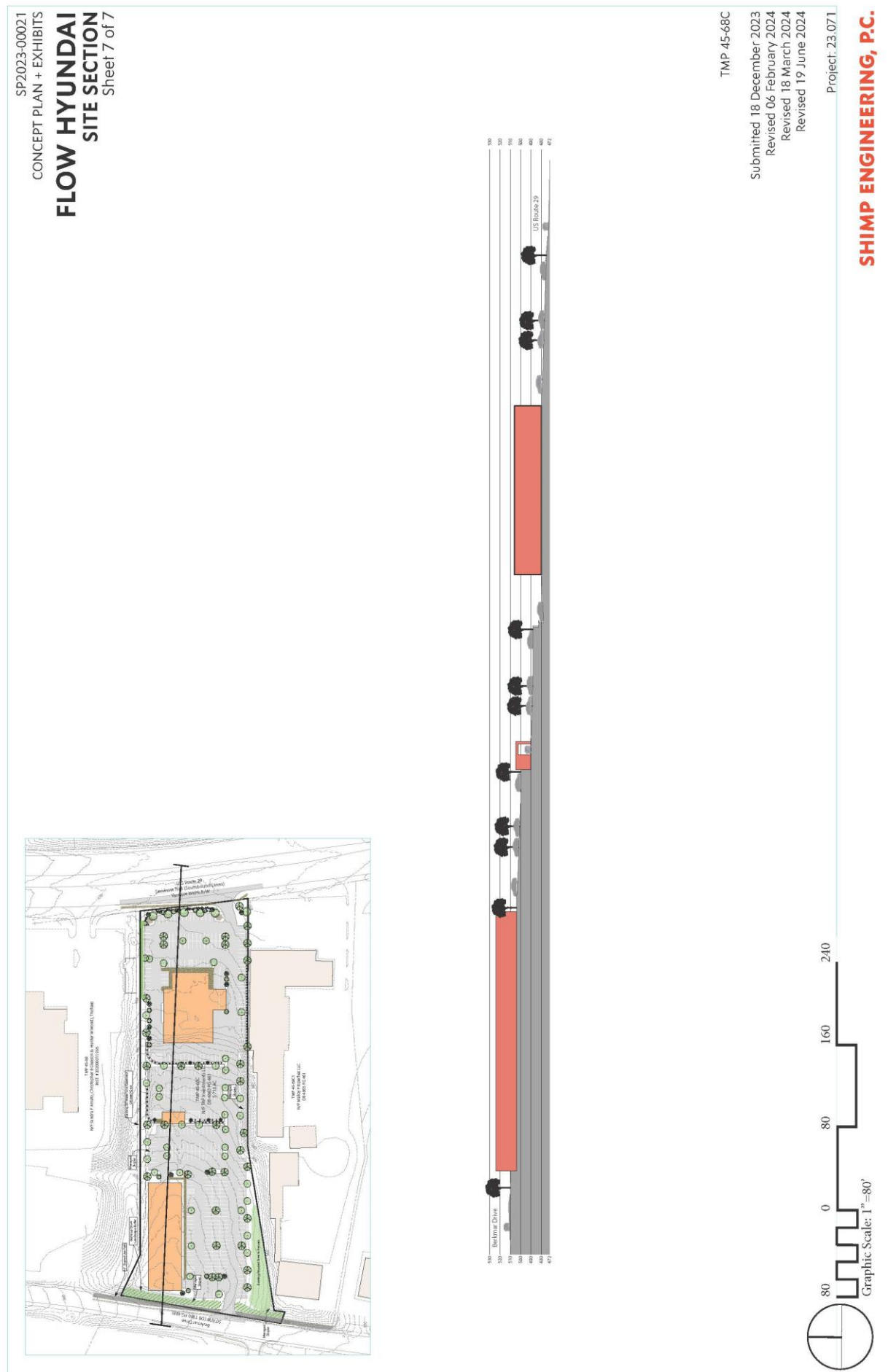
Project: 23.071

**SHIMP ENGINEERING, P.C.**









Agenda Item No. 19. **Public Hearing: ZMA202300010 Granger Development.**

PROJECT: ZMA202300010 Granger Development

**MAGISTERIAL DISTRICT:** Jack Jouett and Samuel Miller

TAX MAP/PARCEL: 07600-00-00-02400

LOCATION: 400 Stribling Ave Ext. just past the existing Nob Hill neighborhood. Property is along Sunset Ave. Ext and abuts I-64. The proposed development is across from the Jefferson Ridge and Eagles Landing apartment homes.

PROPOSAL: Rezone property from R-1 Residential to Planned Residential Development (PRD). PETITION: Rezone 68.96 acres from R-1 Residential which allows residential uses up to 1 dwelling unit per acre to Planned Residential Development (PRD). The proposal is for 203 units, a mixture of single family detached and single family attached housing units, at a net density of

5.98 dwelling units per acre or a gross density of 2.94 dwelling units per acre. The proposal also includes over 50% of the site as green space with public and private recreational amenities.  
ZONING: R-1 Residential - 1 unit/acre  
ENTRANCE CORRIDOR: Yes  
OVERLAY DISTRICT: EC Entrance Corridor, AIA Airport Impact Area, FH Flood Hazard, Steep Slopes – Managed and Preserved  
PROFFERS: No  
COMPREHENSIVE PLAN: Neighborhood Density Residential – residential (3-6 units/acre); supporting uses such as places of worship, schools, public and institutional uses and small-scale neighborhood serving retail and commercial. Parks and Green Systems – parks, playgrounds, play fields, greenways, trails, paths, recreational facilities and equipment, plazas, outdoor sitting areas, natural areas, preservation of stream buffers, floodplains and steep slopes adjacent to rivers and streams. In Neighborhood 5 of the Southern and Western Neighborhoods Master Plan.

The Executive Summary forwarded to the Board states that, at its meeting on May 14, 2024, the Planning Commission (PC) voted 7:0 to recommend approval of ZMA202300010 Granger Development, for the reasons stated in the staff report. Included in the motion was a request for an amendment to an Application Plan note to require earlier construction and dedication of trails. Attachments A, B, and C are the PC staff report, action letter, and meeting minutes.

Several members of the public spoke with questions and concerns regarding the proposal, including traffic, stormwater runoff, and flooding.

The Applicant has submitted a revised Application Plan (Attachment D) that addresses the remaining PC and staff concerns. The Applicant's proposed changes include a change to the timing of land being dedicated to the County for public use, revisions to notes on the Application Plan for clarity, and an additional railway connection to create a more complete and grid-like trail network. More specifically, revisions include:

- An updated note on Sheet 2 to require construction and dedication of trails to public use prior to the 75th building permit, instead of the 150th building permit.
- An updated Sheet 4 to provide for a trail network extension to connect to the proposed cul-de-sac.

Following the PC meeting, staff followed-up with neighbors on their concerns regarding stormwater management and flooding. Staff does not believe that this proposed development will negatively impact neighboring properties.

Staff recommends that the Board adopt the attached Resolution (Attachment E) to approve ZMA202300010 Granger Development.

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Mr. Kevin McCollum, Senior Planner, said that he would be giving the presentation for the Granger Development rezoning application. He said that the property in question was located just to the southwest of the City of Charlottesville on the northern side of I-64. He said that it was situated directly south of the UVA Fontaine Research Park. He said that access to the property was off of Sunset Avenue Extended. He said that across Sunset Avenue Extended from the property were Parkside Eagles Landing Condos and the Jefferson Ridge apartment communities.

Mr. McCollum said that the map illustrated the boundaries of the parcel, which was approximately 69 acres and was zoned R-1 Residential. He said that the property was bounded by Sunset Avenue Extended, Interstate 64, a railroad track, and two creeks.

Mr. McCollum said that the two creeks, Moores Creek and Morey Creek, bisect the property, and that there was a significant number of critical resources on the property, including managed and preserved steep slopes, stream buffers, and floodplain. He said that the site was undeveloped, with tree cover and hills. He said that there was a large electrical easement on the eastern side of the property.

Mr. McCollum said that surrounding the property were R-1 Residential lots to the east, commercial properties to the north, including the UVA Research Park and the Department of Forestry. He said that to the southeast, there were the apartment communities, Parkside Eagles Landing and Jefferson Ridge, which were zoned R-15 Residential. He said that to the west across I-64 was Redfields, which was zoned Planned Residential Development (PRD).

Mr. McCollum said that the Comprehensive Plan land use recommendations for the property were Neighborhood Density Residential and parks and green systems. He said that Neighborhood Density Residential called for single-family detached and attached units, and townhouse units, at a density of three to six units per acre. He said that the parks and green system designation represented areas for parks, recreation, and environmental preservation.

Mr. McCollum said that the project proposal was to rezone the entire parcel from R-1 Residential to PRD, and the application plan provided for a maximum of 203 units. He said that development would include a mixture of housing types, including single-family detached and attached, and two-over-one style multifamily units. He said that 15% of the units would be affordable for rent or sale. He said that access would be from Sunset Avenue Extended, and pedestrians and cyclists would be able to travel throughout

the site and into the City on proposed multiuse paths. He said that over 50% of the site would be open, including amenity areas, green spaces, and trails.

Mr. McCollum said that since the PRD was a planned zoning district, the application plan would be binding should the ZMA be approved. He said that the items on the application plan would be required at the time of subdivision and site plan review. He said that the application plan allowed some flexibility to the applicant by not showing individual buildings but rather building envelopes and major features.

Mr. McCollum said that there was a main entrance along Sunset Avenue Extended, which aligned with Jefferson Ridge Apartments. He said that a 20-foot emergency access road would also serve as a multi-use path, connecting to a 10-foot asphalt trailway that crossed the creek and connected to Stribling and Fontaine. He said that there was a primitive trail along the creek.

Mr. McCollum said that there were two trail types: Class A and Class B. He said that Class B was a primitive 3-foot-wide mulch path, while Class A was a 10-foot-wide asphalt multi-use path for cyclists and pedestrians. He said that the map indicated public access easements, with green hatched areas and green arrows pointing to areas open to the public. He said that the red hatched area was designated for future County dedication.

Mr. McCollum said that regarding the emergency access road and trails along the eastern part of the property, existing preserved slopes were being considered, and the applicant was collaborating with them to identify optimal locations for these paths that were functional for users and considered environmental impacts. He said that the notes allowed for flexibility in certain locations to be identified in the final site plan.

Mr. McCollum said that the notes indicated that the construction and dedication of the trails to public use should occur before the issuance of the 75th building permit, a suggestion made by the Planning Commission (PC). He said that the applicant proposed that the two pedestrian bridges crossing the creek will be completed prior to the 125th building permit.

Mr. McCollum said that the next slide presented a summary of the impacts and concerns that had been addressed at the PC meeting. He said that transportation impacts had been evaluated by VDOT and transportation planning staff and based on the TIA (Transportation Impact Analysis) and staff analysis, no offsite roadway improvements were recommended at the development's build-out. He said that the plan included a primary entrance onto Sunset Avenue Extended with a secondary access point for fire rescue.

Mr. McCollum said that the emergency access road would serve as a multiuse path for pedestrians and cyclists, connecting across a proposed bridge to Stribling Avenue and leading to Fontaine Avenue. He said that although the application did not propose a Sunset-Fontaine connector road as described in the master plan, the multiuse trails along the property frontage and throughout the site provided significant and safe connections for pedestrians and cyclists through the site into the surrounding areas.

Mr. McCollum said that for environmental impacts, the site would comply with DEQ (Department of Environmental Quality) and Albemarle County requirements for water protection, including water quality, and water quantity. He said that a stormwater management plan would be provided with the final site plan for land disturbance. He said that development had largely been kept out of critical resources such as the stream buffer, the floodplain, and the preserved slopes.

Mr. McCollum said that there were some concerns regarding schools' impacts, but those concerns had been addressed, as discussed at the PC meeting. He said that there was a new southern-feeder elementary school and High School Center 2, which would alleviate some capacity issues.

Mr. McCollum said that the factors favorable were the request's consistency with the land use recommendations of the Comprehensive Plan. He said that the proposals for a maximum of 203 units, at a density of 5.99 dwelling units per acre, was consistent with the three to six dwelling units per acre recommendation in the Neighborhood Density Residential areas in the master plan. He said that it was also consistent with the Neighborhood Model Development (NMD) principles.

Mr. McCollum said that the request provided new transportation improvements throughout the site, connecting to the larger surrounding area. He said that it also provided important public trail connections in a future public greenway trail, which would help complete the trail network as shown in the parks and green systems plan. He said that the request provided 15% affordable housing, consistent with the County's affordable housing policy at the time this application was submitted.

Mr. McCollum said that for factors found unfavorable, staff noted there were capacity issues at Mountain View Elementary and Monticello High School, but there were two planned schools that may alleviate the potential capacity conflicts. He said that staff recommended that the Board adopt the resolution found in Attachment E to approve the rezoning application, ZMA 202300010 Granger Development.

Mr. Pruitt said that when considering other large high-density developments in that neighborhood, many were gated. He said that one of the project's highlights was the provision of cross-connections for bicycles and pedestrians. He asked whether there were any gated or resident-only components of this and whether they might interfere with these cross-connections.

Mr. McCollum said that there should not be. He said that the proposed network included public roads, and he did not believe that public roads could be gated. He said that all of the trails were covered by public access easements, which meant that the public would have the ability to bike or walk throughout the site and connect to the Fontaine Research Park or Stribling Avenue.

Mr. Gallaway asked for clarification about the private road.

Mr. McCollum said that the reason for the private street was to allow for on-street parking, which was not permitted on a public, VDOT-approved road.

Mr. Gallaway asked for more information about the existing flooding issues. He asked whether the development would address flooding concerns.

Mr. McCollum said that he would defer to the applicant. He said that they would be required to meet all stormwater management regulations. He said that the properties in question were within the floodplain, and any development should not exacerbate the existing conditions.

Ms. LaPisto-Kirtley said there were a couple of areas for green spaces and asked if those were for amenities.

Mr. McCollum said that was correct. There was a tot lot, green spaces, some benches, and trees. He said that those items would be addressed at the final site plan.

Ms. LaPisto-Kirtley asked if the affordable housing piece included units for rent or sale.

Mr. McCollum said that they had the option to do both. He said that 15% was required to be affordable.

Ms. Mallek said that she was curious whether the topography would be maintained or if it would be flattened into a tabletop. She said that there were many elevations in the plan, but it was unclear whether they would remain or be flattened.

Mr. McCollum said that he would defer to the applicant.

Ms. Mallek asked which trails would be constructed as part of the development and which would be left to be completed at a later date.

Mr. McCollum said that the public trails had to be completed before the issuance of the 75th building permit. He said that this included all trails shown in the public access easement areas, the emergency access road, the 10-foot trail across the creek, and the three-foot primitive trail along the creek side. He said that part of the primitive trail was not public.

Mr. Andrews said that one of the proposal's strengths was its potential to enhance accessibility for pedestrians and cyclists. He asked which of the bridges were required to provide offsite access.

Mr. McCollum said that there was an existing Rivanna Trail. He said that theoretically, members of the public could cross that existing Rivanna Trail, although it was somewhat challenging. He said that if someone was on a bike, they would not be able to cross until the bridges were established. He said that the bridges were part of the 10-foot trail and would be 10 feet wide. He said that this note indicated that the bridges had to be completed before the 125th unit.

Mr. Andrews said that he understood that maintenance of private roads would be covered through some sort of fees. He said that he was concerned that this might create a situation where only residents living on that segment would be the ones paying the fees. He asked for information about how the private road maintenance would be structured.

Mr. McCollum said that would be within the HOA (Homeowners Association) agreements. He said that the PC had also asked this question. He said that the applicant stated that all HOA fees would be collected by the community. He said that it would be determined on a case-by-case basis which fees covered maintenance. He said that the private street would have to be maintained by the HOA, and it was up to the applicant to figure out which houses would bear the cost.

Mr. Andrews asked how the development would impact the flood risks from the creeks.

Mr. McCollum said that it should not have any effect. He said that it could potentially improve conditions if possible.

Ms. McKeel asked for more information about the transit offerings at the development.

Mr. McCollum said that he did not believe there were existing transit stops that went up that way. He said that the connections through the site were primarily for pedestrians and cyclists. He said that there were ample connection opportunities for cyclists, but he did not believe there was existing public transit in that area.

Ms. McKeel opened the public hearing.



Mr. Chris Schooley, Vice President of Land Development for Greenwood Homes, said that Alan Taylor and Ashley Davies, his colleagues who had been working on the project for over ten years, were not present. He said that he was stepping in for the evening. He said that Greenwood Homes was the home builder for the project. He said that their ownership had owned the property for more than twenty years, and they had proposed multiple ideas in the past for its development. He said that this was a tricky site. He said that it was bordered on three sides by water, and there was an interstate, a railroad, and a significant stream that cut through the middle of the property.

Mr. Schooley said that he was pleased with the iterative process they had undergone and the solution they were presenting to the Board, which reflected the current market, the evolving goals, and directions from the County and the Board over the years. He said that the property, which required considerable effort to reach, was well-suited for the density they were providing. He said that it was an excellent site for access, as it was easy to walk and bike into the City from one side, but it was challenging for cars that had to go out on a road that nobody would ever go down.

Mr. Schooley said that this was an interesting property, as it served as a hub with all the trails that passed through, making it particularly important to address non-vehicular access. He said that many people would be able to walk and ride bikes into the City, and he believed that trails were the best amenity to put into neighborhoods. He said that trails encouraged people to get out of their houses and use the trails. He said that trails were incredibly social, as people often saw each other on them at regular times. He said that regarding transit, while it was walkable to get to transit on Old Lynchburg and JPA (Jefferson Park Avenue), there was no transit that came down in this area. He said that numerous individuals commuted by bike and on foot from UVA to this area daily, indicating that transit could be a viable solution if residents needed to travel further to the medical center.

Mr. Schooley said that Greenwood Homes had been constructing in Albemarle County since 2021, and many of the product lines featured in the plan had already been built, including Glenbrook, Brookhill, Belvedere, and Galaxy Farm. He said that they had invested a significant amount of time refining what they referred to as their two-over-one product, a three- to four-bedroom townhouse with an English basement below it, which served as a two-bedroom apartment.

Mr. Schooley said that this approach addressed affordable housing. He said that the issue with the two-over-one unit was that it lacked a garage, necessitating surface parking. He said that it required at least two spots for the upper unit and preferably more than one spot for the lower unit, making it somewhat parking-intensive. He said that despite this, they had received interesting and successful responses to the first 12 units built at Glenbrook.

Mr. Schooley said that they planned to construct over 40 of these units within Belvedere, and more were forthcoming in the Archer North project, and they intended to build a significant number of them at Granger. He said that their product lines included single-family homes, townhouses, and villas. He said that their product line was now well-defined.

Mr. Schooley said that the trail systems, the RTF (Rivanna Trails Foundation), which was already on site, had had a collaborative response with the RTF so far. He showed an image of the bridge that would be built before the 125th certificate of occupancy, as well as the amenity space. He said that they would need some tot lots and sidewalks for daily walks.

Mr. Schooley said that addressing the topography of the site, which presented a challenge due to its varied terrain, they decided not to hide from the power line but to add a significant amount of density along its route. He said that overall, they had responded to the topography as well as possible.

Mr. Schooley said that regarding the stormwater issue, the site was bordered on three sides by water, posing a challenge to improve stormwater management. He said that they would meet all applicable stormwater regulations for the site, which would help reduce stormwater runoff into the streams. He said that improving conditions downstream from them was a bit more than they could currently achieve under existing practices.

Ms. McKeel invited the members of the public who had signed up to speak.

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Mr. Peter Krebs stated that he was a member of the Piedmont Environmental Council (PEC) and a board member of the Rivanna Trails Foundation. He said that PEC had numerous aspects that were important to them about this project. He said that the RTF's comments would be limited to the trails. He said that the project had been in development for a long time, with many discussions taking place. He said that the developer had put considerable thought and effort into preparing this. He said that he was excited to see this project come to fruition.

Mr. Krebs said that the need for more housing in the Development Area was recognized, and this location was ideal for people to live, as it was walkable, bikeable to UVA and the City, and particularly to Fontaine Research Park, where many jobs were expected to be created soon. He said that although he would have preferred more housing, he acknowledged that the developer had put considerable thought into the project and understood their business.

Mr. Krebs noted that this site was on the Rivanna Trail, one of the most beautiful parts of the trail.



He said that with this project, permanent access to the corridor would be provided, allowing people to walk, run, or bike along the greenway. He said that while a greenway that would be paved was being built, people would definitely use it as a supporting route for commuting around town. He said that there would also be ample land for the Rivanna Trail, which they loved to have as a braided network, with options for people pushing strollers, walking with trekking poles, or anything in between.

Mr. Krebs said that there was a question of who would build the trails that did not show up on the map, and it was his understanding that the Rivanna Trail would maintain the trail through that corridor, similar to how it was now, with the difference that it would be protected permanently and adjacent to a walking and biking greenway. He said that the two bridges under discussion included a new bridge and the upgrade or replacement of an old, unreliable bridge.

Mr. Krebs said that these were crucial connectivity projects that they had been hoping for. He said that although he wished for their immediate construction, he understood that it took time. He said that during the PC meeting, it was questioned whether people would actually use that for commuting, and the answer was an emphatic yes. He said that one of the best aspects of this project was that it limited the impacts.

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Mr. Gallaway asked how the entrance to this development was positioned related to the flooding issues that had occurred.

Mr. Schooley said that the flooding issues were downwards and to the right, more towards the City from where their entrance would be, where both streams converged.

Ms. LaPisto-Kirtley asked where the affordable housing would be located in the units.

Mr. Schooley said that they had the option of using either the upper unit or the lower two-bedroom unit, which was not a basement but a half basement with a walkout condition on the back side, and this had been utilized for affordable housing at Glenbrook.

Ms. LaPisto-Kirtley asked if the resident would own the entire building or part of the building.

Mr. Schooley said that they could do it either way. He said that in County zoning, when building two-over-one units on a rezoned project, they had the option of doing it as a condo or fee simple. He said that when doing two-over-one units for bonus density in R-4 zoning, they could not do a condo; it had to be fee simple, meaning someone purchased both units and then rented out the lower, upper, or both units. He said that they could do either in this case. He said that if it was a condo, there could be separate ownership of the upper and lower units.

Ms. LaPisto-Kirtley asked if they would own the entire building or would rent out the lower unit for affordable housing.

Mr. Schooley said in the condo situation, they would sell the lower unit at the AMI (area median income) required price. He said in the fee simple situation, someone, typically an investor, would buy both the upper and lower units, and would rent both units out.

Ms. LaPisto-Kirtley said that she asked because at Cascadia, there were homes where they built a home and the developer told them if they put in a bathroom or something like that, that they could rent it out and they could check out the box for affordable housing. He said that many times they did not do that because they did not want anyone living there.

Mr. Schooley said that was similar to what had happened at Belvedere with the mother-in-law suites above garages, which were built for affordable housing. He said some were rented out, some were offices, and some had family members living there. He said this was a different situation because the upper and lower units did not connect.

Ms. LaPisto-Kirtley said that she wanted to ensure that the affordable units were actually offered and would not be bought by someone who refused to rent it.

Mr. Schooley said that he believed Dr. Pethia's current system required the units to be rented. He said that they filled out forms as they conveyed them to investors, and this required information to be sent to the County about who they were rented to.

Ms. Mallek said that upon reviewing the map, she noticed that the single-family lots extended down into the floodplain at the bottom. She said that this pattern mirrored the initial development of Westlake, where the company had decided to retain the floodplain and the greenway, presumably referred to as common ownership, to discourage placing inappropriate structures like sheds or tennis courts in that area. She asked why the proposed approach was chosen instead of an alternative.

Mr. Schooley said that it was a bit of a marketing play. He said that people liked to say that they owned a certain amount of land. He said that generally, HOAs with steeply sloped land had not utilized it extensively. He said that as a result, it appeared more appealing for individuals to claim ownership of a bit more land when they were the highest-priced lots that they could have in that area.

Ms. Mallek asked if there would be requirements for people who bought them so they did not get themselves into trouble with enforcement by putting up structures where they should not be.

Mr. Schooley said that they covered easements and floodplains in the HOA documents and declaration, ensuring homeowners were aware of their responsibilities.

Ms. Mallek said that regarding the affordable housing questions that had already been asked, she would like to know if the Office of Housing would receive reports back from the owners of these units, detailing the rental and unit prices, among other things.

Mr. Schooley confirmed that was correct.

Mr. Andrews asked if the affordable units would be located on the private street.

Mr. Schooley said that the application plan did not specifically designate units and areas. He said that the private street was intended for two-over-one units, which they anticipated would be the affordable units. He said that however, this was not yet fully committed. He said that they could consider other options for affordability, such as townhouses or villas that could be dedicated as affordable.

Mr. Andrews asked whether the responsibility for maintaining the private street would fall entirely on the HOA without separation, or if it would be expected that those who resided on that street would be required to pay the fee for its upkeep.

Mr. Schooley said that it needed further discussion. He said that they could establish a sub-association for the private road, and everyone who fronted the private road would have specific funding to cover its maintenance. He said that they could also justify that because the affordable units required the private road, and the affordable units were tied to every unit in the neighborhood, then the entire neighborhood would then have a requirement to fund all private roads. He said that they had not made that decision yet, but it was an interesting point.

Mr. Andrews said that there may be some push back as residents started moving in and realizing they were paying more of a fee because they were living on the private road and there was no other benefit other than parking.

Mr. Schooley said they would get the benefit of access across the private road. He said it was also a financial consideration and the sub association would need to consider how much they would need to pay to cover the road themselves when some of the units were being committed as affordable. He said it may make sense financially to spread it out over all the units.

Mr. Andrews said that he thought so too.

Ms. McKeel said that many of the developments that had been approved had identified a place for transit. She said that if they put people in this area, transit would eventually be necessary. She said that they were currently working on improving transit in the community and were making significant efforts to encourage people to leave their cars.

Ms. McKeel said that having walking, pedestrian, and biking options was wonderful, but she also felt that some form of transit should be included. She said that she hoped to see a transit stop provided in the development, as she believed there would be many people in the development and she was not convinced that no cars would leave the subdivision or development to a workplace. She said that the reason there was no transit in the area was because there were no people there.

Mr. Schooley said that they had two amenity areas in the middle of the development and certainly could include a bus stop in that area. He said that while it did not necessarily mean that they would receive the transit stop, they could provide the infrastructure to encourage it.

Ms. Mallek asked if all residents of the neighborhood would be able to use the blue road.

Mr. Schooley said that yes, it was accessible to anyone, but as a private road it would not be maintained by VDOT.

Ms. Mallek said that Sunset Road could potentially be utilized for a transit stop.

Mr. Schooley said that his only hesitancy was that Sunset Road was tricky, with many curves. He said that he was not sure he would want a bus stopping on Sunset itself. He said that however, if it was on Sunset, it could be accessed by the other neighborhoods in the area as well. He said that it was certainly worth further study, and he would challenge Mr. Collins to look into it.

Mr. McCollum said that he just wanted to clarify one thing about lots being permitted in the floodplain. He said that he did not believe that lots were permitted in the floodplain. He said that what the grading plan and the application plan indicated was that the floodplain was actually closer to the creek than to the proposed lots. He said that therefore, all of the proposed lots would either be required or recommended to be outside of the floodplain. He said that engineering staff had commented that they would prefer that all preserved steep slopes were also outside of lots.

Mr. McCollum said that the building envelopes for the majority of these lots almost entirely were

completely outside of preserved steep slopes. He said that residents would not be permitted to put anything in a preserved steep slope but enforcing this might be challenging if they had steep slopes on their property. He said that it would be best practice for all of these lots to be outside of both the preserved steep slopes and the floodplain.

Ms. McKeel closed the public hearing, and said the matter rested with the Board.

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Mr. Gallaway said that he would like to receive more information on the flooding in the area and how it impacted the community. He said that he wondered if there were solutions available or if anything was currently being done to address it. He said that if it was within the City's boundary, in that case it may be their responsibility. He said that he would like to know how to address the larger issue of how flooding affected the access in and out of the area. He said that the PC had raised the issue of the school student calculations. He said with the coming construction of the new school and to Mr. Biven's point that he suspects that the school would be constructed before this development was completed, which would mitigate the impact, at least at the elementary school level.

Mr. Gallaway asked if they used a different calculation for affordable units than for regular units when considering school impacts. He said that they usually assumed that rentals did not bring in more children compared to single-family homes, but he wondered if the affordable units in this development that had more than one bedroom were calculated in the same way as if they were all market-rate. He said that it seemed that this would impact how many children were projected to attend the local schools.

Mr. Andrews said that he was supportive of the application but was concerned about adding a large number of people to an area with noted flooding issues at the point of access.

Ms. McKeel asked if she could receive information at a later date about the transit opportunities for this development. She said that they were ready for a motion.

Mr. Andrews **moved** the Board of Supervisors to adopt Attachment E, ZMA202300010 Granger Development.

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.

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**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.

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Agenda Item No. 20. **Public Hearing: ZTA 2023-00008 Grading Standards and Steep Slopes Overlay District**. To receive comments on proposed amendments to the following sections of the Albemarle County Code: **Section 18-4.3.3** – to apply uniform design standards 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 Virginia Erosion and Sediment Control Program (VESCP) application plan and/or a Virginia Stormwater Management Program (VSMP) application plan, and to allow the Board of Supervisors to grant a special exception to the height of a retaining wall. **Section 18-30.7.5** – to remove design standard requirements and replace them with the grading standards contained in 18-4.3.3. This change would increase the permitted retaining wall height in the Steep Slopes Overlay District from 6 (six) to 10 (ten) feet and allow the Board of Supervisors to grant a special exception to the height of a retaining wall..

The Executive Summary forwarded to the Board states that on April 23, 2024, the Planning Commission (PC) held a public hearing and recommended approval of this zoning text amendment (5-1) (Mr. Murray dissenting and Mr. Clayborne absent).

The PC's comments included a concern that taller walls could result in "canyonizing" the development area. The PC noted that increasing wall height, to ten feet, may allow more efficient use of the development area. To address the potential impacts of increasing the permitted retaining wall height from six to ten feet in the Entrance Corridor Overlay District, the PC noted that Architectural Review Board could address the impacts of retaining wall heights.

Staff recommends adoption of the proposed ordinance (Attachment C).

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Mr. Bill Fritz, Development Process Manager, said that before the Board was an amendment that would align two sections of the ordinance that were previously inconsistent. He said that the amendment would also provide the opportunity for special exceptions. He said that specifically, they were addressing regulations for retaining wall heights. He said that in the Steep Slope Overlay District, there was a retaining wall height limit of 6 feet, established in 2014 based on aesthetics. He said that the ordinance was amended in 2020 to set a 10-foot retaining wall height for all areas outside the Steep Slope Overlay District, based on sound engineering practices.

Mr. Fritz noted that no provisions were included in either amendment to allow for increases in wall height. He said that the County identified the potential need to increase wall heights for public projects involving transportation improvements. He said that due to their linear nature of these improvements, there may be occasions where an increase in wall height was appropriate to achieve the goals of transportation improvement, prevent excessive rerouting, avoiding excessive right-of-way acquisition, and addressing safety or long-term maintenance issues.

Mr. Fritz said that the proposed regulation would be to have a 10-foot maximum retaining wall height in all areas of the County. He said that there would be provisions for the Board to grant a special exception for public projects, and it would establish detailed standards for review of any special exception. He said that the Planning Commission held a public hearing on April 23, 2024, and recommended approval by a vote of 5-1.

Ms. Mallek said that the Steep Slope Overlay District was meant to be a living, breathing document with ground-truthing and improvements as it went along. She said that recently, she had heard from Planning Commissions that they did not count certain areas because they were not on the map, even though later it was determined to be a steep slope. She said that she was concerned about potentially making the situation worse for the identified steep slopes. She asked how staff anticipated these changes would impact this issue.

Mr. Fritz said that he did not think it would impact it because they were making the ordinance even. He said that whether or not a particular property was within or outside of the Steep Slope Overlay District, the retaining wall height would be 10 feet. He said that a special exception to change that wall height was only allowed for public transportation projects.

Ms. Mallek asked about the possibility of a multiplier of 10-foot staging, resulting in 50 or 60 feet.

Mr. Fritz said that there was no change in any of the stair stepping requirements or in any of the other engineering requirements. He said that none of those standards would be changed. He said that the only thing that changed was the retaining wall height. He said that all other standards remained the same.

Mr. Andrews said that the exception to the 10-foot limitation would be only for public transportation and asked if there had to be a declaration that is associated with that.

Mr. Fritz said that if there was a public transportation project underway, there could be instances where a private entity might request that. He said that, for example, if a project involved adding a road as shown in the Comprehensive Plan instead of the County putting that road in, they would be eligible. He said that the ordinance was worded as such. He said that however, a subdivision that constructed a street not included in the Comprehensive Plan would not qualify.

Ms. McKeel asked if the County had upgraded or could potentially upgrade their technology for evaluating steep slopes so that they were providing the most accurate data.

Mr. Fritz said that during his 30-year tenure with the County, each time the County had updated maps they used better technology to do so. He said that he was unsure of what would be used during the next update, but he would anticipate it would be newer technology.

Ms. McKeel said that she would like to receive an update in the future about where they were with that.

Ms. McKeel opened the public hearing. Seeing no speakers, she closed the public hearing and the matter rested with the Board. Hearing no additional comments, she said that she would entertain a motion.

Mr. Pruitt **moved** that the Board of Supervisors adopt the Ordinance (Attachment C).

Ms. LaPisto-Kirtley **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.

**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**

...

**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 regraded 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).

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Agenda Item No. 21. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Mr. Gallaway said that he had a question for follow-up that he had missed. He said that he was curious about the responsibility for maintaining historical markers on public roads. He said that he was unsure if it was a County responsibility or if it fell under VDOT. He said that if one was heading up 29 to Riverview Park, two historical markers were located there. He said that both were leaning, and one was overtaken by vegetation. He said that he was uncertain if this was a County issue, but he would like to know who was responsible for straightening them back and handling the vegetation.

Mr. Jeff Richardson, County Executive, said that staff would take note of Mr. Gallaway's concern and follow up on the matter.

Mr. Andrews said that the Rivanna Solid Waste Authority (RSWA) voted to rename the Ivy MUC (Material Utilization Center) to the Ivy Solid Waste and Recycling Center. He said that there would be new signage for that. He said that e-waste would start up on September 14, and there would be additional household waste after that, which he would announce as the time came.

Ms. McKeel said that while discussing historic markers, she had inquired about the marker commemorating the lynching at the County courthouse for John Henry James a month or so prior. She said that they had considered ordering a second marker for Route 250 West, at the exact location of the lynching. She said that however, that marker had never been installed. She said that she was uncertain as to whether they could not do it, and whether they could not put two up for the same event. She requested that whoever was working on the other markers check the installation of the marker at 250 West, as it would be an appropriate location.

Ms. McKeel said that she had a conversation with Kate Acuff, a School Board member, about the spreadsheet used for current projected enrollments in schools. She said that the spreadsheet was misleading because it went out 10-15 years, but did not include any new schools already in the pipeline or paid for, offering a snapshot in time for one date. She said that she suggested that the School Board or School Division could add an asterisk or some indication to the document, so that people would understand a new elementary school was planned to be built in the next two years.

Ms. McKeel said that she wanted to mention that regarding antique licenses, the average automobile was now over 14 years old. She said that recently, within the last couple of years, she had the opportunity to speak with the Division of Motor Vehicles director. She said that he explained that farm use tags and antique licenses were the two issues that troubled him the most. She said that antique licenses were currently being abused, as there were too many eligible cars, with the requirement that a car only needed to be 25 years old to qualify. She said that there were cars approaching 15 years old, and many 25-year-old cars should not be eligible for antique licenses, as they were being used for daily travel. She said that this issue should be considered for a legislative packet.



Agenda Item No. 22. Adjourn to August 14, 2024, 5:30 p.m. Room 241.

At 8:22 p.m., the Board adjourned its meeting to August 14, 2024, 5:30 p.m. Room 241, Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA for a Joint Meeting with the Economic Development Authority. 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.

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Chair

Approved by Board
Date: 08/20/2025
Initials: CKB