

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on December 4, 2024, at 6:00 p.m. in Lane Auditorium, Second Floor, Albemarle County Office Building, 401 McIntire Road, Charlottesville, Virginia, 22902.

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

ABSENT: none.

OFFICERS PRESENT: County Executive, Jeffrey B. Richardson; Interim County Attorney, Andy Herrick; 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 6:01 p.m., by the Chair, Mr. Jim Andrews.

Mr. Andrews introduced the Albemarle County Police Department Officers present to provide their services at the meeting, Lieutenant Angela Jamerson and Police Officer Tayvaun Richardson.

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

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Agenda Item No. 4. Adoption of Final Agenda.

Mr. Andrews said they would be amending the agenda to include a letter of endorsement for Senior Deputy Clerk Travis Morris, for the International Institute of Municipal Clerks Vice President position. He said that this letter would be presented at the end of the meeting, under Matters from the Board.

Ms. Mallek **moved** to adopt the final agenda, as amended. 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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Agenda Item No. 5. Brief Announcements by Board Members.

Ms. Mallek said she had attended the Intelligence and National Security Alliance Conference in the County the previous day, where representatives from the I-5 federal agencies shared their experiences with intelligence hubs in other parts of the country and the benefits to the nation and their locality from Rivanna Station and the Rivanna Futures Project. She said that several of them had inquired about the level of awareness Rivanna Station had in their community. She said that she encouraged citizens to learn more about the station, which she had supported since 2008, and how proud she was of the current status and the future, which had been achieved through the collective efforts of County staff and the Board.

Ms. Mallek said that on December 14 at noon, ceremonies would be held across the nation for Wreaths Across America. She said their local ceremony would take place at the Dogwood Vietnam Memorial at McIntire Park, followed by wreath-laying ceremonies at the County Memorial on the County Lawn, and at the Oakley Memorial and the Earlysville Memorial. She said that the skate park gate would be open for parking on the hill above the memorial. She said that Bruce Eades, president of the Dogwood Vietnam Memorial Foundation, extended an invitation to join them as they remembered the fallen, honored those who serve, and taught the next generation the value of freedom.

Ms. McKeel said that she wanted to issue a warning as a follow-up to an incident that occurred in their community. She said that this incident was similar to one that had happened in the City, where parked cars were destroyed when leaves ignited due to the high temperatures of catalytic converters. She said the combustion temperature of fall leaves can be as low as 400 degrees, while the catalytic converters in cars reach temperatures of up to 1200 degrees.

Ms. McKeel said that recently, four cars parked over a leaf pile near Jackson-Via School were destroyed when the leaves were ignited by catalytic converters. She said that she wanted to remind everyone to be cautious when parking in areas with leaf piles, as they can be fire hazards. She said that if someone saw a pile of leaves, she asked that they not park their car over them.

Mr. Pruitt said that as Christmas approached, many people were scrambling to find gifts, and it was getting a bit urgent. He said that he would like to mention this because it was also almost time for the Scottsville Holiday Happenings, which would take place this Saturday, December 7. He said that the event would feature a holiday market, with vendors from the Scottsville Farmers Market and Charlottesville City Market, as well as many artisans and artists from surrounding areas, including Buckingham, Fluvanna, and Louisa.

Mr. Pruitt said that this would provide a unique shopping experience with a wide variety of goods.

He said that the event would also include a Santa appearance and tree lighting at 6:00 p.m. at Canal Basin Square, as well as general kids' activities from 10:00 a.m. to 5:00 p.m., including a bouncy house, petting zoo, and face painting. He said that there would be a performance by the Tiger Tones band, followed by the Grinch's appearance at 10:00 a.m. at the Farmers Market Pavilion.

Ms. LaPisto-Kirtley said that the Rivanna River Restoration Health Project was moving forward with full momentum. She said that she would like to inform everyone about this initiative. She said that if one was interested in volunteering to remove invasive species along the river, particularly in Darden Towe, a group meeting was scheduled for December 10 from 1 p.m. to 3 p.m. She said that she encouraged everyone to participate. She said that alternatively, one could email Lisa Wittenborn at [exec@rivannariver.org](mailto:exec@rivannariver.org), who would be happy to discuss how one could get involved.

Ms. LaPisto-Kirtley said that the project had a regular cleanup schedule, which had already made a significant difference in areas such as the Free Bridge Promenade. She said that they would also be working on Pen Park.

Ms. LaPisto-Kirtley said that she attended the Intelligence and National Security Alliance Conference. She said that they were uniquely positioned to support the Intelligence Committee and make a meaningful contribution with Rivanna Station, which was the second largest economic driver in the County.

Ms. Mallek said that on Saturday, December 7, the third annual Crozet Holiday Market Crawl would take place, starting at Bluebird & Company and the Crozet Depot Artisan Gallery. She said that many shops downtown would be participating, allowing one to walk among them and enjoy the experience of visiting with the artisans. She said that the Artisan Depot, which was the County's tenant in the old train station located at the corner of Three Notched and Crozet Avenue, would feature 80 local artists and fine artisans selling wares.

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Agenda Item No. 6. Proclamations and Recognitions.

There were none

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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.

Marta Keane, CEO of JABA, said she wanted to take a moment to share a story about her experience at the Yancey Southern Albemarle Community Center. She said that there was a resident, Ms. B., who used to attend the Scottsville School Community Center. She said that when JABA relocated to Yancey, Ms. B. joined them, and she recently shared with them that she truly enjoyed attending the center to meet new people, see friends, and experience new things. She said that Ms. B. particularly enjoyed playing bingo and participating in various crafts, and she looked forward to coming to the center.

Ms. Keane said that Ms. B. used to attend on Wednesdays at Scottsville, but now she tried to attend every day that the center was open at Yancey. She said that this experience served as a reminder of the positive impact community centers had on people's lives, helping to prevent isolation. She said that along these lines, the Respite and Enrichment Center was now able to accept payment from the Veterans Administration, making it more accessible to residents. She said that this was a significant difference, as it allowed them to underwrite the cost of attendance.

Ms. Keane said that thanks to respite grants, they were able to offer a sliding scale fee, ensuring that their services were not a barrier to attendance. She said that their activity calendar was full every day, and next Monday's chef's demo was particularly exciting, with delicious tastings and a wonderful experience for everyone.

Ms. Keane said that she wanted to take this opportunity to thank everyone, as she would be retiring next month. She said that this would be her last time speaking to them as CEO, but she wanted to assure them that she would remain a resident of Albemarle and would continue to be involved in the community. She said that she wanted to express her gratitude to the Board for the support of seniors and JABA. She said that everyone had been incredibly kind and helpful, and it was a wonderful group to work with. She said she felt they had accomplished a great deal for seniors in the County.

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Ms. Denise Zito, White Hall District, said she had been a resident of Free Union for 47 years. She said that she was advocating for an increase in the Albemarle County Emergency Relief Program, which was designed to prevent evictions. She said that she was the treasurer of the local conference of the Society of St. Vincent de Paul, a worldwide Catholic organization founded 200 years ago. She said that the local chapter was four years old. She said that the four Catholic churches in the area had contributed funds, and they had distributed over \$150,000 annually to address housing and utility needs.

Ms. Zito said that their efforts were focused on individuals facing eviction and utility cutoffs, a crisis exacerbated by the high cost of living and lack of affordable housing in the Charlottesville area. She said that their data showed that the Charlottesville area had the highest eviction rate in the state. She said that the stories they heard were heartbreaking, involving single mothers, disabled individuals, and

veterans. She said that one unexpected expense could quickly throw their budget off balance, leading to rent payments falling behind.

Ms. Zito said that many of the people they served worked for UVA's subcontractors, who experienced reduced hours during student breaks. She said that these workers were ineligible for unemployment benefits. She said that this could lead to a vicious cycle of debt, where individuals were forced to choose between food and rent. She said that when someone contacted them for assistance, their members visited their homes to assess their situation and provide support. She said that they also offered prayer and helped them plan for the future.

Ms. Zito said that they then delivered a check to prevent eviction. She said that they only assisted an individual or family once a year. She said that due to the high demand for their services, they were unable to meet the needs of all those who requested assistance. She said that last year, they had helped over 400 families, but they could not keep up with the demand.

Ms. Zito said that until the Board of Supervisors addressed the housing crisis, which was still considering funding for the Affordable Housing Trust Fund, the Board and charitable organizations like theirs must continue to provide assistance to enable individuals to stay in their homes. She said that the Society of St. Vincent de Paul would continue to provide assistance to the extent possible, but she strongly recommended that the Board increase funding for the Albemarle County Emergency Relief Program.

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Ms. Emily Mathon, Rio District, said that she attended the joint meeting this afternoon, where she had learned a great deal about the Albemarle County budgeting process and the School Board. She said that she was a member of Family Council, an independent organization that brought together families to discuss issues that mattered to them. She said that the organization had a commitment to advocating for the needs of their families and children, and they brought those concerns forward. She said that recently, they had been hearing from residents of Albemarle County that they were deeply concerned about the condition of their school buildings.

Ms. Mathon said that the majority of ACPs students now attended overcrowded schools that required significant improvements. She said that almost 80 temporary portable units were currently in use across Albemarle County Public Schools, which posed safety risks for students and teachers. She said that these trailers were also maintenance-intensive, posed health risks, and did not align with the AC44 sustainability goals. She said that school improvement projects included in the School Board's CIP request were necessary and urgently needed.

Ms. Mathon said that the oldest schools had been constructed over 80 years ago, and the average age of a school building was now over 50 years. She said that with overcrowding came increased wear and tear, and the school conditions did not meet the values of their community. She said that they urged the Board to increase funding for their school buildings, as they were falling further and further behind.

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Ms. Heidi Gilman Bennett said that she was a resident of the Samuel Miller District and that she served as Chair of Family Council. She said that she represented the approximately 14,000 children in the County public schools, as well as their parents. She said that they were residents of Albemarle County, and they were constituents of the Boards. She said that she was here to deliver a call to action. She said that as citizens, they respectfully requested that the Board of Supervisors direct County staff to develop a strategic funding plan to address the backlog of public school capital needs.

Ms. Gilman Bennett said that she attended the joint work session with the School Board, and she believed they were missing a crucial point. She said that compared to communities of similar wealth and rapid growth, the County school buildings were embarrassingly inadequate. She said that students were spending their entire school careers in temporary trailers. She said that new housing developments were being approved without regard for the capacity of existing school buildings.

Ms. Gilman Bennett said that disruptions to family lives were caused by the redistricting process, particularly due to the delays in funding projects. She said that as a result, many families had reached out to their elected officials because she had explained how the CIP process worked. She said she directed the families, who were angry and frustrated, to contact the Board because they were the decision makers. She said that it was clear that increased revenue was required to address this issue.

Ms. Gilman Bennett said that multiple financing options were available, and they requested that the Board direct the County staff to develop scenarios for financing the school division capital needs. She said that in return, Family Council and families will continue to work with the ACPs School Board and Superintendent to clarify and prioritize the requests on the list.

Ms. Gilman Bennett said that the Board's constituents, including 14,000 students and their parents and families, demanded school buildings that were not overcrowded and not nearly a century old. She said she firmly believed that each of the supervisors individually recognized that something must be done to address this situation and catch up. She said she looked forward to seeing the plan that they will develop.

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Agenda Item No. 8. Consent Agenda .

Ms. LaPisto-Kirtley **moved** to adopt the consent agenda. 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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Item No. 8.1. Office of the Public Defender Memorandum of Understanding.

The Executive Summary forwarded to the Board states that Virginia Code § 19.2-163.01:1 authorizes the governing body of any city or county to supplement from the funds of the city or county the compensation of public defenders or any of their deputies or employees, from the funds of the city or county.

The Albemarle County Board of Supervisors has appropriated the amount of \$181,983 to supplement the salaries of the Office of Public Defender in fiscal year 2025. This funding is administered through a Memorandum of Understanding (MOU) between the County of Albemarle and the Office of Public Defender for the City of Charlottesville and the County of Albemarle. Under the terms of the existing 2016 MOU, a new agreement is required due to the retirement of the previous Public Defender.

The 2016 MOU between the County of Albemarle and the Office of Public Defender for the City of Charlottesville and the County of Albemarle is being updated to streamline the procedures for providing the salary supplements directly to the Virginia Indigent Defense Commission (VIDC) for the purpose of providing pay equity to the attorneys employed by the Office of the Public Defender for the City of Charlottesville and the County of Albemarle.

Currently, the Public Defender notifies the County's Department of Finance and Budget monthly of all eligible employees and the salary supplements for their individual monthly supplemental amounts. Upon receipt of the information, the Department of Finance and Budget issues payment in the amount submitted by the Public Defender directly to each employee. Payments are made outside of the normal payroll system by check or direct deposit but are on the same schedule as regular full time County employees. This schedule, however, does not align with the regular salary schedule of the eligible Office of the Public Defender employees.

Beginning in Fiscal Year 2025, the County will provide funding to the VIDC, who will issue payment to supplement the salaries of the Office of Public Defender in accordance with its regular internal practices. This updated procedure will eliminate the County's Department of Finance and Budget bi-weekly payroll processing and annual tax statement obligations to the Office of Public Defender and will streamline the salary supplement payment process to the Office of Public Defender's eligible employees.

The original intent of the MOU to supplement Office of the Public Defender salaries remains unchanged. Staff worked with the Office of Public Defender and the VIDC to prepare a streamlined administrative approach under Virginia Code § 19.2-163.01, updated in July 2021.

The budget for this agreement has been appropriated. This action will have no impact on the current budget.

Staff recommends that the Board adopt the attached Resolution (Attachment B) to approve the Office of the Public Defender Memorandum of Understanding and to authorize the County Executive to sign the agreement in the current year as well as future years provided that the only modification to the agreement in subsequent years pertains to the revised appropriated budgeted amount.

**By the above recorded vote the Board adopted the attached Resolution (Attachment B) to approve the Office of the Public Defender Memorandum of Understanding and to authorize the County Executive to sign the agreement in the current year as well as future years provided that the only modification to the agreement in subsequent years pertains to the revised appropriated budgeted amount**

**RESOLUTION TO APPROVE THE OFFICE OF THE PUBLIC DEFENDER MEMORANDUM OF UNDERSTANDING**

**WHEREAS**, the Board finds it is in the best interest of the County to enter into Agreement with the Office of Public Defender for the City of Charlottesville and the County of Albemarle and the Virginia Indigent Defense Commission. **NOW, THEREFORE, BE IT RESOLVED** that, pursuant to Section 19.2-163.01:1 of the Code of Virginia, the Board of Supervisors of Albemarle County, Virginia hereby agrees to enter a memorandum of understanding with the Charlottesville Public Defender (serving Charlottesville and the County of Albemarle) and the Virginia Indigent Defense Commission, and authorizes the County Executive to execute an agreement in substantially the same form as attached to this resolution for the current year agreement, and to execute future-year agreements in substantially that same form, provided that the only modification to the agreement in those years is the amount budgeted.

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**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE COUNTY OF ALBEMARLE,  
THE VIRGINIA INDIGENT DEFENSE COMMISSION,  
AND THE PUBLIC DEFENDER OFFICE FOR THE CITY OF  
CHARLOTTESVILLE AND THE COUNTY OF ALBEMARLE**

**THIS MEMORANDUM OF UNDERSTANDING** is entered into this day 6 of December, 2024, by and between the **COUNTY OF ALBEMARLE**, a political subdivision of the Commonwealth of Virginia ("County"), the **VIRGINIA INDIGENT DEFENSE COMMISSION**, an independent state agency that supports the judicial branch of the Commonwealth of Virginia designated by Code of Virginia §19.2-163.02 ("VIDC"), and the **PUBLIC DEFENDER OFFICE FOR THE CITY OF CHARLOTTESVILLE AND THE COUNTY OF ALBEMARLE**, an office of the Virginia Indigent Defense Commission, ("Office of Public Defender").

**WHEREAS**, the Office Public Defender submits a pay equity proposal to the County for funding to supplement the salaries of employees in the Office of Public Defender; and,

**WHEREAS**, Virginia Code§ 19.2-163.01:1 authorizes the governing body of any city or county to supplement from the funds of the city or county the compensation of public defenders or any of their deputies or employees, from the funds of the city or county; and,

**WHEREAS**, the Albemarle County Board of Supervisors has appropriated the amount of \$181,983 to supplement the salaries of the Office of Public Defender in fiscal year 2025; and,

**WHEREAS**, the VIDC will issue pro-rated payment as of the Effective Date with a maximum amount of \$181,983 to supplement the salaries of the Office of Public Defender in fiscal year 2025 in accordance with their internal practices; and,

**WHEREAS**, the County, the VIDC, and the Office of Public Defender now wish to set forth in this Memorandum of Understanding ("MOU") the obligations and procedures for providing the salary supplements directly to the VIDC for the purpose of providing pay equity to the attorneys employed by the Office of the Public Defender for the City of Charlottesville and the County of Albemarle.

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein the County, the VIDC, and the Office of Public Defender do hereby agree as follows:

(1) Term: The term of this MOU shall begin on the day    of December, 2024 (the "Effective Date") and thereafter renew automatically every July 1 unless terminated by either party. In the event such funds are not appropriated for the following fiscal year, this MOU will automatically terminate as of June 30<sup>th</sup> of the then current fiscal year, and neither party will have any further obligation or responsibility pursuant to this MOU for the next fiscal year or subsequent fiscal years for which funds are not appropriated.

(2) Obligations of the Office of Public Defender

(A) To assist in the preparation of the County's proposed annual budget, each year the Office of Public Defender will submit to the County, Department of Finance and Budget, on or before November 15, the amount requested for funding for the next fiscal year with an explanation of how the amount was determined. The amount requested shall be based on principles of pay equity between employees of the Office Public Defender and employees of the Commonwealth's Attorney for Albemarle County and the City of Charlottesville, and the request shall include a comparison of the respective salaries and supplements for the comparable positions in the three offices.

(B) On or before June 1 in each subsequent calendar year in which this MOU remains in effect, the Office of Public Defender will provide in writing to the County, Department of Finance and Budget, (i) the names of the employees in the Office of Public Defender who will receive salary supplements during the following fiscal year; (ii) the amount of the annual salary supplement for each such employee; and (iv) such other information requested by the County that is reasonably necessary for the County to comply with any applicable requirements.

(C) The Office of Public Defender will give prompt written notice to the VIDC whenever any employee of the Office of Public Defender who is receiving a salary supplement terminates his or her employment with the Office of Public Defender, or who otherwise becomes ineligible for the salary supplement. The Office of Public Defender shall also give prompt written notice to the VIDC and the County of any new hire in the Office of Public Defender who will be eligible for the salary supplement, and the effective date of employment.

(3) Obligations of the VIDC

(A) The VIDC will submit an invoice to the County, Department of Finance and Budget, within 30 days of the start of the calendar year, January 1, for a one-time payment to fund the Office of Public Defender's salary supplements pursuant to this MOU.

(B) The VIDC will assume full responsibility for timely delivery of the supplemental salary payments to the Office of Public Defender's employees pursuant to this MOU per their internal payroll process.

(C) The VIDC will assume full responsibility for providing each employee who receives a salary supplement with any statement or form required from payors by the Internal Revenue Service or the Commonwealth of Virginia. VIDC will reduce the amount the employee will see in their pay by withholdings, including payroll taxes and employee/er FICA. The employer FICA is 7.65% and will be subtracted from the amount that is provided by the County prior to it being paid to the employee. The supplement payments provided pursuant to this agreement shall not be considered creditable compensation for purposes of the Virginia Retirement System.

(D) At the conclusion of each fiscal year, the VIDC will provide a detailed supplemental pay report to the County illustrating the use of the one-time payment to fund the Office of Public Defender's salary supplements pursuant to this MOU.

(4) Obligations of Albemarle County:

(A) Upon receipt of the invoice provided by the VIDC pursuant to section 3 (A), the County will pay the amount submitted by the VIDC directly to the VIDC.

(B) The County shall give prompt written notice to the Office of Public Defender if any information necessary to make supplemental salary payments, or to make a payment to the VIDC, has not been provided to the County.

(C) As required by Virginia Code section 19.2-163.01:1 the County shall provide notice to the VIDC of the amounts provided to each Public Defender employee pursuant to this MOU.

(D) During consideration of the annual County budget the Office of Management and Budget will notify the Albemarle County Board of Supervisors of the amount of funding requested by the Public Defender and the amount, if any, recommended by County staff. The County staff shall review the amount requested by the Office of Public Defender to ensure it is based on principles of pay equity between employees of the Office Public Defender and employees of the Commonwealth's Attorney for Albemarle County and the City of Charlottesville.

(E) Nothing in this MOU shall be interpreted as obligating the Albemarle Board of County Supervisors to appropriate funds, or to appropriate funds in any particular amount, for salary supplements for employees of the Office of Public Defender.

(5) Suspension and Termination:

If any party fails to fulfil its obligations under this MOU, or otherwise violates the terms or conditions of this agreement, the other party may suspend its performance. If such noncompliance continues after notice and a reasonable opportunity to remedy the noncompliance, the non-breaching party may terminate this MOU without liability or further responsibility.

(6) Erroneous Payments:

If any payment made by the VIDC to an employee of the Office of Public Defender is not in compliance with the terms or requirements of this MOU, regardless of whether it is an underpayment or an overpayment and regardless of cause or fault, VIDC and the Office of Public Defender agree to work cooperatively and in mutual good faith to remedy the erroneous payment as soon as practicable.

(7) Unspent Funding:

Should there be turnover, or any other circumstances, that allow for any unused or remaining funding at the end of the fiscal year, the VIDC may redistribute unused or remaining funding as additional supplemental income to the employees of the Office of Public Defender with prior approval of the County. The VIDC may also apply unused or remaining funds to supplement a replacement hire at a higher supplemental income than the former employee with prior approval from the County. The County, the VIDC, and the Office of Public Defender agree to work cooperatively to appropriate unused or remaining funding.

(8) Compliance with Applicable Law:

The payments contemplated by this MOU will be made pursuant to and in accordance with the provisions of Virginia Code § 19.2-163.01:1, or any successor statute that authorizes a locality to supplement the compensation of a public defender and his or her employees. Accordingly, nothing herein shall be construed as placing any condition or requirement upon a Public Defender employee's receipt of funds under this MOU, as prohibited by the aforementioned enabling legislation.

(9) Supersedes Prior Agreement


This agreement supersedes the November 16, 2016 Memorandum of Understanding between the County and Elizabeth Murtagh in her official capacity as the Public Defender for the City of Charlottesville and the County of Albemarle.

WITNESS the following authorized signatures:


ALBEMARLE COUNTY, VIRGINIA

By:  Date: 12/6/24  
Jeffrey Richardson, County Executive

OFFICE OF PUBLIC DEFENDER FOR THE CITY OF CHARLOTTESVILLE AND  
THE COUNTY OF ALBEMARLE

By:  Date: 11/22/24  
Name: Nicholas Reppucci, Esq., Public Defender

VIRGINIA INDIGENT DEFENSE COMMISSION (VIDC)

By:  Date: 11/19/24  
Name: Maria Jankowski, Executive Director

Agenda Item No. 9. From the County Executive: Report on Matters Not Listed on the Agenda.

Agenda Item No. 10. **Public Hearing: Fiscal Year 2025 Budget Amendment and 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 cumulative total of the Fiscal Year 2025 (FY 25) appropriations itemized below is \$20,656,229. Because the cumulative amount of the appropriations exceeds one percent of the currently adopted budget, a budget amendment public hearing is required.

The proposed increase of this FY 25 Budget Amendment totals \$20,656,229. The estimated

expenses and revenues included in the proposed amendment are shown below:

**PROPOSED FY 2024-25 BUDGET AMENDMENT**

**ESTIMATED REVENUES**

Local Revenues	\$	1,273,740
State Revenues	\$	77,887
Federal Revenues	\$	2,791,721
General Fund Balance	\$	4,379,603
Other Fund Balances	\$	12,133,278
<b>TOTAL ESTIMATED REVENUES</b>	<b>\$</b>	<b>20,656,229</b>

**ESTIMATED EXPENDITURES**

General Fund	\$	4,401,828
Special Revenue Funds	\$	14,770,807
Emergency Communications Center Fund	\$	298,594
Capital Funds	\$	1,185,000
<b>TOTAL ESTIMATED EXPENDITURES</b>	<b>\$</b>	<b>20,656,229</b>

The budget amendment is comprised of a total of 12 separate appropriations, seven of which have already been approved by the Board of Supervisors.

- Four appropriations approved 10/2/2024
- Three appropriations approved 11/6/2024
- Five appropriation requests for approval on December 4, 2024 as described in Attachment A.

After the public hearing, staff recommends that the Board adopt the attached resolution (Attachment B) to approve the appropriation for local government projects and programs, as described in Attachment A.

**Appropriation #2025016**

<b>Sources:</b>	Special Revenue Funds' Fund Balances	<b>\$933,318</b>
<b>Uses:</b>	Special Revenue funds	<b>\$933,318</b>
<b>Net Change to Appropriated Budget:</b>		<b>\$933,318</b>

**Description:**

This request is to re-appropriate the following Special Revenue Funds:

- \$110,722 a portion of the American Rescue Plan Act (ARPA) funds' fund balance, for the continuation of programming in human services economic vitality projects, broadband, and ARPA eligible uses.
- \$754,891, the remainder of the American Rescue Plan Act (ARPA) Reserve fund's fund balance, for the continuation of expenses related to support additional ARPA aligned projects that may include items for public health or continuation of operations for the County. Of this amount:
  - \$336,298 for AHIP to complete 4 households in the contract development phase and serve three additional households with a septic to sewer conversion.
  - \$80,000 to continue housing navigation services provided by the Financial Opportunities Center for County residents.
  - \$170,000 for the Albemarle County Emergency Relief Program providing funds to residents with an eviction or shut-off notice.
  - \$100,000 to a homelessness service contingency account to support efforts to develop a low-barrier year-round shelter.
  - \$27,186 for expenditures related to the Active Threat Assessment training program.
  - \$3,863 for the Department of Parks and Recreation's continued work on the Meadow's Community Center Generator project. The project includes the purchase of a generator and related equipment/items for the community room to prepare it for use as an emergency shelter for The Meadows community.
  - \$37,544 for support of the restoration of the Charlottesville Albemarle Convention & Visitors Bureau (CACVB)'s marketing budget. This includes the corresponding appropriation to the CACVB's operating fund, for which the County serves as fiscal agent.
- \$67,280, American Rescue Plan (ARPA) State and Local Fiscal Recovery Funds (SLFRF) from the City of Charlottesville to the Charlottesville Albemarle Convention and Visitors Bureau (CACVB) for tourism recovery. The County serves as the fiscal agent for CACVB.
- \$425 for the remaining Opioid Direct Settlement Fund balance from the prior year. Funds will be released based on programming proposals approved by the County Executive, consistent with prior appropriations of these revenues.

**Appropriation #2025017**

<b>Sources:</b>	Local Revenue	\$375,000
<b>Uses:</b>	Capital Fund	\$375,000
<b>Net Change to Appropriated Budget:</b>		<b>\$375,000</b>

**Description:**

This request is to appropriate \$375,000 from Crozet New Town Associates LLC as a contribution towards the local revenue sharing match requirement towards right of way acquisitions related to the Barnes Lumber/Library Ave Ext project.

**Appropriation #2025018**

<b>Sources:</b>	Water Resources Capital Fund's Fund balance	\$100,000
<b>Uses:</b>	Water Resources Capital Fund	\$100,000
<b>Net Change to Appropriated Budget:</b>		<b>\$100,000</b>

**Description:**

This request is to appropriate \$100,000 of reserved fund balance from the Water Resources Capital Fund for the maintenance and repair of dam infrastructure on the Rivanna Futures property.

**Appropriation #2025019**

<b>Sources:</b>	Federal Revenue	\$2,286,969
	State Revenue	\$77,887
	Local Revenue	\$140,847
<b>Uses:</b>	Federal Emergency Management Agency (FEMA) Staffing for Adequate Fire and Emergency Response Program (SAFER) grant	\$1,746,969
	Connect and Protect: Law Enforcement Behavioral Health Response Program	\$540,000
	Virginia Dam Safety, Flood Prevention and Protection Assistance Fund	\$77,887
	Opioid Settlement Fund	\$140,847
<b>Net Change to Appropriated Budget:</b>		<b>\$2,505,703</b>

**Description:**

This request is to appropriate the following grant awards:

- This request is to appropriate \$1,746,969 for a three-year Federal Emergency Management Agency (FEMA) Staffing for Adequate Fire and Emergency Response (SAFER) grant to support 7 firefighters to transition the daytime engine at North Garden Fire Volunteer Company (NGVFC) to a 24/7 engine. Related operating expenditures not funded by the grant are already included in the current appropriated budget.
- \$540,000 in federal revenue for the Connect and Protect: Law Enforcement Behavioral Health Response Program grant. This grant will be used to support expansion the County's response to individuals in behavioral health crisis. This grant requires a local match from the County previously appropriated for the HART team and Opioid Abatement Funding.
- \$77,887 in state revenue for the Virginia Dam Safety, Flood Prevention and Protection Assistance Fund grant. Funds from this grant will support the design of planned improvements to the Middle Dam (#003188) at Mint Springs Valley Park. This grant requires an equal local match from the County funded in the current appropriated budget.
- \$64,758 from an Opioid Distributor settlement payment, \$13,492 from the Allergen settlement payment, \$13,270 from the Teva settlement payment, \$13,549 from the CVS settlement payment, and a \$35,778 payment from McKinsey & Co. for the Opioid Direct Settlement fund to be used for continuation of opioid abatement programming based on eligible uses and requirements. Funds will be released based on programming proposals approved by the County Executive, consistent with prior appropriations of these revenues.

**Appropriation #2025020**

<b>Sources:</b>	Local Revenue	\$12,225
	General Fund's Fund Balance	\$4,379,603
	Special Revenue & Other Fund's Fund Balance	\$8,925,788
<b>Uses:</b>	General Fund	\$4,391,828

Special Revenue & Other Funds

\$8,925,788

**Net Change to Appropriated Budget:**

**\$13,317,616**

**Description:**

At the end of FY 24, the General Fund's fund balance is equal to a) the audited balance from the prior fiscal year (FY 23); b) plus the actual revenues during FY 24; and c) less actual expenditures during FY 24. Of that amount of General Fund's fund balance, amounts are held in reserve for:

- Policy uses: in accordance with the County's financial policies, a 10% unassigned fund balance and a 2% Budget Stabilization Reserve
- Appropriated and obligated uses: The County's FY 25 Adopted Budget and any other appropriations to date that include General Fund's fund balance as a revenue source.
- Purchase Orders: Any purchase orders that were encumbered in FY 24 and carried forward into FY 25 are administratively re-appropriated under authority in the annual Resolution of Appropriations.

The remaining amount is defined as the County's Unobligated General Fund's fund balance and any subsequent uses are approved by the Board of Supervisors. The Unobligated General Fund's fund balance includes an amount for expenses approved for FY 24 that were not completed in FY 24. In these circumstances, the County has FY 24 expenditure savings that are added to General Fund's fund balance, which are then requested for re-appropriation from the General Fund's fund balance in FY 25 to complete the expenditure.

The proposed use of the General Fund's fund balance will not reduce the County's 10% unassigned fund balance or 2% Budget Stabilization Reserve; however, it does reduce the amount of FY 24 undesignated funds that would be available for future uses.

This request is to re-appropriate General Fund's fund balance from FY 24 to FY 25 as outlined below. Additionally, this request is to re-appropriate Special Revenue and Other Funds, as outlined below.

**General Fund Re-Appropriations**

**Clerk of the Circuit Court**

- Requests the re-appropriation of \$204,834 for continuation of the project to back scan civil, criminal, and land records that will make them more accessible to the public when the physical records are placed in storage upon completion of the courthouse renovation.

**Community Development Department**

- Requests the re-appropriation of \$34,924 for remaining balances related to blighted structures, transportation studies, and a scanner purchase.
- Requests the re-appropriation of \$198,494 to support implementation of Strategic Plan initiatives, which may include items prioritized by the Board of Supervisors in the CDD's work program that are one-time costs.

**Executive Leadership**

- Requests the re-appropriation of \$1,594,312 to the Office of Performance and Strategic Planning for continued support of organizational efforts, including the Core Systems Modernization project and staff development and training. Full funding for these efforts was not included in the FY 25 Adopted budget with the understanding that balances remaining at the end of FY 24 would be re-appropriated.

**Facilities and Environmental Services**

- Requests the re-appropriation of \$44,000 for an in remaining funding for a right of way maintenance project budgeted for in FY24 but will not be completed until FY 25.
- Requests the re-appropriation of \$22,079 for environmental programs started in FY24 but not completed until FY25.

**Finance and Budget**

- Requests the re-appropriation of \$1,000 for contract services in the Revenue Administration offices budgeted in FY 24 but incurred in FY25.

**Fire Rescue**

- Requests the re-appropriation of \$230,037 for materials, supplies, equipment, and vehicle costs planned in FY 24 but not incurred until FY 25.

**Information Technology**

- Requests the re-appropriation of \$12,225 for licensing expenses budgeted in FY 24 but incurred in FY 25.

**Parks and Recreation**

- Requests the re-appropriation of \$107,093 for contract services and equipment budgeted in FY24 but incurred in FY25.

Police

- Requests the re-appropriation of \$981,615 for vehicle equipment, technology equipment and health and medical costs planned in FY 24 and incurred in FY 25.

Sheriff

- Requests the re-appropriation of \$11,166 in program support funding from the public fingerprinting program to continue activities in FY25.
- Requests the re-appropriation of \$22,008 for vehicle and equipment purchases that were planned in FY24 but will not be purchased until FY 25.

Human Services

- Department of Social Services requests the re-appropriation of \$50,000 in funding to be provided to the Monacan Nation Park project as part of the Community Development Block Grant (CDBG) Southwood grant.
- Broadband Affordability and Accessibility Office requests the re-appropriation of \$429,543 for affordability and digital equity programming to be continued in FY25.
- Office of Equity and Inclusion (OEI) requests the re-appropriation of \$126,895 for projects begun in FY24 that will be completed in FY25, which includes \$75,000 of funds previously donated in support of cultural and historical projects, and \$10,000 of funds intended for the Historic Marker Program at the Monacan Nation Park.

Non-Departmental

- Requests the re-appropriation of \$321,604 remaining in Climate Action Plan funding at the end of FY 24 to the Climate Action Pool.

**Special Revenue and Other Funds Re-appropriations**

- **Economic Development Fund:** This request to re-appropriate \$6,656,384 in the Economic Development Fund's fund balance as follows:
  - \$5,189,565 for the Economic Development Investment Pool to support future targeted economic development initiatives. The intention is that these resources will leverage/catalyze other possible investment and will provide an immediate and accessible pool of funds for implementing initiatives that will boost business opportunity and create an improved local economy. Combined with currently appropriated funding, the total balance of the Investment Pool is \$6,696,065 with \$1,760,000 of that amount held pursuant to performance agreements previously approved by the Board of Supervisors.
  - \$568,449 for costs associated with the Rivanna Futures property.
  - \$898,370 for transfers to the Economic Development Authority (EDA) Fund pursuant to performance agreements.
- **Plastic Bag Tax Fund:** Request the re-appropriation of \$205,871, the remaining balance in the Plastic Bag Tax Fund, for expenses specifically related to either: environmental cleanup; providing education programs designed to reduce environmental waste; mitigating pollution and litter; or providing reusable bags to recipients of Supplemental Nutrition Assistance Program (SNAP) or Women, Infants, and Children Program (WIC) benefits.
- **Vehicle Replacement Fund:** This request is to re-appropriate \$316,829 for replacement vehicles planned in FY 24 that are anticipated to be incurred in FY 25
- This request is to appropriate the following for entities where the County serves as fiscal agent:
  - **Charlottesville Albemarle Convention and Visitors Bureau (CACVB):** This request is to re-appropriate \$67,308 for CACVB operating costs planned in FY 24 and incurred in FY 25.
  - **Economic Development Authority (EDA):** This request is to re-appropriate \$1,653,981 in EDA fund balance and a transfer from the Economic Development Fund for EDA programs.
  - **Emergency Communications Center:** This request is to re-appropriate \$298,594 for equipment, training and technology related expenses that were planned in FY 24 but will not be incurred until FY25.

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Mr. Ryan Davidson, Deputy Chief of the Office of Management and Budget, said that the agenda item and public hearing action item for the evening was to amend the FY25 budget. He said that he had a couple of slides to provide a brief overview of the contents of the amendment. He said that after that, he would turn it over to the Chair and the Board for any questions and to hold the public hearing.

Mr. Davidson said that the Virginia Code required a public hearing whenever a budget amendment exceeded 1% of the currently adopted budget. He said that that was the case tonight. He said that the overall budget amendment was approximately \$20.6 million. He said that of that amount, \$3.1 million had been previously approved in October and November, and the remaining \$17.5 million was before the Board for consideration.

Mr. Davidson said that the overall budget amendment for discussion was approximately \$20.6 million, and it was broadly made up of the items listed. He said that Attachment A, provided with the

agenda, and with the October 2 and November 6 agendas, contained more details on each of the appropriations. He said that generally, the \$11.6 million in special revenues was primarily made up of economic development, housing, and vehicle replacement funds. He said that the \$4.4 million in general fund re-appropriations was spread across all aspects of County government.

Mr. Davidson said that these were typically general fund re-appropriations that occurred annually at this time of year for projects that began during the prior fiscal year but were unable to be completed and needed those funds carried over into the subsequent year. He said that \$3.4 million of the grant appropriations was related to the most recent FEMA Safer Grant, ARPA re-appropriations, and additional monies for the opioid direct settlement and abatement grants.

Mr. Davidson said that \$1.2 million in capital fund revenue was related to water resource projects, including stream restoration, joint court projects, and a contribution towards Library Avenue. He said that staff's recommendation was for the Board to approve the resolution in Attachment B after holding the public hearing.

Mr. Andrews opened the public hearing. Seeing no speakers, he closed the public hearing and the matter rested with the Board.

Ms. Mallek **moved** that the Board of Supervisors adopt the Resolution attached to the staff report as Attachment B. 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.

**RESOLUTION TO APPROVE  
ADDITIONAL FY 2025 APPROPRIATIONS**

**BE IT RESOLVED** by the Albemarle County Board of Supervisors:

- 1) That the FY 25 Budget is amended to increase it by \$20,383,049;
- 2) That Appropriations #2025016; #2025017; #2025018; #2025019; and #2025020 are approved;
- 3) That the appropriations referenced in Paragraph # 2 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.

APP#	Account String	Description	Amount
2025016	4-1106-51100-453000-379600-1312	ARPA Reserve - Septic to Sewer Re-Appropriation	\$336,297.87
2025016	4-1106-73000-481000-710000-0047	ARPA Reserve - CACVB Re-Appropriation	\$37,544.41
2025016	4-1106-71500-471000-800100-9999	APRA Reserve - Parks & Rec Re-Appropriation	\$3,863.07
2025016	4-1106-33800-493000-931000-1653	ARPA Reserve - Coordinated Response Training Re-Appropriation	\$27,185.52
2025016	4-1106-51100-453000-379600-0058	ARPA Reserve - PHA Re-Appropriation	\$80,000.00
2025016	4-1106-51100-453000-570900-9999	ARPA Reserve - ACERP Re-Appropriation	\$170,000.00
2025016	4-1106-51100-453000-379600-1315	ARPA Reserve - Salvation Army Re-Appropriation	\$100,000.00
2025016	3-1106-99000-352000-510100-9999	ARPA Reserve - Re-Appropriation	\$754,890.87
2025016	3-5121-99000-352000-510100-9999	ARPA Main Fund Re-Appropriation	\$110,722.19
2025016	4-5121-33800-432000-344400-1618	ARPA Main Fund Re-Appropriation	\$110,722.19
2025016	3-4609-73000-333000-330055-9999	CACVB ARP Act (City) Re-Appropriation	\$67,280.23
2025016	4-4609-73000-481000-379300-9999	CACVB ARP Act (City) Re-Appropriation	\$67,280.23
2025017	3-9010-81000-318000-189934-9340	SA2025017 Developer contribution for Library Ave Right-of-Way	\$375,000.00
2025017	4-9010-81009-494400-800605-9340	SA2025017 Library Ave ROW Acquisition	\$375,000.00
2025018	3-9100-99000-352000-510100-9020	SA2025018 Fund balance for dam maintenance and repairs	\$100,000.00
2025018	4-9100-41200-494800-342100-9020	SA2025018 study, repairs, and maint at Rivanna Futures dam	\$100,000.00
2025019	3-5105-33500-333000-330001-9999	FEMA SAFER 2023	\$1,746,969.00
2025019	4-5105-33500-432000-110000-9999	FEMA SAFER 2023	\$1,170,463.00
2025019	4-5105-33500-432000-210000-9999	FEMA SAFER 2023	\$89,540.00
2025019	4-5105-33500-432000-221000-9999	FEMA SAFER 2023	\$178,730.00
2025019	4-5105-33500-432000-222110-9999	FEMA SAFER 2023	\$23,409.00
2025019	4-5105-33500-432000-231000-9999	FEMA SAFER 2023	\$222,388.00

2025019	4-5105-33500-432000-232000-9999	FEMA SAFER 2023	\$5,852.00
2025019	4-5105-33500-432000-233000-9999	FEMA SAFER 2023	\$42,775.00
2025019	4-5105-33500-432000-241000-9999	FEMA SAFER 2023	\$13,812.00
2025019	4-5811-99000-499000-999999-9999	Opioid Direct Settlement Contingencies/Reserves	\$141,271.87
2025019	3-5811-99000-318001-189940-9999	Opioid Direct Settlement: Opioid Distributor	\$65,182.80
2025019	3-5811-99000-318001-189945-9999	Opioid Direct Settlement: Allergen	\$13,491.43
2025019	3-5811-99000-318001-189949-9999	Opioid Direct Settlement: CVS	\$13,549.17
2025019	3-5811-99000-318001-189948-9999	Opioid Direct Settlement: TEVA	\$13,270.38
2025019	3-5811-99000-318001-189950-9999	Opioid Direct Settlement: McKinsey	\$35,778.09
2025019	3-5142-51100-333000-330001-9999	BJA Connect & Protect: Grant	\$540,000.00
2025019	4-5142-51100-453000-110000-9999	BJA Connect & Protect: Salaries	\$540,000.00
2025019	4-9100-41200-494800-342100-9279	Virginia Dam Safety, Flood Prevention and Protection Assistance Fund	\$77,886.50
2025019	3-9100-41200-324000-240500-9279	Virginia Dam Safety, Flood Prevention and Protection Assistance Fund	\$77,886.50
2025020	3-1000-99000-352000-510100-9999	Fund Balance amount for re-appropriations	\$4,379,603.52
2025020	4-1000-12400-412000-130000-9999	SA2025020 The part time wages would be used for projects that our consultants nor our project managers have the capacity for.	\$36,828.01
2025020	4-1000-12400-412000-344400-9999	SA2025020 Carry forward consulting budget	\$1,534,898.56
2025020	4-1000-12400-412000-999984-9999	SA2025020 Training Pool to bring in external training opportunities for staff (originally planned for FY 24)	\$21,585.70
2025020	4-1000-12400-412000-372200-9999	SA2025020 Adobe (take from contract services line)	\$1,000.00
2025020	3-1000-99000-318000-180301-9999	SA2025020 IT received a refund in FY25 for an overpayment in FY24. This refund needs to be applied to licensing costs with the same vendor	\$12,224.71
2025020	4-1000-16100-412000-372200-9999	SA2025020 IT received a refund in FY25 for an overpayment in FY24. This refund needs to be applied to licensing costs with the same vendor	\$12,224.71
2025020	4-1000-51100-453000-999999-9999	SA2025020 Monacan Park funding, move to 4-1000-41300-494100-800605-9999 (needs to be created)	\$50,000.00
2025020	4-1000-51800-453000-592000-9999	SA2025020 OEI Program Support -	\$126,894.64
2025020	4-1000-15200-412000-341200-9999	SA2025020 Bankruptcy file management transferred to TACS	\$1,000.00
2025020	4-1000-41440-443000-331310-9999	SA2025020 Broadway Street striping project in coordination with Albemarle County Service Authority (ACSA)	\$44,000.00
2025020	4-1000-41220-482000-342200-9999	SA2025020 Balance from PO 2024-12281 Closed and Unencumbered 7/17/24	\$15,828.56
2025020	4-1000-41230-482000-592100-9999	SA2025020 Carryover of Delayed Community Climate Action Grant Agreement for Autism Sanctuary	\$6,250.00
2025020	4-1000-33300-432000-379300-9999	SA2025020 CR&R = Performance Signs. We began this project in FY24, but they were unable to install until FY25.	\$3,025.00
2025020	4-1000-33400-432000-800500-9999	SA2025020 HART Vehicle (Funds need to be moved from EM budget code into the Ops budget code)	\$55,000.00
2025020	4-1000-33200-432000-551100-9999	SA0 Paramedic school feels - loss of OEMS scholarship. Previously, OEMS has provided a scholarship used to offset some of the tuition costs of paramedic school. The scholarship would cover approximately \$3,700	\$40,622.12
2025020	4-1000-33400-432000-800502-9999	SA0 Carry forward for vehicle equipment for a number of vehicles	\$131,389.70
2025020	4-1000-31100-431000-800502-9999	SA0 This re-appropriation request is due to the funds not be expended during FY24 for patrol vehicle builds. Builds have been delayed by supply chain issues and the delayed deliveries of the patrol vehicles.	\$300,000.00
2025020	4-1000-31100-431000-800700-9999	SA0 This re-appropriation request is to move remaining funds from 4-1000-31100-431000-800700-9999 in FY24 into FY25 to assume cost for the unknown FY25 radio replacement	\$659,614.60
2025020	4-1000-31100-431000-345100-9999	SA0 This re-appropriation request is to move funds from FY24 balance in the overall operating budget to the Health & Medical Services to support the significant increase in interest in the Life Scan initiative as well as costs associated with our recent investment in bolstering recruiting efforts and the hiring process.	\$22,000.00
2025020	4-1000-94000-499000-999962-9999	SA0 Climate Action Reserve	\$321,604.00
2025020	4-1000-22100-421700-345700-9327	SA0 Digitizing of Files	\$204,834.00
2025020	4-1000-71200-471000-331300-9999	SA0 Trail contract services for trails at Biscuit Run	\$15,733.00
2025020	4-1000-71200-471000-800100-9999	SA0 Eastern Maintenance Dist equipment	\$91,360.00
2025020	4-1000-23100-421800-592000-9999	SA0 Public fingerprinting funds used to support sheriffs office programs	\$11,166.27
2025020	4-1000-51700-453000-592000-9999	SA0 Albemarle County bridge program support	\$429,543.80
2025020	4-1000-81100-481000-344400-9999	SA0 Fee study remaining balance of 100k (P.O. 2024-12310); Transportation studies, remaining balance of 60k; BOS strategic initiatives remaining balance of 665k; Form based code phase 2 remaining balance (P.O. 2025-13934); Stream health; Wireless remaining balance of 100k (P.O. 2025-14022)	\$218,932.56

2025020	4-1000-81100-481000-331700-9999	SA0 Blight money carry forward	\$2,485.00
2025020	4-1000-81100-481000-800701-9999	SA0 Scanner money carry forward	\$12,000.00
2025020	4-1000-23100-421800-450000-9999	SA0 Move insurance recoveries for totaled vehicle to Vehicle Replacement Fund	\$22,008.00
2025020	4-4100-32110-435600-344400-9999	Facility Programming Needs Assessment	\$5,820.97
2025020	4-4100-32110-435600-345200-9999	Instructional Services, Training and workshops	\$22,970.00
2025020	4-4100-32110-435600-372200-9999	Software Licenses and Subscriptions (Microsoft Licenses, HRIS, accounting software)	\$50,160.00
2025020	4-4100-32110-435600-610300-9999	Public Safety Radios	\$12,000.00
2025020	4-4100-32110-435600-610200-9999	Furniture and Fixtures for Office and Training Space	\$50,000.00
2025020	4-4100-32110-435600-800701-9999	UPS System Upgrade for Datacenter	\$74,304.03
2025020	4-4100-32110-435600-800712-9999	Public Safety Software Project Optimization	\$20,000.00
2025020	4-4100-32110-435600-800700-9999	Technology Equipment for PC Replacements and Phone System	\$63,339.46
2025020	3-4100-32100-352000-510100-9999	Fund Balance for ECC Reappropriations	\$298,594.46
2025020	3-5807-82100-324000-240815-9999	SA2025020 EDO Fund Re-Appropriation	\$200,000.00
2025020	3-5807-82100-352000-510100-9999	SA2025020 EDO Fund Re-Appropriation	\$6,456,383.80
2025020	4-5807-82100-499000-999954-9999	SA2025020 EDO Fund Re-Appropriation	\$5,189,565.12
2025020	4-5807-82100-481000-341100-9020	SA2025020 EDO Fund Re-Appropriation	\$31,066.90
2025020	4-5807-82100-481000-345700-9020	SA2025020 EDO Fund Re-Appropriation	\$537,381.78
2025020	4-5807-82100-493000-934001-9999	SA2025020 EDO Fund Re-Appropriation	\$898,370.00
2025020	3-4700-91095-351000-512000-9999	SA2025020 EDO Fund Re-Appropriation	\$898,370.00
2025020	4-4700-91095-491095-560000-9999	SA2025020 EDA Fund Re-Appropriation	\$250,000.00
2025020	4-4700-91095-491095-999999-9999	SA2025020 EDA Fund Re-Appropriation	\$1,216,447.12
2025020	4-4700-91095-491095-600100-9999	SA2025020 EDA Fund Re-Appropriation	\$100.00
2025020	4-4700-91095-491095-950029-9999	SA2025020 EDA Fund Re-Appropriation	\$45,600.00
2025020	4-4700-91095-491095-950032-9999	SA2025020 EDA Fund Re-Appropriation	\$135,334.00
2025020	4-4700-91095-493000-930200-9999	SA2025020 EDA Fund Re-Appropriation	\$6,500.00
2025020	3-4700-91095-352000-510100-9999	SA2025020 EDA Fund Re-Appropriation	\$755,611.12
2025020	4-4600-73000-481000-379300-9999	SA2025020 CACVB Fund Re-Appropriation	\$67,308.00
2025020	3-4600-73000-352000-510100-9999	SA2025020 CACVB Fund Re-Appropriation	\$67,308.00
2025020	3-5810-99000-352000-510100-9999	SA2025020 Plastic Bag Tax Fund Re-Appropriation	\$205,871.37
2025020	4-5810-94000-499000-999966-9999	SA2025020 Plastic Bag Tax Fund Re-Appropriation	\$205,871.37
2025020	4-7200-23100-412560-800500-9999	SA2025020 Carry Forward of Vehicle Replacement Fund Balances - Sheriff	\$23,336.00
2025020	4-7200-31100-412560-800500-9999	SA2025020 Carry Forward of Vehicle Replacement Fund Balances - Police Department	\$195,463.90
2025020	4-7200-71200-412560-800500-9999	SA2025020 Carry Forward of Vehicle Replacement Fund Balances - Parks and Rec.	\$65,000.00
2025020	4-7200-99000-412560-999988-9999	SA2025020 Carry Forward of Vehicle Replacement Fund Balances - Emergency Replacement Contingency	\$55,036.84
2025020	3-7200-99000-316000-161280-9999	SA2025020 Carry Forward of Vehicle Replacement Fund Balances - Sheriff	\$22,008.00
2025020	3-7200-99000-352000-510100-9999	Carry Forward of Vehicle Replacement Funds Fund Balance	\$316,828.74

Agenda Item No. 11. **Public Hearing: Acquisition of Parcel # 056A2-04-00-000A3 in Parkside Village.** To consider the potential condemnation of property for the construction of the Library Avenue Extension to Parkside Village Road Project, and to consider approval of the public use and necessity therefor. The subject property is comprised of 0.070 acre, more or less, in Crozet and is commonly known as Parcel ID 056A2-04-00-000A3, said property being owned by the Unknown Trustees in Liquidation of Hauser Homes, Inc., a defunct Virginia corporation and Parkside Village Homeowners Association, Inc., as their interests may appear. The ownership of this parcel is in question and the County has done the necessary due diligence to attempt to confirm ownership

The Executive Summary forwarded to the Board states during the right-of-way property investigation phase of the Library Avenue / Barnes Lumber project, the County’s right-of-way consultant found multiple issues with Parcel ID # 056A2-04-00-000A3 that hamper the County’s efforts to acquire clear title. This parcel is important for the completion of the road system connecting the Library Avenue / Barnes Lumber project with Parkside Village.

The Parcel had not been conveyed to the Parkside Village HOA, as previously thought. The recorded plat (Attachment A) shows the subject parcel as “reserved for future extension of Hill Top Street, to be dedicated for public use upon demand by the County.” However, a title examination found no recorded deed of conveyance that transferred the property from the developer to the Parkside Village HOA. Instead, the current record owner is a defunct entity with multiple judgments encumbering its properties. Albemarle County staff has completed due diligence with advertisements and signage to provide an opportunity for other potential owners to state a claim on the property, but none were received.

This public hearing is to consider a proposed resolution, as specified by Virginia Code § 15.2-1903(B) <<https://law.lis.virginia.gov/vacode/15.2-1903/>> and § 15.2-1905(C) <<https://law.lis.virginia.gov/vacode/15.2-1905/>>, authorizing this proposed use of eminent domain. This resolution cannot be adopted until the Board has held a public hearing.

If the Board approves this use of eminent domain, the County would file a certificate of take with the Clerk of the Circuit Court of Albemarle County.

The acquisition of clear title to this parcel is critical for the completion of the road system connecting to the Library Avenue / Barnes Lumber project with Parkside Village. To acquire clear title to the land needed for the construction of Route 867, the County will need to pursue eminent domain and file a certificate of take with the Clerk of the Circuit Court of Albemarle County. The County is required to conduct a public hearing to consider the acquisition of the parcel by eminent domain. Staff supports the resolution to acquire the subject property by eminent domain.

Staff recommends that the Board of Supervisors adopt the proposed resolution (Attachment B) to authorize the acquisition of Parcel ID # 056A2-04-00-000A3 by eminent domain.

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Mr. Andy Herrick, Interim County Attorney, said that he was joined this evening by Blake Abplanalp from the County's Department of Facilities and Environmental Services, and Adam Cherry, the County's outside counsel in Richmond with the law firm of Randolph, Boyd, Cherry, and Vaughan, who would be available to answer questions if needed. He said that tonight, he would present on the County's acquisition of a parcel in Crozet. He said that this presentation would be divided into three parts. First, Mr. Abplanalp would provide a brief overview of the project, and then he would discuss the parcel proposed for acquisition and the process involved.

Mr. Blake Abplanalp, Chief of Facilities, Planning, and Construction, said that he was happy to provide a brief overview of the project, although many of the Board members were familiar with it, he wanted to ensure everyone was up to speed. The project, Barnes Lumber/Library Avenue Extension, was marked in black, and the parcel they were discussing tonight was marked in purple. This project involved the development of a new road network at the former Barnes Lumber site in downtown Crozet, connecting Crozet Avenue, Library Avenue, and the Square to Hilltop Road and Parkside Village.

Mr. Abplanalp said that their goal was to have this road network accepted into the VDOT system upon completion. The design had been done to meet VDOT standards, and all necessary approvals had been obtained. This road network would also support the future plaza development and potentially become part of the connection from downtown Crozet to Route 250. In addition, he would like to highlight some good news regarding the Square and Oak Street Improvements Project, marked in red.

Mr. Abplanalp said that they were starting construction on that separate project on January 6, 2025, to avoid interrupting the merchants' holiday business this month. The subject project was a public-private partnership, with funding provided by the developer, the County, and VDOT through revenue-sharing grant funding. The road system and its connections aligned with the Crozet Master Plan, particularly in terms of additional street connections and the successful redevelopment of downtown Crozet, a key goal outlined in the plan.

Mr. Abplanalp said that the project's total budget was approximately \$8 million. Currently, they were in the right-of-way phase, and they had agreed on three of the nine parcels. One of these parcels would be the focus of their discussion this evening. Their design professionals were nearing completion of the 90% finished plans for their next submission to VDOT. The construction bidding process was anticipated to begin in June 2025, typically taking two to three months to complete, from start to finish. He said that once a contract was awarded, a notice to proceed would be issued, and they anticipated construction activities lasting approximately 12 months.

Mr. Herrick said that he would like to briefly describe the parcel, and the process involved. He said that as they could see on the map, the subject parcel was outlined in yellow to the right side of the parcel, located to the east of the former Barnes Lumber yard and at the western end of Hilltop Street in the Parkside Village area. He said that it was parcel number 56A2-04-A3, measuring 0.07 acre.

Mr. Herrick said that currently, it was an unused stub of the western terminus of Hilltop Street in Parkside Village. He said that initially, it was thought to be owned by the Parkside Village Homeowners Association, but a title examination revealed that it was actually owned by Hauser Homes, Inc., a defunct Virginia corporation. He said that the title had been transferred to the Unknown Trustees in Liquidation of that company, according to the title exam. Furthermore, the company and parcel were subject to multiple judgments.

Mr. Herrick said that given the unclear title, the only practical way to acquire clear title was through eminent domain. He said that the County staff and outside agents had worked with property owners to try to make voluntary agreements for conveyance, but in this case, the title was too unclear. He said that fortunately, the eminent domain process could help clear a variety of problems on the parcel. He said that the County staff had prepared and submitted a proposed resolution, which was attached to the staff report as Attachment B.

Mr. Herrick said that with the assistance of outside counsel, the County would file a certificate of take with the court and deposit the estimated value of the parcel, \$900, into the court. He said that the County would immediately acquire a clear title and allow the County to proceed with the project. He said that the court would then determine the actual value of the parcel and distribute the proceeds to the appropriate parties. He said that staff had a suggested motion to adopt the resolution attached to the staff report as Attachment B. He said that he was available to address any questions the Board members may have.

Mr. Pruitt said that there was a cottage industry of lawyers who specialized in arguing that the value of certificates of take was improperly calculated after issuance. He asked if it was possible that after they had deposited the value with the court, the party who purchased the outstanding judgments could later come to the County and claim that they owed significantly more than initially agreed upon. He asked whether that would be the court's responsibility at that point.

Mr. Herrick said that the court would ultimately determine the value of the property. He said that at issue in the case would be the fair market value of the property, not the judgment itself. He said that it was conceivable that an appraiser could value the property at more than \$900, and the County would need to allocate additional funds to cover that amount. He said that the range of value for a 0.07-acre piece of property was relatively limited. He said that the County would not be liable for satisfying any judgments that the current owner has. He said that the County's liability would be limited to the actual value of the property acquired, rather than any outstanding judgments against the current owner.

Mr. Andrews opened the public hearing. Seeing no speakers, he closed the public hearing and the matter rested with the Board.

Ms. Mallek **moved** that the Board of Supervisors adopt the Resolution attached to the staff report as Attachment B. 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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**RESOLUTION TO AUTHORIZE THE ACQUISITION BY CONDEMNATION OF A CERTAIN PARCEL OF LAND IN FEE SIMPLE, PARCEL ID NUMBER 056A2-04-00-000A3, FOR THE PURPOSE OF CONSTRUCTING ROAD AND SAFETY IMPROVEMENTS, IN ACCORDANCE WITH THE LIBRARY AVENUE EXTENSION TO PARKSIDE VILLAGE ROAD PROJECT, AND TO ENTER UPON THE PROPERTY TO BE ACQUIRED AND INITIATE CONSTRUCTION BEFORE THE CONCLUSION OF THE CONDEMNATION PROCEEDING PURSUANT TO VIRGINIA CODE SECTIONS 15.2-1904 AND 15.2-1905(C) AND CHAPTER 3 OF TITLE 25.1 (SECTIONS 25.1-300 ET SEQ.)**

**WHEREAS**, Albemarle County has proposed certain roadway improvements in the White Hall District as part of the Library Avenue Extension to Parkside Village Road Project in order to extend Library Avenue eastward through the Barnes Lumber property to connect to High Street and then to Hill Top Street in Parkside Village as well as connection to The Square;

**WHEREAS**, the Library Avenue Extension to Parkside Village Road Project is necessary for the public health, safety, peace, good order, comfort, convenience, and welfare of the County;

**WHEREAS**, the project design for the Library Avenue Extension to Parkside Village Road Project requires the acquisition of certain right-of-way and easement interests for the construction of road and safety improvements;

**WHEREAS**, the County has reviewed the acquisition for purposes of complying with Section 1-219.1 of the Code of Virginia and has certified that the acquisition is for the possession, ownership, occupation, and enjoyment of the property by the public, for the purpose of construction and maintenance of public facilities including public roads and other improvements;

**WHEREAS**, the owner of record of the subject property, Hauser Homes, Inc., is a defunct Virginia corporation and title to the property has transferred by law to the Unknown Trustees in Liquidation of said company;

**WHEREAS**, title to the subject property is further clouded by a subsequent deed by which Weather Hill Homes Ltd. purported to convey said property to Parkside Village Homeowners Association, Inc., though Weather Hill Homes Ltd. did not own the property at the time of the conveyance;

**WHEREAS**, the County is unable to make a bona fide but ineffectual effort to purchase the necessary right-of-way for public road and other improvements at fair market value as determined by a licensed appraiser, and the County and the landowner have been unable to reach an agreement because the landowner is unknown and unable to convey legal title to the County; and

**WHEREAS**, it is now necessary to enter upon the property to install the facilities and improvements prior to the completion of condemnation proceedings;

**NOW, THEREFORE, BE IT RESOLVED** BY THE ALBEMARLE COUNTY BOARD OF SUPERVISORS:

1. That the property is to be acquired for construction and maintenance of public roadway improvements and other related improvements, including road and safety improvements, required as a result of the proposed improvements for the purpose of extending Library Avenue eastward through the Barnes Lumber property to connect to High Street and then to Hill Top Street in Parkside Village as well as connection to The Square.
2. That the Board approves the proposed public use of the property.
3. That acquisition of the property, as shown in the following chart along with the referenced plat, is for the public roadway and related facilities and is declared to be necessary for a public use and an authorized public undertaking pursuant to Chapter 19 of Title 15.2 (§ 15.2-1900, *et seq.*) of the Code of Virginia (1950), as amended.

Landowner	Parcel ID Number	Referenced Plat Showing Property Interests to be Acquired
Unknown Trustees in Liquidation of Hauser Homes, Inc., a defunct Virginia corporation and Parkside Village Homeowners Association, Inc., as its interest may appear	056A2-04-00-000A3	Parcel 008 on “Right of Way Plan Sheet” Number 3RW prepared by Timmons Group, dated December 10, 2020, last revised February 16, 2024, attached hereto and labeled “Exhibit A.” And as shown as Parcel W on “Plat Showing Lots 48 Thru 71, Phase 2, Parkside Village” prepared by B. Aubrey Huffman & Associates, LLC, dated May 2, 2005 and recorded in the Albemarle Circuit Court Clerk’s Office in Deed Book 2932, Pages 621-626.

4. That it is necessary to enter upon the property to begin construction of the roadway and other improvements prior to the completion of condemnation proceedings in order to adhere to the project schedule.
5. That Albemarle County may, upon the deposit of compensation in the amount of the County’s opinion of just compensation and in compliance with all statutory requirements, including the recordation of a Certificate of Take with the Clerk of the Circuit Court of Albemarle County, enter upon the property identified herein and take possession of the property prior to the conclusion of condemnation proceedings.
6. That, based upon the assessment records or other objective evidence, Albemarle County has determined that the just compensation due to the landowner for the property interests to be acquired for public purposes is as follows:

Landowner	Parcel ID Number	Property Interests to be Acquired	Appraised Value
Unknown Trustees in Liquidation of Hauser Homes, Inc., a defunct Virginia corporation and Parkside Village Homeowners Association, Inc., as its interest may appear	056A2-04-00-000A3	Fee Simple Right-of-Way; Parcel 008 on “Right of Way Plan Sheet” Number 3RW prepared by Timmons Group, dated December 10, 2020, last revised February 16, 2024, attached hereto and labeled “Exhibit A.” And as shown as Parcel W on “Plat Showing Lots 48 Thru 71, Phase 2, Parkside Village” prepared by B. Aubrey Huffman & Associates, LLC, dated May 2, 2005 and recorded in the Albemarle Circuit Court Clerk’s Office in Deed Book 2932, Pages 621-626, attached hereto and labeled “Exhibit B.”	\$900.00

7. That the ownership of the property interests to be acquired is as stated in paragraphs 3 and 6 herein.
  8. That the County Executive or his designee will deposit with the Clerk of the Circuit Court of Albemarle County, to the credit of the landowner named above, the County's opinion of just compensation for the property interests, as listed in paragraph 6 herein and simultaneously record a Certificate of Take with the Clerk of the Circuit Court of Albemarle County.
  9. That the County Executive or his designee will mail a certified copy of this resolution to the landowners, if known.
  10. That the County Attorney or his designee is authorized and directed to acquire the property interests for public use by condemnation or other means, and to institute and conduct condemnation proceedings to acquire the property interests from the landowner named herein in the manner authorized and provided by Chapter 19 of Title 15.2 (Sections 15.2-1900 *et seq.*), and Chapters 2 and 3 of Title 25.1 (Sections 25.1-200 *et seq.* and 25.1-300 *et seq.*) of the Code of Virginia (1950), as amended.
  11. That the County Executive or his designee may also continue to negotiate acquisition of the property interests, subject to approval by the Board of Supervisors, if the landowner is identified and can convey clear title.
-



✓

Instrument Control Number

Exhibit B

003561

Commonwealth of Virginia

Land Record Instruments

Cover Sheet - Form A

[ILS VLR Cover Sheet Agent 1.0.66]

Doc ID: 000002010006 Type: DEE

Recorded: 03/04/2005 at 02:54:00 PM

Fee Amt: \$87.00 Page 1 of 4

Albemarle County, VA

Shelby Marshall Clerk Circuit Court

Filed: 2005-03080501

BK 2932 Pg 621-626

AXEMP

CORP

Date of Instrument: [3/4/2005 ]

Instrument Type: [PM ]

Number of Parcels [ 1 ]

Number of Pages [ 3 ]

City ☐ County ☒ [Albemarle County ]

(Box for Deed Stamp Only)

First and Second Grantors

Last Name	First Name	Middle Name or Initial	Suffix
[ ]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]

First and Second Grantees

Last Name	First Name	Middle Name or Initial	Suffix
[HAUSER HOMES INC ]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]

Grantee Address (Name) [HAUSER HOMES ]

(Address 1) [1425 Sachem Place, Unit 201 ]

(Address 2) [ ]

(City, State, Zip) [CHARLOTTESVILLE ] [VA] [22901 ]

Consideration [0.00 ] Existing Debt [0.00 ] Assumption Balance [0.00 ]

Prior Instr. Recorded at: City ☐ County ☒ [Albemarle County ] Percent. In this Juris. [ 100 ]

Book [2803 ] Page [529 ] Instr. No [ ]

Parcel Identification No (PIN) [56A2-04-24A ]

Tax Map Num. (if different than PIN) [56A2-04-24A ]

Short Property Description [PARKSIDE VILLAGE SUBDIVISION ]

[ ]

Current Property Address (Address 1) [ ]

(Address 2) [ ]

(City, State, Zip) [ ] [ ] [ ]

Instrument Prepared by [PARKER MCELWAIN & JACOBS PC ]

Recording Paid for by [PARKER MCELWAIN & JACOBS PC ]

Return Recording to (Name) [PARKER MCELWAIN & JACOBS PC ]

(Address 1) [2340 COMMONWEALTH DRIVE ]

(Address 2) [ ]

(City, State, Zip) [CHARLOTTESVILLE ] [VA] [22901 ]

Customer Case ID [ ] [ ] [ ]

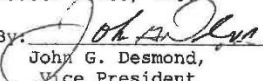
Cover Sheet Page # 1 of 1

003561

CERTIFICATE OF PLAT

The attached subdivision plat prepared by B. Aubrey Huffman & Associates, Ltd., dated January 18, 2005, revised February 24, 2005, and March 1, 2005, captioned, "Plat Showing Lots 48 Thru 71 Phase 2 Parkside Village, Albemarle County, Virginia," of the lands of Hauser Homes, Inc., a Virginia corporation, situated Albemarle County, Virginia, being a portion of the property conveyed to it by Deed recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia, in Deed Book 2803, page 529, is hereby confirmed and submitted for record.

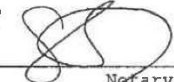
Witness the following signature and seal:

Hauser Homes, Inc.  
By:  SEAL  
John G. Desmond,  
Vice President

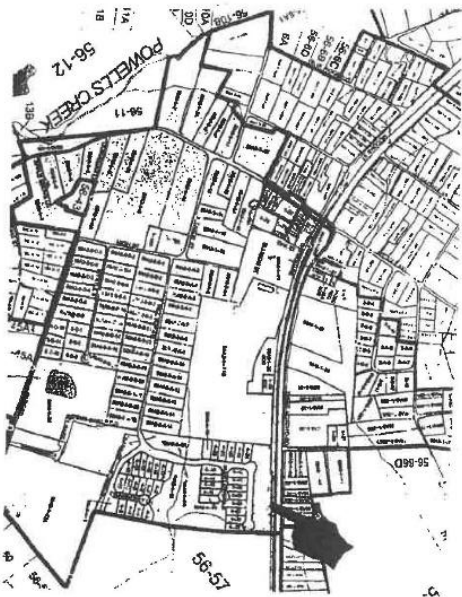
Commonwealth of Virginia,  
County of Albemarle:

The foregoing Certificate of Plat was signed and acknowledged before the undersigned Notary Public for the Commonwealth of Virginia, at large, by John G. Desmond, Vice President of Hauser Homes, Inc. on the 4th day of March, 2005.

My commission expires: 9-30-06

  
Notary Public

THE PURCHASER IN THIS SUBDIVISION MAY NOT USE THE EASEMENTS FOR ACCESS INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS AND WILL NOT BE MAINTAINED BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION OR THE COUNTY OF ALBEMARLE. THE PARKSIDE TOWNHOME HOMEOWNERS ASSOCIATION ON ITS ASSIGNS WILL PROHIBIT AND RESTRICT THE CONSTRUCTION OF ANY EXTERIOR ADDITION TO THE PARKSIDE TOWNHOME, UNLESS SUCH ADDITION IS APPROVED BY ALBEMARLE COUNTY. THIS RESTRICTION APPLIES TO LOT 48 THRU 71.



PLAT SHOWING

LOTS 48 THRU 71 PHASE 2

**PARKSIDE VILLAGE**

ALBEMARLE COUNTY, VIRGINIA

JANUARY 18, 2005

**B. AUBREY HUFFMAN & ASSOCIATES, LLC.**

CIVIL ENGINEERING - LAND SURVEYING - LAND PLANNING  
CHARLOTTESVILLE, VIRGINIA

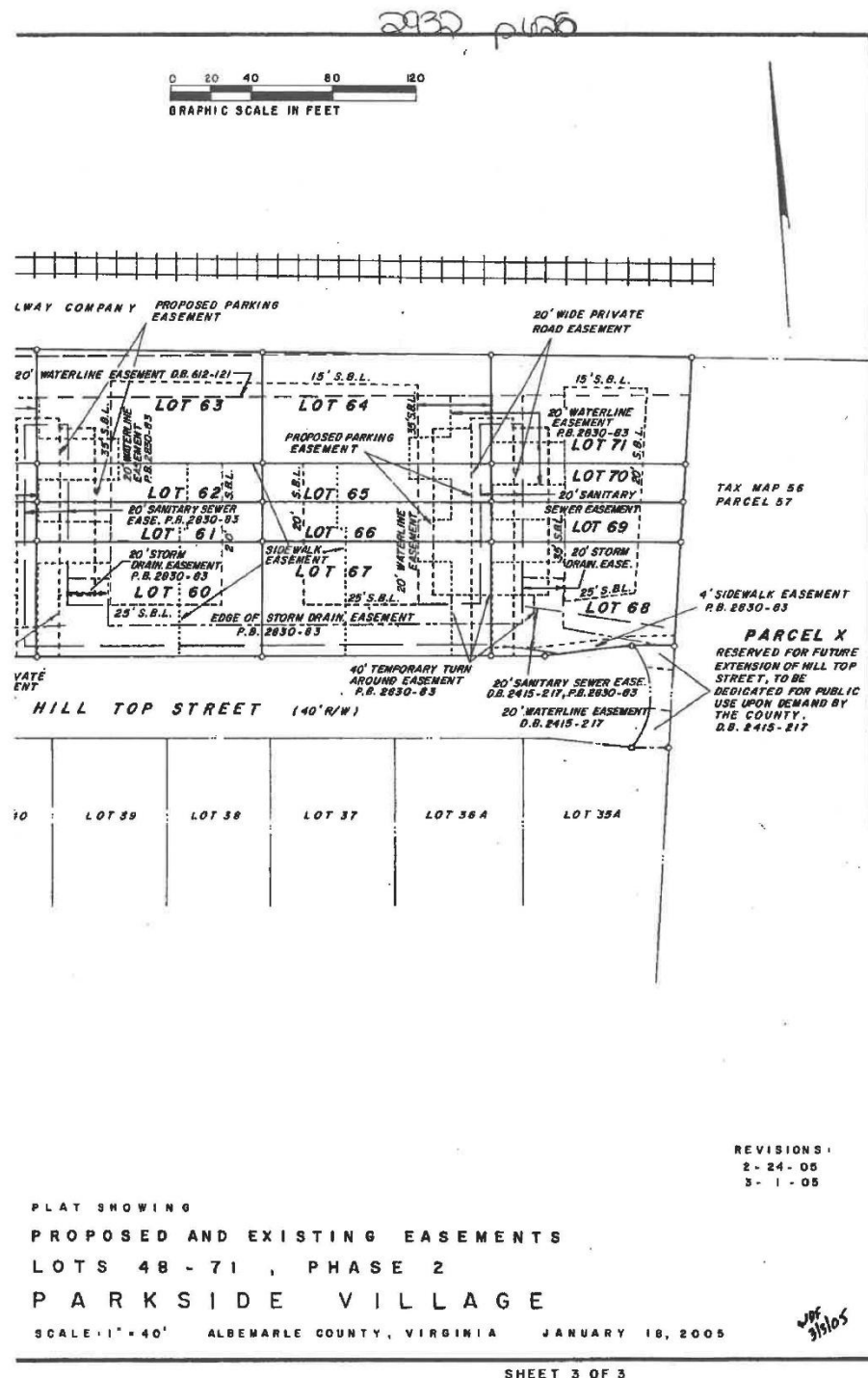


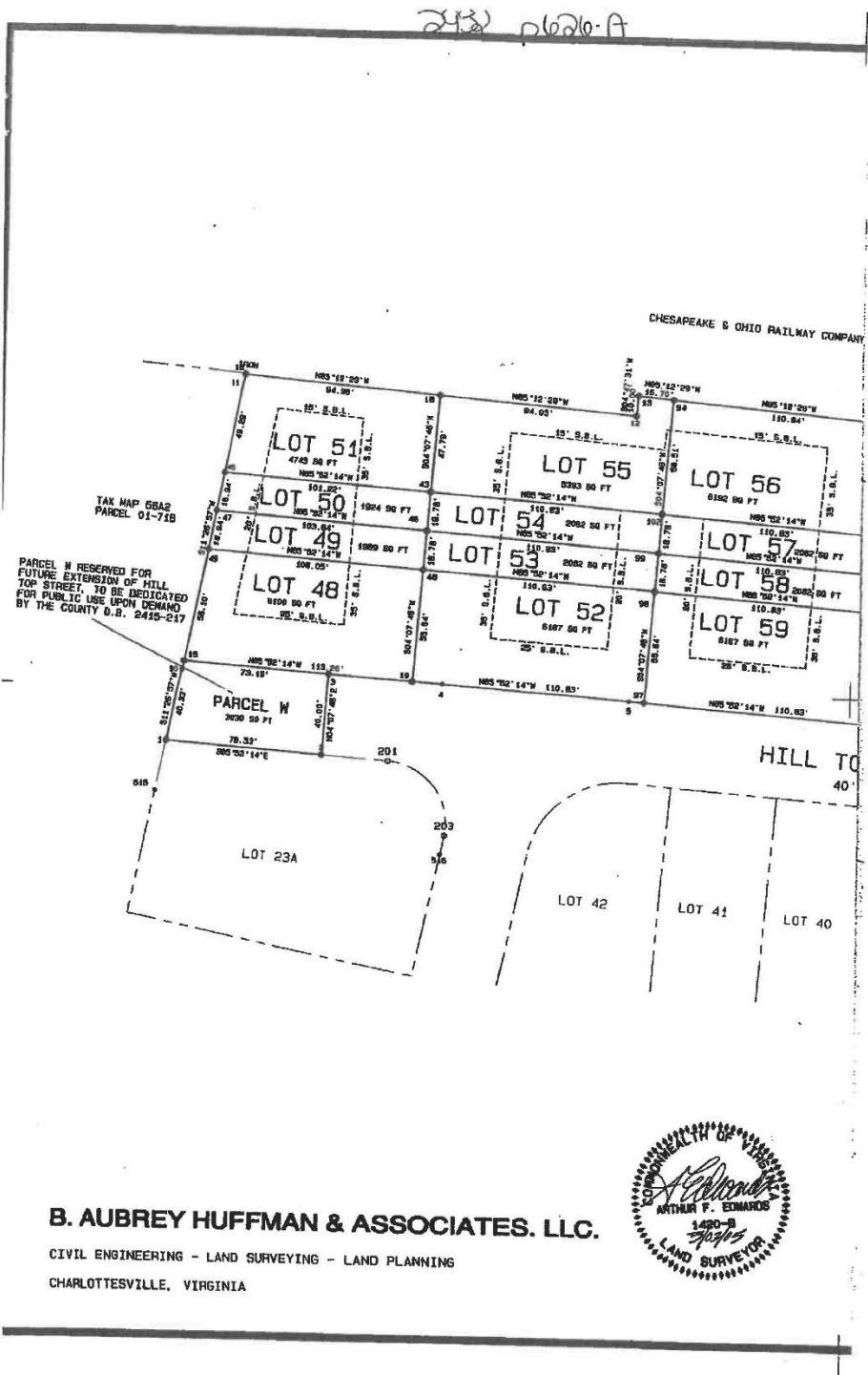
REVISED:  
FEBRUARY 24, 2005  
MARCH 1, 2005

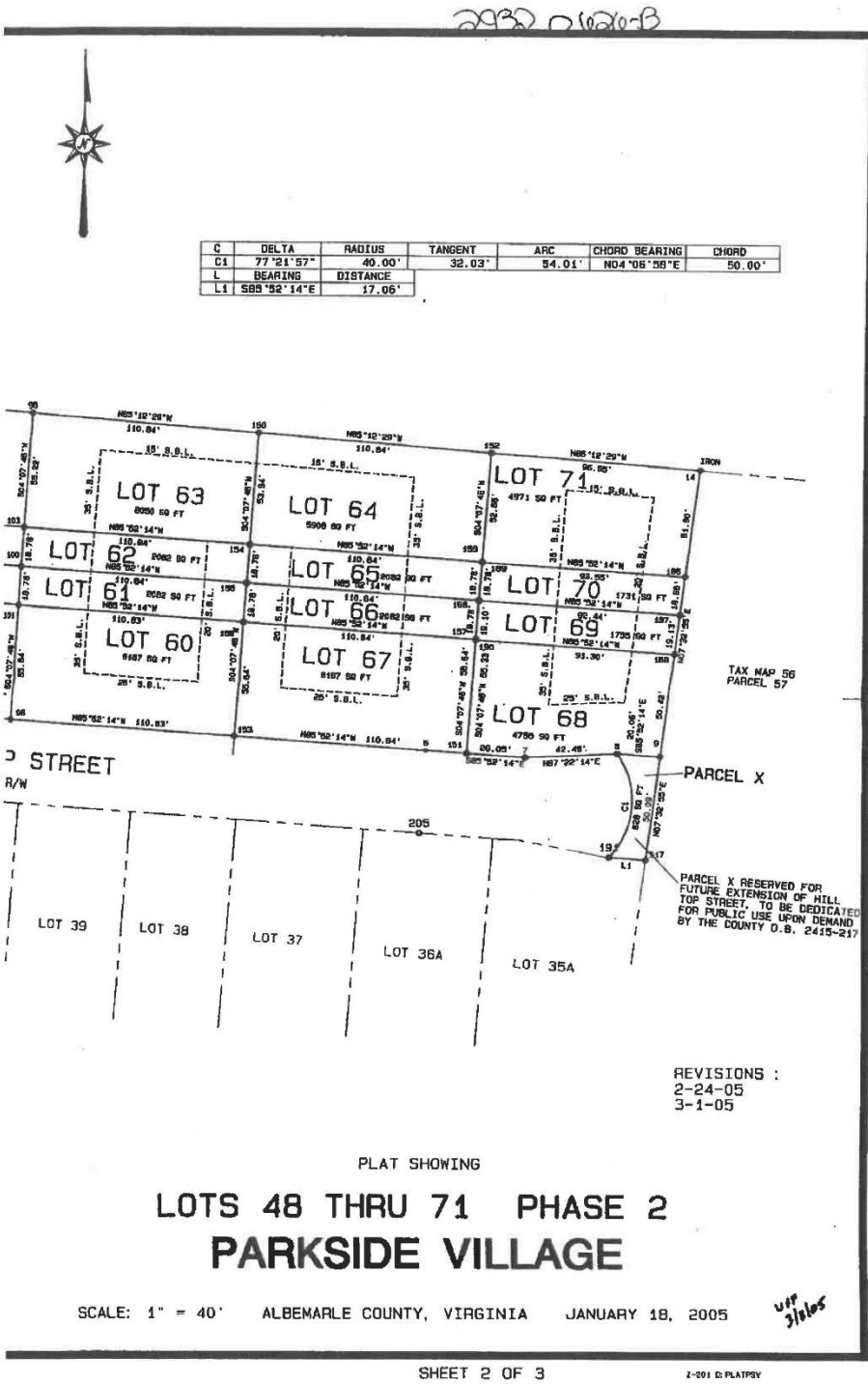
SHEET 1  
OF 3

<p>COUNTY OF ALBEMARLE PLANNING COMMISSION</p> <p><u>Nellie B. Edwards</u> CHAIRMAN</p> <p>DATE: <u>3/6/05</u></p>	<p>COUNTY OF ALBEMARLE BOARD OF SUPERVISORS</p> <p><u>Nellie B. Edwards</u> DESIGNATED AGENT</p> <p>DATE: <u>3/6/05</u></p>	<p>CERTIFICATION THIS IS A CORRECT AND ACCURATE PLAT.</p> <p><u>Arthur F. Edwards</u> ARTHUR F. EDWARDS LAND SURVEYOR</p>
<p>COUNTY OF ALBEMARLE STATE OF VIRGINIA.</p> <p>TO WIT: THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS <u>3<sup>rd</sup></u> DAY OF <u>MARCH</u> 2005.</p> <p>BY <u>JOHN G. Desmond</u></p> <p>AS OWNERS, PROPRIETORS AND/OR TRUSTEES.</p> <p><u>John G. Desmond</u></p> <p>NOTARY PUBLIC MY COMMISSION EXPIRES <u>12/31/05</u></p>	<p>OWNERS APPROVAL:</p> <p>THE DIVISION OF THE LAND DESCRIBED HEREIN IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERIGNED OWNERS, PROPRIETORS AND/OR TRUSTEES. ANY REFERENCE TO FUTURE POTENTIAL DEVELOPMENT IS DEEMED AS THEORETICAL ONLY. ALL STATEMENTS AFFIXED TO THIS PLAT ARE TRUE TO THE BEST OF MY KNOWLEDGE.</p> <p><u>House Homes, Inc.,</u> <u>by Geraldine</u></p>	<p>PROPERTY STANDING IN THE NAME OF HAUSER HOMES INC. D.B. 2803 - 529 &amp; P.B. 2830 - 63 ISION PING TO BE SET AT ALL NEW CORNERS BY JULY 4, 2005 TOTAL AREA DIVIDED - 2.200 ACRES TM 5642 PARCEL 04-244 WHITE HALL DISTRICT PROPERTY ZONED R6 UTILIZING THE CLUSTER DEVELOPMENT OPTION. THE PROPERTY SHOWN HEREON IS LOCATED IN THE SOUTH FORK RIVANNA WATERSHED. ALL LOTS SHOWN HEREON HAVE ADEQUATE BUILDING SITES AS REQUIRED BY SECTION 4.2.2 OF THE ZONING ORDINANCE.</p> <p>THE DEVELOPER RESERVES A UTILITY AND OR DRAINAGE EASEMENT OVER THE ENTIRE AREA OF EACH LOT, EXCEPT THAT PORTION OF THE LOT THAT IS OCCUPIED BY A TOWER TWO AND TWO AND TEN</p> <p>NOTE: THE LAND USE REGULATIONS LISTED HEREIN ARE IMPOSED PESIMANT TO THE ALBEMARLE COUNTY ZONING ORDINANCE IN EFFECT ON THIS DATE AND ARE SHOWN FOR INFORMATION PURPOSES ONLY. THEY ARE NOT RESTRICTIVE COVENANTS RUNNING WITH THE LAND AND THEIR APPEARANCE ON THIS PLAT IS NOT INTENDED TO IMPOSE THEM AS SUCH.</p>









RECORDED IN CLERKS OFFICE OF  
ALBEMARLE ON  
March 04, 2005 AT 2:54:08 PM  
\$0.00 GRANTOR TAX PD  
AS REQUIRED BY VA CODE §58.1-802  
STATE: \$0.00 LOCAL: \$0.00  
ALBEMARLE COUNTY, VA  
SHELBY MARSHALL CLERK CIRCUIT COURT  
*Karen P. Miller DC*

Agenda Item No. 12. **Public Hearing:** SP202400002 Midway-Martin Store Powerline Upgrade.  
PROJECT: SP202400002 Midway to Martin's Store Powerline Replacement  
MAGISTERIAL DISTRICT: Samuel Miller  
TAX MAP/PARCEL(S): 08500-00-00-004I0, 08500-00-00-004F0, 08500-00-00-004B1, 08500-00-00-004B0, 08500-00-00-004B3, 08500-00-00-004B2, 08500-00-00-004A0, 08400-00-00-047A0, 08400-00-00-048C0, 08400-00-00-048B0, 08400-00-00-048A0, 08400-00-00-04800, 08400-00-00-04900, 08400-00-00-07000, 08400-00-00-05000, 08400-00-00-050A1, 08400-00-00-05100, 08400-00-00-051A0, 08400-00-00-064N0, 08400-00-00-05200, 08400-00-00-064M0, 08400-00-00-064L0, 08400-00-00-064J0, 08400-00-00-064I0, 08400-00-00-064H0, 08400-00-00-064C0, 08400-00-00-062A0, 08400-00-00-06300, 08400-00-00-06200, 08400-00-00-062B0, 08400-00-00-056B0, 08400-00-00-056A0, 08400-00-00-01600, 08400-00-00-014D0, 08400-00-00-057B0, 08400-00-00-01400, 08400-00-00-014H0, 08400-00-00-014E1, 08400-00-00-014E4, 08400-00-00-014E3, 08400-00-00-01300.  
LOCATION: 1985 Thunder Ridge Road to 2897 Craigs Store Road  
PROPOSAL: Replace existing power-line support poles with new poles feet along an existing transmission line route, within an existing easement.  
PETITION: Energy and communications transmission facilities Section 10.2.2(6) of the Zoning Ordinance, crossing 40 parcels of land. No dwelling units proposed.  
ZONING: RA, Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)  
OVERLAY DISTRICT(S): None.

The Executive Summary forwarded to the Board states that, at its meeting on October 8, 2024, the Planning Commission (PC) voted 6:0 (Commissioner Clayborne absent) to recommend approval of SP202400002, for the reasons listed in the staff report. The PC asked a few clarifying questions and had minimal comments. The PC's original staff report, action memo, and minutes are attached (Attachments A, B, and C).

The PC agreed with the staff's recommendation of approval of this application with the recommended conditions. No changes to the application have occurred since the PC recommendation of approval.

Staff recommends that the Board adopt the attached Resolution to approve SP202400002 Midway – Martin's Store Power Line Upgrade Phase II with the proposed conditions (Attachment D).

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Mr. Kevin McDermott, Deputy Director of Planning, said that tonight, he would be presenting the staff report for SP202400002, Midway to Martin Store Transmission Line Phase 2 project. He said that this was an application to upgrade approximately 2.8 miles of transmission line from Thunder Ridge Road in southwest Albemarle County to the Martin Store substation in Nelson County. He said that this was the second phase of the project. He said that the first phase, which he had a map of, stretched from Thunder Ridge Road northward along Craigs Store Road. He said that the map showed Craigs Store Road, with the red line indicating the route of the power line.

Mr. McDermott said that the first phase went from Thunder Ridge Road northward up to the Midway station, near the intersection of Midway Road and Miller School Road. He said that the existing 60- to 70-foot-tall wooden H-poles were proposed to be replaced with 58-to 82.5-foot steel monopoles within the existing right-of-way of the power line. He said that the map also showed the transmission line extending down into Nelson County to approximately Route 151 at the Martin's Store substation.

Mr. McDermott said that this upgrade was necessary because the existing wooden poles were approximately 40 years old and were starting to show signs of deterioration. He said that the line served approximately 6,750 customers, and the replacement would improve the reliability of the service. He said that this project required a special use permit because, when the initial transmission line was installed, that was not a requirement. He said that now that the upgrade was being made, the special use permit was required under Section §10.2.26 of the Zoning Ordinance.

Mr. McDermott said that approximately 41 parcels were crossed by this right-of-way, and they were shown in blue on the map. He said that the green area showed the adjacent parcels. He said that the current zoning in the area was Rural Area, and the comprehensive plan of future land use was also Rural Area. He said that the analysis of special use permit requests required them to analyze the project against a set of factors. He said that the first of these factors was that there would be no substantial detriment to adjacent lots.

Mr. McDermott said that the proposal was to replace the existing poles within the existing right-of-way. He said that construction impacts would be limited and temporary. He said that an example of the proposed line was provided on the map, and they could barely see the H-poles, but they went through the existing line of the right-of-way. He said that staff believed there would be no substantial detriment to adjacent lots. He said that staff also analyzed the proposal to see if the nearby area's character would remain unchanged.

Mr. McDermott explained that the new poles were not substantially different from the previous poles, no grading was proposed, and vegetation impacts would be limited because the corridor was already cleared of most vegetation. He said that the design must be in harmony with the uses permitted by right in the district, as outlined in the Zoning Ordinance, which aimed to provide for public requirements such as reliable electrical service. He said that the design proposal was evaluated against the applicable regulations found in section §5.1.12, as they related to public utility structures and uses.

Mr. McDermott said that staff believed the design was in harmony. He said that the figure they saw here was an example of what this was going to look like. He said that the H-poles that were currently in place would be removed and replaced with steel monopoles, all within the existing right-of-way. He said that in summary, staff had identified the factors favorable to the proposal, which was that the utility line upgrade would increase electrical service reliability without increasing physical impacts or widening the existing utility corridor.

Mr. McDermott said that staff had not identified any unfavorable factors for the proposal. He said that based on this, staff's recommendation was to recommend approval of SP202400002 Midway-Martin's Store Transmission 115kV Line Phase 2, with the conditions that the design of the new poles must be in general accord with those shown in the concept plan, supporting structures for the electrical transmission lines would remain within the existing right-of-way easement, and during construction, timber bridging shall be used for all stream crossings as shown in the concept plan.

Ms. Mallek asked what color the poles would be.

Mr. McDermott said that he would defer to the applicant to answer that question.

Mr. Andrews opened the public hearing. He asked if the applicant had a presentation.

Mr. Charles Ward, Vice President of Engineering Services at Central Virginia Electric Co-Op, said that he was present to request approval of this project. He said that Mr. McDermott had already covered the necessary information, and he would briefly review the proposal. He said that the total length of the line was approximately 11 miles long, with about 6.2 miles located in Albemarle County and the remaining miles in Nelson County. He said that the current structure was approximately 40 years old and consisted of wood poles and crossarms, which were deteriorating from the inside out.

Mr. Ward said that it was not known when they would fail until they did, and when they did, they would affect approximately 6,750 customers along the line. He said that the line served several key facilities, including the Martin's Store substation, the Peggy's Pinch pump station for Wintergreen, the Wintergreen substation, and the Laurel Springs substation at the top of the mountain, so there were many customers affected by this line.

Mr. Ward said that Phase 2 was approximately 2.8 miles within the County. He said that Phase 1 had been completed in 2023. He clarified that the project had been divided into two phases due to financial and manpower constraints. He said that a 150-foot easement existed, which would accommodate the entire line. He said that the existing poles were located to one side of the easement, as there had once been two transmission lines in the area, but now there was only one, so the new line would be built down the center of the easement. He said that this would result in a significant improvement.

Mr. Ward said that the proposed pole designs were shown on the slide, with the existing poles on the right and the new poles on the left. He said that the new poles were slightly taller due to their vertical construction, but they would be more aesthetically pleasing. He said that he had previously explained the number of customers served, substations, and the age of the line. He said that the poles were made of ductile iron, which was resistant to woodpeckers, insects, rot, and weather, and were designed to last for over 100 years. He said that when they weathered, they naturally turned brown, giving them a tree-like appearance.

Mr. Ward said that a typical cross-section had been shown earlier. He said that there would be no significant impacts expected along the proposed route. He said that the design would avoid sensitive areas and utilize rubber-tracked vehicles throughout the project. He said that they had placed considerable emphasis on careful design considerations. He said that this design project, as seen on the single provided page, demonstrated the level of detail and information that had been incorporated.

Mr. Ward said that they had identified all the streams and ponds along the route and would use wood matting to cross them as needed. He said that vegetation management was a priority, and the Central Virginia Electric Co-op performed extensive work each year to maintain rights-of-way for their 4,500-mile system. He said that they invested over \$2.5 million annually in vegetation management to ensure reliability for their members and remove hazardous trees. He said that they took pride in being environmentally responsible, as evidenced by their Habitat Partners Certificate from the Virginia Department of Game and Inland Fisheries.

Ms. Mallek said that she appreciated their emphasis on reliability. She asked if the new poles began with a brownish color or if they would be new silver metal.

Mr. Ward said that they were not a shiny aluminum or steel color; they arrived in a dark color.

Ms. Mallek said that was great. She asked if the vegetation management plan included planting species that would top out at 5 feet or 8 feet, so they did not have to continuously mow the easement.

Mr. Ward said that per the certificate they received, they did not simply mow everything down in the right-of-way easements. He said that they left vegetation for birds and butterflies, but they cut any trees that may pose an issue to the lines. He said that a lot of their right-of-way was not mowed down to the ground and had vegetation for wildlife.

Ms. Mallek said that it was good for erosion prevention as well.

Ms. McKeel said that she commended the company's sensitivity to the environment.

Mr. Pruitt said that growing up near a cow farm, he recalled seeing transmission lines with aluminum poles that cut through the property. He said that the cows would often gather around them, and it was a common saying that these poles had some effect on the cows. He said that different people claimed different things about their effects, and he had never heard of poles being made of ductile iron. He said that he was curious if this was a new development, and if there was any resistance from farmers and communities regarding the change to ductile iron poles.

Mr. Ward said that to his knowledge, they had not had any issues with this 115 kV line. He said that in his previous experience in Georgia, he had worked with 500 kV lines, and when they ran parallel to metal fences, static electricity could sometimes be a concern. He said that if someone touched the line, they may draw an arc, similar to the static electricity they might experience when walking across a carpeted floor and touching a metal door in their home. He said that, however, he had not encountered any issues with this voltage level during his 42 years of experience at the utility.

Mr. Gallaway said that he saw in the application that there would actually be fewer poles with this installation. He asked if this was due to the increased height in the poles, so they could stretch further and hold more.

Mr. Ward said that the pole locations were pole-for-pole, but the reduction in poles was because they were going from an H-frame to monopole. He said that it was not quite half because there were some existing single poles already, but it would be a great reduction.

Mr. Gallaway said that he was glad he asked; he mistakenly thought it was reducing the pole locations, but it actually was reducing the poles from two to one at each location.

Ms. LaPisto-Kirtley asked if the new poles would allow for more wires to be added in the future.

Mr. Ward said that that would necessitate a completely new design. He said that as he demonstrated in the drawing, a significant amount of engineering and design work went into designing the line, and it was specifically designed for that particular conductor. He said that if they were to increase the conductor size, the pole size and other components would need to be adjusted due to the added weight.

Mr. Ward said that changing the voltage would require a different configuration. He said that the line was currently designed for 115 kV. He noted that they were not replacing the conductor in size but rather replacing it because it needed to remain energized to the facilities it served. He said that to achieve this, they were building a new line and then removing the old line and replacing it with a new tower. He said that the new line would retain the same conductor size as the old line.

Ms. Mallek said that in the image he had shown, it appeared to be five separate sets of catenary lines. She asked if that was accurate, or if she was simply seeing multiple images of a single line. She said that upon reviewing the image again, she noticed that there was a line at each of the arms.

Mr. Ward said that was right. He said that there were three phases, one per phase, so if they had a large motor and a three-phase load, they needed one per phase. He said that at the top of the system was the static line, which was protected from lightning strikes, which would take the electricity to ground before it hit the transmission line. He said that there if there was any underbill of distribution lines, it would be below the transmission lines; however, there were none on this section of the line.

Ms. Mallek said that the turkey place in Crozet really needed the three-phase lines for their refrigeration because they could not get it from Dominion. She said that she wished they would run the lines up there to Jarmans' Gap.

Mr. Ward said that to simplify, a house was served by a single-phase electrical system, whereas this building was served by a three-phase electrical system.

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

Mr. Andrews **moved** that the Board of Supervisors adopt the Resolution attached to the staff report as Attachment D. 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 SP202400002  
MIDWAY - MARTIN'S STORE POWER LINE UPGRADE PHASE II**

**WHEREAS**, upon consideration of the staff report prepared for SP202400002 Midway - Martin's Store Power Line Upgrade Phase II, the recommendation of the Planning Commission and the information presented at the public hearing, any comments received, and all of the factors relevant to the special use permit in Albemarle County Code §§ 18-10.2.2(6) and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

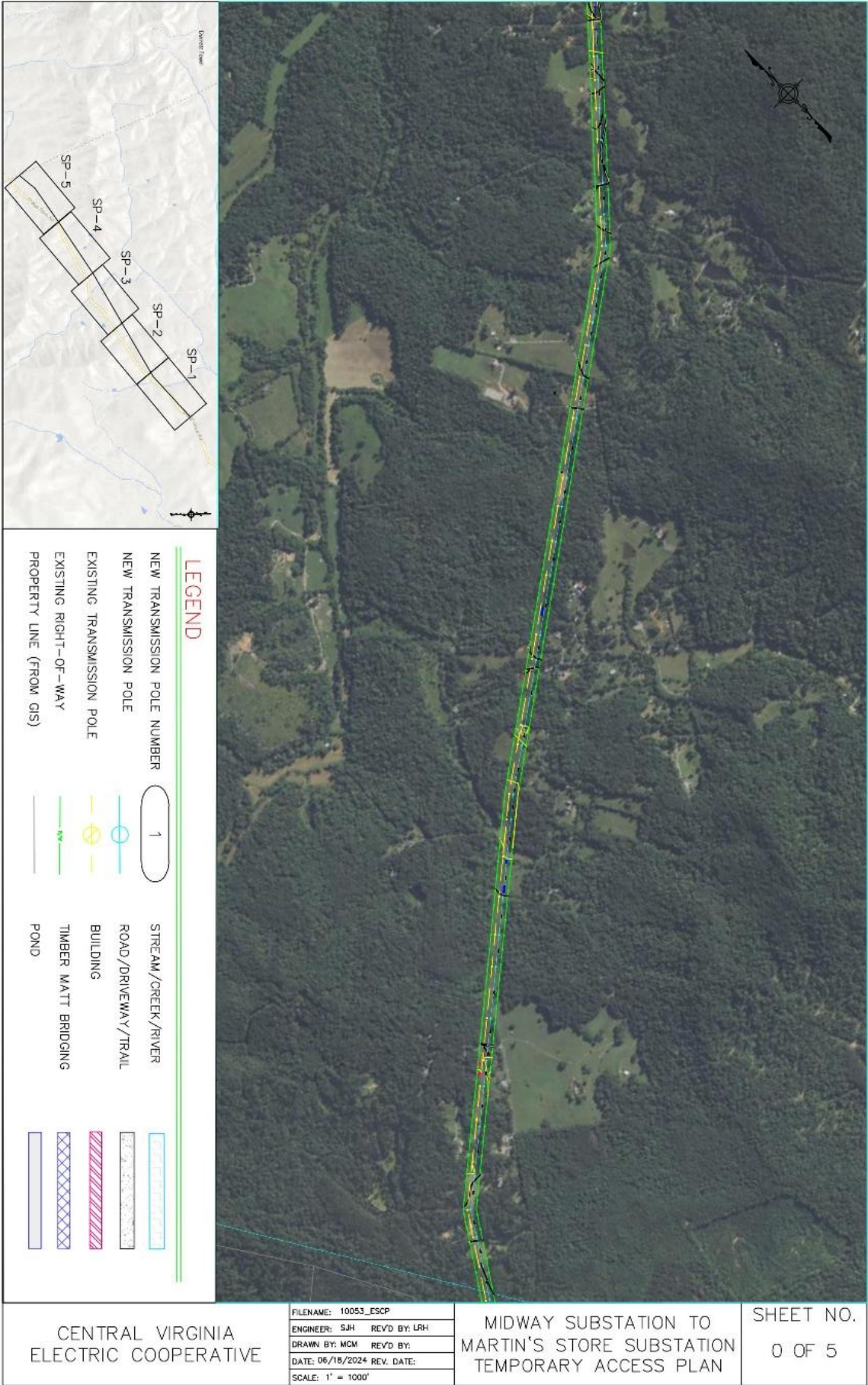
1. not be a substantial detriment to adjacent parcels;
2. not change the character of the adjacent parcels and the nearby area;
3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the Rural Areas (RA) district, with the applicable provisions of Albemarle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

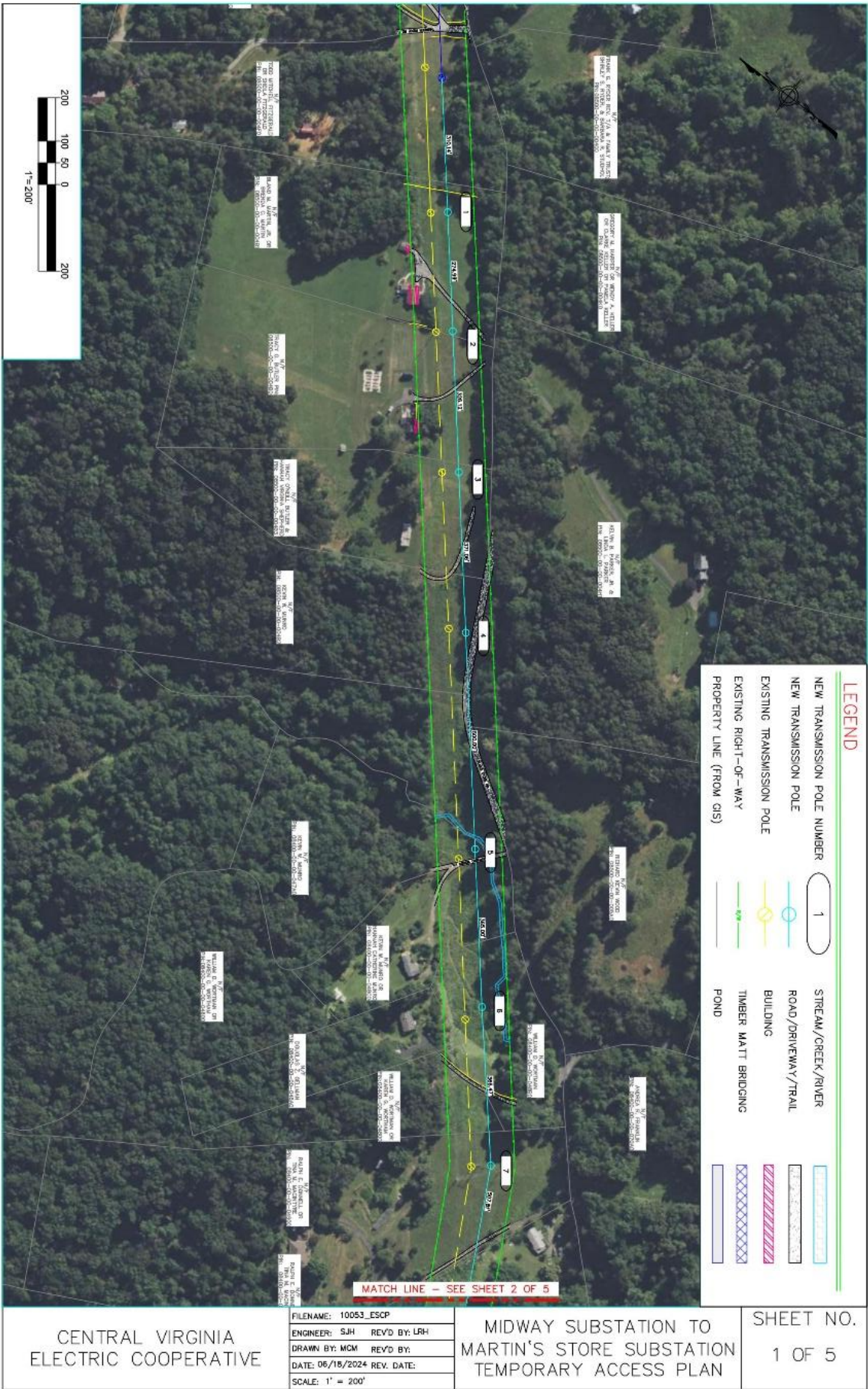
**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby approves SP202400002 Midway - Martin's Store Power Line Upgrade Phase II, subject to conditions attached hereto.

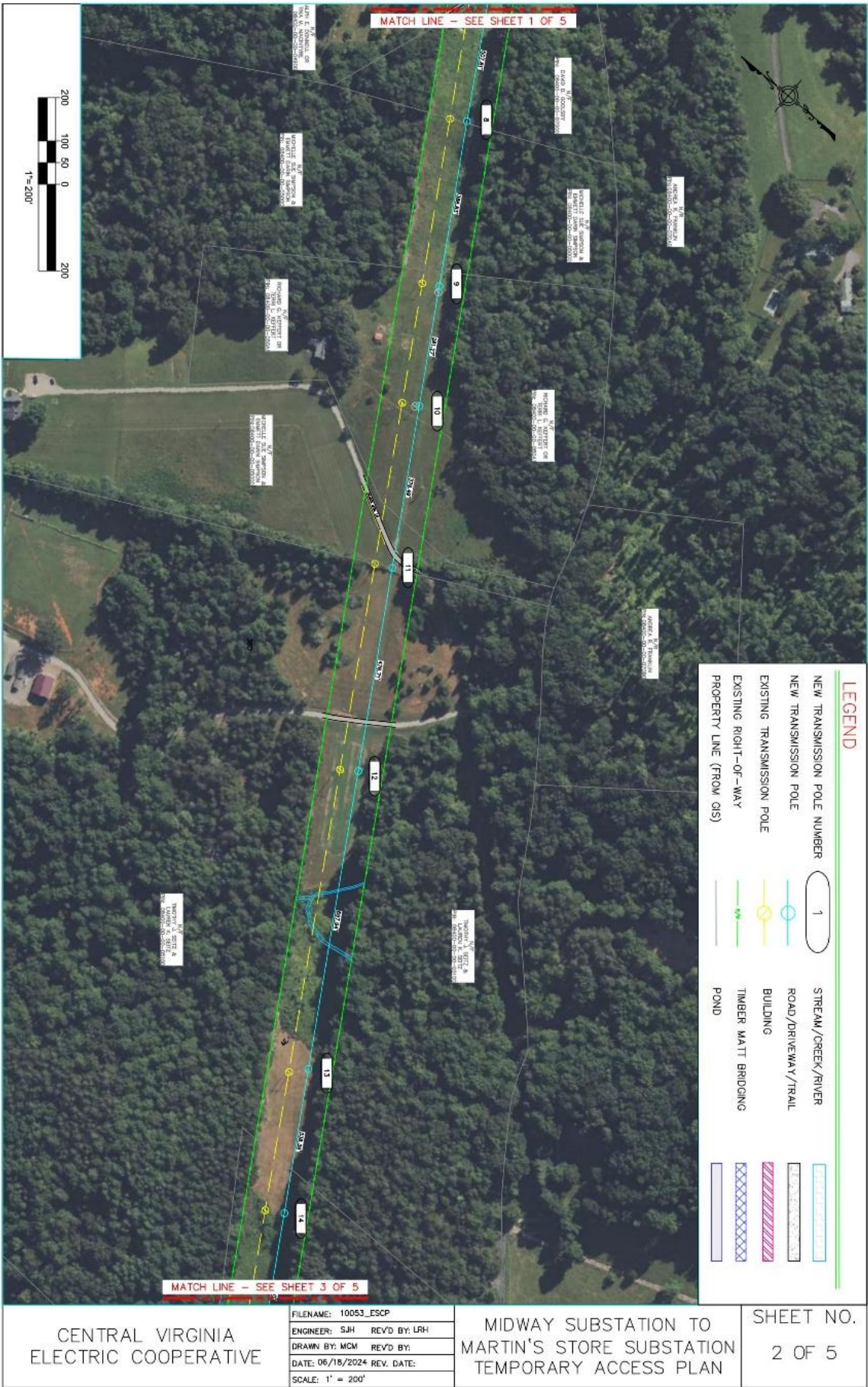
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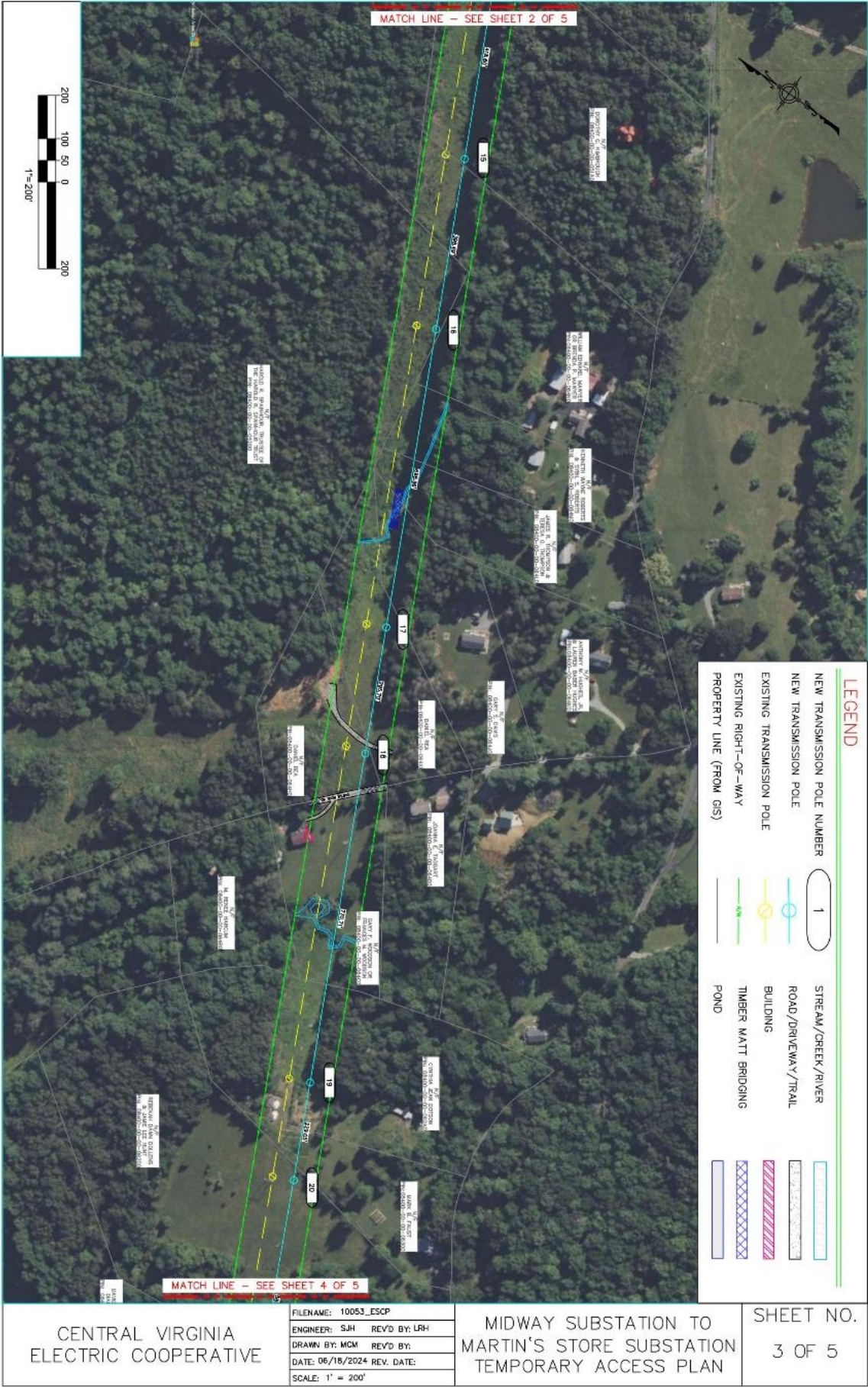
**SP202400002 Midway - Martin's Store Power Line Upgrade Phase II Conditions**

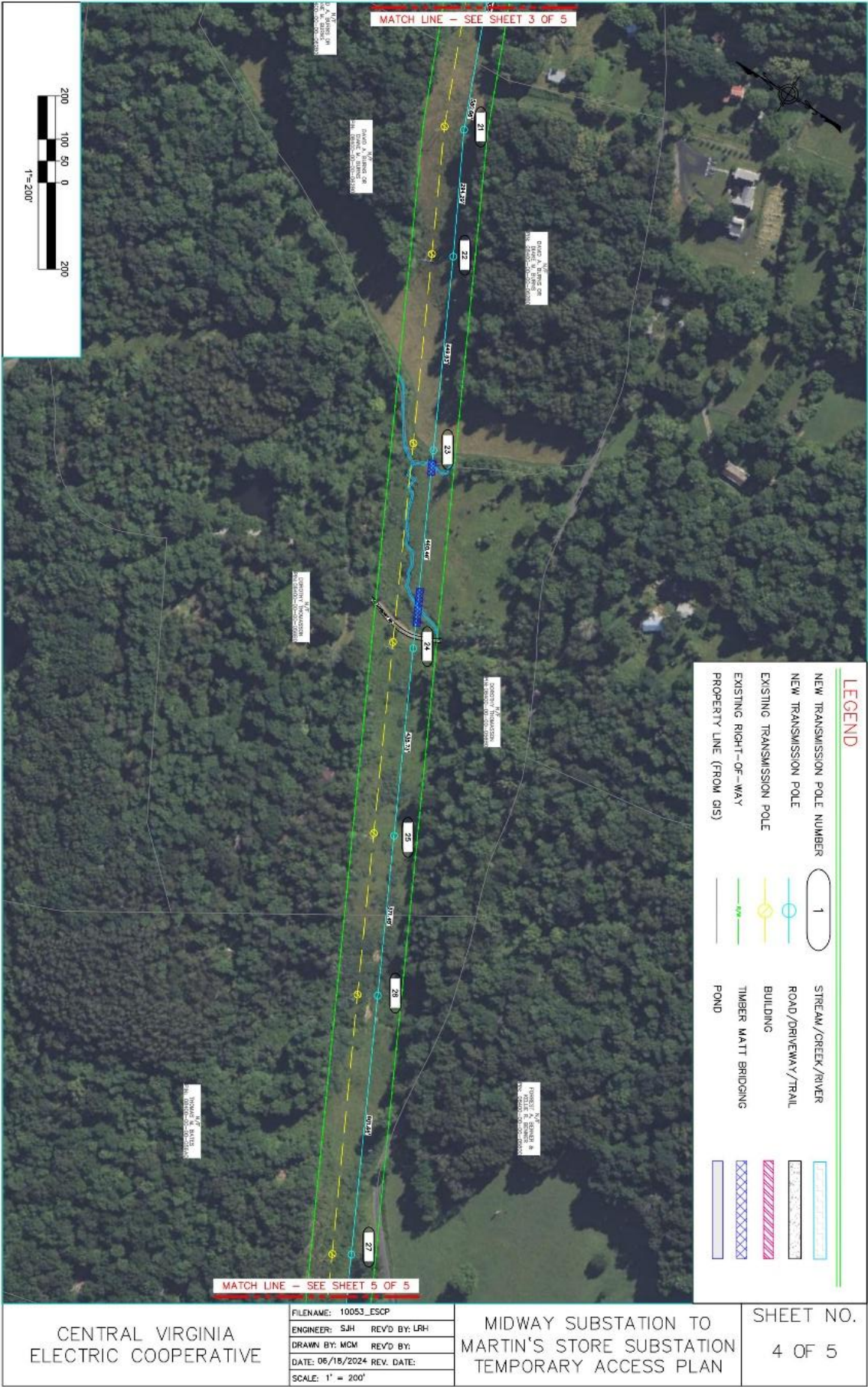
1. The design of the new poles must be in general accord with those shown in the Concept Plan dated 06/18/2024.
  2. Supporting structures for the electrical transmission lines must remain within the existing easement right-of-way.
  3. During construction, the timber bridging shown in the Concept Plan dated 06/18/2024 must be used for all stream crossings.
-

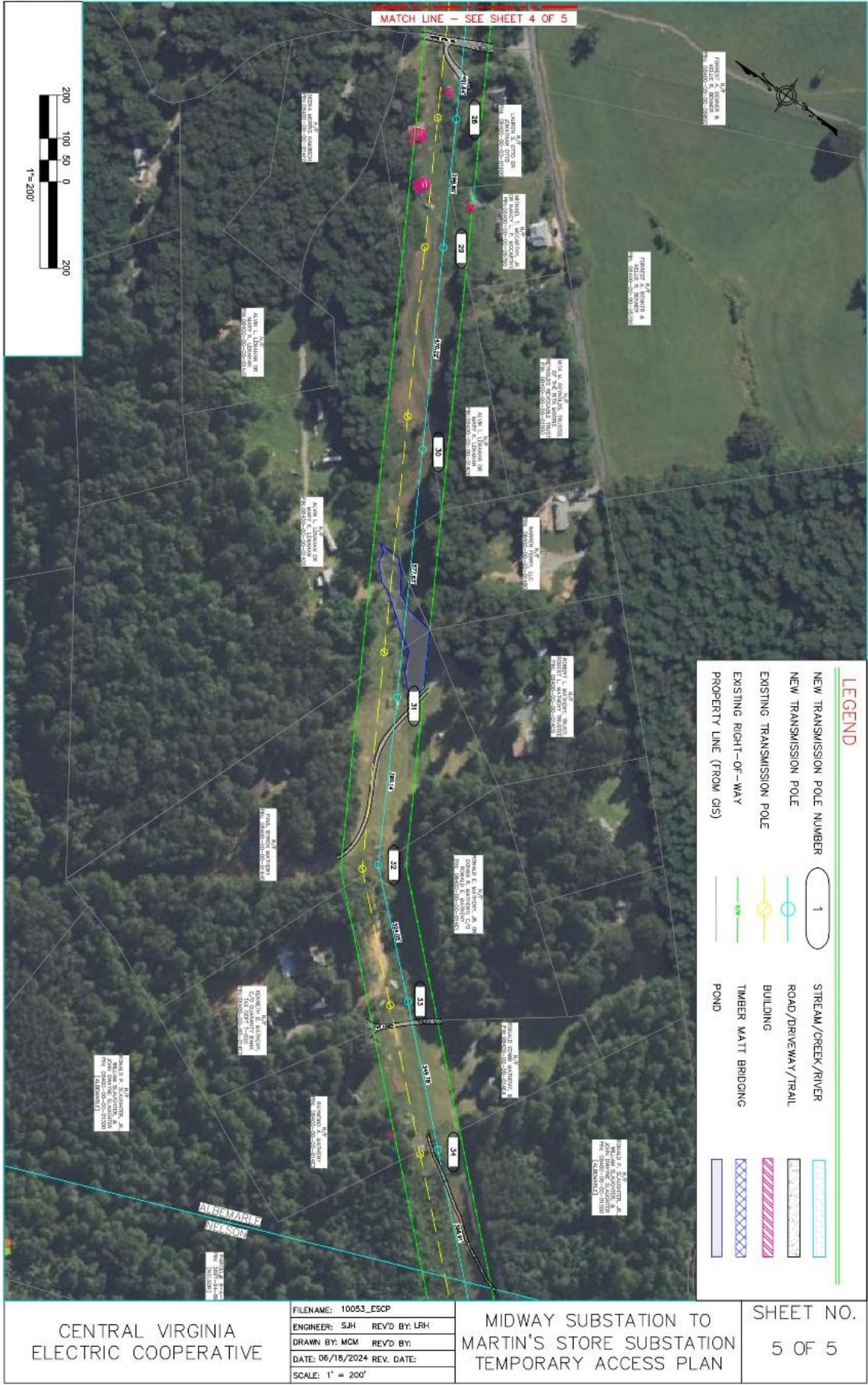


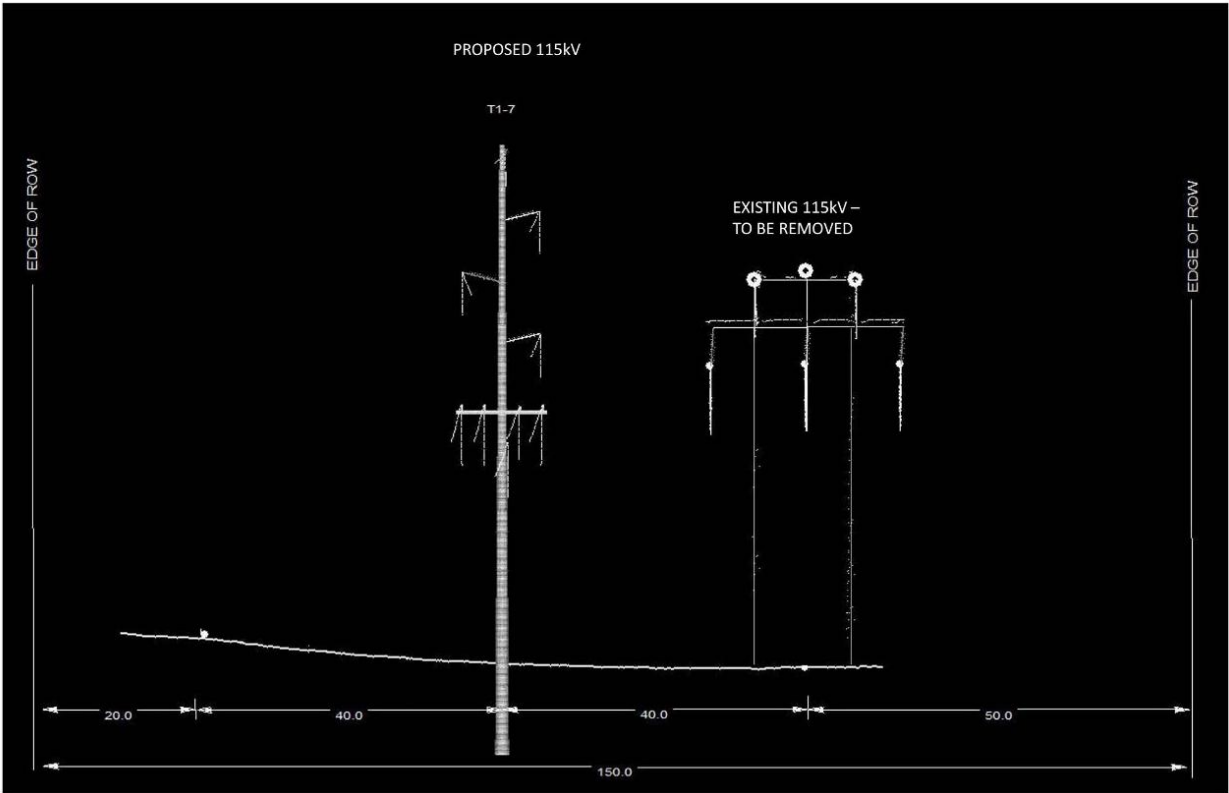












Agenda Item No. 13. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Item No 19. a. Other matters from the Board.

There were none.

Item No. 19.b. Letter of Endorsement of Candidacy for Travis Morris for International Institute of Municipal Clerks (IIMC) Vice President

Mr. Andrews said that there were no committee reports; however, he had one additional item for the Board to address. He sought a motion to authorize the Chair of the Board of Supervisors to sign a letter for Travis Morris’s candidacy for Vice President of the International Institute of Municipal Clerks (IIMC).

Ms. Mallek **moved** the Board of Supervisors to authorize the Chair of the Board of Supervisors to sign a Letter of Candidacy for Travis Morris for Vice President of the International Institute of Municipal Clerks (IIMC). 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.

Agenda Item No. 14. Adjourn.

At 7:00 p.m., the Board adjourned its meeting to December 6, 2024, 1:30 p.m. in Room 241, Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA, 22902. 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.

Chair

Approved by Board
Date: 09/03/2025
Initials:CKB