

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on June 18, 2025, at 1:00 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 (absent from 6:00 p.m. to 6:10 p.m.), Ms. Ann H. Mallek, Ms. Diantha H. McKeel, and Mr. Mike O. D. Pruitt.

ABSENT: none.

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

Agenda Item No. 1. Call to Order. The meeting was called to order at 1:00 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 Sergeant Matthew Riley.

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

Agenda Item No. 4. Adoption of Final Agenda.

Mr. Andrews noted that Item 12, a review of the 2025 Legislative Priorities and initial discussion of 2026 Legislative Priorities, had been postponed to a later date. Additionally, they would be discussing the possible designation of the Hardware River as a Scenic River, and the appointment of Supervisor Ned Gallaway as a voting delegate to the 2025 National Association of Counties (NACo) Annual Conference, as part of Item 24, Matters from the Board.

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

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

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

Ms. Mallek invited everyone to join in the festivities as the Independence Day weekend approached. The month of July was a special time for people of all perspectives to come together in support of their country and its history. She said that there would be three parades in the White Hall District, and she would be delighted if everyone could attend. The first was the Free Union Parade, June 29 at 4:00 p.m. at the Church of the Brethren. Then, the Earlysville Parade was July 4 at 10:00 a.m. The following day, on July 5 Crozet Parade would take place at 5:00 p.m., starting from Crozet Elementary and ending at Crozet Park, with fireworks at King Family Vineyards. She said that after the Earlysville Parade, the Buck Mountain Church was always a popular spot for hot dogs and lively conversation.

Ms. LaPisto-Kirtley stated that she had attended the grand reopening of the Giant store on Pantops, as they had completely renovated the space. The store also made a \$5,000 donation to the Blue Ridge Food Bank. Additionally, they provided approximately 72 tons of food and other essentials, so it was clear that Giant was committed to supporting local food banks.

Ms. LaPisto-Kirtley mentioned that she also had the opportunity to attend a presentation for one of their Eagle Scouts in the Rivanna District, Alisz Buyaki, who had achieved her Eagle Scout honor with distinction. She said that Elise had an impressive collection of badges and awards, and she was impressed by her hard work and dedication.

Mr. Gallaway said that he had no announcements today.

Mr. Pruitt announced that the Scottsville 4th of July Parade would take place at 9:00 a.m. on the 4th of July down Valley Street in downtown Scottsville. He said that there would be fireworks later in the evening. He said that this was a significant event that drew from several surrounding counties and was one of his favorite events every year. It truly showcased a distinct cross-section of the community of Central Virginia.

Mr. Pruitt reminded the public that a primary election had taken place, and they now knew the candidates who would be in state, local, and statewide offices. As a result, they should be preparing to vote in the upcoming 2025 elections and ensuring their registrations were updated by October 14. Early in-person voting would begin September 19 and end on November 1. He noted that even if one's registration expired, it was possible to register in-person and vote in-person on the same day but would be given a provisional ballot to do so.

Ms. McKeel thanked all the residents of the Jack Jouett District who came out to vote in the recent primary election.

Ms. LaPisto-Kirtley said that during the previous year, through partnerships with 16 other agencies, the Blue Ridge Area Foodbank distributed 10 million pounds of food in Albemarle County. She added that one in seven seniors and one in three children were food challenged. She expressed appreciation to both the Blue Ridge Area Foodbank and Giant for their good work.

Agenda Item No. 6. Proclamations and Recognitions.

There was none.

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

Mr. Gary Grant, Rio District, stated that in his opinion, an additional condition should be included in the revisions to the open burning ordinance, requiring all adjoining or contiguous property owners to the address of a permissible open burn to receive a confirmed notification 48 hours in advance of the start of the burn. He explained that residents on adjoining or contiguous properties to a permissible open burn needed time to protect themselves, their family members, their property, and their belongings from the health, safety, and quality of life hazards that could be caused by open burning.

Mr. Grant said that in other Albemarle County government news, he would like to thank the Rivanna Supervisor for her more than \$400 personal check to reimburse County taxpayers for the free snow cones handed out in 2024. However, taxpayers still lacked FOIA (Freedom of Information Act) proof that the Rio Supervisor had fulfilled his April 10 promise to move County government's snow cone expenditures to a new location in the budget. He noted that he personally had paid his first half personal property and real estate taxes to County government.

Mr. Grant stated that the \$60 per month increase in his real estate taxes was equivalent to the cost of gas for visiting his two elementary school-aged grandchildren twice per month, which was three times the cost of a Schlotzsky's pizza and beer per month. After fighting County government for five months since February of this year and defeating an attempt to turn the Bleak House Road gravel into a paved racetrack, the road had remained unmaintained since February. This outcome was not surprising to those of them who had previously battled and defeated Albemarle County on this issue.

Mr. Grant stated that he wondered if the lack of paving was a form of retribution. He said that it was essential to note that Albemarle County was not a democracy, but rather a representative local government. If it were a democracy, the tens of thousands of adults living here could be in attendance to discuss and vote alongside the six Supervisors on every agenda item at every meeting. He asked that they please use the correct political term for whatever Albemarle County was.

Mr. Andy Fleitman, Scottsville District, stated that before he moved here, he was a Foreign Service Officer, and he had helped prepare embassy plans against terrorist attacks. Upon joining Congregation Beth Israel, he joined the security committee to protect their community. In today's climate of heightened political division and global unrest, the safety of Jewish families, particularly students in Charlottesville and Albemarle County, was a concern. They were witnessing a nationwide spike in anti-Semitic incidents, including here at home, in their schools, college campuses, and community spaces.

Mr. Fleitman said that they could not discuss anti-Semitism in this region without acknowledging the trauma of the 2017 Unite the Right rally. That weekend, white supremacists marched through Charlottesville's streets, chanting "Jews will not replace us." Weeks prior, they had witnessed a KKK rally take place in front of the courthouse, right outside their synagogue windows. On August 12, 2017, they carried their sacred texts out of the building in fear they would be burned. That rally was not just a national headline; it was a lived reality for Jewish families in Charlottesville. He said since then, the danger had not disappeared.

Mr. Fleitman said that as the only synagogue in central Virginia, Congregation Beth Israel had been forced to install a tall iron fence around their playground, a necessary defense measure due to cars being driven towards Jewish spaces. Threats had been made, and their children could not play without barriers protecting them from potential harm. His own grandchildren attended a Jewish preschool in town. Since the pandemic, the synagogue preschool had been renting spaces outside the synagogue walls. While their main focus was to operate safely during the pandemic, they did not realize how much safer they would feel when they were located outside of a synagogue building.

Mr. Fleitman stated that this had allowed families to send children to school with less fear and to grow in an environment designed for their safety; however, in each location, they still must put in place extensive security measures because that was what it meant to be Jewish in this world. This vision aligned directly with Albemarle County's Comprehensive Plan; the County's equity and inclusion goals committed to eliminating disparities and ensuring every resident had the opportunity to flourish. The public safety goals prioritized proactive measures to prevent, arm, and foster community trust. The resiliency goals called for long-term strategies that enabled communities to adapt, recover, and thrive in the face of adversity.

Agenda Item No. 8. Consent Agenda.

Mr. Andrews said that with respect to Item 8.2, appointing Battalion Chief Shawn Maddox as Fire Marshal, had been updated in the Board materials to correct a titling error.

Ms. Mallek **moved** to approve 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.

Item No. 8.1. Approval of Minutes: March 6, March 11, March 13, March 20, March 25, and March 27, 2024.

Mr. Pruitt had read the minutes of March 6, 2024, and found them to be in order.

Ms. LaPisto-Kirtley had read the minutes of March 11, 2024, and found them to be in order.

Ms. Mallek had read the minutes of March 13, 2024, and found them to be in order.

Mr. Andrews had read the minutes of March 20, 2024, and found them to be in order.

Mr. Gallaway had read the minutes of March 25, 2024, and found them to be in order.

Ms. McKeel had read the minutes of March 27, 2024, and found them to be in order.

By the above-recorded vote, the Board approved the minutes of March 6, March 11, March 13, March 20, March 25, and March 27, 2024 as read.

Item No. 8.2. Appointment of Battalion Chief Shawn Maddox as Fire Marshal and Captain Jean Balderas Baca as an Assistant Fire Marshal.

The Executive Summary forwarded to the Board states that Albemarle County Code § 6-111 establishes the Office of the Fire Marshal, enabled by Virginia Code § 27-30, and allows for the appointment of the Fire Marshal and the Assistant Fire Marshals by the Board of Supervisors pursuant to Virginia Code § 27-36. Albemarle County Code § 6-111 further provides that the Fire Marshal and/or Assistant Fire Marshals may be authorized to exercise the powers authorized by Title 27, Chapter 3 of the Virginia Code and those found in the Virginia Statewide Fire Prevention Code.

The Department of Fire Rescue's budget allocates one full-time equivalent (FTE) Fire Marshal and four Assistant Fire Marshal positions in the Office of the Fire Marshal. With Howard Lagomarsino's retirement earlier this spring, Battalion Chief Shawn Maddox was transferred to fill his role as Fire Marshal. Additionally, Captain Jean Balderas Baca was transferred to the Office of the Fire Marshal to fill one vacant position.

Adoption of the attached resolutions appointing Battalion Chief Shawn Maddox as Fire Marshal (Attachment A) and appointing Captain Jean Balderas Baca as an Assistant Fire Marshal (Attachment B) with the powers authorized by Title 27, Chapter 3 of the Virginia Code and those found in the Virginia Statewide Fire Prevention Code, would allow them to fulfill the necessary duties of the Office of the Fire Marshal as assigned by the Fire Chief or designee.

There is no budgetary impact associated with this appointment.

Staff recommends that the Board adopt the attached resolutions appointing Battalion Chief Shawn Maddox as Fire Marshal and appointing Captain Jean Balderas Baca as an Assistant Fire Marshal.

By the above-recorded vote, the Board adopted the attached resolutions appointing Battalion Chief Shawn Maddox as Fire Marshal and appointing Captain Jean Balderas Baca as an Assistant Fire Marshal:

**RESOLUTION TO APPOINT BATTALION CHIEF SHAWN MADDOX
AS FIRE MARSHAL WITH POLICE POWERS**

WHEREAS, Virginia Code § 27-30 provides that the governing body of a county may appoint a fire marshal, and Albemarle County Code § 6-111 establishes the Office of the Fire Marshal; and

WHEREAS, Albemarle County Code §§ 6-111, 6-200, and 6-201 recognize the Fire Marshal as Albemarle County's Fire Official for the duties and responsibilities as established by Title 27 of the Virginia Code, the Virginia Statewide Fire Prevention Code, and the Albemarle County Code; and

WHEREAS, Virginia Code § 27-34.2:1 provides that the governing body of a county may authorize the fire marshal to have the same police powers as a sheriff, police officer, or law enforcement officer upon completion of required training; and

WHEREAS, the appointment of Battalion Chief Shawn Maddox as the Fire Marshal will promote the efficient and effective operation of the Albemarle County Department of Fire and Rescue.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby appoints Battalion Chief Shawn Maddox as Fire Marshal who shall have all powers authorized by Title 27, Chapter 3 of the Virginia Code.

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**RESOLUTION TO APPOINT CAPTAIN JEAN BALDERAS BACA
AS AN ASSISTANT FIRE MARSHAL WITH POLICE POWERS**

WHEREAS, Virginia Code § 27-30 provides that the governing body of a county may appoint a fire marshal, and Albemarle County Code § 6-111 establishes the Office of the Fire Marshal; and

WHEREAS, Albemarle County Code §§ 6-111, 6-200, and 6-201 recognize the Fire Marshal as Albemarle County's Fire Official for the duties and responsibilities as established by Title 27 of the Virginia Code, the Virginia Statewide Fire Prevention Code, and the Albemarle County Code; and

WHEREAS, Virginia Code § 27-34.2:1 provides that the governing body of a county may authorize the fire marshal to have the same police powers as a sheriff, police officer, or law enforcement officer upon completion of required training; and

WHEREAS, Virginia Code § 27-36 provides that the governing body of a county may appoint one or more assistants, who, in the absence of the fire marshal, shall have the powers and perform the duties of the fire marshal; and

WHEREAS, the appointment of Captain Jean Balderas Baca as an Assistant Fire Marshal will promote the efficient and effective operation of the Albemarle County Department of Fire and Rescue.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby appoints Captain Jean Balderas Baca as an Assistant Fire Marshal who shall have all powers authorized by Title 27, Chapter 3 of the Virginia Code.

Item No. 8.3. Authorize a Public Hearing on Proposed Acquisition of a Portion of 2224 Commonwealth Drive.

The Executive Summary forwarded to the Board states that The County currently is in the right-of-way acquisition phase for a project to construct sidewalks along Commonwealth and Dominion Drives. Completion of the project requires acquisition of 31 square feet of right-of-way and 541 square feet for a permanent utility easement on Parcel 061W0-03-00-01600 at 2224 Commonwealth Drive (shown as Parcel 012 on Attachment A).

Assisted by consultants experienced in right-of-way acquisitions, the County has successfully acquired or reached agreements on almost all rights-of-way needed for the project. However, extended negotiations with the owner of the subject parcel have reached an impasse. A formal impasse letter (Attachment B) was sent to the owner on April 22, 2025.

Staff recommends that the Board of Supervisors authorize notice for a public hearing on the potential condemnation and certificate of take for the subject right-of-way and easement. Negotiations can continue throughout the condemnation process. Without this authorization, the project would likely be delayed and incur additional costs.

No budget impact is associated with this item. This project is funded through the Virginia Department of Transportation's Revenue Sharing Program.

Staff recommends that the Board of Supervisors authorize notice and schedule a public hearing on the proposed acquisition.

By the above-recorded vote, the Board authorized the Clerk to notice and schedule a public hearing on the proposed acquisition.

Item No. 8.4. Resolution of Support for Safe Streets for All Grant.

The Executive Summary forwarded to the Board states that Safe Streets for All (SS4A) is a federal discretionary grant program that supports planning and infrastructure initiatives to prevent fatalities and serious injuries on roads and streets involving all roadway users, including pedestrians, bicyclists, public transportation, motorists, and commercial vehicle operators.

In FY22, the Thomas Jefferson Planning District Commission (TJPDC) was awarded a \$857,600

Safe Streets and Roads for All grant to develop a safety action plan for the region. Albemarle County (County) provided a portion of the required local match for the project, committed to reducing roadway-related deaths and serious injuries in the County by half (from the 2018-2022 average) by 2045, and, ultimately, adopted the Move Safely Blue Ridge Safety Action Plan.

The University of Virginia (UVA) and Honda have proposed a partnership with TJPDC and the Charlottesville-Albemarle Metropolitan Planning Organization (CA-MPO) to complete a vulnerable road user safety action plan to supplement the regional comprehensive safety action plan (Move Safely Blue Ridge Safety Action Plan). These efforts would be funded with a SS4A supplemental planning and demonstration grant. TJPDC would submit and administer the SS4A grant application.

The County would benefit from the project's research activities, localized safety analyses, and actionable recommendations, which would inform future safety improvements and planning efforts within the CA-MPO region. The County recognizes the importance of collaborative research and planning in achieving the County's roadway safety goals.

The SS4A supplemental planning and demonstration grant application requests \$4,620,000, with a 20% local match, half of which would be provided by UVA and the other half by Honda. There is no financial commitment required from the County or the City of Charlottesville beyond staff time for CA-MPO Technical Committee meetings, which are already regularly attended by staff.

Staff recommends that the Board adopt the Resolution (Attachment A) in support of TJPDC's SS4A supplemental planning and demonstration grant application for FY25.

By the above-recorded vote, the Board adopted the Resolution (Attachment A) in support of TJPDC's SS4A supplemental planning and demonstration grant application for FY25:

**RESOLUTION SUPPORTING FY2025 SAFE STREETS AND ROADS
FOR ALL SUPPLEMENTAL PLANNING AND DEMONSTRATION
GRANT APPLICATION IN THE CHARLOTTESVILLE-ALBEMARLE
METROPOLITAN PLANNING ORGANIZATION (CA-MPO) AREA**

WHEREAS, the U.S. Department of Transportation released a Notice of Funding Opportunity on March 28, 2025, for the Safe Streets and Roads for All (SS4A) discretionary grant program; and

WHEREAS, the Thomas Jefferson Planning District Commission (TJPDC) was awarded a FY2022 SS4A Action Planning grant to complete a regional Comprehensive Safety Action Plan, titled Move Safely Blue Ridge; and

WHEREAS, there were 89 vulnerable road user (VRU) fatalities and serious injuries in the CA-MPO area between 2018-2022; and

WHEREAS, Albemarle County provided a leadership commitment to an eventual goal of halving roadway fatalities and serious injuries by 2045; and

WHEREAS, Albemarle County is committed to improving transportation safety for all users, particularly VRUs such as pedestrians, bicyclists, and e-scooter riders; and

WHEREAS, the University of Virginia, in collaboration with Honda, is seeking a partnership with the CA-MPO to complete a VRU safety action plan to supplement the regional Comprehensive Safety Action Plan; and

WHEREAS, the TJPDC would serve as the administrator of the grant and pass through funding to researchers at the University of Virginia; and

WHEREAS, the TJPDC staff will submit a FY2025 grant application request for up to \$4,620,000, with the 20% match requirement provided by the University of Virginia and Honda; and

WHEREAS, Albemarle County will benefit from the project's research activities, localized safety analyses, and actionable recommendations, which will inform future safety improvements and planning efforts within the CA-MPO region; and

WHEREAS, Albemarle County recognizes the importance of collaborative research and planning in achieving Vision Zero and other community-driven safety goals.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors is in full support of and endorses the Safe Streets and Roads for All grant application for a supplemental safety action plan for vulnerable road users.

Item No. 8.5. Secondary Six-Year Plan Hard-Surfacing Rural Roads Resolutions.

The Executive Summary forwarded to the Board states that BACKGROUND: Each spring, the Board of Supervisors (Board) approves the Secondary Six-Year Plan (SSYP), which includes funds dedicated to paving unpaved roads in the County under the Rural Rustic Road (RRR) paving program. This program is the preferred approach of both Albemarle County and the Virginia Department of

Transportation (VDOT) for paving low-volume roads. The goal of the SSYP is to retain the traditional rural lane ambience while also improving the road surface within the current right-of-way. A “chip and seal” or asphalt surface is used to pave the existing alignment and width of the road for minimal disturbance.

The process for identifying and prioritizing RRR paving projects in Albemarle is defined in the Unpaved Road Policies and Review Process (Attachment A). When a paving priority is advanced, funds are allocated to the road and the road becomes a project in the SSYP following the spring public hearing. Adjacent landowners are notified by letter and given an opportunity to comment at the spring public hearing or to County Community Development Transportation staff. Following that, the Board may choose to designate the road as an RRR by resolution. Once a road is designated, VDOT initiates the paving process.

Following the Board’s direction at the May 18, 2022 public hearing, projects now require two-thirds (2/3) support from directly impacted homeowners along the segment of road to be paved. Starting in January 2025, residents were notified by mail of the potential projects on their roads and asked to provide feedback either by email, phone, or in person. For projects that already had demonstrated two-thirds support, impacted homeowners were simply notified and given the opportunity to provide feedback. For projects that still required the two-thirds support, impacted homeowners were directed to reach out to staff to voice their support for, or opposition to, the proposed paving.

The following road segments are fully-funded for RRR paving in FY 26, if designated as Rural Rustic Roads by the Board:

- The 0.40-mile segment of Route 697 (Sutherland Road) from 1.38 miles west of Route 29 to the end of state maintenance. (Attachment B)
- The 0.35-mile segment of Route 707 (Blair Park Road) from Route 691 to the end of state maintenance. (Attachment C)
- The 0.50-mile segment of Route 813 (Starlight Road) from Route 712 to the end of state maintenance (Attachment D).
- The 0.40-mile segment of Route 856 (Burton Lane) from Route 711 to the end of state maintenance (Attachment E).
- A 0.13-mile segment of Route 711 (Burton Road) from Route 856 to 0.13-miles east of Route 856 (Attachment F).

Before paving these roads under the RRR program, VDOT requires that the governing body adopt a resolution designating the roads as Rural Rustic Roads.

Notification letters were sent to affected homeowners following the April 2 Work Session. Not all the roads received either two-thirds support or one-third opposition from impacted homeowners, as detailed below. Two Roads, Burton Road and Burton Lane, were close to receiving enough votes, and due to concerns about maintenance, were recommended by staff to be included on the SSYP.

Road	% Supported	# Supported	# Opposed	# No Response	Affected Owners	Road	% Supported	# Supported
Rte. 662 Bleak House Road	30	10	14	9	33	Rte. 662 Bleak House Road	30	10
Rte. 746 Fosters Branch Road	52	13	5	7	25	Rte. 746 Fosters Branch Road	52	13
Rte. 707 Blair Park Road	67	8	0	4	12	Rte. 707 Blair Park Road	67	8
Rte. 856 Burton Lane	64	9	0	5	14	Rte. 856 Burton Lane	64	9

Adoption of these resolutions would have no impact on the County budget. These resolutions would authorize VDOT to expend state funds on a project for which the Board has previously recommended state funds be allocated through the SSYP.

Staff recommends the Board adopt the attached resolutions (Attachments B, C, D, E, and F) to designate the segments of the roads specified above as Rural Rustic Roads.

By the above-recorded vote, the Board adopted the attached resolutions (Attachments B, C, D, E, and F) to designate the segments of the roads specified above as Rural Rustic Roads:

**RESOLUTION TO DESIGNATE ROUTE 697 (SUTHERLAND ROAD)
AS A RURAL RUSTIC ROAD**

WHEREAS, Virginia Code § 33.2-332 permits the hard-surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1,500 vehicles per day; and

WHEREAS, the Board of Supervisors of Albemarle County, Virginia desires to consider whether a 0.40-mile segment of Route 697, (Sutherland Road) from 1.38 miles west of Route 29 to the end of state maintenance, should be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of any pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics; and

WHEREAS, this road is in the Board's six-year plan for improvements to the secondary system of state highways.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby designates a 0.40-mile segment of Route 697, (Sutherland Road) from 1.38 miles west of Route 29 to the end of state maintenance, a Rural Rustic Road, and requests that the Resident Engineer for the Virginia Department of Transportation concur in this designation; and

BE IT FURTHER RESOLVED, the Board requests that a 0.40-mile segment of Route 697, (Sutherland Road) from 1.38 miles west of Route 29 to the end of state maintenance, be hard-surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state; and

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

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**RESOLUTION TO DESIGNATE ROUTE 707 (BLAIR PARK ROAD)
AS A RURAL RUSTIC ROAD**

WHEREAS, Virginia Code § 33.2-332 permits the hard-surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1,500 vehicles per day; and

WHEREAS, the Board of Supervisors of Albemarle County, Virginia desires to consider whether a 0.35-mile segment of Route 707 (Blair Park Road), from Route 691 to the end of state maintenance, should be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of any pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics; and

WHEREAS, this road is in the Board's six-year plan for improvements to the secondary system of state highways.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby designates a 0.35-mile segment of Route 707 (Blair Park Road), from Route 691 to the end of state maintenance, a Rural Rustic Road, and requests that the Resident Engineer for the Virginia Department of Transportation concur in this designation; and

BE IT FURTHER RESOLVED, the Board requests that a 0.35-mile segment of Route 707 (Blair Park Road), from Route 691 to the end of state maintenance, be hard-surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state; and

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

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**RESOLUTION TO DESIGNATE ROUTE 711 (BURTON ROAD)
AS A RURAL RUSTIC ROAD**

WHEREAS, Virginia Code § 33.2-332 permits the hard-surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1,500 vehicles per day; and

WHEREAS, the Board of Supervisors of Albemarle County, Virginia desires to consider whether a 0.13-mile segment of Route 711, (Burton Road), from Route 856 to 0.13-miles east of Route 856, should be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of any pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics; and

WHEREAS, this road is in the Board's six-year plan for improvements to the secondary system of state highways.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby designates a 0.13-mile segment of Route 711, (Burton Road), from Route 856 to 0.13-miles east of Route 856, a Rural Rustic Road, and requests that the Resident Engineer for the Virginia Department of Transportation concur in this designation; and

BE IT FURTHER RESOLVED, the Board requests that a 0.13-mile segment of Route 711, (Burton Road), from Route 856 to 0.13-miles east of Route 856, be hard-surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state; and

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

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**RESOLUTION TO DESIGNATE ROUTE 813 (STARLIGHT ROAD)
AS A RURAL RUSTIC ROAD**

WHEREAS, Virginia Code § 33.2-332 permits the hard-surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1,500 vehicles per day; and

WHEREAS, the Board of Supervisors of Albemarle County, Virginia desires to consider whether a 0.50-mile segment of Route 813, (Starlight Road), from Route 712 to the end of state maintenance, should be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of any pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics; and

WHEREAS, this road is in the Board's six-year plan for improvements to the secondary system of state highways.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby designates a 0.50-mile segment of Route 813, (Starlight Road), from Route 712 to the end of state maintenance, a Rural Rustic Road, and requests that the Resident Engineer for the Virginia Department of Transportation concur in this designation; and

BE IT FURTHER RESOLVED, the Board requests that a 0.50-mile segment of Route 813, (Starlight Road), from Route 712 to the end of state maintenance, be hard-surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state; and

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

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**RESOLUTION TO DESIGNATE ROUTE 856 (BURTON LANE)
AS A RURAL RUSTIC ROAD**

WHEREAS, Virginia Code § 33.2-332 permits the hard-surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1,500 vehicles per day; and

WHEREAS, the Board of Supervisors of Albemarle County, Virginia desires to consider whether a 0.40-mile segment of Route 856, (Burton Lane), from Route 711 to the end of state maintenance, should be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of any pending development that will significantly affect the existing traffic on this road; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics; and

WHEREAS, this road is in the Board's six-year plan for improvements to the secondary system of state highways.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby designates a 0.40-mile segment of Route 856, (Burton Lane), from Route 711 to the end of state maintenance, a Rural Rustic Road, and requests that the Resident Engineer for the Virginia Department of Transportation concur in this designation; and

BE IT FURTHER RESOLVED, the Board requests that a 0.40-mile segment of Route 856, (Burton Lane), from Route 711 to the end of state maintenance, be hard-surfaced and, to the fullest extent prudent, be improved within the existing right-of-way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state; and

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

Item No. 8.6. Resolution to Accept Road(s) in the Briarwood Subdivision Phase 4 and Phase 6 into the State Secondary System of Highways. (Rivanna Magisterial District)

By the above-recorded vote, the Board adopted the Resolution to Accept Road(s) in the Briarwood Subdivision Phase 4 and Phase 6 into the State Secondary System of Highways:

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 18th day of June, 2025, adopted the following resolution:

R E S O L U T I O N

WHEREAS, the street(s) in **Briarwood Ph 4 and Ph 6**, as described on the attached Additions Form AM-4.3 dated **June 18th, 2025**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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


NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Briarwood Ph 4 and Ph 6**, as described on the attached Additions Form AM-4.3 dated **June 18th, 2025**, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

Form AM 4.3
(Rev 05/14/2025)

ICR ID: 40694181
SSAR




COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION
Form AM 4.3

In Albemarle County

by Resolution of the governing body adopted 6/18/2025

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes to the secondary system of state highways.

A Copy Testee Signed (County Official): 

Report of Changes in the Secondary System of State Highways

Project/Subdivision: Briarwood Ph 4 and Ph 6

CHANGE TYPE	RTE NUM & STREET NAME	CHANGE DESCRIPTION	FROM TERMINI	TO TERMINI	LENGTH	NUMBER OF LANES	RECORDATION REFERENCE	ROW WIDTH
Addition	Rt. 1511 - St Ives Road	New subdivision street §33.2-705	CDS	North 302 ft to ESM at Rte. 1511	0.06	2	4931/701	50
Addition	Rt. 1593 - Sunset Drive	New subdivision street §33.2-705	ESM at Rte. 1593	East 595ft to Int with St Ives Road	0.11	2	4931/701	51.00

Item No. 8.7. Resolution to Accept Road(s) in the Old Trail Subdivision Block 32 into the State Secondary System of Highways. (White Hall Magisterial District)

By the above-recorded vote, the Board adopted the Resolution to Accept Road(s) in the Old Trail Subdivision Block 32 into the State Secondary System of Highways:

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 18th day of June, 2025, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Old Trail Block 32**, as described on the attached Additions Form AM-4.3 dated **June 18th, 2025**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Old Trail Block 32**, as described on the attached Additions Form AM-4.3 dated **June 18th, 2025**, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and


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

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

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Form AM 4.3
(Rev 05/19/2025)

ICR ID: 40699687
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COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION
Form AM 4.3

In Albemarle County

by Resolution of the governing body adopted 6/18/2025

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes to the secondary system of state highways.

A Copy Testee Signed (County Official): 

Report of Changes in the Secondary System of State Highways

Project/Subdivision: Old Trail Block 32

CHANGE TYPE	RTE NUM & STREET NAME	CHANGE DESCRIPTION	FROM TERMINI	TO TERMINI	LENGTH	NUMBER OF LANES	RECORDATION REFERENCE	ROW WIDTH
Addition	Rt. 1840 - Bishopgate Lane	New subdivision street §33.2-705	Int of Rte. 1815 Old Trail Drive	South 2966ft to intersection of Bishopgate Lane at (Approx Sta. 13+32) 332' from Old Trail Drive	0.56	2	5208/362, 5386/251	51.00
Addition	Rt. 1841 - Charmwood Street	New subdivision street §33.2-705	Int with Bishopgate Lane Rt. 1840	East 401ft to intersection with Bishopgate Lane Rte. 1840	0.08	2	5208/362, 5386/251	49.00
Addition	Rt. 1842 - Raynor Place	New subdivision street §33.2-705	Int with Bishopgate Lane Rt. 1840	East 320ft to intersection with Bishopgate Lane Rte. 1840	0.06	2	5208/362, 5386/251	49.00

Item No. 8.8. Resolution to Accept Road(s) in the Old Trail Subdivision Blocks 27 and 7C into the State Secondary System of Highways. (White Hall Magisterial District)

By the above-recorded vote, the Board adopted the Resolution to Accept Road(s) in the Old Trail Subdivision Blocks 27 and 7C into the State Secondary System of Highways:

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 18th day of June, 2025, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Old Trail Blocks 27 and 7C**, as described on the attached Additions Form AM-4.3 dated **June 18th, 2025**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Old Trail Blocks 27 and 7C**, as described on the attached Additions Form AM-4.3 dated **June 18th, 2025**, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and


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

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

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Form AM 4.3
(Rev 05/16/2025)


ICR ID: 40706903
SSAR

COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION
Form AM 4.3

In Albemarle County

by Resolution of the governing body adopted 6/18/2025

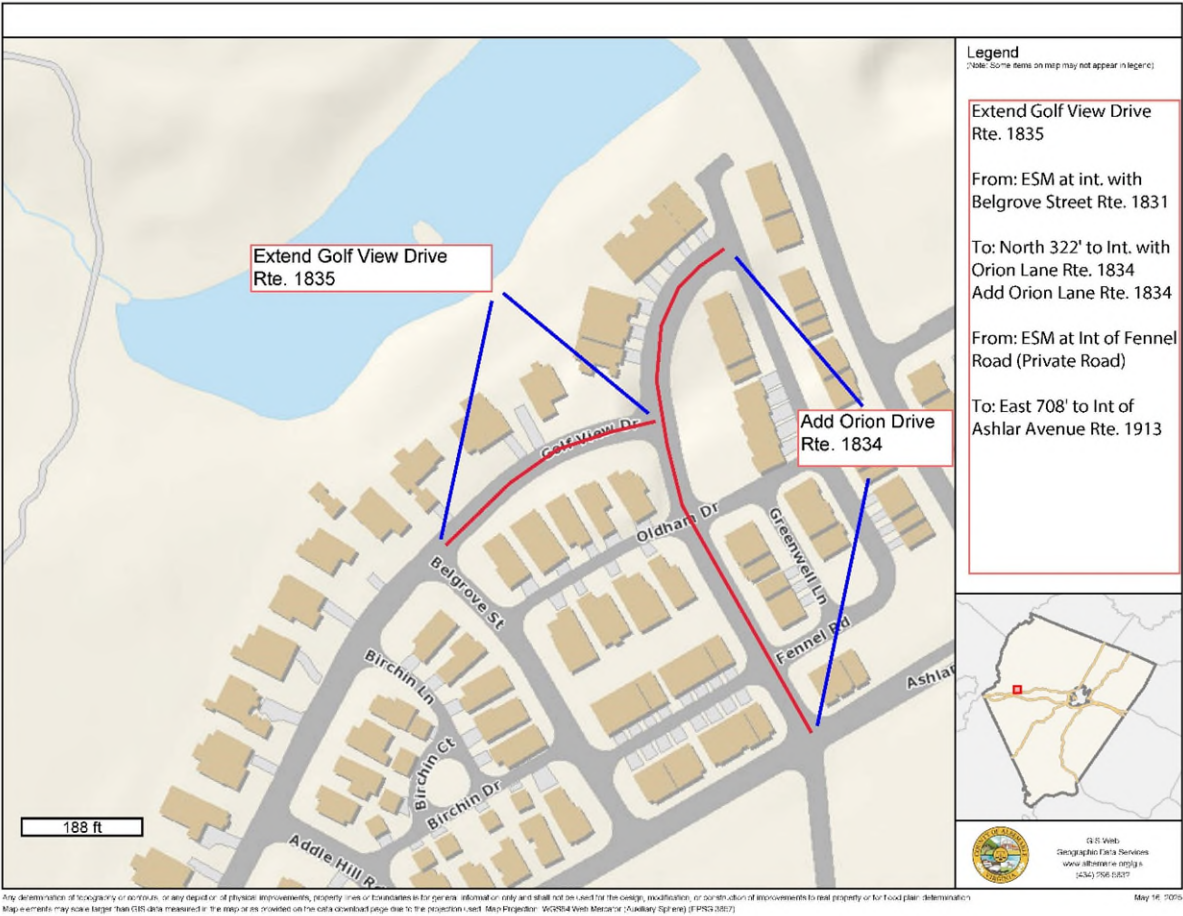
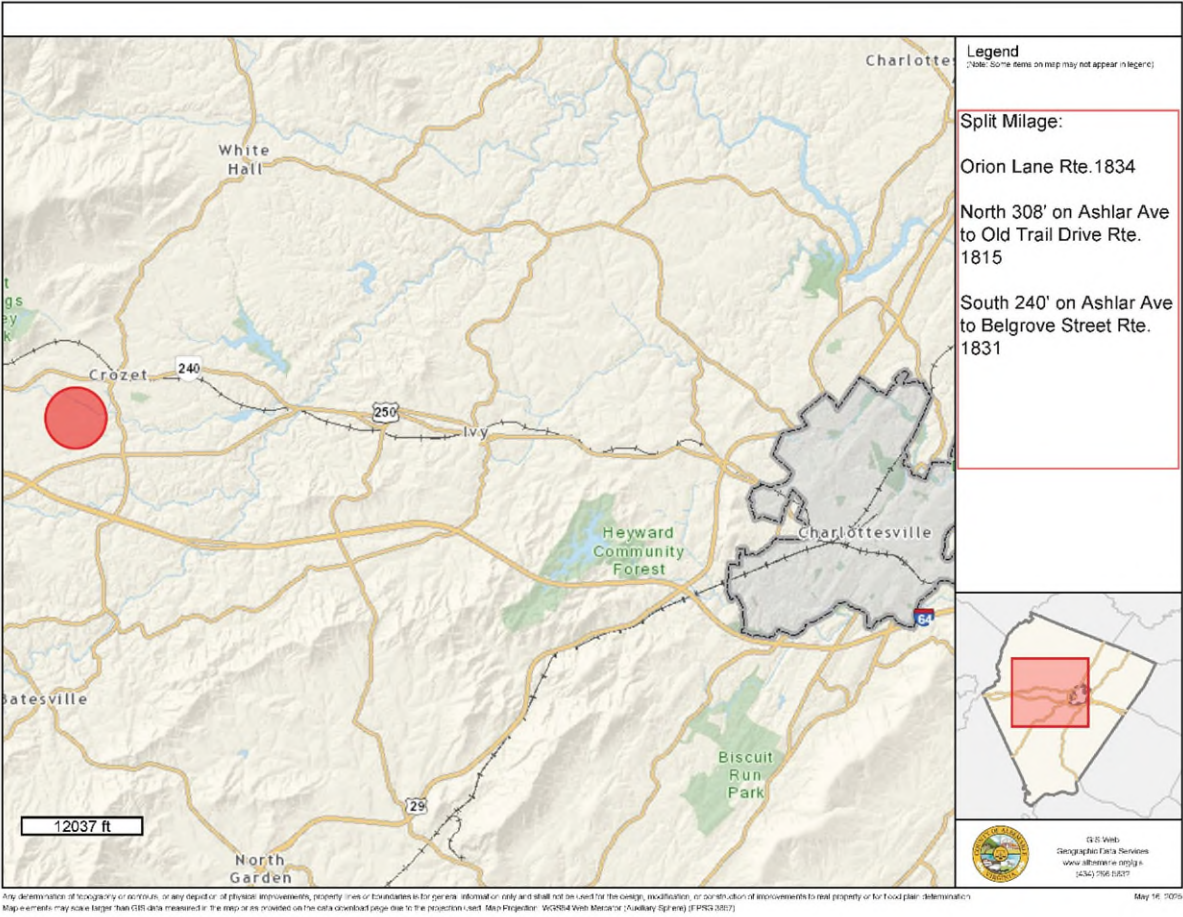
The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes to the secondary system of state highways.

A Copy Testee Signed (County Official): 

Report of Changes in the Secondary System of State Highways

Project/Subdivision: Old Trail Blocks 27 and 7C

CHANGE TYPE	RTE NUM & STREET NAME	CHANGE DESCRIPTION	FROM TERMINI	TO TERMINI	LENGTH	NUMBER OF LANES	RECORDATION REFERENCE	ROW WIDTH
Addition	Rt. 1834 - Orion Lane	New subdivision street §33.2-705	ESM at Int of Fennel Road (Private Road)	East 708' to Int of Ashlar Avenue Rte. 1913	0.13	2	4704/389	61.00
Addition	Rt. 1835 - Golf View Drive	New subdivision street §33.2-705	ESM at int. with Belgrove Street Rte. 1831	North 322' to Int. with Orion Lane Rte. 1834	0.06	2	4704/389	61.00



Item No. 8.9. Resolution to Accept Road(s) in the Belvedere Subdivision Ph 1 Block 5A into the State Secondary System of Highways. (Rio Magisterial District)

By the above-recorded vote, the Board adopted the Resolution to Accept Road(s) in the Belvedere Subdivision Ph 1 Block 5A into the State Secondary System of Highways:

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 18th day of June, 2025, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Belvedere Ph 1 Block 5A**, as described on the attached Additions Form AM-4.3 dated **June 18th, 2025**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Belvedere Ph 1 Block 5A**, as described on the attached Additions Form AM-4.3 dated **June 18th, 2025**, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and


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

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

* * * * *

Form AM 4.3
(Rev 05/22/2025)

ICR ID: 40619265
SSR




COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION
Form AM 4.3

In Albemarle County

by Resolution of the governing body adopted 6/18/2025

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes to the secondary system of state highways.

A Copy Testee Signed (County Official): 

Report of Changes in the Secondary System of State Highways

Project/Subdivision: Belvedere Ph 1 Block 5A

CHANGE TYPE	RTE NUM & STREET NAME	CHANGE DESCRIPTION	FROM TERMINI	TO TERMINI	LENGTH	NUMBER OF LANES	RECORDATION REFERENCE	ROW WIDTH
Addition	Rt. 1925 - Butler Street	New subdivision street §33.2-705	Int. Rte. 1705 Loring Run	North 694' to Rte. 1920 Belvedere Blvd.	0.13	2	3545/1	53.00
Addition	Rt. 1936 - Colbert Street	New subdivision street §33.2-705	ESM at Int of Colbert Street and Shadrack Alley	North 163' to Int of Rte 1920 Belvedere Blvd	0.03	2	3545/1	53.00

Item No. 8.10. SE-2025-00012 1757 Franklin Drive Homestay.

The Executive Summary forwarded to the Board states that the applicants are requesting a special exception for a homestay at 1757 Franklin Drive.

Guest Sleeping Rooms. Pursuant to County Code § 18-5.1.48(d), the applicants are requesting authorization under County Code § 18-5.1.48(c)(1)(iii) to increase the permitted number of guest rooms used for sleeping from two to five with a homestay use on a parcel of less than five acres in the Rural Areas zoning district.

Please see Attachment A for full details of staff's analysis and recommendations.

Staff recommends that the Board adopt the attached Resolution (Attachment F) to approve the special exception.

By the above-recorded vote, the Board adopted the attached Resolution (Attachment F) to approve the special exception:

**RESOLUTION TO APPROVE SE-2025-00012
1757 FRANKLIN DRIVE HOMESTAY**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE-2025-00012 1757 Franklin Drive Homestay application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-5.1.48 and 18-33.9, the Albemarle County Board of Supervisors hereby finds that a modified regulation would satisfy the purposes of the Zoning Ordinance to at least an equivalent degree as the specified requirement, and that the proposed special exception:

- (i) would not cause adverse impacts to the surrounding neighborhood;
- (ii) would not cause adverse impacts to the public health, safety, or welfare;
- (iii) would be consistent with the Comprehensive Plan and any applicable master or small-area plan(s); and
- (iv) would be consistent in size and scale with the surrounding neighborhood.

NOW, THEREFORE, BE IT RESOLVED, that in association with the SE-2025-00012 1757 Franklin Drive Homestay application, the Albemarle County Board of Supervisors hereby grants a special exception to permit up to five guest rooms to be used for sleeping with the homestay use on Parcel 06200-00-00-13000.

Item No. 8.11. SE-2025-00015 Miller School Critical Slopes.

The Executive Summary forwarded to the Board states that the applicant is requesting a special exception to allow the disturbance of approximately 0.38 acres (16,450 square feet) of critical slopes in association with expansion of a private school use on a 1,047-acre site. The applicant's request and proposed plans are provided in Attachment A.

The Board of Supervisors may grant a waiver or modification for disturbance of critical slopes only if it makes the findings outlined in County Code § 18-4.2.5(a)(3):

"The modification or waiver would not be detrimental to the public health, safety or welfare, to the orderly development of the area, or to adjacent properties; would not be contrary to sound engineering practices; and a finding of at least one of the following:

1. Strict application of the requirements of section 4.2 would not forward the purposes of this chapter or otherwise serve the public health, safety or welfare;
2. Due to the property's unusual size, topography, shape, location or other unusual conditions, excluding the proprietary interest of the developer or subdivider, prohibiting the disturbance of critical slopes would effectively prohibit or unreasonably restrict the use of the property or would result in significant degradation of the property or adjacent properties; or
3. Granting the modification or waiver would serve a public purpose of greater import than would be served by strict application of the regulations sought to be modified or waived."

Based on that analysis, staff recommends approval of the applicant's request to disturb critical slopes.

Staff recommends that the Board adopt the attached Resolution (Attachment C) to approve the proposed special exception.

By the above-recorded vote, the Board adopted the attached Resolution (Attachment C) to approve the proposed special exception:

**RESOLUTION TO APPROVE SE202500015
MILLER SCHOOL - CRITICAL SLOPES SPECIAL EXCEPTION**

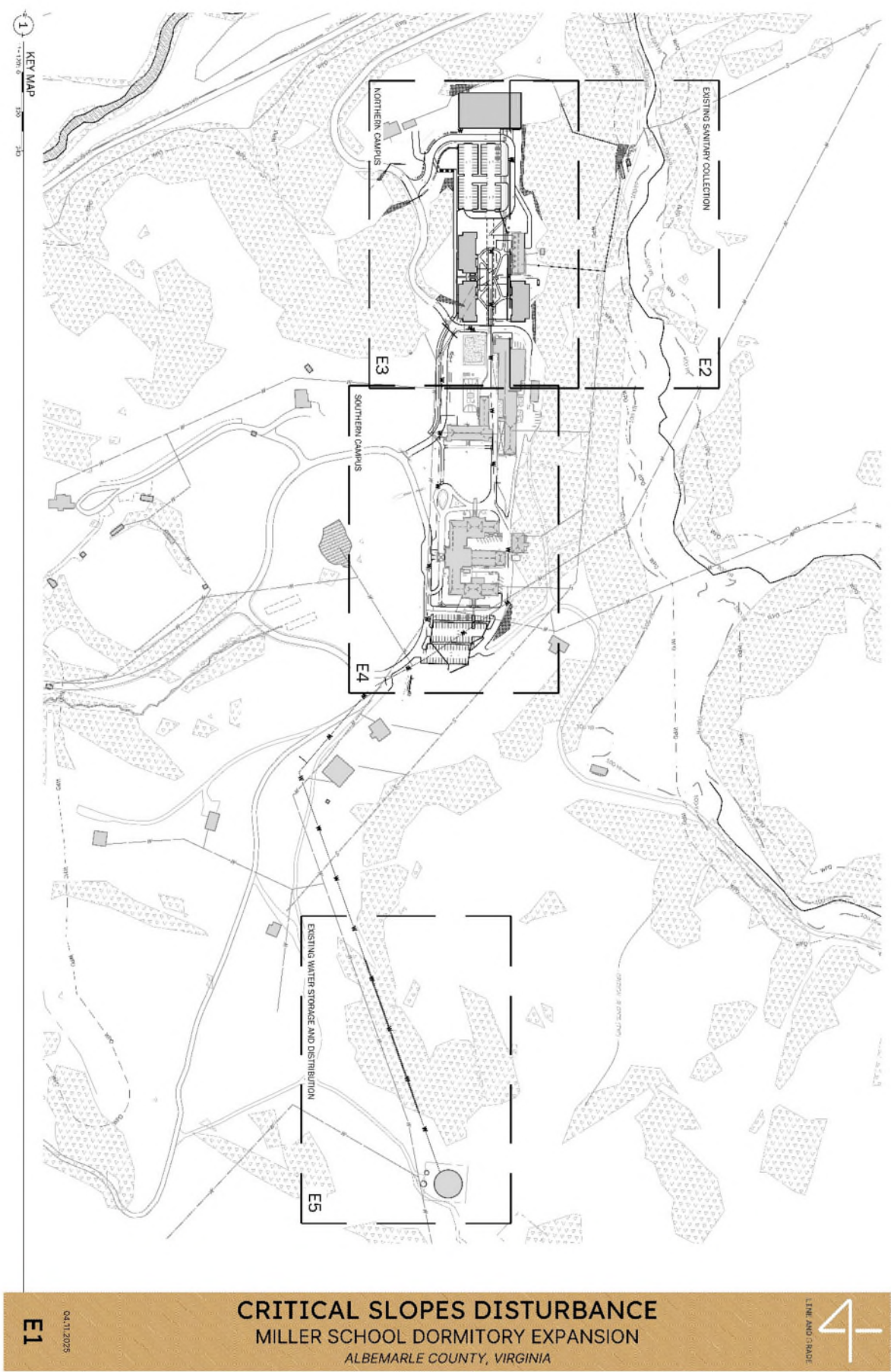
WHEREAS, upon consideration of the staff report prepared for SE202500015 Miller School - Critical Slopes Special Exception, the information presented at the public hearing, any comments received, and

all of the relevant factors in Albemarle County Code § 18-4.2.5 and § 18-33.9, the Albemarle County Board of Supervisors hereby finds that:

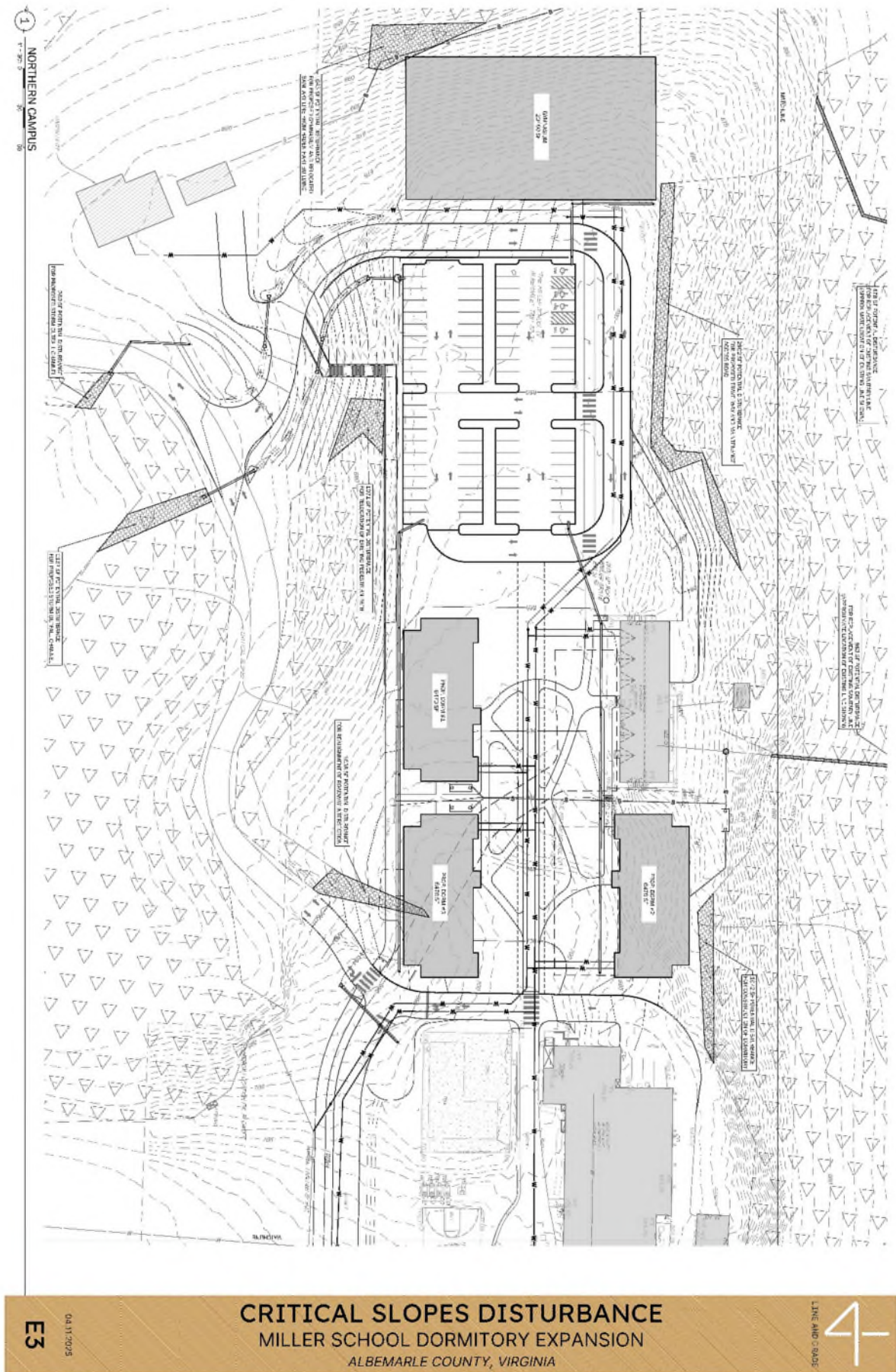
1. The proposed special exception would not be detrimental to the public health, safety or welfare, to the orderly development of the area, or to adjacent properties;
2. The proposed special exception would not be contrary to sound engineering practices;
3. Strict application of the requirements of Albemarle County Code § 18-4.2 would not forward the purposes of the Zoning Ordinance or otherwise serve the public health, safety or welfare;
4. Alternatives proposed by the developer or subdivider would satisfy the intent and purposes of Albemarle County Code § 18-4.2 to at least an equivalent degree; and
5. Granting the modification or waiver would serve a public purpose of greater import than would be served by strict application of the regulations sought to be modified or waived.

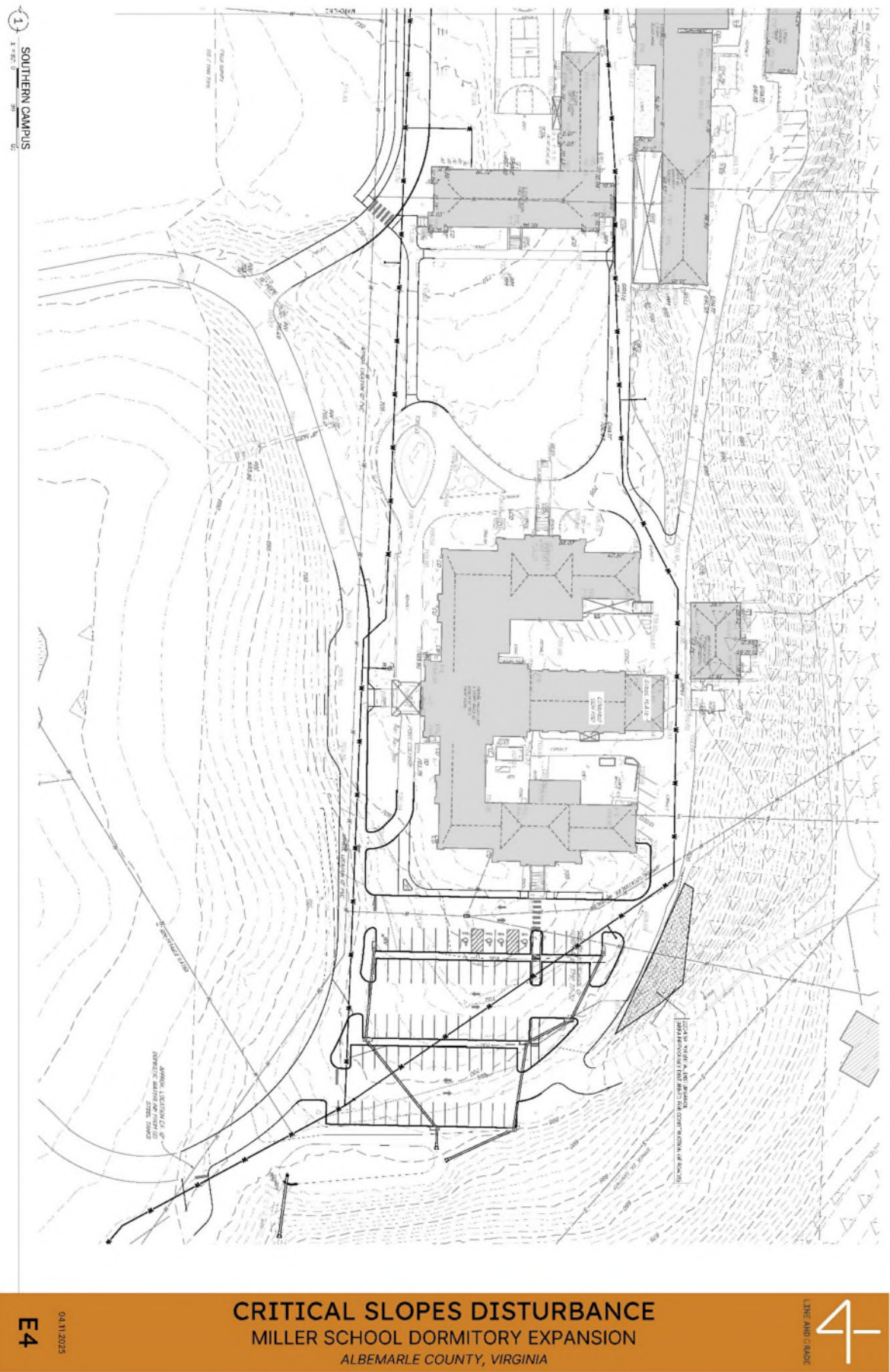
NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SE202500015 Miller School - Critical Slopes Special Exception to allow disturbance of a maximum of approximately 0.38 acres of critical slopes on those portions of Parcel ID 07200-00-00-03200 shown on "Critical Slopes Disturbance | Miller School Dormitory Expansion," prepared by Line and Grade Civil Engineering, dated April 11, 2025.

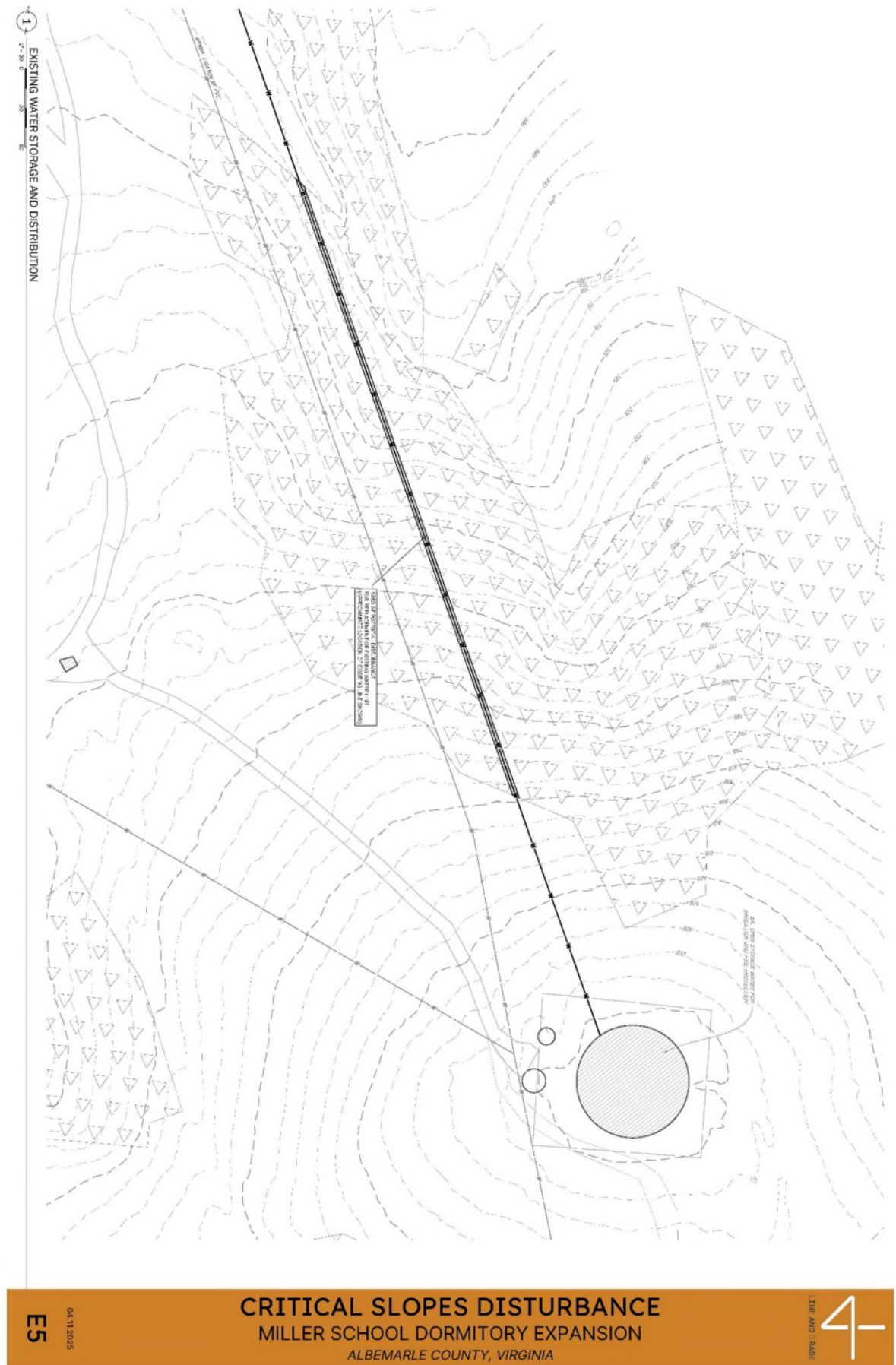
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Item No. 8.12. SE-2025-00021 RWSA Pump Station at 4250 Ivy Road.

The Executive Summary forwarded to the Board states that the applicant is proposing to install a 2,000-gallon fuel storage tank approximately 36 feet from a lot line. County Code § 18-5.1.20(b) requires fuel storage tanks in excess of 600 gallons to be set back 100 feet from any lot line. The applicant is requesting a special exception from the 100-foot setback requirement.

Staff recommends that the Board adopt the resolution (Attachment D) to approve the proposed special exception to allow a fuel storage tank to be located less than 100 feet from a lot line.

By the above-recorded vote, the Board adopted the resolution (Attachment D) to approve the proposed special exception to allow a fuel storage tank to be located less than 100 feet from a lot line:

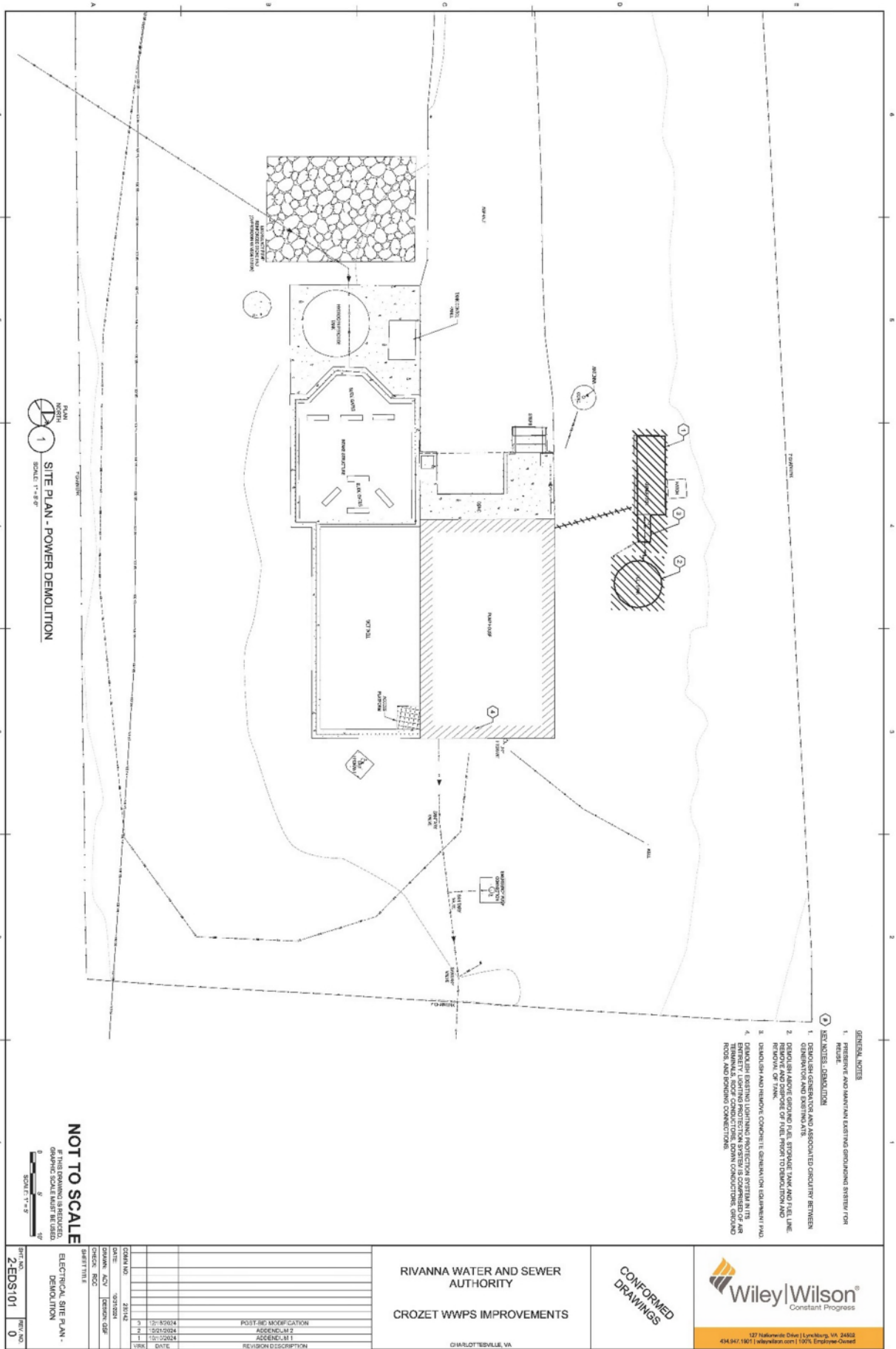
**RESOLUTION TO APPROVE SE-2025-00021
CROZET WASTEWATER PUMP STATION 2**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE-2025-00021 Crozet Wastewater Pump Station 2 application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-5.1.20(b) and 18-33.9, the Albemarle County Board of Supervisors hereby finds that a modified regulation would satisfy the purposes of the Zoning Ordinance to at least an equivalent degree as the specified requirement.

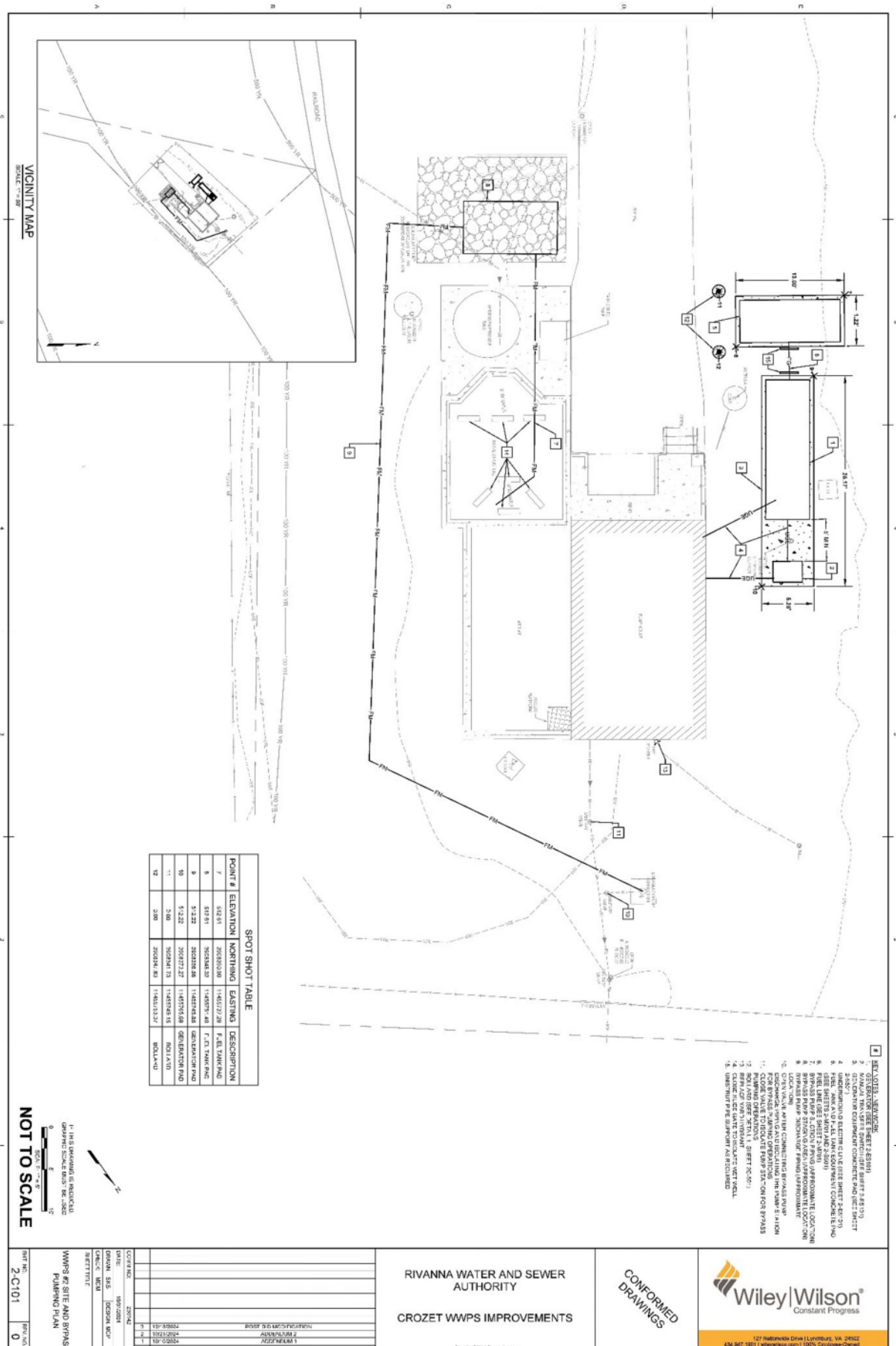
NOW, THEREFORE, BE IT RESOLVED, that in association with SE-2025-00021 Crozet Wastewater Pump Station 2, the Albemarle County Board of Supervisors hereby grants a special exception to modify the 100 foot setback otherwise required by Albemarle County Code § 18-5.1.20(b) on Parcel 058A2-00-00-024C0 to approximately 36 feet, as shown on the "Rivanna Water and Sewer Authority Crozet WWPS Improvements" plans attached to the applicant's "SE Request Letter CZWWPS 2," dated May 21, 2025.

* * * * *

12/26/2013 8:33 AM
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Item No. 8.13. SE-2025-00022 RWSA Pump Station at 3265 Ivy Road.

The Executive Summary forwarded to the Board states that the applicant is proposing to install a 1,500-gallon fuel storage tank approximately 44 feet from a lot line. County Code § 18-5.1.20(b) requires fuel storage tanks in excess of 600 gallons to be set back 100 feet from any lot line. The applicant is requesting a special exception from the 100-foot setback requirement.

Staff recommends that the Board adopt the resolution (Attachment D) to approve the proposed special exception to allow a fuel storage tank less than 100 feet from a lot line.

By the above-recorded vote, the Board adopted the resolution (Attachment D) to approve the proposed special exception to allow a fuel storage tank less than 100 feet from a lot line:

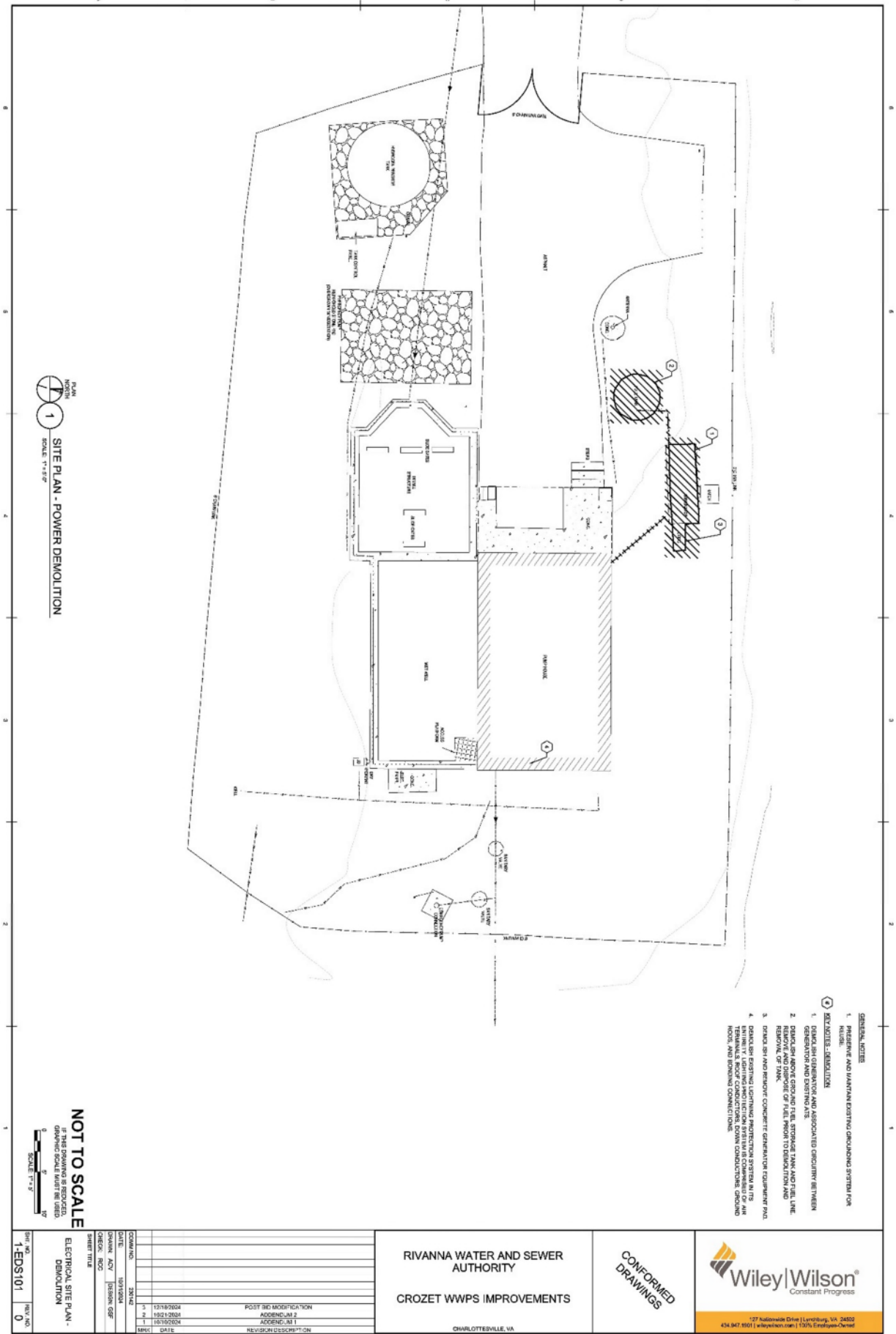
**RESOLUTION TO APPROVE SE-2025-00022
CROZET WASTEWATER PUMP STATION 1**

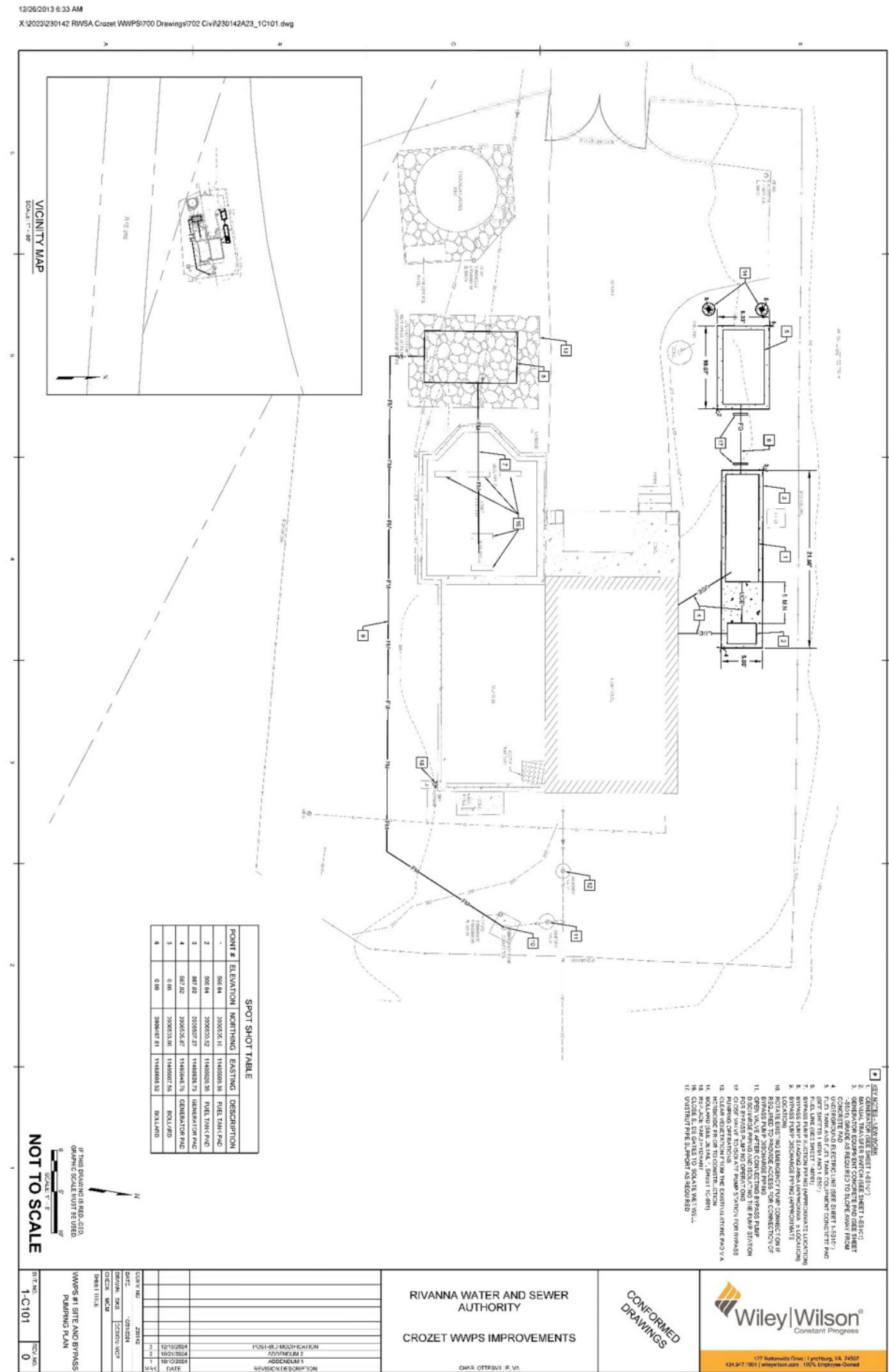
WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE-2025-00022 Crozet Wastewater Pump Station 1 application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-5.1.20(b) and 18-33.9, the Albemarle County Board of Supervisors hereby finds that a modified regulation would satisfy the purposes of the Zoning Ordinance to at least an equivalent degree as the specified requirement.

NOW, THEREFORE, BE IT RESOLVED, that in association with SE-2025-00022 Crozet Wastewater Pump Station 1, the Albemarle County Board of Supervisors hereby grants a special exception to modify the 100 foot setback otherwise required by Albemarle County Code § 18-5.1.20(b) on Parcel 05900-00-00-023H0 to approximately 44 feet, as shown on the "Rivanna Water and Sewer Authority Crozet WWPS Improvements" plans attached to the applicant's "SE Request Letter CZWWPS 1," dated May 21, 2025.

* * * * *

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Item No. 8.14. Albemarle Broadband Quarterly Report, **was received for information.**

Item No. 8.15. VDOT Monthly Report (June) 2025, **was received for information.**

Agenda Item No. 9. **Action Item:** SE-2025-00009 4158 Millington Road Homestay.

The Executive Summary forwarded to the Board states that the applicant is requesting a special exception for a homestay at 4158 Millington Road.

Resident Manager. Pursuant to County Code § 18-5.1.48(d), the applicant is requesting authorization under County Code § 18-5.1.48(b)(2) to permit a resident property-managing agent to fulfill the occupancy requirement for a parcel of five acres or more in the Rural Areas zoning district.

Please see Attachment A for full details of staff's analysis and recommendations.

Staff recommends that the Board adopt the attached Resolution (Attachment F) to approve the special exception.

Ms. Lea Brumfield, Senior Planner II, stated that she would be presenting information on Special Exception 2025-00009, 4158 Millington Road Homestay. She explained that this special exception request was from EFG3 Holding, LLC, a company owned by Mr. Galvin, who was seeking authorization to serve as the resident managing agent for his LLC. The property, a six-acre rural area, was located in the Free Union area and was surrounded by agricultural, forestal, and residential parcels. As per the homestay regulations, at least one individual owner must reside in the parcel.

Ms. Brumfield said that by special exception, a homestay may request an individual not listed as the property owner to reside in the property in place of the owner. Therefore, Mr. Galvin was requesting permission to act as the resident managing agent for his LLC, which would fulfill the owner occupancy requirement. The subject's six-acre parcel, marked on the map with a red star, was the site of a 1,568-square-foot manufactured home and contained fields used for horses. To the right of the parcel was another parcel owned by Mr. Galvin, with a 1,100-square-foot single-family home, and a horse barn.

Ms. Brumfield stated that another parcel to the right of that, marked with the green star, is another parcel owned by Mr. Galvin, listed as the mailing address for the ownership of all three parcels. This parcel contains a 2,720-square-foot single-family home with an address of 4196 Millington Road. However, Mr. Galvin has indicated that he had moved his residence to the subject parcel, located at 4184 Millington Road. The next image showed the view from the homestay site towards the two other parcels owned by Mr. Galvin.

Ms. Brumfield summarized this was a request for the resident managing agent to fulfill occupancy requirements for a three-bedroom manufactured home homestay. If the special exception was approved, staff would confirm fire safety and occupancy requirements through inspection of the property and inspection of the required legal documents. The standard documents for verification of residency, as listed in the ordinance, included a driver's license and voter registration or other similar documents as approved by the zoning administrator.

Ms. Brumfield explained that as Mr. Galvin has already obtained the necessary legal documentation, staff did not believe this homestay would create any adverse impacts to the surrounding neighborhood or general public health, safety, or welfare. The homestay use itself was a by-right accessory intended to complement the primary dwelling on the parcel and was consistent with the Comprehensive Plan, as the dwelling was already in existence. Based on the analysis of the property and the evidence presented, staff recommended approval.

Ms. Mallek **moved** that the Board of Supervisors adopt the Proposed Resolution (Attachment F) to approve the special exception SE2025-00009 Millington Road Homestay. 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 SE-2025-00009
4158 MILLINGTON ROAD HOMESTAY**

WHEREAS, upon consideration of the Memorandum prepared in conjunction with the SE-2025-00009 4158 Millington Road Homestay application and the attachments thereto, including staff's supporting analysis, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-5.1.48 and 18-33.9, the Albemarle County Board of Supervisors hereby finds that a modified regulation would satisfy the purposes of the Zoning Ordinance to at least an equivalent degree as the specified requirement, and that the requested special exception:

- (i) would not cause adverse impacts to the surrounding neighborhood;
- (ii) would not cause adverse impacts to the public health, safety, or welfare;
- (iii) would be consistent with the Comprehensive Plan and any applicable master or small-area plan(s); and
- (iv) would be consistent in size and scale with the surrounding neighborhood.

NOW, THEREFORE, BE IT RESOLVED, that in association with the SE-2025-00009 4158 Millington Road Homestay application, the Albemarle County Board of Supervisors hereby grants a special exception to permit a resident property-managing agent to fulfill the occupancy requirements for a homestay use on Parcel 02900-00-00-022A1.

Agenda Item No. 10. **Action Item:** SE-2025-00016 Old Dominion Village - Gas Easement Relocation.

The Executive Summary forwarded to the Board states that under County Code § 18-8.5.5.3(a)(6), the Board of Supervisors may grant a variation of an approved plan, code, or standard for minor changes to the design and location of stormwater management facilities, land disturbance including disturbance within conservation areas, and mitigation, all subject to approval by the County Engineer. The applicant requests a variation for land disturbance within a conservation area on the approved application plan and code of development for Old Dominion Village (ZMA202000005). The proposed variation is to allow the relocation of a portion of an existing 50' gas easement into Green Space 1, which is designated as a conservation area and includes a Water Protection Ordinance (WPO) buffer (Attachment A – Application Materials).

A detailed staff analysis and Engineering staff memo are provided as Attachment B and Attachment C.

Staff recommends that the Board deny the proposed variation to allow land disturbance within the conservation area on the approved application plan and code of development for the proposed 50' gas easement. The County Engineer believes the required findings are not met and that the request is not minor in nature.

Mr. Syd Shoaf, Senior Planner II, stated that he would be presenting information on this special exception request, SE-2025-00016 Old Dominion Village gas easement relocation. He explained that this request pertained to a land disturbance within a conservation area on the approved application plan and code of development for Old Dominion Village.

Mr. Shoaf stated that the Old Dominion Village development spanned approximately 23.72 acres, zoned as a neighborhood model development, and was situated within the White Hall Magisterial District. Unfortunately, their County GIS (Geographic Information System) system was currently down, so he was unable to provide a proper photo of the map. However, he could point out that across the northern portion of the property, which was visible on this screen, there were areas associated with the Parrot Branch and tributary that fell under the Water Protection Ordinance (WPO) buffer and flood hazard overlay zone.

Mr. Shoaf stated that as previously mentioned, this development was zoned as a neighborhood model development and had an approved code of development and application plan, which were approved by the Board under ZMA 2020-00005 in August 2022. The development was a mixed-use project that allows up to 110 residential units and veterinary clinic uses. In November 2024, an initial site plan for this development was approved by staff.

Mr. Shoaf said that provided was a screenshot of the approved application plan associated with ZMA 2020-00005, which was approved in August 2022. The highlighted area in yellow on the screen indicated the existing 50-foot gas easement in relation to the approved development. The screenshot also depicted green space one, which was 5.74 acres. This area was within the highlighted green space and included the Water Protection Ordinance buffer, a conservation area dedicated to the County for public use, and a future greenway amenity. A portion of the existing gas easement was within the green space one area, while the remainder was outside the stream buffer.

Mr. Shoaf explained that during the rezoning review process, staff identified the existing 50-foot gas easement as a concern with future infrastructure. However, at the time, the applicant assured staff that the proposed development would not have conflicts with the future infrastructure. The next slide showed a screenshot of the approved initial site plan, which was approved in November 2024. The detailed proposal of the initial site plan was consistent with the approved application plan from the rezoning review process.

Mr. Shoaf stated that the proposed units and infrastructure did not have a conflict with the existing 50-foot gas easement on the site. During the initial site plan review process, there were no issues identified by both internal and external staff with this proposal. The next slide depicted the applicant's proposal that was before the Board today, requesting to relocate a portion of the existing 50-foot gas easement, shown in yellow, to the area in blue, which was within green space one, a conservation area.

Mr. Shoaf stated that this request fell under Section 18-8.55.3A6, which allowed the Board to grant a minor variation to an approved plan, code, or standard for minor changes to design and location of stormwater management facilities, minor land disturbance, including disturbance within conservation areas, and mitigation, all subject to recommendation for approval by the County Engineer. He stated that the further factors for consideration were outlined on the subsequent slide.

Mr. Shoaf stated that they included that the Board may grant a variation from the Code of Development upon the determination that the variation was consistent with the goals and objectives of the Comprehensive Plan, did not increase the approved development density or intensity of the development, did not adversely affect the timing and phasing of the development of any other development in the zoning district, did not require a special use permit, and was in general accord with the purpose and intent of the approved application.

Mr. Shoaf stated that after staff review, staff summarized the findings. First, this proposal would be inconsistent with the goals and objectives of the Comprehensive Plan. Approximately 13,470 square

feet of the easement would fall within the WPO buffer, and the area was also highlighted in the Crozet Master Plan as a green system, which required preservation of areas providing ecosystem and cultural services, critical environmental resources, and areas held in common ownership. He noted that the applicant failed to provide a tree study or mitigation plan, which would have illustrated the areas of disturbance, preservation, and restoration.

Mr. Shoaf stated that furthermore, the Parrot Branch directly flowed into the Beaver Creek Reservoir water supply watershed. Next, although the density of the development would not increase, staff found that the proposal would increase the intensity of the development if permitted in the WPO buffer. Staff also found that this would not be in general accord with the purpose and intent of the approved application plan. During the rezoning process, staff specifically cited the dedication of wooded lands and their protection as important natural resources and a factor in recommending approval.

Mr. Shoaf explained that green spaces were intentionally identified in both the approved application plan and code of development, establishing a conservation area that protected the WPO buffer from disturbance. The intent of the approved plans was to establish a development outside of the WPO buffer. Lastly, the County Engineer reviewed this application and believed the findings were not met by the applicant, and the request was not minor in nature.

Mr. Shoaf concluded that staff recommended that the Board deny the variation to allow land disturbance for the proposed 50-foot gas easement within the conservation area in the approved application plan and code of development. The County Engineer also believed the findings were not met and the request was not minor in nature.

Ms. Mallek expressed her appreciation for Mr. Shoaf's thorough presentation, which succinctly outlined staff's arguments. She emphasized that this was a dense, highly constructed development that needed every square inch of space they could get.

Mr. Gallaway stated that the applicant had attested this request was for safety reasons, but he noted that the distance to where they wanted to relocate the easement seemed to be similar to the prior one. He asked if the rationale provided was the distance to the homes.

Mr. Shoaf replied that he was unclear about the rationale provided by the applicant, who was present today and may be able to address the question being asked.

Mr. Andy Herrick, County Attorney, stated that it was not a standard practice, but it was within the Board's discretion to ask questions of an applicant, with the understanding that this was not a public hearing.

Mr. Andrews noted that there was consensus from the Board to ask questions of and receive answers from the applicant.

Mr. Gallaway said that since the applicant was present, he would like to clarify a point regarding the applicant materials and attachments. In regard to Section 8.5-53, it stated that the relocated gas easement would provide a safer location for the new homes. He noted that however, this information alone did not provide sufficient clarity for him. He was seeking to understand the specific factors that made this location safer, particularly in relation to the proximity to the new homes. The new location appeared to be at a similar distance from the current easement, so he would appreciate a more detailed explanation of how this relocation addressed the safety concerns.

Mr. Katurah Roell stated that he was the applicant. He said that in response to the new location, the gas company had requested this relocation because they would need to replace the existing line, which had been in place for 50 years, and anticipated that this replacement would occur within the next 20 years. They believed that relocating the line behind the existing new units would be a safer option.

Mr. Roell said that during the replacement process, the line would be bored, and when reviewing the map, it was clear that the old location, marked in yellow, continued down the stream through the buffer, where it had been for years and was originally installed around 50-70 years ago. The relocation plan, as shown, would place the new line well behind any units and in a safer area for future residents. This relocation would be done at a depth, so it would not disturb anything on the surface.

Mr. Roell stated that proffer number three stated that the developer may install or provide easements within the buffer at their discretion. He said that County ordinances, as well as State law, exempted gas companies, Virginia Department of Transportation (VDOT), and other utilities from the buffer regulations. He would like to confirm with the County Attorney if there were any implications of this exemption. Otherwise, they were looking to relocate the line to a safer location for the future residents of the community.

Mr. Pruitt said that he wanted to ensure that he understood this correctly. He said that the central reason the staff recommendation was against was because this was not a minor issue, which required a series of findings to be made for something within a conservation area in a plan. This was located within a conservation area of a plan submitted by the developer. This was not something within a conservation easement, nor was it a natural heritage area that the Board had independently identified; rather, it was the green space set aside by the developer as part of their plan for preservation.

Mr. Shoaf confirmed that was correct; during the rezoning process, it had been dedicated as a

green space area.

Mr. Pruitt asked, if the Board did not consider this to be a minor issue, what were the alternative options for the developer if they still wished to move this gas line?

Mr. Shoaf said that he may need to, depending on the specifics of his proposal, consider filing another Zoning Map Amendment (ZMA) application. If the proposal aligned with the current rezoning application and code of development, it may be possible to work out a solution with staff without needing to go through the rezoning process.

Mr. Pruitt said that the variation required the meeting of findings, which implied that a certain level of justification or evidence must be present. He asked how the Board could be in a position to review it legislatively.

Mr. Herrick explained that in order to approve this proposal, the Board would need to affirmatively make the five findings that were displayed on the screen. Staff had determined that this proposal did not meet at least three of them, and the draft resolution in the staff packet also made these findings, indicating that the proposal failed to meet three of the five. If the Board were to approve it, they would need to make affirmative findings on all five of these requirements.

Mr. Pruitt asked if that would mean that the Board would need to articulate five specific reasons it met those criteria.

Mr. Herrick confirmed that the Board would need to reach a point where it felt comfortable making the five findings that were on the screen.

Ms. McKeel said that she believed she had a good grasp of the Comprehensive Plan and the development but would like clarification on what Mr. Pohl had reviewed and the reality of a situation where they had an aging gas line.

Mr. Frank Pohl, County Engineer, clarified that if this proposal of relocating something into the buffer had come in with the rezoning, staff would have requested that they avoid the buffer. With that in mind, he did not feel comfortable making the decision administratively to allow this proposal because he believed it may have impacted the Board's decision to rezone the property. Regarding the aging gas line, he did not doubt that it was aging. They had discussed installing a ductile iron pipe to facilitate future installation of a new gas line; however, the gas company reportedly did not support that idea.

Ms. McKeel asked if Mr. Pohl had a sense of why the gas company disagreed with that suggestion.

Mr. Pohl said that there potentially may be conflicts with the other utilities within the existing easement or safety issues, but he had not been in contact with the gas company so he could not be certain.

Mr. Andrews said that the issues outlined by staff seemed to focus on the buffer and the dedicated green space. He asked if it would disturb the surface of the land to bore the line in the green space.

Mr. Greg Krystyniak, Civil Engineer, explained that there were two methods for installing utilities: open trenching, which they utilized with their excavator, and trenchless boring. The latter would require an entry point on one side that would disturb the surface, then using a directional bore underneath the ground, they would create the line without disturbing the ground surface.

Mr. Andrews said that when calculating the 13,000-square-foot disturbance, he was wondering if that was based on the process Mr. Krystyniak had explained or if it was based on the location of the line itself.

Mr. Krystyniak stated that they owned that easement, so they would have the rights to allow the gas company to disturb the easement in the future.

Mr. Andrews said that there was a reference to a lack of a mitigation or plan for mitigation. He asked what that plan would entail, or if it was expected that they would come up with that but had not.

Mr. Shoaf said that it would enable staff to identify the types of vegetation within the easement area, determine which vegetation would need to be removed, and visualize the restoration process if necessary. He said that it would also provide the County with a better understanding of the potential impacts of this easement.

Ms. Mallek noted that it may require clearing of land to create an appropriate area for the boring machine to make an entry point, so there was no guarantee that the process would not disturb the land. She added that in the public meetings held during the rezoning application for this project, there were consistent concerns about the impacts on the stream, which goes directly into the Beaver Creek Reservoir and was integral to the quality of the drinking water supply for 14,000 people in Crozet. She said residents were very protective of the water supply and the effort that the rate payers already had to undertake for treatment and filtration, which was why the buffers were put in place. She emphasized that anytime the canopy was disturbed, it had an impact, especially with the velocity of the present-day rains.

She said in regard to that, she felt it was important to maintain the integrity of their WPO buffers, which had been agreed to by the applicant, but now it seemed like the applicant was attempting to take this away through the back door without a new public hearing. She said this information should have been included with the initial application. She said she did not support changes made to such an impactful development without an appropriate public hearing process.

Mr. Pruitt stated that in the current location of the line, it would need to be trenchless boring because it would be running underneath existing properties. The proposed change would result in the line not running underneath the properties, and it did not seem like they could constrain the applicant from doing trenchless line. He asked if that was a correct assumption.

Mr. Krystyniak stated that it would be at the discretion of the gas company to choose the method. He said that staff was simply informed that the gas company had decided that trenchless boring was the appropriate method and had discussed that with the applicant, but he was unsure of the exact reasoning behind the choice. He had inferred that it was because they could reduce the impacts to the buffer, but that was not explicitly stated.

Mr. Pruitt said that he was surprised to learn that their Water Protection Ordinance could actually accommodate a gas line in a buffer area. This seemed counterintuitive to him, but it appeared that they were considering the possibility of a gas line through this process or potentially in a follow-up ZMA. He said that in a water protection buffer, even if it minimized disturbance, he found it alarming that gas lines could be present. He said that gas lines were prone to degradation and leakage, even before they were replaced. He asked if their WPO allowed gas lines within the WPO buffer.

Mr. Pohl said that the State allowed their locality to put gas lines in buffers. He noted that typically, they saw lines cross buffers rather than run parallel. Considering the numerous streams in the County, it was difficult to avoid all of them, especially with a main gas line such as this.

Mr. Pruitt said that he appreciated the clarification.

Ms. LaPisto-Kirtley asked if denying the request would result in more of a safety risk for the current and residents. She was unsure if this was to increase density on the lot or because the gas company had expressed sincere concern.

Ms. Rebecca Ragsdale, Planning Manager, stated she had reviewed this with Mr. Shoaf as part of their review team. To clarify, the residential units were not yet present and did not have the necessary approvals to build them. They had encountered a gas line conflict, which Mr. Shoaf had outlined in the timeline, during which they showed the residential units were located over the gas line and caused a conflict. Currently, the property only featured a vet clinic.

Ms. Ragsdale said that the issue before the Board had not explored alternative options, such as shifting the gas line or development or pursuing a different neighborhood model. The property did have some flexibility in how it could be rearranged. However, the proposed development, which did not yet include the residential units, was impacting a green space area. Staff did not believe this met their criteria, and they did not have a detailed plan before them that made every effort to avoid the green space.

Ms. Ragsdale said that she thought that the applicant may have hinted at the possibility of an alternative plan that could be reviewed through the correct process, which may include mitigation measures and details on how the gas line would be replaced in the future. She said the proposed development, combined with the non-existent residential units, was creating this conflict. This was not a current issue, and a recent email from the gas company had addressed this.

Mr. Roell added that he had forwarded a letter from the gas company, specifically to the Planner and the Board Clerk. He explained that the gas company was the one requesting this change for the future when they planned to replace the line, regardless of the circumstances. This was a main, 60-pound pressure line, and they believed it would be safer to relocate it to the left. As he had previously pointed out, the entire rest of the line ran through the buffer when it was originally installed.

Mr. Roell said that from the gas company's perspective, locating the line to the left was solely for safety purposes. He said that the trench to access the bore would be located above the buffer on their property, within the easement of the existing gas line, and near the receiving end. This would minimize the disturbance. However, it was the gas company's request, not something he had proposed; they felt they had the right to make this change and were requesting the Board's approval.

Ms. Mallek said that the gas line was put in before the buffers were established, which was different from putting in something after the buffers were established.

Mallek **moved** that the Board of Supervisors adopt the Proposed Resolution (Attachment D) to deny SE-2025-00016 Old Dominion Village – Gas Easement Relocation. Mr. Pruitt **seconded** the motion.

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

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

**RESOLUTION TO DENY SE202500016
OLD DOMINION VILLAGE – GAS EASEMENT RELOCATION**

WHEREAS, upon consideration of the staff reports prepared in conjunction with the special exception request and the attachments thereto, including staff's supporting analysis, all of the comments received, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-5.5.3(a) and 18-33.9(A), the Albemarle County Board of Supervisors finds that a modified regulation would:

1. Be inconsistent with the goals and objectives of the comprehensive plan;
2. Increase the intensity of development; and
3. Not be in general accord with the purpose and intent of the approved application.

NOW, THEREFORE, BE IT RESOLVED, the Albemarle County Board of Supervisors hereby denies the SE202500016 Old Dominion Village – Gas Easement Relocation application.

Agenda Item No. 11. **Work Session:** Open Burning Ordinance Update

The Executive Summary forwarded to the Board states that in December of 2023, the ACFR-FMO began an effort to revise Article IV of Chapter 6 in County Code known as the Regulation of Open Burning Ordinance. This process involved assessment of our current risk as well as an evaluation of the challenges faced with enforcement of the current ordinance. Staff then researched and conducted a comparative analysis of fifteen localities throughout the Commonwealth of Virginia selected for their similarity to Albemarle County in terms of risk and available resources. Throughout the process several areas of potential improvement were identified. Staff from ACFR will provide an update on the ordinance revision process and seek input on the desired next steps.

The ACFR-FMO operates within and enforces the 2021 version of the Virginia Statewide Fire Prevention Code (VSFPC) adopted in January of 2024. The "Burning of Brush" (Open Burning) Ordinance was originally adopted in 1988 and has been revised several times, most notably in 2018 when amendments were made to strengthen regulations related to land clearing and development operations to enhance safety measures.

In August of 2024, ACFR staff provided a presentation to the Board on Wildland Fire Prevention Strategies for information/consideration. One strategy presented was updating our current Open Burning Ordinance which several Board members supported and requested staff to pursue. Following an extensive revision process including risk and comparative analyses, staff is recommending minor changes to our current ordinance to eliminate confusion, clarify authority, and improve interpretability for the public.

Proposed changes include the addition and clarification of open-air fire types within the definitions to better align with permissible open burning description, language to further clarify prohibitions on open burning, and increased enforcement capabilities. These capabilities include escalating penalties for repeat offenses as well as liability (if convicted) for restitution of expenses incurred by the County.

This is an update to a previous discussion with no specific funding requested at this time.

Staff requests the Board to review and provide feedback on the draft Open Burning Ordinance (Attachment A).

Ms. Emily Pelliccia, Deputy Chief of Fire Rescue, said that she would like to extend her gratitude to the Board for adopting the consent agenda and approving the appointment of Battalion Chief Maddox, who was permanently replacing Howard Lagomarsino as Fire Marshal. She said that she would also like to publicly thank Micaiah Ledford, who had done an outstanding job in the last three months in an interim capacity, filling a critical gap that was needed.

Deputy Chief Pelliccia said that she would discuss the Open Burning Ordinance Update. She said that for background information, in December of 2023, staff were asked to begin researching an update to their current Open Burning Ordinance. They had already started considering what it would take to update their ordinance and began this research process, so they initially looked at all localities in the Commonwealth, narrowing it down to the 15 localities shown on the slide due to their similarities to them in two key areas: the presence of an established Fire Marshal's office and similar geographic or demographic challenges. These 15 localities were selected for their comparison to Albemarle County.

Deputy Chief Pelliccia said that in August, she presented to the Board a more comprehensive approach to wildland fire prevention strategies, including the concept of fire-adapted communities. This approach would involve developing a comprehensive plan, which would include an enhanced wildfire training program and collaboration with the Department of Forestry, and finally, updating their Burn Ordinance was identified as a key element of this plan, which they were now discussing today.

Deputy Chief Pelliccia stated that fire-adapted communities was a comprehensive concept that encompasses a wide range of strategies. They had been exploring recovery efforts and had collaborated with other departments on some of these initiatives. They had also been enhancing their internal incident management team capacity and working with the community to address fire-wise concerns. Their department had conducted neighborhood assessments at the request of some communities and were exploring landscape treatments, including prescribed fires and ground covering thinning in collaboration

with other local experts.

Deputy Chief Pelliccia stated that achieving a fire-adapted community status would require a long-term, collaborative process to implement, and today their conversation was centered on the Burn Ordinance Update. To address this, they conducted a gap analysis, comparing their ordinance to those of the other localities they studied. Then, they conducted a comparative analysis of their existing ordinance, identifying areas where it was confusing to the average citizen, such as determining which category applied to a specific situation and understanding the impact of open burning. She wished they could condense it more, but the recommended revisions did help to clarify some of the issues.

Deputy Chief Pelliccia stated that these revisions were divided into four main areas of focus, which Chief Maddox would discuss in more detail. The first area of focus was clarifying the categories of burning, making it easier to understand the overall categories, the second area was adding language and definitions to help distinguish between permissible and non-permissible open burning, the third area was enhancing enforcement capabilities, particularly in areas where they struggled to enforce the ordinance, and finally, increasing penalties and adding restitution capabilities, working closely with the Commonwealth Attorney to ensure they were not overstepping.

Mr. Shawn Maddox, Battalion Chief of Fire Rescue, stated that he would review the four categories of changes and recommendations they had made. They had adopted State language from the Fire Prevention Code to define a bonfire and aligned these definitions with permissible open-air burning in accordance with Virginia's air quality and pollution guidelines. They had also outlined the three categories of open-air burning: property maintenance or land clearing, recreational, and residential. He said the most frequently asked question in their office or for on-duty fire marshals was what category a property owner fell under.

Chief Maddox clarified that land clearing was the large permitted open-air burning category and had the most stringent requirements, including distance, time of day, and who could burn. The recreational category was for neighborhood campfires and community gatherings, while the residential category was for individuals burning materials on their property for property maintenance, such as clearing land after a storm, as long as they met the 300-foot distance requirement from neighbors or structures they did not own.

Chief Maddox stated that they had also aimed to clarify the difference between permissible and non-permissible burning. Their partners at the Department of Forestry conducted prescribed burns and land management programs throughout the County and State, and they had included these in the new language. Additionally, they had codified the requirement to stay with an open-air fire, as they had encountered instances where people would leave their fires unattended. This was not safe and had been clarified in the new language. They had also added the requirement for a means of extinguishment, such as a garden hose or dirt to cover the hole and made it clear that individuals were responsible for putting out their own fires.

Chief Maddox stated that they had outlined enforcement capabilities to ensure public safety. They were responding to questions from the community and other members, and the local government had granted them additional authority to shut down open-air burning in the County during locally geographically impacted events that affected air quality. This allowed them to consider local environmental impacts when issuing an open-air burn ban. It also enabled their on-duty Fire Marshal to work with property owners or applicants to increase setback distances, reducing the impact on neighbors and adjoining property owners.

Chief Maddox stated that it also gave them the discretion to relocate the pile away from neighbors or structures to mitigate the impacts. Furthermore, it strengthened their ability to extinguish the fire, and while they were there, they would ensure it was fully extinguished before leaving the scene. Additionally, this new policy increased penalties for repeat offenders, with specific increases in civil penalties for second and third-time offenders.

Chief Maddox said that they aimed to deter future behavior, as education had not been effective in changing the behavior of repeat offenders. Currently, this was a class one misdemeanor and aligning it with the current code language would provide clarity. This new policy also added to the County code language, allowing the County to recoup the cost of fire suppression, which could be substantial when fires spread across property lines and damaged property, which would help lessen the burden on taxpayers.

Deputy Chief Pelliccia said that next steps with this initiative were, after receiving Board feedback, to review the language further with staff, then hold a public hearing to approve the ordinance. After that, they would send it to the State Air Pollution Control Board for approval. Then, they would adopt the revised ordinance. She noted that before they moved forward with implementing the ordinance, they would prioritize creating marketing materials, such as a quick reference guide for the community and their fire marshals. They recognized that the different types of burns could be confusing, so they would have some tools available to assist the community in interpreting the process.

Ms. Mallek said that other localities had policies that prohibited recreational fires until 4:00 p.m. as a year-round regulation. She asked if staff would consider that as an option so there would be more certainty about when people could expect when their neighbors may be doing open burning.

Deputy Chief Pelliccia stated that it was her understanding that no localities in the State were

currently implementing a year-round prohibition. She said that there may have been some localities that considered it, but it was not a practice employed by any other locality in the State.

Ms. Mallek apologized; she must have misunderstood. She asked if a burn could be considered recreational if it was done every day. She asked if the definition for recreational burns had any kind of time limitation associated with it.

Chief Maddox replied that he was unsure how the ordinance could address the frequency of burning; he had not seen any regulations that had attempted to do so.

Ms. Mallek said that for items such as cut-off treated timber, slabs, and similar materials, they are already prohibited. She said that the issue lies in the fact that one needs to be present to observe the infraction in order to issue a ticket.

Chief Maddox said that the permissible materials had not changed, and since the last time they updated the Burn Ordinance a few years ago their enforcement efforts had increased, but he acknowledged their officers had to be physically present to witness any violations, or to receive photographic evidence as part of a complaint.

Ms. Mallek asked if there was a setback for how far a burn pit must be located from a neighbor's house.

Chief Maddox said that if the burn pit was installed in a commercially available burn pit with a spark arrestor, such as a mesh screen, it was exempt from the 300-foot distance requirement and only required 25 feet distance from combustible construction. This allowed someone in a denser neighborhood to have a commercially available fire pit that would prevent sparks and embers from escaping and causing harm to neighbors. He said that if he were to clean up debris from a storm, such as limbs, leaves, and sticks, and create a pile in his backyard, that would trigger the 300-foot distance requirement.

Chief Maddox explained that the key difference lay in the type of activity being performed. They were trying to regulate the process, not an object. He said that for example, a recreational fire, such as one contained in a small fire pit, was allowed as long as it was contained and could be easily extinguished. In contrast, if he were to create a pile of debris in his backyard and it posed a risk to his neighbors or their property, he would need to maintain a 300-foot distance. This distinction was crucial, as it acknowledged that accidents could happen, but it was essential to prevent harm to others.

Ms. Mallek said that the explanation was helpful. She asked if someone about to have an open burn would need to call the Fire Department to let them know.

Chief Maddox said that they would call the non-emergency number to the Emergency Communications Center.

Ms. Mallek said that it would be very helpful so that any concerned neighbors who called in could be informed by the Fire Department that they were aware of the person doing the open burn.

Chief Maddox added that the ordinance required the Fire Department to have the name and phone number of the person responsible for the open burn fire.

Ms. Mallek asked if they had considered giving notice to neighbors to inform them of planned open burns.

Deputy Chief Pelliccia replied that they had considered technological solutions to address that but had not pursued anything yet, but they were considering expanding the capabilities of the MOBI Report, which was currently not a public report.

Chief Maddox said that it would likely be easiest to include that in the commercial land-clearing part of the ordinance, as that would require a permit and the notification to adjoining neighbors could be included as part of the permit. He said it would be challenging to implement that for smaller, personal burns due to changing weather conditions.

Ms. Mallek stated that she appreciated the ordinance changes related to enforcement. She asked what the fines were and how they escalated.

Chief Maddox answered that the second time someone violated the new ordinance, they would be charged \$1,000, whereas currently it was zero to \$2,500, depending on the judge's ruling.

Ms. Mallek asked what happened if violators did not show up to court and if there was any recourse to strengthen the fire marshals' hand for the next violation.

Chief Maddox stated that it was not a jailable offence even though a class one misdemeanor could result in jail time. He said that seemed off internally to issue a capias warrant for an arrest. He said the fines stay on the books, similar to a traffic ticket.

Ms. LaPisto-Kirtley said that she believed the MOBI report would be the best way to notify neighbors of open burns. She asked if permits were required for leaf-burning or recreational fires.

Chief Maddox replied that the only open-air burning that required a permit was the large land clearing for development.

Ms. LaPisto-Kirtley asked if the 300-foot setback applied to any property or only to structures.

Chief Maddox replied that it was a measurement of 300 feet from the center of the fire or burn pile to any property that the person doing the open burning did not own.

Ms. LaPisto-Kirtley inquired about language on page three, item 16, regarding the word junkyard with the definition as establishment or place of businesses. She asked if that word establishment meant a home.

Chief Maddox replied that he needed to look into the matter. He said he did not think he would define a home as junkyard unless there was a change in use.

Ms. LaPisto-Kirtley clarified that she was asking about if a home had a junkyard in their front yard.

Chief Maddox replied that the definition would apply if they had a permit and they would need to work with legal and zoning to make that determination.

Ms. LaPisto-Kirtley suggested that the language be less restrictive regarding fires causing "any inconvenience and nuisance" to neighbors, as well as being more specific to how windy conditions could be hazardous, rather than wind existing in general.

Mr. Gallaway asked if there was a time limit by which a permit must be submitted prior to a burn being performed.

Chief Maddox said that recreational and private property burning did not require a permit, so individuals could make a phone call at 3:00 a.m. to notify the communication center of their plans to burn at 7:00 a.m. if permitted. He said that land clearing operations, which required a permit, were strictly regulated and subject to a review process, which could take more time.

Mr. Gallaway said that since there were no permit requirements for those smaller fires, the Fire Department would receive notice, so he agreed that the MOBI report would be beneficial in providing public notification of a burn being done.

Deputy Chief Pelliccia said that they had not done deep research into it, but they were considering using the MOBI map as well as a dashboard of weather conditions so people had a resource that would tell them whether the conditions were favorable for an open burn. She believed it would be beneficial to have that information directly from their office, so that even when the conditions did not constitute a total ban on burning, people would see information directly from the Fire Marshal that indicated the conditions may not be ideal for an open burn.

Mr. Pruitt asked if recreational fires were not considered in the current ordinance.

Chief Maddox said that the ordinance allowed for recreational fires, but it was vague in a way that led to large, potentially hazardous fires being interpreted as recreational.

Mr. Pruitt said that he had taken the time to review extensive and technical notes on subsection B, Section 6-406(B), and the hierarchy of definitions being used. He said that he believed that there was work that needed to be done in this section. He said that it appeared that the section had three categories: recreational fires, which were defined as being less than nine square feet; bonfires, which were greater than nine square feet and two feet in height; and large recreational open burning, which was even bigger than the default for bonfires.

Mr. Pruitt said that, however, this created a problem, as the current definition did not account for fires that were greater than nine square feet but less than two feet in height. He said that the term "bonfire" became irrelevant in section B, as the actual policy distinction was made for large recreational open burning, which was 25 square feet and five feet in height. He said that he believed they were using two criteria instead of three, and the current structure of section B did not lend itself to clear interpretation.

Mr. Pruitt said that specifically, the list of allowed and not-allowed fires without a permit from the fire official was confusing, as it appeared to be a set of additional thoughts rather than a clear distinction. He said that he thought they needed to create a new subsection with two categories: small recreational fires and big recreational fires and highlight where the distinction between these categories occurred. He said that he was concerned that the current language may be unclear to the public.

Deputy Chief Pelliccia acknowledged that they had worked with their legal team to clarify that language, but it had proven difficult to do. She believed a user guide or chart may be necessary so people could understand when a permit was necessary.

Mr. Pruitt said that he believed that Subsection 406(C)13 needed to be defined more clearly. He also agreed with the escalating fines but did not like that it was a mandatory fine. He believed it should be discretionary so the County could choose when a situation warranted a fine, rather than requiring it for every violation. He could not vote in support of something that mandated a fine and preferred it to be discretionary. Additionally, for large recreational fires, he believed it would be beneficial to notify the surrounding neighbors, but he did not see a way to effectively notify them. He said that if MOBI could be

made available in an efficient way, he would support that as a way to deliver notification about open burns.

Ms. McKeel asked how staff felt about discretionary fines versus mandatory fines.

Deputy Chief Pelliccia explained that ultimately, the Commonwealth Attorney's Office would make that determination. When they proceeded, they would be the ones representing the Fire Department in court when they charged someone. Their office had specifically reviewed that section and felt that they should call out the escalating fines for the second and subsequent offenses.

Chief Maddox said that currently, the offense was a class one misdemeanor punishable by up to \$2,500 and/or 12 months in jail, making it discretionary for the judge to set the fine. The judge determined the fine, which could range from as low as \$25 to several hundred dollars. He acknowledged that the mandatory fine could seem heavy-handed, but they needed to meet somewhere in the middle to provide some strength to the regulations.

Ms. McKeel said that she would not want the discretionary aspect to be left up to staff; it would put them in a difficult position between the community members and the County.

Deputy Chief Pelliccia replied that it was never up to staff; they may ask through the Commonwealth Attorney's Office, who had further discretion, and ultimately it was up to the judge.

Ms. McKeel asked if this ordinance applied to all areas of the County, regardless of whether they were rural or developed.

Deputy Chief Pelliccia confirmed that the proposed ordinance was meant to apply to all areas of the County, with the intent of avoiding confusion by making separate ordinances for different areas of the County. However, the Board had this opportunity to direct staff to explore other options for this ordinance, as well.

Chief Maddox clarified that they had tried to regulate the open burning in the development areas by creating the specific setback distances rather than location-based rules. Additionally, they wanted their County residents to have only one set of rules that applied wherever they were in the County.

Mr. Andrews said that he would like to clarify some points regarding the exemptions. He said that specifically, he was going to start with the Section 6-405 exemptions. He said that Section B stated that open burning was allowed for campfires, recreational purposes, ceremonial occasions, outdoor food preparation, and (not or) warming outdoor workers, with certain limitations. He said that it seemed unusual that it did not provide an "or" for these exemptions.

Mr. Andrews said that in contrast, Section 6-406 categorized burning into four types, excluding landfill burning. He said to him, 406B appeared to be for recreational burning with no notice required and shorter distances. He said that he was unsure whether the exemption in B applied or if 406B applied due to these provisions. He said then there was Section A, which covered residential open burning with a 300-foot radius and notification requirements and then Section C was the 2,000-foot property maintenance and land clearing, which required a permit. He said that if he was correct, he questioned whether that exemption was relevant to B since it was in the list of exemptions.

Mr. Andrews said that another exemption in Section 6-405D allowed open burning for forest management and agricultural practices approved by the state Air Pollution Control Board. He said that it seemed to him that the State statute controlled these activities, but he wondered whether they were impacted by this ordinance. He wondered whether a burn pile on a farm was considered an agricultural burn under the exemption, and whether it would require a permit or notice.

Deputy Chief Pelliccia said it was confusing because agricultural burning was exempt by the State.

Chief Maddox said that the current ordinance language regarding agricultural burning was somewhat ambiguous. He said there was a specific distance requirement under State Code, which was 1,000 feet. He said that when reviewing the State air quality guidelines, it became clear that agricultural burns were indeed restricted to this distance. With the rewrite of this ordinance, they attempted to rely on the State Code for agricultural practices, because there were six or seven that were exempt from local ordinances. They were trying to remove any confusion about agricultural practices that were subject to other regulations.

Chief Maddox said that typically, individuals who conducted these types of burns notified their neighbors in advance and were familiar with one another through a network. He said that prior notifications were usually made, and many of them did call ahead. He noted that some of them who had been around for a while may remember their former certified open burner program. Under this program, they would issue a red card to those who had completed fire rescue training, indicating they were good for another year. Despite the requirement to notify, they still called in regardless. He said that as a result, the agricultural burns would also be seen on MOBI.

Mr. Andrews said that looking at the 6-406 permissible burns in the different categories, it was mentioned in connection with B, recreational, that certain businesses had open burning as part of their operations; this meant that there was no limitation on the frequency of these burns when they were open

for business. He said that he wondered if there was a similar logic that could explain why there was currently no limit on the number of days for other residential open burning under A or property maintenance burning. He said that he worried that some of these activities could persist for weeks or even months, despite not being part of the business's primary operations.

Deputy Chief Pelliccia noted that the language regarding attendance of the fire was meant to prevent someone from leaving a fire going unattended overnight or for multiple days.

Chief Maddox said that he did not recall seeing any of the 15 comparison localities with a limit on the frequency of burning. As a result, they were now limiting land-clearing to 30 days, with the requirement that these activities be completed within that timeframe. He said that he believed they had never thoroughly discussed the specifics of burning frequency on individual parcels.

Mr. Andrews said that the limit for land-clearing was a helpful reminder of that. Additionally, he believed the MOBI system would be helpful to provide to the public. He asked if the staff who fielded the calls for open burns could ascertain the type of burn being done.

Deputy Chief Pelliccia said that they should invest in training the ECC staff to triage that and clarify the type of burning.

Mr. Andrews said that he would like to provide feedback on some comments made regarding the proposed regulation. He said that specifically, regarding 406 13 under C, there was a question about the condition of the burn and prevailing winds. To some extent, he believed it was a good idea to provide advance notice when a burn is permitted and when it was not. As someone with farm property, he had experienced this firsthand. He said that when snow was forecasted, they would wait for it to arrive and quickly cover their debris before the snow hit, then uncover it and burn it afterwards.

Mr. Andrews said that he would like to clarify the issue of fines and second offenses. He said that according to Section 408B, each separate incident constituted a new violation. He was concerned that this could lead to a situation where a person was treated as having committed two separate offenses if they had only committed one incident but had been previously convicted. He thought it was essential that a second offense only occurred after the person had been convicted of the first offense. This was a crucial distinction, and he would like to ensure that it was implemented correctly.

Deputy Chief Pelliccia clarified that it meant they had gone through the whole process of conviction before a second offense was given. Additionally, the Commonwealth Attorney had recommended increasing the third offense to a three-year period to give a longer window.

Ms. Mallek agreed with Deputy Chief Pelliccia's suggestion about providing charts to the public, even if it was just reorganizing the ordinance language to show how certain situations applied to specific sections. She would also like to have equitable, mandatory fines, rather than discretionary ones. She asked if the judge would rely on this ordinance in court.

Chief Maddox replied no; the ordinance provided context for the case, but it ultimately depended on the judge rendering the verdict on the misdemeanor charge. He believed the Commonwealth Attorney had helped them create an ordinance that would help them be successful when enforcement was necessary.

Ms. Mallek said she appreciated the county-wide approach because for years those living in the rural area didn't have protection that those in the growth area had. She stated she was in favor of the language regarding no importing of materials. She said also appreciated the language regarding burning in neighborhoods and that there were many fire pits in Old Trail that were successful with no complaints.

Ms. LaPisto-Kirtley asked for clarification on if a property owner had a small fire from a cookout and smell blew into a neighbor's yard or house; would they receive complaints.

Chief Maddox replied that 13 only applied to permits for land clearing.

Deputy Chief Pelliccia said they got calls once or twice a week asking for clarification on the ordinance. She said from 2023 to 2024, there was a 5.4% increase in overall fire incidents. Outdoor burning saw less of an increase of only 3.6% increase, but not as much overall; 300 calls to 327 calls.

Mr. Pruitt requested that more definition be given to the terms "structures" and "buildings." He noted that tents or awnings may be considered structures, but they were not specified in the ordinance. He said he recalled that their Commonwealth Attorney, Mr. Hingeley, had previously expressed opposition to mandatory minimums that his office would be required to impose, so he was confused about why a mandatory fine was included as part of this ordinance.

Deputy Chief Pelliccia said that she remembered that as well; they had been proactive in involving the Commonwealth Attorney to ensure they were not creating an undue burden on their staff or process.

Mr. Pruitt said that when creating mandatory minimums, he would ask that the Board consider the most far-fetched or uncertain possibility was and ensure the mandatory minimum could morally withstand that situation. He said that for example, he knew of homeless encampments near the Wegmans in the County, where people burned fires to stay warm but also to dispose of trash. He would consider that likely

to be a violation of the ordinance, and therefore, those homeless people would be subject to mandatory \$1,000 fines on the second offense. He felt it was wrong to ask homeless people to pay mandatory \$1,000 fines when they clearly did not have any money.

Mr. Richard Deloria, Deputy County Attorney, suggested that they may consider striking the term "mandatory" from the provision. It would still require a minimum fine of \$1,000, but under this structure, a judge would be able to suspend a portion of that fine. This was his experience, and it may be more acceptable to the Commonwealth Attorney and address Supervisor Pruitt's concerns. He explained that this approach was seen in other criminal statutes where there was a minimum fine, but judges could suspend a portion of it based on certain circumstances. In the case specified by Mr. Pruitt, a second offender could receive a \$1,000 fine, with the judge imposing the full amount or suspending a portion of it. He would speak with their team and they would likely take this approach.

Ms. LaPisto-Kirtley expressed concern that the homeless people were burning trash.

Chief Maddox said that if a fire was small and used for warmth or cooking, there was no enforcement action so long as the fire was being handled safely. If it was far enough from a tent and any other individuals, there was no issue. However, it was illegal to burn trash, so the Fire Department would have to extinguish that fire and provide an alternative means of disposing the trash. He said that it was not that they would never charge someone for that, because sometimes a charge was necessary for noncompliance.

Chief Maddox said that he believed that the drafted ordinance provided their staff with some latitude and ability to interpret situations while also providing the ability of enforcement when necessary to correct behavior. He agreed with Mr. Deloria's suggestion that changing the language to a "minimum fine" rather than a mandatory fine would be appropriate.

Ms. McKeel asked if there was data regarding fires started by cigarettes.

Deputy Chief Pelliccia said they did, and that they had plotted it out the previous summer and shared the information with VDOT.

Chief Maddox said they had discussions in his office about mitigation strategies such as non-combustible ground cover.

Ms. McKeel said it was her understanding that businesses were not interested in exploring that option.

Recess. The Board adjourned its meeting at 3:20 p.m. and reconvened at 3:35 p.m.

Agenda Item No. 12. **Work Session:** Review of 2025 Legislative Priorities and Initial Discussion of 2026 Legislative Priorities

The Executive Summary forwarded to the Board states that each year, the Board considers and approves a set of legislative priorities to pursue in the upcoming General Assembly session. The Board then meets with the County's local delegation from the General Assembly to discuss these priorities and submits them to the Thomas Jefferson Planning District Commission (TJPDC), the Virginia Association of Counties (VACo), and the Virginia Municipal League (VML). This discussion will be the first of three anticipated Board discussions to develop priorities for the 2026 General Assembly session.

Staff will review the disposition of the County's legislative priorities for the 2025 General Assembly session, found in Attachment A. Last year's Legislative Positions and Policy Statements are attached as Attachment B. Staff will facilitate an initial discussion of the 2026 session.

There are no specific, identifiable budget impacts.

Staff recommends that following the presentation, the Board provide direction to staff in preparation for the 2026 legislative session.

This item was removed from the agenda.

Agenda Item No. 13. **Presentation:** Calendar Year 2026 Land Use Revalidation Process Introduction

The Executive Summary forwarded to the Board states that In 1971, the General Assembly enacted an Article of the Virginia Code to enable special assessments for land preservation. Among the stated purposes of the original legislation (Virginia Code § 58-769.4) were to 1) encourage the preservation and proper use of real estate to assure a readily available source of agricultural, horticultural and forest products and of open space within the reach of concentrations of population; 2) conserve natural resources in forms which will prevent erosion and to protect adequate and safe water supplies; 3) preserve scenic natural beauty and open spaces; 4) promote proper land use planning and the orderly development of real estate for an expanding population; and 5) promote a balanced economy and lessen

pressures which force conversion of real estate to more intense uses.

Virginia Code § 58.1-3230 defines four qualifying categories for use value assessments, listed in Attachment A (Qualifying Categories for Use Value Assessment). The State Land Evaluation Advisory Council (SLEAC) establishes uniform standards and annually publishes ranges of suggested values for the use value assessments. Albemarle County offers Land Use (LU) assessments, resulting in tax deferrals for qualifying property, for all four uses. Property owners must apply to qualify under any of the four uses.

Revalidation: Virginia Code § 58.1-3234 authorizes the governing body of any locality to require property owners receiving LU value assessments to revalidate any previously approved application at least every six years with such locality. Revalidation applications must be made on or before the date on which the last installment of property tax prior to the effective date of the assessment is due, on forms prepared by the County Assessor's office. Revalidation requires participating property owners to confirm and provide documentation that the property continues to meet qualifying production standards.

In 2008, the Board adopted an ordinance (what is now County Code § 15-716) requiring owners to revalidate their properties to confirm an ongoing qualified use on a biennial basis. The 2008 land book included 4,880 parcels in the land use program with a total deferred assessed value of \$2.645 billion, resulting in \$18,782,411 in deferred taxes. The revalidation process helped the County Assessor's office find and remove non-qualified properties (or portions of properties) from the program. The number of parcels steadily declined in the years following the first revalidation. The 2025 land book now includes 3,736 parcels in the land use program with a deferred assessed value of \$1.473 billion, resulting in deferred taxes of \$12,357,612.

This agenda item is to inform the Board of the land use revalidation process, including process improvements for the upcoming revalidation.

Continued Streamlined Revalidation Process: Since 2018, staff has provided only the applicable revalidation forms based on a property's previous qualification, which simplified the revalidation for both the owner and the County. Staff also simplified the forms to ask only for the information necessary to determine ongoing qualified activity.

New Online Option: For the 2026 revalidation, staff has developed a new optional online revalidation system. This process allows the property owner to answer a series of questions, then automatically fills out the appropriate forms, and allows the property owner to sign and certify the information electronically. Paper forms can still be submitted. Whether the forms are submitted online or via paper, they will be entered into the County's system, which will allow staff to track applications, check them for completeness, and communicate back to the owner.

As a notable benefit of the automated online process, an email will automatically be sent confirming receipt and notifying the property owner whether the application is complete or incomplete, specifying what is still needed. This step was needed in the past, but not achievable manually.

Deadlines: The revalidation has no cost to property owners if completed by the September 1st deadline. If a complete application is submitted between September 2nd and December 5th, there is a \$125 per parcel late fee. If a completed revalidation is not received by December 5th, the parcel is removed from the program for the 2026 tax year.

Communication: June 18, 2025 is the target date to mail the revalidation forms to the owners of the 3,735 properties that are currently qualified under the Land Use program. As discussed above, the forms will be tailored to the prior use of the property as indicated in the County's assessment records. The mailing will provide directions on how to connect to the online application if the owner is interested in this method.

Additionally, staff will send an email letting property owners know about the upcoming mailing and the new optional online process. Staff has email addresses for approximately 99% of properties in the Land Use program. Email address collection efforts began in the 2020 revalidation process.

- Staff will also send a reminder email approximately two weeks in advance of the September 1st deadline as well as in advance of the final December 5th deadline.
- An overview of the revalidation process can also be found on the County's website along with a link to the SLEAC manual referenced on the revalidation applications.

Compliance Checks: The revalidation process provides the County information on which to base the ongoing qualified use. The process is not complete until the County's Land Use Administrator completes a compliance check. During the 18-month period following the revalidation application cycle, staff will work to confirm that the information provided on the revalidation forms is accurate and current, that an active use is occurring on the property, and that the minimum acreages are met. These checks are conducted primarily using Pictometry, aerial photography, and, where necessary, a field inspection.

Roll-back Taxes: Roll-back taxes are assessed when a property ceases a qualifying use or is rezoned to a more intense use at the request of the owner(s). These taxes are a recovery of the current and five previous years of deferred taxes plus interest. Failing to revalidate on time or at all will cause a property to be removed from the land use program, but will not cause it to be immediately rolled back. If the qualifying use continued, the property is taken out of land use taxation and is monitored for the next five years. Only if the use is confirmed to have been discontinued will roll-back taxes be assessed.

The greatest impact on the budget is that holding everyone to the required standards reduces the number of properties in the land use program, which reduces the amount of taxes that are deferred each year.

This executive summary is intended to inform the Board of the CY 2026 land use revalidation process and address Board questions. No action by the Board is required at this time.

Mr. Peter Lynch, County Assessor, stated that he would present information on the 2026 Land Use Revalidation. He explained that the data collected, and work completed for this revalidation process happened in 2025, which was why they were introducing it today. He said that he would provide the Board with an overview of the Land Use Program, including the legal framework, the importance of revalidation, and the revalidation process. He said that the Land Use Program consisted of agriculture, horticulture, forestry, and open space.

Mr. Lynch explained that the main difference between agriculture and horticulture was the lifespan of the plants, with agriculture typically involving annual crops and horticulture involving perennial crops, like trees. He said that both agriculture and horticulture required a minimum of five acres of commercial production, while forestry required 20 acres of commercial tree crops. The open space generally required inclusion in an Agricultural Forest District (AFD) or an open space use agreement. The legal authority for these programs came from the Code of Virginia, which allowed localities to adopt these programs, and Albemarle County had adopted all four programs.

Mr. Lynch said that the Virginia Administrative Code provided more detail on the qualification and operation of each program, and the code was written by the departments that regulated these programs. The State Land Evaluation Advisory Council (SLEAC) created values for all jurisdictions in Virginia, which were used for valuation under the program. The SLEAC manual included all of the Code of Virginia sections and Attorney General's opinions that applied to the administration of the Land Use Program. He said that Albemarle County's rules and regulations included their local adoption of the program, revalidation, and dates.

Mr. Lynch explained that the revalidation process was necessary because inclusion in a land use program was not permanent; just because a property owner applied for land use did not mean that the property would automatically remain in the program forever. The uses of these properties could change over time, and they could stop production. In the past, they had not always been aware that these changes had occurred. Therefore, the revalidation process allowed them to gather information to keep up with properties better, as it required them to continue with a qualified use. If they failed to continue the use, rollback taxes could be assessed.

Mr. Lynch noted that it was a misconception that rollback taxes only applied to developers when they redeveloped a property. The most common time a rollback occurred was when a pre-qualified area was used for a different purpose. This could also happen when a property owner stopped or halted a qualified use, such as when a forested area was harvested and not replanted. Prior to the revalidation process, some properties remained in the land use program despite changes in their qualified activities. For example, in 2009, there were 4,898 parcels in the program, with a total deferred value of \$2.5 billion and \$18.7 million in deferred taxes. Since then, the number of parcels in the program had decreased by almost 25%.

Mr. Lynch said that the deferred value, which was the difference between the land use value and the market value of properties, had also decreased. If the program had continued to grow as it was prior to 2009, the deferred value could have been significantly higher, potentially double what it was currently. The importance of this land use program could not be overstated, although the revalidation process was just one of the key improvements they had made.

Mr. Lynch noted that the fact that they now had a land use program administrator who was dedicated and knowledgeable about both the land use program and the land uses themselves, including farming and forestry, had been instrumental in their efforts. Having that dedicated person focused on this program had allowed them to effectively utilize the information gathered during the revalidation process.

Mr. Lynch stated that the revalidation process itself involved data gathering, followed by the actual enforcement and verification process. The revalidation process was designed to gather data from individual property owners, who must qualify their property according to its intended use. For properties classified as open space, the process requires the completion of a LU-2 form, which is a state requirement. Any open space properties must also complete a Form D. They had tailored the revalidation process to make it easier for open space properties, which would receive only the LU-2 and Form D, along with a cover letter explaining the next steps.

Mr. Lynch said that for forestry properties, the process involves completing a form C. He noted that agriculture and horticulture properties require additional documentation, such as tax returns or receipts, to verify production. The forms used for these properties are LU-2 and either form A or form B, depending on whether the owner was the primary farmer or not. It was essential to note that the revalidation process was free for Albemarle County residents, as long as the application was complete and received prior to or on September 1.

Mr. Lynch said that if the application was submitted between September 2 and December 5, a \$125 late fee would apply. The parcels not revalidated by December 5 would be removed from the

program. He noted that in the executive summary submitted to the Board, he had included information about an online version of the forms, which they had not yet tested and would not be implemented this year. Instead, they would continue with the paper-based process and move forward with testing and development of the online program for the next revalidation.

Ms. Mallek asked if Mr. Lynch could provide clarity to the code section that mentioned “assisting in the shaping of character, direction, and timing of community development, or for the public interest consistent with local land use plan” as a way to qualify for open space.

Mr. Lynch replied that his understanding of that code section was that the land use program could be used by the Board of Supervisors to control and direct development in the rural areas.

Ms. Mallek said that she was concerned about a developer holding onto land for 20 years, keeping it in the land use program and therefore paying reduced taxes on it during that time, only to develop it later on.

Mr. Lynch stated that it was possible that a developer could hold onto land like that and develop it in the future. There may be some R-1 parcels that had been grandfathered into the land use program. If they assessed rollback taxes on a parcel like that in the future, they could only assess five years of taxes.

Ms. Mallek asked if the Board could consider soil and water conservation district programs as a way to encourage better stewardship of open space as part of this program.

Mr. Lynch stated that based on his understanding, the section Ms. Mallek was referring to was part of the agricultural program. He knew the typical arrangement was that if a farm had a part of its land that received federal or state government funds to preserve in a different way, the code allowed that part of the land to stay in the land use program even though it may not be part of the rest of the agricultural use.

Ms. Mallek requested that staff consider implementing a requirement rather than an option for a conservation contract with the County’s open space use agreements.

Ms. LaPisto-Kirtley asked if e-mail addresses were required when filling out the application.

Mr. Lynch replied no, they were not required, however, it helped with communication if they were included, especially if the application was not complete.

Ms. LaPisto-Kirtley then asked when the online option would be implemented.

Mr. Lynch replied that after the current revalidation was over in December, they would go back to testing the online version and get it working for the next revalidation in June of 2026.

Mr. Pruitt asked if it was correct that the “open space” use was only applicable to parcels in an Ag-Forestal District.

Mr. Lynch confirmed that was correct.

Mr. Andrews asked if the LU-2 considered if the owner were an entity.

Mr. Lynch said the representative would sign for the entity.

Mr. Andrews asked, regarding the soil and water conservation programs, if entering into a program would be considered a change.

Mr. Lynch said that any change was a flag for staff to pay attention to.

Mr. Andrews asked if staff had ever considered whether the SLEAC values were appropriate for Albemarle County.

Mr. Lynch replied that they were specifically calculated for each jurisdiction. He acknowledged that staff had considered whether they were appropriate, because the data was all based on U.S. Department of Agriculture information that they sourced from farmers. He noted that part of staff’s issue was that the majority of the agricultural use in Albemarle County was for hay production or grazing for cows, and neither of those two things were high-income products for the land. If they were primarily growing corn or soybeans, like more southern areas of Virginia, the values would be much higher. However, he did believe the SLEAC values were appropriate.

Mr. Andrews said that he was curious because their land values were inconsistent with other areas of the state, so he wondered how that affected the land use values.

Mr. Lynch clarified that for market values, they were higher than other surrounding jurisdictions, but land use values were lower than most surrounding jurisdictions.

Mr. Pruitt asked how open space agreements were used as a separate qualification pathway.

Mr. Lynch explained that the open space to use agreement was defined verbatim in one of the

Virginia administrative code sections. He said that if the County came to an agreement with the property owner, the County Attorney's Office created that exact agreement with the owner of the parcel.

Mr. Pruitt asked if the land was being ceded for public use.

Mr. Herrick explained that the agreement was quite restrictive. The exact wording was mandated by the Virginia Administrative Code. He said that it was a voluntary agreement that lasted for a period of four to 10 years. Based on his estimate, he believed they had approximately 30 to 40 properties in the County participating in this program.

Mr. Lynch said that it was worth noting that the rules for open space use agreements were the same as those for agricultural forest districts. He said that a property must have an unused development right.

Mr. Pruitt stated that for the landowner, the main appeal or reason to use these periodicities appeared to be that they offered differing timeframes. He said that this allowed for more flexibility, as they could plan around them rather than having to constantly consider a specific five-year timeline. He said that instead, they could think in terms of a four-to-10-year period that they wanted to commit to.

Mr. Herrick said that this option was shorter in duration than an outright perpetual deed of easement for conservation. In contrast, open space use agreements typically had a defined term of four to 10 years.

Mr. Andrews asked if open space use agreements had the same rollback effect at the end.

Mr. Lynch confirmed that they did. He added that he had neglected to mention earlier that his office was committed to administering the program as properly as possible. Their goal was not to remove participants from the program, but rather to ensure it was run properly and that properties within it met the necessary qualifications. When he mentioned the reduction in numbers, it was actually a process of identifying and removing properties that were not properly qualified for the program. He reiterated that they had no intention of removing participants who were successfully participating in the program.

Mr. Lynch said that he would like to add one more point to their discussion. On Monday, they had sent an email to approximately 3,300 parcels that were part of the program. Out of the 3,800 parcels, they had been able to gather the email addresses of 3,300, so they had sent an email to those 3,300 on Monday informing them that the revalidation process was approaching. This was a new approach for them, as they had never been able to do it before. Over the last three revalidations, they had been collecting these email addresses, which allowed them to communicate more effectively with the property owners. By sending them a heads up that the forms would be available and potentially offering a smaller group later in the season for those who had not yet revalidated, they could improve their communication.

Agenda Item No. 14. Closed Meeting.

At 4:09 p.m., Mr. Pruitt **moved** that the Board go into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- Under subsection (8) to consult with legal counsel regarding specific legal matters, including the recent cybersecurity incident, requiring the provision of legal advice by such counsel; and
- Under subsection (19) to discuss plans to protect public safety as it relates to specific cybersecurity threats or vulnerabilities, including the recent cybersecurity incident, and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters.

Ms. LaPisto-Kirtley **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Agenda Item No. 15. Certify Closed Meeting.

Ms. LaPisto-Kirtley left the meeting at 6:00 p.m.

At 6:00 p.m., Mr. Pruitt **moved** that the Board of Supervisors certify by a recorded vote that, to the best of each supervisor's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting, were heard, discussed, or considered in the closed meeting.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Agenda Item No. 16. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Jeff Richardson, County Executive, stated that Deputy County Executive Trevor Henry would be presenting information to the Board about preparing for extreme heat this summer, which was expected to begin next week.

Mr. Trevor Henry, Deputy County Executive, stated that as part of his role, he worked closely with public safety, including Emergency Management. He noted that this same information was presented almost a year ago to the date. They were currently monitoring their first bout with extreme temperatures, which was expected to begin this weekend. According to the forecast, temperatures were predicted to reach 100 degrees from Sunday through Thursday of next week. While the forecast was subject to variation, their Emergency Management group, in collaboration with their Communications and Public Engagement (CAPE) team, had already begun taking precautions.

Mr. Henry explained that they were communicating with residents about necessary measures to take during the heat wave. As the situation developed, they would assess potential operations and make adjustments as needed, which would be communicated to the public. He would like to take a moment to discuss their process. He said that their Office of Emergency Management (OEM) remained connected with the National Weather Service as an extreme heat warning was issued, and they worked closely with the CAPE, the County Executive's Office, Fire Rescue, and Health and Human Services to evaluate the conditions, forecast, and potential impacts, including storms and power outages.

Mr. Henry stated that these factors all informed their decision-making process. If a decision was made to take action beyond just communications, they considered measures such as opening cooling shelters and waiving fees for swim parks, which would be implemented if the event lasted more than a few days. This work would be conducted internally, with communication to the Board and through their usual community engagement protocols. He stated that staff wanted to communicate to the public that they wanted them all to stay safe; they wanted to remind the community of the importance of staying safe during hot weather, staying in air-conditioned buildings as much as possible, and if they were participating in outdoor activities to plan appropriately.

Mr. Henry said that furthermore, they should consider adjusting hours to the early morning and evening to avoid the hottest times of the day, avoid high-energy activities, hydrate more than usual, wear lightweight and loose clothing, check on their neighbors and friends, and have someone do the same for themselves. He said that they wanted to tell everyone to be smart and safe, and from a County perspective, they would make adjustments as necessary.

Ms. LaPisto-Kirtley returned to the meeting at 6:10 p.m.

Agenda Item No. 17. Public Comment on: Matters Previously Considered or Currently Pending Before the Board (Other than Scheduled Public Hearings).

Ms. Alicia Lenahan, Scottsville District, stated that on Saturday, the better angels of their community were on full display. Even as news of the political shootings in Minnesota broke, Senator Warner was present here. They had asked tough questions and did not agree with all of his answers, but the discourse was respectful and peaceful. She said that even as this federal administration was rewriting history and seeking to reelevate figures like Robert E. Lee, the Jefferson School campus overflowed with supporters as they commemorated Juneteenth, a day that recognizes the end of slavery by celebrating, educating, and agitating peacefully.

Ms. Lenahan said that even as the governor activated the National Guard in an attempt to intimidate them and stifle free speech, thousands gathered at Stonefield, uniting in the great nonviolent tradition of those who came before them. As Reverend William Barber said in Philadelphia, they had learned through this nation's, and she would say this community's, painful struggles, struggles that had taught them that they either went forward together or went backwards, divided. She said that their demonstration of moral strength was in opposition to actions that threatened this country, this community, and each of them.

Ms. Lenahan said that the backlash had begun. The administration was doubling down on the largest mass deportation operation in history. She emphasized that their immigrant and refugee neighbors deserved sanctuary and needed safety. She urged them to take courage and stand against demonization and racism. She said that the budget bill was being debated by the Senate, and she called on the Board of Supervisors to hold a press conference to explain how many local Albemarle children and families would go hungry and how many people would lose Medicaid, Medicare, and Social Security..

Ms. Lenahan asked that they take courage and stand against the cruelty of this legislation. She said that the administration was still gathering and consolidating their personal data to exert power and control. She asked the County to take courage and stand for their right to privacy. She asked them to say no to data acquisition and surveillance systems like Flock and Analyst Notebook. Every elected official, every law enforcement agency, and every resident of Albemarle County must counter the narrative of violence, greed, and corruption coming from this administration and its supporters.

Ms. Lenahan emphasized that these were not political positions; they were moral positions. They

must focus on an agenda that lifted them all to higher ground. They must join hands across the lines that had been drawn to divide them and stand together. She said that they were the strength of America, and they could not stand down.

Mr. Ronald Ignatz, Scottsville District, stated that since early May, he had been attending meetings and had been made aware of concerns raised by the City Council and this Board of Supervisors regarding data surveillance, local Immigration and Customs Enforcement (ICE) actions, and the cooperation between local law enforcement and federal agencies. Notably, the current federal administration's efforts to carry out the largest deportation in the country's history had taken a concerning turn, as they were now targeting not only criminals but also individuals suspected of being undocumented.

Mr. Ignatz stated that following the ICE action at the Albemarle County Courthouse in April and subsequent Freedom of Information Act (FOIA) requests, the public had learned about an operational initiative to locate unaccompanied alien children. Initially, Albemarle County Police had provided some assistance, but in subsequent conversations and meetings with Chief Reeves and other officials, they had been assured that the Albemarle County Police Department was no longer cooperating with ICE. He thanked the County for this decision. In February, Governor Youngkin had issued Executive Order 47, requesting that localities fully cooperate with ICE removal and other enforcement operations to make them safe from "criminal illegal immigrants."

Mr. Ignatz noted that although the Virginia Department of Corrections was listed as a participating agency on the ICE website, Albemarle County and the City of Charlottesville were not listed as participating agencies on the ICE website. He again thanked the County for not participating. The public had also been informed that legal counsel for the jail had advised against holding inmates beyond the end of their sentences. He thanked the County for this decision as well. He said that on Saturday, thousands of people had gathered at Stonefield, and he was pleased to see that County law enforcement had been unobtrusive and reassuring, particularly when some participants had been overcome by heat. The officers had responded promptly and provided assistance. He thanked their local law enforcement for their professionalism and courtesy.

Ms. Judy Schlusel, Rio District, stated that she served on the Rio 29 Community Advisory Committee (CAC). She said that traffic congestion was a pervasive issue here, affecting every area where cars were the primary mode of transportation. Specifically on Rio Road, a single two-lane track with no passing lane, created frustration throughout the day. On May 22, 2025, Jared Tate, senior planner, presented a proposal to the Rio 29 CAC regarding Lochlyn Commons. The plan involved amending the zoning map from R-4 to Planned Residential District (PRD) to create a 75-unit development featuring sustainable and smart growth principles.

Ms. Schlusel stated that the proposal's description was replete with buzzwords intended to make the Planning Commissioners and the Board of Supervisors believe this project would be beneficial to the area. However, she would like to bring up several areas of serious consideration before a decision is made to approve this project. She requested they take time to read the April 29, 2025, memo from Jared Tate to Christopher Fuller from the Housing Lab, which elaborated on general application comments.

Ms. Schlusel said that the memo highlighted 20 concerns, including transportation impacts, school impact, site distance, historical property, infringement on steep and preserved slopes, and grading safety. She was included in an email from Kevin McDermott and Bruce Dodson, dated January 16, 2019. This email referenced VDOT's traffic analysis around the John Warner Parkway and East Rio Road, which showed approximately 17,500 vehicles per day before the proposed development. Since then, almost all proposed developments have been approved, leaving little to no greenery on Rio Road. In fact, Rio Road remained largely unchanged as a two lane road, with traffic steadily increasing.

Ms. Schlusel said that she referenced the sheet that was handed to the Board. The estimated vehicle trips total 2,898, with two vehicles per unit, resulting in 5,796 vehicle trips. Assuming a "once in, once out" lifestyle, the actual number of vehicle trips could easily double to over 11,000 in a small section of the antiquated Rio Road infrastructure. Although a traffic circle and green-T were planned, they would not be implemented for several years, so the plan was already outdated. She urged the Board to consider traveling this area at various times of the day proposed for development to experience the concerns that had been raised. She reiterated that it was not necessary to build every speck of greenery; green space was essential for improving air quality, breathing, and mental health.

Mr. Kent Schlusel, Rio District, stated that he would like to make a reference to the Planning Commission's decision on March 10, 2020, and the Board's decision on May 6, 2020, to rezone the Wetzel property, a building featuring 328 apartments at the corner of Rio Road and John Warner Parkway. During the hearing before this Board and the Planning Commission, hundreds of people spoke against this rezoning due to various concerns, including schools and traffic. He had the opportunity to review the staff report from that hearing. The staff report clearly stated that the apartment complex should not exceed three stories in height.

Mr. Schlusel noted that, however, at least two of the buildings currently under construction were four stories high. His question was, who enforced the agreement made by this Board and ensured that the builder was adhering to the decisions made in 2020. The four-story apartment buildings appeared to

be a stark contrast to the original plan, with one building resembling a castle on top of a hill overlooking John Warner Parkway on a narrow road. He would like to know who was responsible for enforcing the original agreement, as these buildings appeared to be a monstrosity.

Ms. Susan McCulley, Samuel Miller District, said that she was a movement teacher and a community organizer. She stated that a few years ago, she had the opportunity to teach movement classes in the Fluvanna Women's Correctional Center. The setting did not prevent her from seeing the women as students and human beings. However, the setting did fill her with despair. She was reminded of that experience when she read an account last week by Santiago Rodriguez, an Episcopal priest. He wrote that he has visited immigrant detention centers many times over the years. In the past few weeks, he has walked the cold halls of both major centers in Virginia, Caroline and Farmville.

Ms. McCulley said that Reverend Rodriguez wrote that these places were designed to break the human spirit. They were not just prisons, but machines of despair. He went on to say that the people inside, mothers, fathers, sons, and daughters, often did not know why they are there, how long they will be held, or where they would go next. They were cut off from family, from information, from hope. Visits were rare, and legal help was scarce. These facilities were not about justice; they were about dehumanization. They were about crushing the will, and Rodriguez wrote that these centers weaponized cruelty, profiting from suffering. Most were privately owned businesses that enriched themselves on the backs of the most vulnerable, treating immigrants not as human beings, but as quotas and commodities.

Ms. McCulley stated that these detention centers served one main purpose: to destroy hope. She said that Jesuit priest and activist Daniel Berrigan stated that one cannot level one's moral lance at every evil in the universe, but they can do something, and the difference between doing something and doing nothing was everything. She stated that community values were what drove her own work as an organizer. The observations Rodriguez shared haunted her and compelled her to speak with the Board of Supervisors today. What he described was happening right here in Virginia, and she was here to assure the Board that dehumanization and inflicting intentional suffering flew in the face of their community values.

Ms. McCulley requested the Board to not let this not happen here. In the face of cruelty, they could choose constitutional and humane actions. As members of this Board, as both servants of and members of this community, she asked them to remember that the difference between doing something and doing nothing was everything. She said that the community entreats the Supervisors to not weaponize cruelty, remember their shared humanity, choose compassion.

Agenda Item No. 18. **Action Item:** Albemarle-Charlottesville Regional Jail (ACRJ) Renovation Project Permanent Financing.

The Executive Summary forwarded to the Board states that the Albemarle-Charlottesville Regional Jail (ACRJ) Authority became aware of deficiencies in the Regional Jail facility, including Americans with Disabilities Act (ADA) issues, antiquated design, lack of special management unit and proper visitation area, deferred building systems maintenance (HVAC and proper ventilation and air filtration system, plumbing, and electrical), and other issues with the facilities infrastructure. In 2021, ACRJ engaged in a Community Based Corrections Plan (CBCP) to better understand its long-term facility needs. A CBCP study is also required in order to request 25% reimbursement from the General Assembly for capital improvements.

The CBCP both determined that there was no need to increase the facilities operating capacity of 329 and provided a roadmap for meeting the programming needs for the facility. After meeting with jail staff, the community, and stakeholders, a plan to address the above items was submitted to and approved by the ACRJ Board, for final submission to the General Assembly for consideration of 25% reimbursement. In September 2023, the ACRJ Authority was notified that the General Assembly had approved the reimbursement request.

At the Board of Supervisors' February 15, 2023 meeting, Superintendent Martin Kumer and Davenport & Company, Financial Advisor to the ACRJ Authority, presented the interim finance plan for the Jail renovation and the projected budgetary/cash flow impact to each member jurisdiction.

The General Assembly's approved budget includes the 25% reimbursement, as requested by the ACRJ Authority. The interim financing was approved and the design was prepared for and presented to the ACRJ Board. Now that the project has been bid and the cost is known, permanent financing for the project can be discussed. If approved, the debt would be issued by the ACRJ Authority and debt service would be provided by each jurisdiction based on its share of the inmate population.

After seeking input from all stakeholders and the general public, Moseley Architects completed the design and presented it to the ACRJ Board. The final design has been bid and the cost of the project is now known (Attachment A). Davenport & Company will present the proposed permanent financing strategy to all member jurisdictions' governing bodies for consideration. If the resolution (Attachment D) is approved by all three member jurisdictions, the ACRJ Board will meet June 12, 2025 to consider final approval of the proposed financing. Construction is set to begin September 15, 2025 and conclude in the Spring of 2028.

The County's share of future costs are included in the supporting documentation. Estimated costs

were included in the County's FY 26 budget. Any differences between actual debt service costs and budgeted amounts will be addressed after debt issuance. The ACRJ Authority's FY 26 budget already includes the County's projected interest share (Attachment A).

The ACRJ recommends that the Board approve the Resolution (Attachment D).

Ms. Courtney Rogers, Financial Advisor for the County, said that tonight he was serving as the financial advisor for the Jail Authority. He stated that some of the Supervisors may recall their previous discussions, which took place approximately 18 months ago, when they worked to complete the first part of the financing. Tonight, he would discuss the second part of the financing. He said that he would walk the Board through the process, and then Colonel Kumer would provide an update on the bids and project status.

Mr. Rogers said that as a reminder, the jail financing process in Virginia was a two-part process. The first part, which had been completed in December of 2023, involved interim financing for the project. The second part would involve permanent financing and a grant anticipation note. Before proceeding, they must obtain approval from the State level, which had already been accomplished. The Authority had been awarded \$11.7 million in reimbursement costs, which was approximately 25% of eligible costs. He said this money would be reimbursed after the project was complete, and it would be used to cover approved expenses.

Mr. Rogers said that they had already completed the interim financing, which involved borrowing up to \$4.5 million at an interest rate of 4.5%. The permanent financing and grant anticipation note would cover the remaining 75% of the project costs. The \$11.7 million would be used to fund the project while it was being built, and the State would reimburse them for that amount after construction was complete. Additionally, the State would reimburse a portion of the interest on the grant anticipation note. This would be taken out as part of the permanent financing they would be undertaking this summer.

Mr. Rogers said that the two main components would be the grant anticipation note and the permanent financing, which would be completed roughly simultaneously over the next several weeks. Regarding the permanent financing, they had three options: a direct bank loan, a public market issuance, or a combination of both. Due to the project's size and duration, they recommended pursuing the public market option, as it would provide a fixed rate for a substantial period. Issuing debt as a Jail Authority was also an option, but it would be subject to a lower rating, which could impact the overall creditworthiness of the project.

Mr. Rogers said that they had already applied to the Jail Authority for permission and had been approved. They were now moving forward with their summer pool, which would be priced in a few weeks. For the grant anticipation note, they recommended a direct bank loan due to its shorter nature. They had obtained permission from the Jail Authority to proceed and had sent out the Request for Proposal (RFP) earlier this week, with expected approval by the Jail Authority Board in July. The numbers had not changed substantially since their last discussion 18 months ago.

Mr. Rogers said that Colonel Kumer would discuss the bid process in more detail, but they were still using \$49 million as their target number, with \$48 million eligible for reimbursement, resulting in a 25% share for the state. The County's allocated share at this point was 44.14%, based on the Jail Authority's formula. They were using a 5% planning rate for a three-year term, with the goal of taking out the loan shortly after construction was completed. They had allowed for a few months after construction was finished for the state to process the paperwork. For the public sale, they estimated a project size of \$36.9 million, using market rates plus about 50 basis points. He said that this presentation had been completed in early May, so rates were generally the same.

Mr. Rogers said that they were using a 5% long-term rate, with three years of interest-only payments followed by 25 years of level debt service. He said that as they were currently on schedule, they were about halfway down the page, where the construction bids had just come in. They were essentially discussing the bids with each of the jurisdictions. He had been in front of City Council on Monday night and would be in front of Nelson next week. Due to the deadline for the VRA (Virginia Resources Authority), the Jail Authority had granted approval last week, which had allowed them to move forward with the June 13 date.

Mr. Rogers said that they now needed their approvals by the time the bids were submitted. He said that they could email the POS (Preliminary Official Statement). He said on the GAN (Grant Anticipation Note), they had sent out the RFP earlier this week, which would be returned to them by July 2. They would then present it to the Authority Board on July 10 for their approval. They would be pricing the transaction with VRA the week of July 21, closing on the GAN the same week, and the bonds would close in early August. He said that their debt service had not changed significantly since their previous discussion 18 months ago, with a minor increase in interest rates of about \$100,000 per year. This translated to a permanent debt service of approximately \$1.2 million per year, once the GAN was no longer in effect.

Mr. Martin Kumer, Superintendent of the Albemarle Charlottesville Regional Jail, said that he would like to discuss the bid process, the bids received, and the current status of the project. On May 30, they received five bids out of their six pre-qualified contractors, with the lowest being \$53 million and the highest being \$76 million. He noted that their hard construction cost estimates were approximately \$39 million, and after consulting with the parent low bidder, they believed that the tariffs had a significant

impact on material costs. The contractors had difficulty planning for subcontractor materials two years in advance, let alone what the future held. The initial estimate was completed in February, before the tariffs were proposed, which was the main factor contributing to the increased costs.

Colonel Kumer said that there was also some scope creep, as the project expanded beyond the initial planning. However, the majority of the increase was due to material costs and unanticipated expenses. They decided to stay within the original budget, rather than seeking additional funding, and have been working on reducing the scope of the project. Their original plan was to tear down the oldest, unrenovated portion of the jail, built in 1975, and rebuild a two-story structure, and also renovate a 1975-era portion of the jail that received renovations in 2000. However, they decided to reduce the scope to focus on tearing down the oldest section that had never been renovated. By doing so, they could minimize disruption to staff, inmates, visitors, and law enforcement.

Colonel Kumer said that additionally, this approach would result in a 100% compliant facility, meeting the requirements of the Board of Local Regional Jails, the Americans with Disabilities Act (ADA), and building codes. If they had chosen to only renovate the existing 1975 portion, it would not meet the necessary code standards, and they had agreed not to increase the number of beds, although they could not reduce the number of beds within the existing jail.

Colonel Kumer said that therefore, they were focusing on tearing down and rebuilding the section that would provide a 100% compliant facility. In that section, three brand new housing units would be built, all single-cell, fully compliant with ADA standards, and accessible. The facility would also feature three outdoor recreation areas, two mental health units with accompanying offices for mental health staff, and a video court, which they had increasingly utilized, even during the pandemic; this would provide dedicated space for video court proceedings.

Colonel Kumer said that in addition to office space for all staff, a new visitation area would be created, and the visitation rooms would be expanded to almost triple their current size, with individual rooms, hopefully providing a higher quality experience for family and friends. They were approximately 90% complete with the scope as they spoke. Any remaining funds from the original \$39 million budget would be reallocated to the 1975 portion, primarily for upgrading the HVAC systems.

Colonel Kumer said that they had a tiered process in place for managing leftover funds. With this plan, everything they initially intended to do would be addressed to some degree, although perhaps not to the full extent they initially envisioned. However, that area would still receive attention. They would work with their existing maintenance budget, which would no longer be required for the older section, and redirect those funds to the section that would not be renovated.

Ms. LaPisto-Kirtley asked which section was being torn down.

Colonel Kumer explained that there were two sections of the jail that were built in 1975; one underwent renovations in the year 2000. The other section received no renovations due to depleted funds, so they were going to tear down the unrenovated section and rebuild it as a new build to be 100% code compliant. While that section was being demolished and rebuilt, they would move any operations in that section over to the other part of the jail.

Ms. LaPisto-Kirtley asked what would happen to the middle section of the jail.

Colonel Kumer replied that several areas in that section would be repurposed.

Mr. Gallaway asked if the trauma-informed design principles would be implemented with the scaled-back design.

Colonel Kumer confirmed that yes; the new section would be built with trauma-informed design and if any funds were leftover, they would use those for more trauma-informed design in the middle section of the jail.

Ms. McKeel commented on the hard work of staff to get the project to where the county could proceed due to the rising cost of construction costs because of tariffs.

Mr. Andrews asked for clarification that when the state approved 25% of the project, it was based on the projected cost of the renovation, not specific aspects of the project. He said that in other words, the entire 25% remained available regardless of the costs.

Colonel Kumer confirmed that the 25% was applied to the total cost, and they had clarified that with the Regional Jail Board that they were still eligible for that.

Ms. McKeel **moved** that the Board of Supervisors approve the proposed Resolution (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.

**GENERAL CERTIFICATE OF
COUNTY OF ALBEMARLE, VIRGINIA**

The undersigned Vice Chair of the Board of Supervisors (**the “Board of Supervisors”**) of the County of Albemarle, Virginia (**the “County”**) and the Deputy County Executive of the County certify the following:

1. The Board of Supervisors on November 1, 1995 consisted of the following persons, each of whom was duly qualified and serving as a member of the Board of Supervisors:

Name
David Bowerman
Charlotte Humphris
Forrest Marshall Jr.
Walter Perkins
Sally Thomas
Charles Martin

2. The County is a member jurisdiction of the Albemarle-Charlottesville Regional Jail Authority (**the “Authority”**). Such membership has been duly authorized by the Board of Supervisors by a resolution adopted at an open meeting of the Board of Supervisors duly called and held on November 1, 1995 (**the “Regional Jail Authorizing Resolution”**). A true, correct, and complete copy of the Regional Jail Authorizing Resolution is attached hereto as **Exhibit A**. The Regional Jail Authorizing Resolution has not been repealed, revoked, rescinded, or amended since its adoption and remains in full force and effect as of the date of this Certificate. No resolution or ordinance of the Board of Supervisors has been adopted requesting or authorizing the withdrawal of the County from the Authority.

3. The Board of Supervisors on May 18, 2022 consisted of the following persons, each of whom was duly qualified and serving as a member of the Board of Supervisors:

Name
Jim Andrews
Ned Gallaway
Ann Mallek
Donna Price
Bea LaPisto-Kirtley
Diantha McKeel

4. A resolution (**the “Service Agreement Resolution”**) authorizes the County to enter into the Amended and Restated Service Agreement, dated as of June 9, 2022 (**the “Service Agreement”**), among the Authority, the County, Nelson County, Virginia, and the City of Charlottesville, Virginia. A true, correct, and complete copy of the Service Agreement Resolution is attached hereto as **Exhibit B**. The Service Agreement Resolution has not been repealed, revoked, rescinded, or amended since its adoption and remains in full force and effect

as of the date of this Certificate. No resolution or ordinance of the Board of Supervisors has been adopted requesting or authorizing the withdrawal of the County from the Authority.

5. The County representatives to the board of directors of the Authority on June 9, 2022, were as follows:

Representative

Diantha McKeel
Doug Walker
Sheriff Chan Bryant
John (Jay) James (joint
representative)

6. The Service Agreement has been duly executed and delivered by authorized representatives of the County, has not been modified or amended, and is in full force and effect on the date of this Certificate. The Service Agreement does not conflict with, violate, or contravene any provision of (i) any document or agreement to which the County is a party or to which it is subject or (ii) any applicable law, rule, or regulatory provision. There is no litigation or other proceeding pending or threatened in any way challenging the Service Agreement.

7. The Board of Supervisors on June 18, 2025 and at all times thereafter to and including the date of this Certificate consisted of the following persons, each of whom is duly qualified and is serving as a member of the Board of Supervisors:

Name

Mike Pruitt
Ann Mallek
Jim Andrews
Ned Gallaway
Bea LaPisto-Kirtley
Diantha McKeel

8. The County representatives to the board of directors of the Authority on July 10, 2025 and at all times thereafter to and including the date of this Certificate, are as follows:

Representative

David Pastors
Kaki Dimock
Diantha McKeel
Sheriff Chan Bryant

9. Attached hereto as **Exhibit C** is a true, correct, and complete copy of a resolution adopted at an open meeting of the Board of Supervisors duly called and held on June 18, 2025 (**the "Authorizing and Support Agreement Resolution"**), consenting to the Authority's issuance of revenue bonds to the Virginia Resource Authority and to its issuance of its jail facility grant revenue anticipation note in an estimated maximum aggregate principal amount of

\$12,500,000 to a financial institution (**the "Note"**) as secured by a Support Agreement between the Authority and the County (**the "Support Agreement"**), whereby the County agrees to make payments thereunder sufficient to pay principal and interest on the Note when due. The Authorizing and Support Agreement Resolution has not been repealed, revoked, rescinded, or amended since its adoption and remains in full force and effect as of the date of this Certificate.

10. Andrew Herrick, Esquire is the duly appointed, qualified, and serving County Attorney.

11. James Andrews is the duly appointed, qualified, and serving Chair of the Board of Supervisors.

12. Diantha McKeel is the duly appointed, qualified, and serving Vice Chair of the Board of Supervisors.

13. Trevor K. Henry is the duly appointed, qualified, and serving Deputy County Executive.

14. Claudette K. Borgersen is the duly appointed, qualified, and serving Clerk of the Board of Supervisors.

15. No litigation or administrative action of any kind is currently pending or threatened to (a) restrain or enjoin the execution and delivery of the Support Agreement, (b) restrain or enjoin the issuance, sale, or delivery of the Note, (c) in any way contest or challenge the due adoption of the Regional Jail Authority Resolution, Service Agreement Resolution, or the Authorizing and Support Agreement Resolution, or otherwise effect, contest, or challenge the validity of the Service Agreement or the Support Agreement, or in any manner question the proceedings and authority under which the Service Agreement or Support Agreement was approved.

16. The authorization, execution, and delivery of the Service Agreement and the Support Agreement, and the compliance with the provisions thereof, are within the corporate powers of the County and do not and will not conflict with or constitute a violation of, breach of, or default under (i) any federal or Virginia constitutional provision or any other provision of Virginia law, (ii) any agreement or other instrument to which the County is a party or by which the County is bound, or (iii) any order, rule, or regulation of any court or governmental agency or body having jurisdiction over the County or any of its properties.

Dated: August 16, 2025

COUNTY OF ALBEMARLE, VIRGINIA

By: 
Vice Chair, Board of Supervisors

By: 
Deputy County Executive

- Exhibit A – Regional Jail Authorizing Resolution
- Exhibit B – Service Agreement Resolution
- Exhibit C – Authorizing and Support Agreement Resolution

Exhibit A

Regional Jail Authorizing Resolution

RESOLUTION

Whereas, the County of Albemarle and City of Charlottesville are currently operating, through a Regional Jail Board, the Albemarle-Charlottesville Joint Security Complex which serves as the jail for both jurisdictions; and

Whereas, Chapter 3, Article 3.1 of Title 53.1 of the Code of Virginia, authorizes the creation of a regional jail authority to replace the existing Regional Jail Board and to assume the powers and responsibilities for the operation of the jail; and

Whereas, the County has determined that the creation of the jail authority will facilitate and improve the operation, financing, and maintenance of the jail and thereby enhance the public safety and welfare within the region.

Now, Therefore, Be It Resolved that the Board of County Supervisors of Albemarle County, Virginia, hereby authorizes and directs the County Executive to execute the Albemarle-Charlottesville Regional Jail Authority Agreement to create a regional jail authority in cooperation with the City of Charlottesville.

I, Ella W. Carey, do hereby certify that the foregoing writing is a true, correct copy of a Resolution duly adopted by the Board of Supervisors of Albemarle County by vote of 5 to 0 on November 1, 1995.


Clerk, Board of County Supervisors 

JAILAUTH RES

Exhibit B

Service Agreement Resolution

**RESOLUTION TO APPROVE THE AMENDED AND RESTATED
ALBEMARLE-CHARLOTTESVILLE REGIONAL JAIL
AUTHORITY SERVICE AGREEMENT**

WHEREAS, the governing bodies of two or more counties, cities, or towns, or a combination thereof, are enabled to create a jail authority pursuant to Virginia Code § 53.1-95.2; and

WHEREAS, the Authority and the Member Jurisdictions (the City of Charlottesville and the Counties of Albemarle and Nelson) initially adopted a Service Agreement on November 15, 1995 with amendments adopted on March 12, 1998 and November 12, 1998 (together, the "Original Service Agreement") establishing the Albemarle-Charlottesville Regional Jail Authority, and setting forth the respective rights and obligations of the Member Jurisdictions regarding the financing, construction, and operation of the regional jail serving their jurisdictions; and

WHEREAS, Section 5.3 of the Original Service Agreement was amended in 2011 to reduce the required Operating Reserve Fund to be maintained by the Authority from 90 days, or 25% of the annual budget, to 20% of the annual budget, and added a provision to allow the Operating Reserve Fund to fall below 20% under certain circumstances; and

WHEREAS, Section 2.2 of the Original Service Agreement was amended in 2012 to allow the County Executive to designate an assistant County Executive to act as his alternative and to vote in his place at Jail Authority Board meetings; and

WHEREAS, the Member Jurisdictions desire to further amend the Original Service Agreement (1) to change the funding formula so that the per diem calculation to fund operational and debt service costs is based on each member jurisdiction's proportionate usage of the jail; (2) to establish Authority Member Jurisdictions' obligations related to capital improvements approved but not placed in service and in the event of insufficient Authority funds for debt service; (3) to change the membership of the Board of the Authority to add a third representative from Nelson County and eliminate the representative now jointly appointed by the County of Albemarle and City of Charlottesville, thereby maintaining an eleven-member Board; and (4) to update certain language and delete other language no longer applicable. The proposed amended and restated agreement also incorporates the Operating Reserve Fund provisions as amended in 2011, and allows the chief executive officers of the Member Jurisdictions to designate other staff members to act as their alternates, who, if approved by their respective governing bodies, may attend and vote in their place.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia hereby approves the Amended and Restated Albemarle-Charlottesville Regional Jail Authority Service Agreement and authorizes the County Executive to execute the Agreement on behalf of the County once it is approved as to form and substance by the County Attorney.

I, Claudette Borgersen, do hereby certify that the foregoing writing is a true and correct copy of a Resolution duly adopted by the Board of Supervisors of Albemarle County by a vote of four to zero, as recorded below, at a meeting held on May 18, 2022.


Clerk, Board of County Supervisors

	Aye	Nay
Mr. Andrews	Y	___
Mr. Gallaway	Y	___
Ms. LaPisto-Kirtley	<u>Absent</u>	___
Ms. Mallek	Y	___
Ms. McKeel	<u>Absent</u>	___
Ms. Price	Y	___

Exhibit C

Support Agreement Resolution

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF
ALBEMARLE, VIRGINIA, APPROVING THE EXECUTION AND DELIVERY OF A
SUPPORT AGREEMENT OR AGREEMENTS WITH THE ALBEMARLE-
CHARLOTTESVILLE REGIONAL JAIL AUTHORITY FOR THE ISSUANCE BY
SUCH AUTHORITY OF ITS JAIL FACILITY REVENUE BOND AND JAIL FACILITY
GRANT REVENUE ANTICIPATION NOTES**

WHEREAS, the Albemarle-Charlottesville Regional Jail Authority (the “**Authority**”) is a public instrumentality of the Commonwealth of Virginia created pursuant to Article 3.1, Chapter 3, Title 53.1, Code of Virginia of 1950, as amended (the “**Act**”) by resolutions duly adopted by the governing bodies of the County of Albemarle, Virginia (the “**County**”), the County of Nelson, Virginia (“**Nelson County**”) and the City of Charlottesville, Virginia (“**Charlottesville**,” collectively, the “**Member Jurisdictions**”) for the purpose of developing a regional jail (the “**Regional Jail**”) to be operated on behalf of the Member Jurisdictions by the Authority;

WHEREAS, the Authority and the Member Jurisdictions have entered into an Amended and Restated Service Agreement, dated June 9, 2022 (the “**Service Agreement**”), in which the Authority has agreed to design, construct, renovate, and equip the Regional Jail and obtain financing therefor;

WHEREAS, the Authority desires to issue its jail facility revenue bond in an estimated maximum aggregate principal amount of \$41,000,000 (the “**Local Bond**”), the proceeds of which, together with other available funds, are expected to be sufficient to finance and refinance the costs of the renovation and equipping of the Regional Jail (the “**Project**”);

WHEREAS, the Authority’s financial advisor, Davenport & Company LLC (the “**Financial Advisor**”), has advised the Authority that the Virginia Resources Authority (“**VRA**”), a public body corporate and political subdivision of the Commonwealth of Virginia, is willing to finance a portion of the Project at favorable rates to the Authority;

WHEREAS, VRA has indicated its willingness to purchase such Local Bond from a portion of the proceeds of its Series 2025B VRA Bonds (as more particularly defined in the below-defined Local Bond Sale and Financing Agreement, the “**VRA Bonds**”) and to provide a portion of the proceeds thereof to the Authority to finance a portion of the Project and pay certain costs of issuance of the Local Bond, in accordance with the terms of a Local Bond Sale and Financing Agreement to be dated as of a date to be specified by VRA, between VRA and the Authority (the “**Local Bond Sale and Financing Agreement**”);

WHEREAS, the Authority is expecting to receive a grant from the Commonwealth of Virginia (the “**Commonwealth Grant**”) as reimbursement of a portion of the “eligible costs” of the Project following completion of the Project;

WHEREAS, the Authority desires to issue its jail facility grant revenue anticipation note in an estimated maximum aggregate principal amount of \$12,500,000 (the “**Note**”), to be sold to a purchaser to be selected by the Authority, the proceeds of which, together with proceeds from the sale of the Local Bond, are expected to be sufficient to finance a portion of the construction and renovation of the Project;

WHEREAS, VRA has indicated that its agreement to purchase the Local Bond will be conditioned upon each of the Member Jurisdictions undertaking non-binding obligations to appropriate from time to time moneys to the Authority in connection with payments due on the Local Bond and a similar agreement to purchase the Note by the purchaser thereof will require a similar non-binding obligation to appropriate;

WHEREAS, the Board of Supervisors (the **"Board of Supervisors"**) of the County has previously indicated its support of the financing of the Project and hereby desires to approve the issuance of the Local Bond by the Authority and to enter into such a Support Agreement evidencing such obligation (the **"Bond Support Agreement"**), the form of which has been submitted to this meeting, and the issuance of the Note by the Authority and a support agreement, if required in such Note transaction (the **"Note Support Agreement"**), the form of which has been submitted to this meeting.

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

1. The County hereby approves the issuance of the Local Bond and the Note as required under the Service Agreement. It is determined to be in the best interests of the County and its residents for the Board of Supervisors to enter into the Bond Support Agreement regarding the Local Bond and a Note Support Agreement regarding the Note. The forms of the Bond Support Agreement and Note Support Agreement submitted to this meeting are hereby approved.
2. It is acknowledged that (i) VRA would not purchase the Local Bond without the security and credit enhancement provided by the Bond Support Agreement, (ii) VRA will be a third party beneficiary of the Service Agreement, and (iii) VRA is treating the Bond Support Agreement as a "local obligation" within the meaning of Section 62.1-199 of the Code of Virginia of 1950, as amended, including amendments thereto taking effect as of July 1, 2011 (the **"Virginia Code"**), which in the event of a nonpayment thereunder authorizes VRA or the trustee for VRA's bonds to file an affidavit with the Governor that such nonpayment has occurred pursuant to Section 62.1-216.1 of the Virginia Code. In purchasing the Local Bond, VRA is further relying on Section 62.1-216.1 of the Virginia Code, providing that if the Governor is satisfied that such nonpayment has occurred, the Governor will immediately make an order directing the Comptroller to withhold all further payment to the County of all funds, or of any part of them, appropriated and payable by the Commonwealth of Virginia to the County for any and all purposes, and the Governor will, while the nonpayment continues, direct in writing the payment of all sums withheld by the Comptroller, or as much of them as is necessary, to VRA, so as to cure, or cure insofar as possible, such nonpayment.
3. In consideration of the Authority's undertakings with respect to the financing plans of the Project, the Chair or Vice-Chair of the Board of Supervisors, either of whom may act, is hereby authorized and directed to execute and deliver the Bond Support Agreement and a Note Support Agreement. The Bond Support Agreement and the Note Support Agreement shall be in substantially the forms presented to this meeting, which are each hereby

approved, with such completions, omissions, insertions or changes not inconsistent with this resolution as may be approved by the Chair or Vice-Chair of the Board of Supervisors, in their sole discretion, the execution thereof by the Chair or Vice-Chair of the Board of Supervisors to constitute conclusive evidence of his or her approval of such completions, omissions, insertions or changes.

4. The County Executive is hereby authorized and directed to carry out the obligations imposed by the Bond Support Agreement and the Note Support Agreement on the County Executive, and to take all proper steps on behalf of the County as may be required, in accordance with the plan of financing set forth above.
5. Nothing contained herein or in the Bond Support Agreement or the Note Support Agreement is or shall be deemed to be a lending of the credit of the County to the Authority, VRA, any holder of the Local Bond or the Note, or any other person, and nothing herein contained is or shall be deemed to be a pledge of the faith and credit or the taxing power of Albemarle County, nor shall anything contained herein or in the Bond Support Agreement or the Note Support Agreement legally bind or obligate the Board of Supervisors to appropriate funds for purposes described in the Bond Support Agreement or the Note Support Agreement.
6. All actions previously taken by officials, representatives, or agents of the County in furtherance of the plan of financing and issuance of the Local Bond and the Note are hereby ratified and approved.
7. This resolution shall take effect immediately.

CERTIFICATION OF ADOPTION OF RESOLUTION

Claudette K. Borgersen, the undersigned Clerk of the Board of Supervisors of the County of Albemarle, Virginia hereby certifies that the Resolution set forth above was adopted during an open meeting on June 18, 2025, by the Board of Supervisors with the following votes:

Aye: Mr. Pruitt, Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, and Ms. McKeel.
Nay: None.
Abstentions: None.

Signed this 18th day of June 2025.

By: Claudette K. Borgersen
Clerk, Board of Supervisors

**SUPPORT AGREEMENT
ALBEMARLE-CHARLOTTESVILLE REGIONAL JAIL AUTHORITY AND
ALBEMARLE COUNTY**

(GRANT REVENUE ANTICIPATION NOTE)

THIS SUPPORT AGREEMENT (this “Support Agreement”) is made as of August 1, 2025, among the **BOARD OF SUPERVISORS OF THE COUNTY OF ALBEMARLE, VIRGINIA (the “Board”)**, acting as the governing body of the County of Albemarle, Virginia **(the “County”)**, **ALBEMARLE-CHARLOTTESVILLE REGIONAL JAIL AUTHORITY (the “Jail Authority”)**, and **TRUIST COMMERCIAL EQUITY, INC. (the “Lender”)**, as purchaser of the Note, as hereinafter defined, pursuant to a Note Purchase and Financing Agreement dated as of the date hereof **(the “Note Purchase Agreement”)**, among the Lender and the Jail Authority.

RECITALS:

WHEREAS, the Jail Authority is a regional jail authority pursuant to Section 53.1-95.2 et seq of the Code of Virginia, as amended, and a public instrumentality of the Commonwealth of Virginia established by resolutions duly adopted by the governing bodies of the City of Charlottesville, Virginia **(“Charlottesville”)**, the County of Nelson, Virginia **(“Nelson County”)** and the County **(collectively, the “Member Jurisdictions”)** for the purpose of developing a regional jail **(the “Facility”)** to be operated on behalf of the Member Jurisdictions by the Jail Authority;

WHEREAS, the Jail Authority has determined that it is in its best interest to issue and sell its Jail Facility Grant Revenue Anticipation Note, Series 2025 in an original aggregate principal amount of \$11,950,000 **(the “Note”)** to the Lender pursuant to the terms of the Note Purchase Agreement;

WHEREAS, the Lender requires each Member Jurisdiction, as a condition to the purchase by the Lender of the Note, to enter into a Support Agreement; and

WHEREAS, in connection with the issuance by the Jail Authority and the purchase by the Lender of the Note, the Board adopted on June 18, 2025, a resolution authorizing, among other things, the execution and delivery of an agreement providing for a non-binding obligation of the Board to consider certain appropriations in support of the Note.

AGREEMENT

NOW, THEREFORE, for and in consideration of the foregoing and of the mutual covenants herein set forth, the parties hereto agree as follows:

1. Unless otherwise defined, each capitalized term used in this Support Agreement shall have the meaning given it in the Note Purchase Agreement.

2. The Jail Authority shall use its best efforts to issue the Note and to use the proceeds thereof to pay a portion of the costs of the Facility.

3. No later than February 15 of each year, beginning February 15, 2026, the Jail Authority shall notify each Member Jurisdiction of its respective proportionate share (calculated in the same manner as described in Section 5.1(c) of the Amended and Restated Service Agreement, dated June 9, 2022 (the “**Service Agreement**”) among ACRJA and the Member Jurisdictions) of the amount (the “**Annual Deficiency Amount**”) by which the Jail Authority reasonably expects the Net Revenues (as defined in the Note Purchase Agreement) to be insufficient to pay (i) the debt service obligations under the Note Purchase Agreement and the Note and the Bond, (ii) operation and maintenance expenses of the Authority, and (iii) any other payments due and owing by the Jail Authority under the Note Purchase Agreement in full as and when due during the County’s fiscal year beginning the following July 1.

4. The County Executive of the County (the “**County Executive**”) shall include the County’s respective share of the Annual Deficiency Amount in his budget submitted to the Board for the following fiscal year as an amount to be appropriated to or on behalf of the Jail Authority. The County Executive shall deliver to the Lender within ten days after the adoption of the County’s budget for each fiscal year, but not later than July 15 of each year, a certificate stating whether the Board has appropriated to or on behalf of the Jail Authority an amount equal to the Annual Deficiency Amount.

5. If at any time Revenues shall be insufficient to make any of the payments referred to in paragraph 3 hereof, the Jail Authority shall notify the Lender and each Member Jurisdiction of its respective proportionate share (calculated in the same manner as described in Section 5.1(c) of the Service Agreement) of the amount of such insufficiency and the County Executive shall request a supplemental appropriation from the Board in the amount necessary to make such payment.

6. The County Executive shall present each request for appropriation pursuant to paragraph 5 above to the Board, and the Board shall consider such request at the Board’s next regularly scheduled meeting at which it is possible to satisfy any applicable notification requirement. Promptly after such meeting, the County Executive shall notify the Lender as to whether the amount so requested was appropriated. If the Board shall fail to make any such appropriation, the County Executive shall add the amount of such requested appropriation to the Annual Deficiency Amount reported to the County by the County Executive for the County’s next fiscal year.

7. The Board hereby undertakes a non-binding obligation to appropriate such amounts as may be requested from time to time pursuant to paragraphs 4 and 5 above, to the fullest degree and in such manner as is consistent with the Constitution and laws of the Commonwealth of Virginia. The Board, while recognizing that it is not empowered to make any binding commitment to make such appropriations in future fiscal years, hereby states its intent to make such appropriations in future fiscal years, and hereby recommends that future Boards do likewise.

8. Nothing herein contained is or shall be deemed to be a lending of the credit of the County to the Jail Authority, the Lender or to any holder of the Note or to any other person, and nothing herein contained is or shall be deemed to be a pledge of the faith and credit or the taxing power of the County, nor shall anything herein contained legally bind or obligate the Board to appropriate funds for the purposes described herein.

9. Any notices or requests required to be given hereunder shall be deemed given if sent by registered or certified mail, postage prepaid, addressed (i) if to the County, to 401 McIntire Road, Charlottesville, VA 22902 Attention: County Executive, (ii) if to the Jail Authority, to 160 Peregrory Lane, Charlottesville, VA 22902, Attention: Superintendent, and (iii) if to the Lender, to Truist Commercial Equity, Inc. 10 Franklin Road, SE, Suite 201, Roanoke, Virginia 24011, Attention: Craig Parrent / Non-profit Hospitals, Higher Education and Government Group. Any party may designate any other address for notices or requests by giving notice.

10. It is the intent of the parties hereto that this Support Agreement shall be governed by the laws of the Commonwealth of Virginia.

11. This Support Agreement shall remain in full force and effect until the Note and all other amounts payable by Jail Authority under the Note Purchase Agreement have been paid in full.

12. This Support Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same instrument.

[REMAINDER OF PAGE LEFT BLANK; SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties hereto have each caused this Support Agreement to be executed in their respective names as of the date first above written.

**BOARD OF SUPERVISORS OF THE
COUNTY OF ALBEMARLE, VIRGINIA**

By: 
Vice Chair

**ALBEMARLE-CHARLOTTESVILLE
REGIONAL JAIL AUTHORITY**

By: 
Chair

TRUIST COMMERCIAL EQUITY, INC.

By: _____

Its: _____

IN WITNESS WHEREOF, the parties hereto have each caused this Support Agreement to be executed in their respective names as of the date first above written.

**BOARD OF SUPERVISORS OF THE
COUNTY OF ALBEMARLE, VIRGINIA**

By: _____
Vice Chair

**ALBEMARLE-CHARLOTTESVILLE
REGIONAL JAIL AUTHORITY**

By: _____
Chair

TRUIST COMMERCIAL EQUITY, INC.

By: Craig Parrent

Its: SVP

Agenda Item No. 19. **Public Hearing: Proposed Easement across County-Owned Parcel 91-10**. To receive public comment on the conveyance of a proposed water line easement to the Albemarle County Service Authority across County-owned Parcel 09100-00-00-01000, located at 167 Galaxie Farm Lane.

The Executive Summary forwarded to the Board states that Albemarle County Public Schools (ACPS) is developing Parcel 09100-00-00-01100 for the Southern Feeder Pattern Elementary School Project. To support the future operation of the new elementary school, an Albemarle County Service Authority (ACSA) easement has been requested for a secondary domestic water line. This line would connect to the ASCA water main located in the Galaxie Farm Subdivision, run across County Parcel 91-10, and connect with ACPS-owned Parcel 91-11.

The additional water line connecting to the new school would allow for redundancy and help prevent the school from losing water supply in the event of a disruption to water service from the primary water feed from Founders Place. The installation of the ACSA line across the County-owned parcel would benefit the County if/when the County-owned parcel were developed, eliminating the need for additional easements and reducing future costs during development.

There would be no budget impact for this proposed easement.

Staff recommends that the Board adopt the Resolution (Attachment D) approving the easement

and authorizing the County Executive to sign the easement documents.

Mr. Bill Strother, Chief of Facilities and Operations for Facilities and Environmental Services, stated that tonight they would be discussing a proposed easement across County-owned parcel 91-10. He explained that Albemarle County Public Schools (ACPS) was constructing a new elementary school behind Fire Station 11 on Mill Creek Drive. This request for an easement from the Albemarle County Service Authority (ACSA) would directly support that construction of the new school. The school property was located on parcel 91-11, and the County-owned parcel 91-10, which was adjacent to Galaxie Farms, would back up to the school. The proposed easement would directly support the school and provide a new water line that would supply the school.

Mr. Strother said that the primary water line was coming from Founders Place and would enter the school through the main entrance. The secondary water line, which would be an eight-inch feed, would cross into the County parcel in the bottom corner and extend onto the school property. This would ensure that the school would have a reliable water supply, even in the event of disruptions to the infrastructure. The waterline currently passed through Mary Jackson Court in the Galaxie Farms subdivision, where the Service Authority would make their interconnection. He noted an error on the plat provided. The original plat indicated 33,278 square feet, but the corrected plat showed 2,000 square feet.

Mr. Strother stated that he had an updated plat available if this easement was approved. He reiterated that this easement would fully support the construction and future operations of the new school, and staff had reviewed it with Albemarle County stakeholders, who had no issues with this easement. Having water service on the property would also facilitate future development and reduce the need for additional easements. Therefore, staff recommended that the Board adopt the attached resolution, Attachment D, approving the easements, and authorize the County Executive to execute a deed and any other necessary or related documents to convey these interests.

Ms. Mallek asked if the future development would be for undeveloped parts of Galaxy farm.

Ms. Strother replied that it would be if the County ever decided to do something with the remaining land on parcel 91-10 such as develop it or use it for another purpose, there would already be water service on that property.

Mr. Pruitt asked if it was correct that the plat this connection would be going through was owned by the Galaxie Farms Homeowners Association (HOA) and was not a property owner's personal plat.

Mr. Strother clarified that the drawing may be approximate, but it was coming through the main road, onto the County parcel, and then onto the school parcel. It would not touch the HOA's parcel at all.

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

Mr. Pruitt **moved** that the Board of Supervisors adopt the proposed Resolution (Attachment D) approving the easement and authorizing the County Executive to sign the easement documents. 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 APPROVING THE PROPOSED CONVEYANCE OF EASEMENT
ACROSS COUNTY-OWNED PARCEL 09100-00-00-01000**

WHEREAS, the County of Albemarle (County) owns Parcel 09100-00-00-01000;

WHEREAS, Albemarle County Public Schools (ACPS) is developing the Southern Feeder Pattern Elementary School Project on the adjacent Parcel 09100-00-00-01100 and is requesting that the County grant a water line easement across County-owned Parcel 09100-00-00-01000;

WHEREAS, the requested easement is necessary for the development of the Southern Feeder Pattern Elementary School Project; and

WHEREAS, a public hearing was held pursuant to *Virginia Code* § 15.2-1800 to consider the proposed conveyance of this easement;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the conveyance of the proposed easement across Parcel 09100-00-00-01000, and authorizes the County Executive to sign any documents needed to effect this conveyance on behalf of the County, once those documents have been approved as to form and substance by the County Attorney.

VIRGINIA LAND RECORD COVER SHEET

Commonwealth of Virginia VA. CODE §§ 17.1-223, -227.1, -249

FORM A – COVER SHEET CONTENT

Instrument Date: 7/29/2025

Instrument Type: COR

Number of Parcels: 1 Number of Pages: 5

[] City [X] County ALBEMARLE COURT
CIRCUIT COURT

Tax Exempt? VIRGINIA/FEDERAL CODE SECTION

[] Grantor:

[] Grantee:

Business/Name

1 X Grantor: COUNTY OF ALBEMARLE

Grantor:

1 X Grantee: ALBEMARLE COUNTY SERVICE AUTHORITY

Grantee:

Grantee Address

Name: ALBEMARLE COUNTY SERVICE AUTHORITY

Address: 168 SPOTNAP ROAD

City: CHARLOTTESVILLE State: VA Zip Code: 22911

Consideration: \$0.00 Existing Debt: \$0.00 Actual Value/Assumed: \$0.00

PRIOR INSTRUMENT UNDER § 58.1-803(D):

Original Principal: \$0.00 Fair Market Value Increase: \$0.00

Original Book No.: Original Page No.: Original Instrument No.:

Prior Recording At: [] City [] County Percentage In This Jurisdiction: 100%

Book Number: Page Number: Instrument Number:

Parcel Identification Number/Tax Map Number: 09100-00-00-01000

Short Property Description:

Current Property Address:

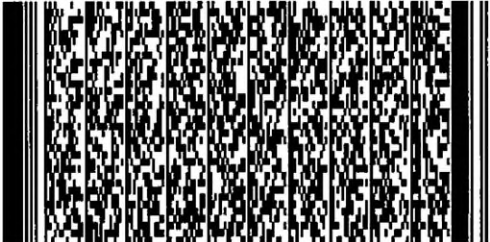
City: * State: VA Zip Code: *

Instrument Prepared By: FLORA PETTIT PC Recording Paid By: FLORA PETTIT PC

Recording Returned To: FLORA PETTIT PC

Address: 530 E MAIN STREET

City: CHARLOTTESVILLE State: VA Zip Code: 22902



RECORDED IN
ALBEMARLE COUNTY, VA
JON R. ZUG
CLERK OF CIRCUIT COURT
FILED Aug 27, 2025
AT 01:09 pm
BOOK
START PAGE
END PAGE
INST # 202500008134
TOTAL NUM PAGES 6

MEB

(Area Above Reserved For Deed Stamp Only)

Correction: This document is being re-recorded to add plat that was omitted in the prior recording.

TMP 09100-00-00-01000
PREPARED BY: Flora Pettit PC

This Deed is exempt from recordation taxes and fees pursuant to §§58.1-811 (A) (3) and 17.1-266, respectively, of the Code of Virginia (1950) as amended and the Constitution of Virginia, Article X, Section 6 (a) (1).

This **DEED OF EASEMENT**, dated this 29th day of July, 2025, is by and between the **COUNTY OF ALBEMARLE**, a political subdivision of the Commonwealth of Virginia, Grantor (the "County"), and the **ALBEMARLE COUNTY SERVICE AUTHORITY**, whose address is 168 Spotnap Road, Charlottesville, Virginia 22911, Grantee, (the "ACSA").

WITNESSETH:

WHEREAS, the County is the owner of real property located in Albemarle County, Virginia, acquired by deed of BARGAIN and SALE, dated November 10, 2000, and recorded in the Clerk's Office of the Circuit Court of Albemarle County (the "Clerk's Office") at Deed Book 1979, page 44, commonly known as Albemarle County Parcel ID 09100-00-00-01000 (the "Property");

WHEREAS, the ACSA has requested and the County has agreed to grant to the ACSA a permanent water line easement to construct, install, operate, maintain, repair, replace, relocate, and extend such line and any appurtenances thereto. The easement is more particularly described as follows:

That certain real property shown and designated as "30' ACSA Water Line Easement Hereby Dedicated to the ACSA (3,278 SF)" (the "Easement"), shown on the plat entitled "Plat Showing ACSA Water Line Easement Across the Land of County of Albemarle Tax Map Parcel 91-10, Scottsville Magisterial District, Albemarle County, Virginia," dated March 17, 2025, last revised April 11, 2025, and prepared by Timmons Group (the "Plat"), attached hereto and recorded herewith.

NOW, THEREFORE, for and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, receipt of all of which is hereby acknowledged, the County does hereby GRANT and CONVEY with GENERAL WARRANTY and ENGLISH COVENANTS of TITLE unto the ACSA, its successors and assigns, a perpetual easement to construct, install, operate, maintain, inspect, protect, repair, replace, relocate, remove, change the size of and extend water lines consisting of pipes, equipment, and appurtenances to such pipes and equipment, over, under and across the Easement, and to access any other adjacent easement held by the ACSA.

PROVIDED HOWEVER, that it is expressly understood and agreed that the ACSA shall not be deemed to have accepted the conveyance set forth hereinabove until such time as the same shall have been evidenced by the affirmative acceptance thereof in accordance with the usual and customary practices of the ACSA.

Reference is made to the Plat for the exact location and dimension of the Easement hereby granted and the property over which the same crosses. Notwithstanding anything to the contrary in the Plat, the exact width of the Easement is thirty (30) feet wide.

As part of the Easement, the ACSA shall have the right to enter upon the above-described Property within the Easement for the purpose of installing, constructing, operating, maintaining, inspecting, protecting, repairing, replacing, relocating, removing, changing the size of and extending water lines and appurtenances thereto within such Easement, and the right of ingress and egress thereto as reasonably necessary to construct, install, operate, maintain, inspect, protect, repair, replace, relocate, remove, change the size of and extend such water lines within the Easement. If the ACSA decides in its sole discretion that it is unable reasonably to exercise

the right of ingress and egress over the above-described property, the ACSA shall have the right of ingress and egress over the Property .

Whenever it is necessary to excavate earth within the Easement, the ACSA agrees to backfill such excavation in a proper and workmanlike manner so as to restore surface conditions as nearly as practicable to the same condition as prior to excavation, including restoration of such paved surfaces as may be damaged or disturbed as part of such excavation; provided, however, that the ACSA shall have no obligation to restore permeable pavers, stamped concrete, or similar surfaces within the Easement.

The County, its successors or assigns, agrees that no trees, shrubbery, fences, structures, buildings, over-hangs or other improvements or obstructions shall be placed within the Easement conveyed herein.


The Easement provided for herein shall include the right of the ACSA to trim, cut, and remove any trees, shrubbery, fences, structures, buildings, over-hangs or other improvements or obstructions and take other similar action reasonably necessary to provide economical and safe water line construction, installation, operation, maintenance, inspection, protection, repair, replacement, relocation, removal, and extension. The ACSA shall have no responsibility to the County, its successors or assigns, to replace or reimburse the cost of said trees, shrubbery, fences, structures, buildings, over-hangs or other improvements or obstructions that are removed or otherwise damaged.

The facilities constructed by ACSA within the Easement shall be the property of the ACSA and its successors and assigns, which shall have the right to inspect, rebuild, remove, repair, relocate, improve, and make such changes, alterations and connections to or extensions of

its facilities within the boundaries of the Easement as are consistent with the purposes expressed herein.

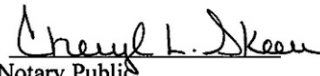
WITNESS the following signature and seal:

COUNTY OF ALBEMARLE, VIRGINIA,
a political subdivision of the Commonwealth of
Virginia

By:  (SEAL)
Jeffrey B. Richardson, County Executive

STATE OF VIRGINIA
COUNTY/CITY OF Charlottesville, to wit:

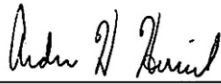
The foregoing instrument was acknowledged before me this 29th day of July,
2025, by Jeffrey B. Richardson, County Executive, on behalf of the County of Albemarle,
Virginia.


Notary Public

My Commission Expires: Oct. 31, 2027

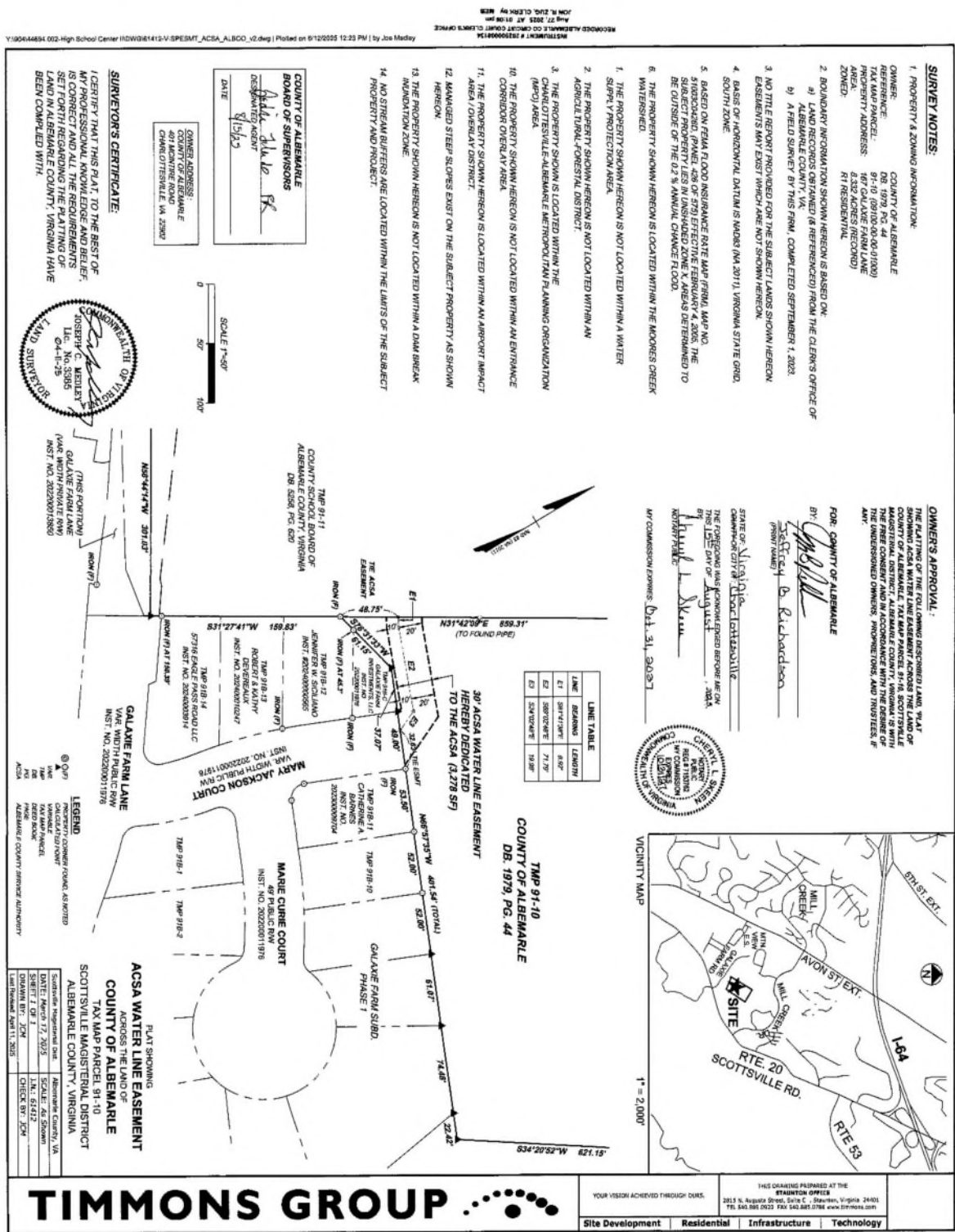
Registration number: 7153762

Approved as to form:


County Attorney

7/24/2025
Date





Agenda Item No. 20. **Public Hearing: Public Hearing on Proposed Acquisitions of Portions of 2118 and 2121 Dominion Drive.** To consider the potential condemnation of property for the construction of the Commonwealth Drive / Dominion Drive Sidewalk Improvements Project, and to consider approval of the public use and necessity thereof. The subject properties are 363 sq. ft. fee acquisition and a 1,165 sq. ft. temporary easement on Parcel ID 061M0-00-02-00100 (2118 Dominion Drive), owned by Sue Ann Albrecht; and a 533 sq. ft. temporary easement on Parcel ID 061M0-00-01-00600 (2121 Dominion Drive), owned by Sue A. Albrecht.

The Executive Summary forwarded to the Board states that the County is currently in the right-of-way acquisition phase for a project to construct sidewalks along Commonwealth and Dominion Drives. Completion of the project requires acquisition of portions of two parcels along Dominion Drive, as follows:

- 363 square feet of right-of-way and a 1,165 square feet temporary construction easement on Parcel 061M0-00-02-00100 (2118 Dominion Drive, shown as Parcel 023 on Attachment A); and
- 533 square feet temporary construction easement on Parcel 061M0-00-01-00600 (2121 Dominion Drive, shown as Parcel 027 on Attachment A)

Assisted by consultants experienced in right-of-way acquisitions, the County has successfully acquired or reached agreements on almost all rights-of-way needed for the project. However, extended negotiations with the owner of the subject parcels have reached an impasse. A formal impasse letter (Attachment B) was sent to the owner of the two subject parcels on March 12, 2025.

This public hearing is to consider a proposed resolution, as specified by Virginia Code § 15.2-1903(B) and § 15.2-1905(C), authorizing this proposed use of eminent domain. This resolution cannot be adopted until the Board has held a public hearing. Negotiations can continue throughout the condemnation process. Without this authorization, the project would likely be delayed and incur additional costs.

If the Board approves this use of eminent domain, the County would file a certificate of take, and would deposit the original compensation offered by the County, with the Clerk of the Circuit Court.

There is no budget impact associated with this item. This project is funded through the Virginia Department of Transportation's Revenue Sharing Program.

Staff recommends that the Board of Supervisors adopt the proposed resolution (Attachment C) to authorize the acquisition of portions of Parcels 061M0-00-02-00100 and 061M0-00-01-00600 on Dominion Drive by eminent domain.

Mr. Michael Stumbaugh, Deputy Chief of Transportation Projects, stated that he was joined by Joanne Daniel of Timmons Group Acquisition Services, who was a consultant for the County of Albemarle in the right-of-way acquisition process. They were here today to discuss the proposed acquisitions of portions of 2118 and 2121 Dominion Drive. They would briefly discuss the project, the parcels affected, the right-of-way negotiation summary, the recommended process forward, and a suggested motion.

Mr. Stumbaugh noted that the map of the two parcels was provided. They would see Commonwealth Drive, Dominion Drive, Route 29, and the subject parcels 2118 and 2121 Dominion Drive. He said a detailed plat of 2118 Dominion Drive was also available, showing the temporary construction easement and permanent take areas, along with the square footage of each. A summary of the negotiations was as follows: On October 14, 2024, the right-of-way agent for Timmons Group visited Ms. Albrecht's business. The next day, an offer package of \$3,360 for both parcels was provided to Ms. Albrecht. In December 2024, Ms. Albrecht's parcel at 2118 Dominion Drive was staked to demonstrate the fee area.

Mr. Stumbaugh stated that on January 6, 2025, Ms. Albrecht emailed a counteroffer of \$41,331 for 2118 Dominion Drive. On January 15, 2025, the County issued a counteroffer in the amount of \$8,475 for 2118 Dominion Drive. At this point, they had reached an impasse, and on March 12, they emailed an impasse letter to Ms. Albrecht. On April 6, 2025, Ms. Albrecht presented a revised counteroffer of \$29,875 for both parcels. On April 9, 2025, he emailed Ms. Albrecht a final offer of \$10,500 for both parcels.

Mr. Stumbaugh said that also provided were renderings of what the property would look like once the sidewalk improvements were made. The removal of the tree in the front lawn was part of the compensation being offered. According to the recommended process, if the Board adopted the proposed resolution, as outlined in Attachment C, the County of Albemarle would file a certificate of take and deposit estimated values for both parcels, totaling \$3,360, with the Albemarle County Circuit Court. This would revert to the original proposed amounts. The County of Albemarle would then acquire clear title and proceed with the project.

Mr. Stumbaugh said that the Albemarle County Circuit Court would ultimately determine the value of the properties, including the cost to cure and removal of the tree and the distribution of payment. He said that staff recommended that the Board adopt the Proposed Resolution attached to the staff report as Attachment C, which authorized the acquisition of condemnation of portions of these two parcels for the purposes of constructing the roadway connectivity improvements. He said that Ms. Daniel and he were here to discuss the good faith negotiation on both sides.

Mr. Gallaway asked if the Circuit Court would need to provide a rationale for the compensation they determined as appropriate for these parcels, which may be higher or lower than the estimates from the County and the property owner.

Mr. Stumbaugh replied yes; just as their acquisition firm had determined a justified amount, the court would do the same.

Mr. Herrick confirmed that was correct. He explained that this provision enabled the County to move forward with the project. He said that the process was that the County's good faith estimate was deposited into the court, work proceeded, and then the court determined the value. He said that as Mr. Gallaway had pointed out, the actual cost could be higher or lower, but it was ultimately up to the court to determine that.

Mr. Pruitt asked how frequently the County had taken land and given compensation.

Mr. Herrick stated that the Board may recall that there was one prior condemnation involving an unknown owner that the Board had handled approximately three to four months ago. He said that prior to that, there had not been a condemnation during his time with the County.

Mr. Andrews opened the public hearing.

Ms. Sue Albrecht, Jack Jouett District, said that she was here to present issues surrounding the acquisition and condemnation of the properties in question for Item 20, which were located in the Rio Magisterial District. She owned the properties 2118, 2119, and 2121. Unfortunately, all three of these properties were impacted by the Dominion Drive sidewalk project.

Ms. Albrecht said that she was pleading with the Board to understand the nature of the project's negative impact on this portion of Dominion Drive, which served as the entrance to Berkeley subdivision. Berkeley was one of the earliest subdivisions and neighborhoods in the County, dating back to 1997 when Route 29 was a two-lane road and the subdivision was surrounded by farmland. She said that the taking of the four trees on the north side of Dominion Drive was a travesty because they were 60-year-old hardwood trees. She said that she brought this to the attention of the County in March 2023, but unfortunately, she received no response.

Ms. Albrecht said that it was not until she received an offer of \$3,100 in late 2024 that she addressed these issues. She would like to point out that the proposed sidewalk should be located on the south side of Dominion Drive, not the north side, as this would cause pedestrians to cross diagonally in front of 2121 Dominion Drive. The map clearly showed the proximity of these properties to the back of 29th Place; it was surrounded by commercial entities.

Ms. Albrecht said that the trees on her properties are not only aesthetically significant but also provided important shade and screening for her front yard at 2118. In fact, the loss of these trees would result in a 10-foot reduction in her front yard's privacy. She strongly believed that the County made a huge error in proceeding with this design, and the damage to the properties was significant. She reiterated that clearly there was an error in this process, especially considering her concerns from 2023 were never addressed. She was requesting that they did not approve the condemnation of these properties.

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

Ms. Mallek said that the process was within the law, and it was unfortunate they would be losing the trees, but she did not have a solution to that issue. She hoped that part of the reimbursement would reestablish trees next to the sidewalk.

Ms. LaPisto-Kirtley said that maybe they could plant trees in the front yard and the costs may cover that.

Mr. Gallaway said that given that the properties are located in the Rio District, he would like to personally apologize if he did not respond to the March 2023 correspondence. However, he did know that the design, placement, and trees along the entire stretch were considered as part of the conversation regarding the decision to install sidewalks. In his opinion, the current issue with the taking revolved around the compensation factor.

Mr. Gallaway said that the County had made an offer, and a counteroffer was made, it appeared to be a matter of determining the acceptable boundary, which he believed was a fair approach, as the court would ultimately decide at this point, rather than this Board, as they were an interested party. Notably, the fact that their offer of \$10,000 was deemed insufficient, while \$30,000 was considered too high, regardless of who made the offer, left it up to the court to determine an appropriate amount, as that seemed to be the only question at hand.

Mr. Gallaway said that the design, timeline for design, and rationale, he believed, had been closed, as they had put that to a decision and a vote a few years ago. With that being said, he acknowledged that it was difficult and unfortunate, but he thought it was the most appropriate approach, as with the few instances they had, the court would be the suitable place to determine the final amount of compensation for the affected property owner.

Mr. Pruitt asked if all the other easements had been acquired for this project.

Mr. Stumbaugh replied no, they were not. He noted that in fact, the consent agenda this morning included a public hearing that they needed to schedule for the future. They had these two parcels under consideration tonight and one remaining parcel that needed to be scheduled for a future public hearing.

Mr. Pruitt asked if there were external constraints to the design that required these specific properties.

Mr. Stumbaugh replied yes; the road width required this specific alignment of the sidewalk. The bulk of the sidewalk was in the existing right-of-way.

Mr. Pruitt asked if these were tenant-occupied units.

Ms. Albrecht said that, yes, she leased all three of those Dominion Drive properties. She said that she used to reside in one of them.

Mr. Andrews said that the sidewalks were important in that location. He added that he would have liked to have seen all condemnations come to the Board at the same time, but understood the constraints.

Ms. LaPisto-Kirtley asked how many trees needed to be removed.

Mr. Stumbaugh said that in the property in questions, there was one, but that there was also another tree in another location that would need to be removed.

Mr. Gallaway **moved** that the Board of Supervisors adopt the Proposed Resolution (Attachment C) to authorize the acquisition of portions of Parcels 061M0-00-02-00100 and 061M0-00-01-00600 on Dominion Drive by eminent domain. 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 AUTHORIZE THE ACQUISITION BY CONDEMNATION OF PORTIONS OF CERTAIN PARCELS OF LAND, PARCEL ID NUMBERS 061M0-00-02-00100 AND 061M0-00-01-00600, FOR THE PURPOSE OF CONSTRUCTING ROAD AND SAFETY IMPROVEMENTS, IN ACCORDANCE WITH THE COMMONWEALTH DRIVE/DOMINION DRIVE SIDEWALK IMPROVEMENTS 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 Rio and Jack Jouett Districts as part of the Commonwealth Drive/Dominion Drive Sidewalk Improvements Project in order to construct sidewalks and related improvements along Commonwealth and Dominion Drives;

WHEREAS, the Commonwealth Drive/Dominion Drive Sidewalk Improvements Project is necessary for the public health, safety, peace, good order, comfort, convenience, and welfare of the County;

WHEREAS, the project design for the Commonwealth Drive/Dominion Drive Sidewalk Improvements 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 County has made a bona fide but ineffectual effort to purchase the necessary right-of-way and easements for public road and other improvements at fair market value, and the County and landowner have been unable to reach an agreement because the County and landowner cannot agree on the compensation to be paid; 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 constructing sidewalks and related improvements along Commonwealth and Dominion Drives.
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
Sue Ann Albrecht	061M0-00-02-00100	Approximately 363 square feet of right-of-way in fee simple and 1,165 square feet of temporary construction easement on Parcel 023 on “Right of Way Plan Sheet” Number 8RW prepared by H&B Surveying and Mapping, dated September 6, 2024, attached hereto and labeled “Exhibit A.”

Sue A. Albrecht	061M0-00-01-00600	Approximately 533 square feet of temporary construction easement on Parcel 027 on "Right of Way Plan Sheet" Number 9RW prepared by H&B Surveying and Mapping, dated September 6, 2024, attached hereto and labeled "Exhibit B."
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- 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	Estimated Value
Sue Ann Albrecht	061M0-00-02-00100	Approximately 363 square feet of right-of-way in fee simple and 1,165 square feet of temporary construction easement on Parcel 023 on "Right of Way Plan Sheet" Number 8RW prepared by H&B Surveying and Mapping, dated September 6, 2024, attached hereto and labeled "Exhibit A."	\$3,160
Sue A. Albrecht	061M0-00-01-00600	Approximately 533 square feet of temporary construction easement on Parcel 027 on "Right of Way Plan Sheet" Number 9RW prepared by H&B Surveying and Mapping, dated September 6, 2024, attached hereto and labeled "Exhibit B."	\$200

- 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 landowner(s).
- 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(s) 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.

Agenda Item No. 21. **Public Hearing: Compensation Increase for Board of Supervisors Members.** To receive public comment on a proposed ordinance to amend Albemarle County Code § 2-202 (Compensation of Board of Supervisors) to increase the annual compensation of the members of the Board of Supervisors by 3.0% from \$20,199 to \$20,805, and the additional annual stipend of the Chair of the Board from \$1,836 to \$1,891, both effective July 1, 2025.

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

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

With the FY26 budget adoption on May 7, 2025, the County implemented a 3% Cost of Living Adjustment for staff, effective July 1, 2025, to support increasing wages in response to inflation and to remain competitive with employers in our area.

Staff has prepared a proposed ordinance (Attachment A) to amend County Code § 2-202 to increase the compensation of Board members by 3%, to include the stipends for the Board chair and

vice-chair, which the Board can consider following a public hearing. Because Virginia Code § 15.2-1414.3 provides that board members' salaries shall be established on a fiscal year basis, the ordinance includes an effective date of July 1, 2025.

The proposed 3% adjustment will increase Board members' annual compensation from \$20,199 to \$20,805 in FY 26. The proposed stipend for the Board Chair will increase from \$1,836 to \$1,891, and the proposed stipend increase for the vice-chair is from \$612 to \$630. Funding for these compensation changes was included in the adopted FY26 budget.

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

Ms. Jessica Rice, Director of Human Resources, said that she would be presenting the next two public hearings on tonight's agenda. She said that this first public hearing was to receive public comments on a proposed ordinance to amend Albemarle County Code §2-202, which pertained to compensation for the Board of Supervisors. The proposed ordinance aimed to increase the annual compensation of the Board members by 3%, beginning and effective in Fiscal Year 2025. This increase was in line with the Board's desire to match the same percentage amount of an increase as staff received for the adopted Fiscal Year 2025 budget.

Ms. Rice said that following the FY26 budget adoption on May 7, 2025, the Board approved a 3% cost of living adjustment for staff, which would take effect on July 1, 2025, to address inflation and other economic factors. Tonight, they were considering an ordinance that would amend the compensation for their Board members to align with the 3% increase that staff would be receiving on July 1.

Mr. Gallaway said that he would ask a question that had been sent to him by a constituent. He clarified that the 3% increase was not a requirement; the Board chose to consider an increase. However, there was another process that could be pursued if they were to consider a much larger increase.

Mr. Pruitt asked if there was a threshold at which point the increase would be subject to a different approval process.

Mr. Herrick explained that there was an alternate provision outlined in the State code and detailed in the executive summaries. It did not specify a particular amount; rather, it was a procedure that was described.

Mr. Andrews opened the public hearing. Seeing no speakers, he closed the public hearing.

Mr. Gallaway noted that the question he received was in reference to the School Board's recent change in salaries, which was a different percentage than what the Board of Supervisors was considering. The question was asking why the Board of Supervisors was not allowed to do more than 3% for an increase, and the answer was that they were allowed to, but a different process would apply to that. Furthermore, the cost-of-living adjustment was the Board's choice, rather than a requirement to implement.

Mr. Herrick clarified that State code limited inflation adjustments to 5%, so this was within the limits of the State code. Additionally, this section applied to Boards of Supervisors but did not speak to the compensation of School Boards.

Mr. Andrews acknowledged that these were not highly paid positions and it was difficult to take this position if someone needed to work a full-time job. However, any increase was beneficial for those who may want to take these positions in the future.

Mr. Gallaway clarified that their compensation was increasing by \$606.

Ms. Mallek said that over the past 18 years, there had been a total increase of \$6,000.

Ms. McKeel said that it was essential that both the School Board salaries and the Board of Supervisors salaries were maintained at a certain level to attract qualified individuals to run for these positions.

Ms. Mallek moved that the Board of Supervisors adopt the Proposed Ordinance (Attachment A). 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.

ORDINANCE NO. 25-2(1)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, ARTICLE 2, BOARD OF SUPERVISORS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA.

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

By Amending:

Sec. 2-202 Compensation of the Board of Supervisors.

**Chapter 2. Administration
Article 2. Board of Supervisors**

Sec. 2-202 Compensation of the Board of Supervisors.

The Board of Supervisors' compensation is as follows:

- A. *Salary.* The salary of each member is \$20,805 per year, effective July 1, 2025.
- B. *Stipend for the chair.* In addition to the salary, the chair shall receive an annual stipend of \$1,891.
- C. *Stipend for the vice-chair.* In addition to the salary, the vice-chair shall receive a stipend of \$630₁ per year.

(6-13-84; 5-8-85; 5-14-86; 7-1-87; 7-6-88; 6-7-89; Ord. of 6-13-90; Ord. of 8-1-90; Ord. of 8-7-91; Ord. of 7-1-92; Ord. No. 95-2(1), 6-14-95; Ord. No. 98-2(1), 6-17-98; Code 1988, § 2-2.1; § 2-202, Ord. 98-A(1), 8-5-98; Ord. No. 99-2(1), 5-5-99; Ord. No. 00-2(1), 6-7-00; Ord. 01-2(2), 6-6-01; Ord. 02-2(2), 5-1-02; Ord. 03-2(1), 6-4-03; Ord. 04-2(1), 6-2-04; Ord. 05-2(1), 6-1-05; Ord. 06-2(1), 6-7-06; Ord. 07-2(1), 6-6-07; Ord. 08-2(2), 6-4-08; Ord. 11-2(1), 5-4-11; Ord. 12-2(1), 5-2-12; Ord. 13-2(1), 5-1-13; Ord. 14-2(1), 6-4-14; Ord. 15-2(1), 6-3-15; Ord. 16-2(1), 6-1-16; Ord. 17-2(2), 6-7-17; Ord. 18-2(2), 4-11-18; Ord. 18-2(3), 6-13-18; Ord. 19-2(1), 6-5-19; Ord. 21-2(1), 6-16-21, Ord 22-2(1), 6-1-22, effective 7-1-22; Ord. 23-2(3), 5-3-23, effective 7-1-23; Ord. 24-2(1), 6-12-24, effective 7-1-24; Ord. 25-2(1), effective 7-1-25)

State law reference -- Va. Code §§ 15.2-1414.1, 15.2-1414.3.

This ordinance is effective on and after July 1, 2025.

Agenda Item No. 22. **Public Hearing: Compensation Increase for Planning Commission and Other Appointed Boards**. To receive public comment on a proposed ordinance to amend Albemarle County Code § 2-401 to increase the annual compensation of the voting members of the Planning Commission, from \$7,685 to \$7,916; and to amend Albemarle County Code § 2-905 to increase the compensation of members of the Architectural Review Board, the Board of Zoning Appeals, the Building Code Board of Appeals, the Board of Equalization, and the Fire Prevention Code Board of Appeals for each regular or special meeting attended from \$85 to \$88. These increases would take effect July 1, 2025.

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

With the FY26 budget adoption on May 7, 2025, the County implemented a 3% Cost of Living Adjustment for staff, effective July 1, 2025, to support increasing wages in response to inflation and to remain competitive with employers in our area. On June 18, 2025, the Board of Supervisors will hold a public hearing in consideration of increasing compensation for BOS members by 3%, in alignment with the staff increase.

To align with the 3% compensation increases for staff and BOS members, staff has prepared a proposed ordinance (Attachment A) to increase the compensation for members of the PC and Other Boards by 3%.

The proposed ordinance will increase Planning Commission compensation from \$7,685 to \$7,916 annually, and increase compensation for members serving on Other Boards from \$85 to \$88 per meeting attended in FY26. Funding for these increases were included in the FY26 budget.

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

Ms. Jessica Rice, Director of Human Resources, stated that this public hearing provided an opportunity for public comment on a proposed ordinance to amend the Albemarle County Code §2-401. The proposed changes would increase the annual compensation for the voting members of the Planning Commission by 3% and also amend Albemarle County Code §2-905 to increase the compensation for the members of the Architectural Review Board, the Board of Zoning Appeals, the Building Code Board of Appeals, the Board of Equalization, and the Fire Prevention Code Board of Appeals for each regular or special meeting attended, also by 3%.

Ms. Rice said that this aligned with the Board's desire to increase pay for these Boards, which

was consistent with the pay increases received by County staff. In FY26, the Board had approved a 3% cost of living adjustment for staff, which would take effect on July 1, 2025. The proposed ordinance aimed to bring the compensation for these appointed boards in line with the 3% increase for staff and the Board of Supervisors.

Mr. Gallaway said that he would like to state the amounts for his reference. He said that the current Planning Commission stipend was \$7,685, and it would increase to \$7,916. The other stipends for the other bodies would rise from \$85 per meeting to \$88.

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

Ms. Mallek said that a family member of hers was a member of the Planning Commission in the 1990s, and at that time, the salary was \$4,100. She said that this meant that the salary had not even doubled since the 1990s.

Ms. Mallek **moved** that the Board of Supervisors adopt the attached proposed ordinance to increase compensation for the Planning Commission and Other Boards (Attachment A). 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.

ORDINANCE NO. 25-2(2)

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

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

By Amending:

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

CHAPTER 2. ADMINISTRATION

ARTICLE 2

Sec. 2-401 Composition, appointment, terms, and compensation.

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

- A. *Composition.* The Planning Commission is composed of eight members, seven of whom are voting members and one of whom is a non-voting member.
- B. *Qualifications.* All members of the Planning Commission shall be County residents and qualified by knowledge and experience to make decisions on questions of community growth and development. Members are not required to be residents of the magisterial district represented by the member of the Board of Supervisors who nominated them. At least one-half of the members shall be owners of real property.
- C. *Nomination and appointment.* Each member of the Planning Commission is appointed by the Board of Supervisors. Before being appointed by the Board, each member of the Planning Commission is nominated as follows:
 - 1. *Voting members.* Of the seven voting members, one is nominated from each of the six magisterial districts by the member of the Board of Supervisors representing that district, and one is nominated to serve at-large.
 - 2. *Non-voting member.* The non-voting member is nominated by the President of the University of Virginia.
- D. *Terms.* The terms served by members of the Planning Commission are as follows:
 - 1. *Voting members, other than at-large member.* The voting members, other than the at-large member, are appointed for four-year terms. The terms are coterminous with the term of the member of the Board of Supervisors who nominated the member.
 - 2. *Voting member, at-large.* The at-large member is appointed for a two-year term, and is appointed each even-numbered year following County elections for the Board of Supervisors.
 - 3. *Non-voting member.* The non-voting member is appointed for a one-year term.
- E. *Compensation and Expense Reimbursement.*
 - 1. *Compensation.* Each voting member of the Planning Commission shall be paid \$7,916 per year, to be paid in monthly installments. The chair of the Planning Commission shall be paid an additional \$1,545 per year, to be paid in monthly installments.

2. *Reimbursement for travel and related expenses.* Each voting member of the Planning Commission shall be reimbursed for reasonable and necessary travel and related expenses incurred to attend regular and special meetings and to discharge duties.
- F. *Vacancies.* The Board of Supervisors may appoint a qualified person to fill a vacancy. The appointment shall be for the unexpired term only.
- G. *Holdover until successor appointed.* Any member of the Planning Commission whose term has expired shall continue as a member until the Board of Supervisors re-appoints the member or appoints a successor.

(4-21-66, § 1; 2-15-68, § 1; 1-16-69; 10-16-69; 1-21-71; 7-19-73; 4-17-75; 1-15-76; 4-21-76; 1-3-77; 5-2-79; 2-13-80; 12-10-80; 2-10-82; 6-13-84; 11-14-84; 3-12-86; 9-10-86; Ord. of 8-1-90; Code 1988, § 2-4; § 2-401, Ord. 98-A(1), 8-5-98; Ord. 00-2(2), 8-2-00; Ord. 18-2(2), 4-11-18; Ord. 23-2(2), 6-7-23, 7-1-23; Ord. 24-2(2), 8-7-24; Ord. 25-2(2), 7-1-25)
State law reference(s)—Va. Code § 15.2-2212.

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CHAPTER 2. ADMINISTRATION

ARTICLE 9

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

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

- A. *Eligible boards.* Each member of the Architectural Review Board, the Board of Zoning Appeals, the Building Code Board of Appeals, the Board of Equalization, and the Fire Prevention Code Board of Appeals is entitled to compensation and reimbursement as provided in subsections (B) and (C).
- B. *Compensation to attend meetings.* Each member shall be paid \$88 for each regular and special meeting attended, provided that any member of the Board of Supervisors and any County employee appointed to a board shall not be compensated for attending meetings.
- C. *Reimbursement for travel and related expenses.* Each member shall be reimbursed for reasonable and necessary travel and related expenses incurred to attend regular and special meetings and to discharge duties.

((§ 2-1105: 6-20-74; 3-20-75; 10-16-75; 10-10-84; 4-13-88; Ord. of 8-1-90; Ord. of 7-17-91; Ord. of 12-11-91; Code 1988, § 15-2; Ord. 98-A(1), 8-5-98; Ord. 00-2(2), 8-2-00); (§ 2-1106: 6-20-74; 3-20-75; 1-15-76; 4-21-76; 10-10-84; 4-13-88; Ord. of 8-1-90; Code 1988, § 15-3; Ord. 98-A(1), 8-5-98); (§ 2-1107: 6-2-74; 3-20-75; 10-10-84; Ord. of 8-1-90; Code 1988, § 15-4; Ord. 98-A(1), 8-5-98); § 2-904, Ord. 18-2(2), 4-11-18; Ord. 23-2(2), 6-7-23, 7-1-23; Ord. 24-2(2), 8-7-24; Ord. 25-2(2), 7-1-25)
State law reference(s)—Va. Code § 15.2-514.

This ordinance is effective on and after July 1, 2025.

Agenda Item No. 23. **Public Hearing: SP-2025-00001 Field School of Charlottesville.**

PROJECT: SP-2025-00001 Field School of Charlottesville

MAGISTERIAL DISTRICT: Jack Jouett

TAX MAP/PARCEL: 06000000006800

PROPOSAL: Amend special use permit SP202100011 for a private school (Sec. 10.2.2.5) to amend Condition #9 to extend time for construction by one year.

ZONING: RA Rural Areas

COMPREHENSIVE PLAN: Rural Area.

The Executive Summary forwarded to the Board states that at its meeting on May 27, 2025, the Planning Commission (PC) voted 7:0 to recommend approval of SP2025-00001, for the reasons stated in the staff report and with recommended conditions. One resident expressed concern at the public hearing. Attachments A, B, and C are the PC staff report, action letter, and meeting minutes.

At the PC meeting, some Commissioners suggested the extension to the special use permit should be less than one year. However, staff expressed a preference for at least a one-year extension. No circumstances have changed to not grant a one-year extension. After the applicant presented its progress towards meeting the deadline of August 28, 2025, the Commission recommended approval to extend the time for construction to August 28, 2026.

Staff recommends that the Board adopt the proposed Resolution (Attachment D) to approve special use permit SP2025-00001 with the updated condition.

Ms. Rebecca Ragsdale, Planning Manager, stated that she would be presenting this amendment to the existing Special Use Permit for the Field School. This amendment would extend the time to commence the school by one year, changing the deadline for commencement of the use from August 28, 2025, to August 28, 2026. To provide some context, she would like to give a brief overview of the Field School's history and location. The Field School was situated on Barracks Road, approximately northwest of town, near the development area, in the rural area. The 21-acre property was wooded, and the main campus improvements would be located in the already cleared area.

Ms. Ragsdale said that the property was zoned Rural Areas; however, it was located close to the development area and the City of Charlottesville. She explained that the private school at this location

was first approved in March 2017, and the Special Use Permit had been amended several times. Notably, the maximum enrollment and major elements of the original 2015 plan had remained unchanged. The deadline for construction was initially set for February 28, 2022, and was later extended to 2025. The extension was made to address concerns about transportation, which was a key factor in the decision.

Ms. Ragsdale said that the applicant had acknowledged the challenges of meeting the original deadline and had been working towards it. However, in light of these challenges, the applicant and staff agreed that extending the deadline by one year was a reasonable solution. The concept plan that was originally approved remained unchanged. The site was approved with the expectation that it would include right turn lanes and left turn lanes on Barracks Road. This had not changed and the site plan would be developed in accordance with that. They had received some public comments, but none of these changes had been implemented. The applicant was building in compliance with the approved plan for Barracks Road, which included turn lanes.

Ms. Ragsdale said that in terms of the special use permit criteria, this request was limited to a one-year extension. There had been no significant changes in traffic on Barracks Road. They had included the most recent traffic counts available and those going back to 2017, and did not notice any notable increases. Therefore, they did not see a reason to deny the extension and allowed the applicant some flexibility with the timeline.

Ms. Ragsdale said that the special use permit conditions were included for informational purposes, outlining the conditions the applicant would comply with, including buffers, campus layout, hours of operation, and the maximum number of students. The only change was to condition 9, which granted a one-year extension. As she mentioned, this proposal did not propose any substantive changes, and staff did not have any concerns with recommending approval of just the one-year extension.

Ms. Mallek asked what the definition was of beginning the project.

Ms. Ragsdale replied that there was definition in the County ordinance that defines "Start of Construction." She said it is tied to the date the building permit was issued and begin construction for what is being built by placing permeant structural elements, such as pouring the slab, footings, and foundation. She said the Field School has requested concurrent review, but the site plan is still under review.

Mr. Andrews opened the public hearing.

Mr. Bo Perriello, Head of Field School, stated that he was present this evening to request a brief extension to the school's existing Special Use Permit as they worked to start the building process while ensuring compliance with all necessary regulations. He said that the Field School had had a busy year, albeit with some setbacks, and remained committed to opening the campus for the 2027-28 school year, while adhering to the original plan. For those unfamiliar, Field School was not a typical institution. They were an all-boys middle school, serving grades five through eight, and one of only three such schools in the country.

Mr. Perriello said that they had always focused exclusively on middle school education for boys and would continue to do so moving forward. They were intentionally small, with only four grades and currently 84 boys. Natural outdoor spaces had always been a core part of their school ethos and were essential to their student experience. Their goal was to preserve as much of the natural beauty and topography of the site as possible, with long-term plans for biking and hiking trails for the boys and the community. He said they planned to build in phases, with the initial phase including one building that would accommodate up to 95 boys, with limited potential for growth. They remained committed to being good partners.

Mr. Perriello stated that recently, they had brought their design team to the Colthurst Homeowners Association meeting to provide an update and address concerns. The meeting was positive, with the neighbors seeming pleased with the project, the road widening, and the left-hand turn lane improvements, while also suggesting additional traffic improvements. They agreed that their top priority was ensuring the safest possible travel for their families in the community. He said they were working closely with VDOT and would follow any and all recommendations for traffic safety and flow.

Mr. Perriello explained that they had recently completed a traffic study and had already provided copies to County staff, VDOT, the Planning Commission, and the Colthurst Homeowners Association. He would like to clarify that they were not requesting any new changes to the Special Use Permit, but rather a brief extension. He understood that this project had had a long shelf life, but he could assure the Board that they had been moving with speed and purpose to get on this campus. Over the last 12 to 18 months, they had generated significant momentum and continued to move forward as quickly as possible.

Mr. Perriello noted that as an educator, he had learned the importance of lifelong learning acknowledging how much he did not know. He said that this was why they highly valued working with a talented team of professionals, including Kendra Moon, their civil engineer from Line and Grade, and Kevin Shaffer, their architect from Design and Develop, along with Pete Morris from Faulconer Construction. They also had a dedicated group of committed volunteers running their building committee, including Wyck Knox, a current parent and principal at VMDO Architects, and Matt Wilkinson, an alumni parent from Beck Cohen, along with their Board chair, Will Sowers.

Mr. Perriello said that the building committee met every two weeks at Faulconer Construction to ensure they were consistently moving the project forward and had been doing so for well over a year now. He would like to extend his gratitude to the County staff for their assistance and their collective efforts to diligently pursue the permitting process, including recent attempts to expedite it. They currently had their final site plan and Virginia Stormwater Management Plan (VSMP) under review, as well as their initial building permit submission.

Mr. Perriello said that they had a potential path to completion by August 28, but they were aware that things did not always go as planned, so this extension request was to ensure they could stay on track. He said that they would like to thank the County staff for their recommended approval and clear, concise reasoning in the staff report provided. He said that they were pleased with the Planning Commission's unanimous recommendation for approval of this SP extension, and they appreciated their input and discussion. Both the staff and commission reminded them of the numerous State agencies involved in the review process and the time those steps can take.

Mr. Perriello stated that ultimately, he was pleased to stand before the Board today with strong recommendations from both staff and the commission. The goal remains to establish a presence on this campus as soon as possible, starting with a one-building school to house up to 95 students on this beautiful piece of land. Currently, the school was housed in a building over 100 years old that they rented from Albemarle County and shares with Crozet Arts. Every time they experienced heavy rain, they lost a third of his classroom space, displacing faculty and students. The technology was spotty, and large parts of the building were inaccessible due to asbestos

Mr. Perriello said that this, combined with the fact that the majority of the families resided in town, made this move to Barracks Road crucial for their school community. They were desperate to provide these boys with a permanent space to learn and grow. The need for a place like Field School had never been greater, given the current news highlighting the educational challenges faced by boys. This move would enable the Field School to have an even larger impact on the local area.

Mr. Gallaway asked if Mr. Perriello what the site design-related complexities had been.

Mr. Perriello said that one major issue was attempting to find an appropriate place for a septic field, which took almost a year, which was a longer period of time than they thought it would.

Mr. Gallaway asked if it was possible the school could open sooner than 2027 if the construction went smoothly.

Mr. Perriello said that in theory, it seemed like they could, but his experience so far with this process gave him the impression that it was unrealistic that they would open sooner than 2027.

Ms. McKeel noted that the applicant had prepared the traffic study, but she was wondering how VDOT reviewed this information.

Mr. Kevin McDermott, Deputy Director of Planning, explained that the applicant was required to develop the traffic study, which must be completed by a qualified engineer or similar expert. The studies were reviewed by County staff and by VDOT, who would confirm the results of the study.

Ms. McKeel said that Mr. McDermott's explanation was helpful. She added that, in all fairness, she thought some of the delays were due in part to the County.

Mr. Andrews invited members of the public who had signed up to speak.

Mr. Robert Humphris, Jr. Jack Jouett District, stated that his property adjoined the Field School. He said that he had lived there since 1970. He had previously submitted a letter, respectfully yet firmly, urging the Board to deny the Field School's request for an extension of their mandatory construction start deadline for the property on Barracks Road. He appreciated the opportunity to speak today and wished to expand on that position. He said that the original site plan proposed all traffic entering the school by crossing over an existing earthen dam, which directly violated Corps of Engineers guidelines and should never have been approved.

Mr. Humphris said that more recently, the school had made additional changes without clear oversight. At a recent Colthurst property owners meeting, the Head of School mentioned the possibility of including the eighth and ninth grade, a change from the original plan of just three grades. The school had also revised their plan to include phase construction, but he questioned whether these phases had been reviewed and approved by relevant authorities, such as VDOT, the Department of Health, and Albemarle Fire Rescue. Furthermore, the school had shifted their proposed entrance, moving it halfway up a hill on the eastbound Barracks Road, a more hazardous location with limited visibility.

Mr. Humphris said that VDOT had required a commercial entrance with both right and left turn lanes, but the school's recent submission appeared to have removed one of those required lanes. This pattern was troubling, as the school's plans continued to shift closer to the deadline, often in ways that raised safety and regulatory concerns. He said that it appeared that the school was scrambling to build something before the deadline, rather than presenting a fully vetted, community-supported plan.

Mr. Humphris said that granting another extension would reward the delay. He said the last

extension was issued nearly three years ago and enough was enough. He said that by allowing the Special Use Permit to expire, it would allow the school, the County, and the community to pause and revisit the project with fresh eyes and proper planning. He urged the Board to stand by their policies and prior deadlines; he requested that they deny this extension.

Mr. Andrews asked if the applicant had a rebuttal.

Mr. Perriello said that he wanted to clarify that regarding the complexities of the site, having discussed it with his engineer and architect, he knew that VDOT, the Health Department, and the Sewer Authority would all be part of the review process. He said that he also wanted to be respectful of Mr. Humphries' comments. First, he wanted to address the entryway, which had remained in the same location since the first submission. There had never been any approval to alter the spillway, and it had always been in the same location.

Mr. Perriello said that there had been no mention of high school grades, and they would not be including them. Furthermore, in terms of shifting pieces, they were simply requesting time, and they hoped to avoid needing all of it. They had submitted their final site plan, stormwater plan, and initial building submission, and they appreciated the County's efforts to review these documents as quickly as possible.

Ms. McKeel asked if the applicant or staff could confirm that the VDOT recommended turn lanes were still in place.

Ms. Ragsdale confirmed that they were.

Mr. Andrews closed the public hearing.

Mr. Gallaway commented that he voted for the project based on the design, but he expressed concern about the delayed timeline. He said if there were issues that could be fixed internally to ensure projects were completed in a timely manner, staff should address those issues.

Ms. McKeel echoed Mr. Gallaway's concerns and added that the Board had seen the outcome of that scenario, such as on Hydraulic Road, where the entire area changed over a long period of time and the previously approved project was no longer appropriate for the area. She said that, however, regarding the Field School project, it did not rise to that level. She said the turn lanes on that portion of Garth Road were what concerned her, but she was pleased to hear that the design had not changed. She added that she received an e-mail from the Colthurst HOA describing the community meeting and Mr. Humphris concerns, but that the meeting went well and the applicant answered their questions the best that they could.

Mr. Andrews acknowledged the changes to staffing at the Field School and other circumstances that have lead to the delay.

Ms. McKeel **moved** that the Board of Supervisors adopt the Proposed Resolution (Attachment D) to approve Special use Permit SP2025-00001 with the updated condition. 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 SP20250001
FIELD SCHOOL OF CHARLOTTESVILLE**

WHEREAS, upon consideration of the staff report prepared for SP202500001 Field School of Charlottesville, the recommendation of the Planning Commission and the information presented at its public hearing on May 27, 2025, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-10.2.2(5) and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use permit amendment would:

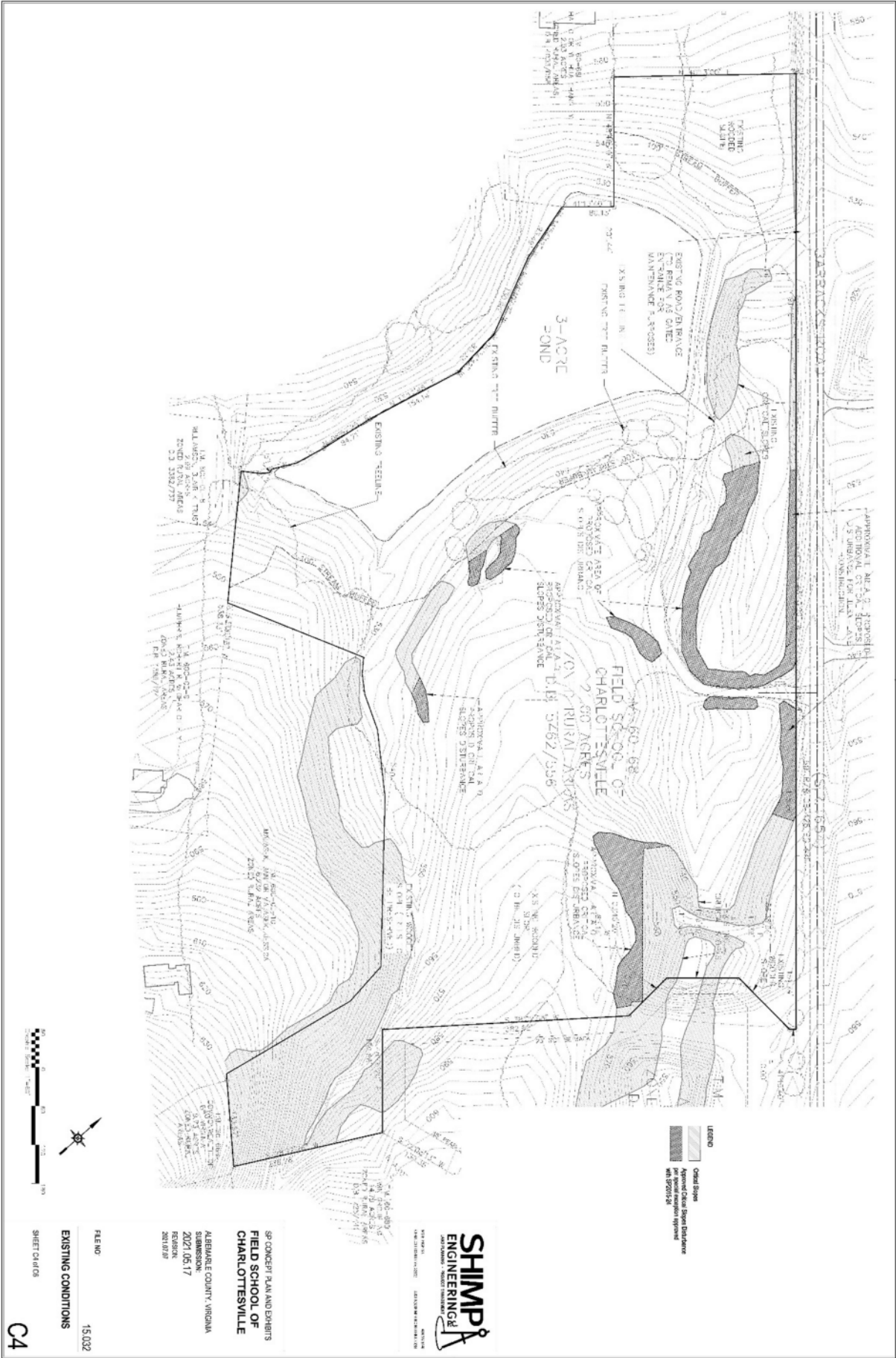
1. not be a substantial detriment to adjacent parcels;
2. not change the character of the adjacent parcels and the nearby area;
3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the Rural Areas district, and with the public health, safety, and general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

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SP202500001 Field School of Charlottesville, subject to the conditions attached hereto.

SP20250001 FIELD SCHOOL OF CHARLOTTESVILLE- CONDITIONS

1. Development of the use must be in general accord with the concept plan entitled “Special Use Permit Concept Plan and Exhibits, Field School of Charlottesville, SP2021-00011 – Amendment to SP2019-12, Tax Map 60, Parcel 68, Albemarle County, Virginia,” prepared by Shimp Engineering, P.C., dated 2021.05.17, last revised 2021.07.07, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the concept plan, the development and use shall reflect the following major elements as shown on the concept plan:
 - a. Locations of buildings and sports fields within the indicated envelopes
 - b. Maximum total building footprint of thirty thousand (30,000) square feet
 - c. Maximum footprint of twelve thousand (12,000) square feet for any single building
 - d. Preservation and installation of tree buffers as indicated
 - e. Preservation of wooded areas and slopes outside of building and sports field envelopes as indicatedMinor modifications to the plan which are in general accord with the elements above may be made to ensure compliance with the Zoning Ordinance. Modifications are to be considered in terms of minimizing or improving impacts on adjoining properties and roadways. Buildings and parking may be developed in phases.
2. The maximum enrollment must be no more than one hundred fifty (150) students.
3. Classroom instruction must not begin before eight o'clock a.m. (8:00 a.m.) and must not continue later than five o'clock p.m. (5:00 p.m.). These hours shall not apply to sports events. Classes shall not be held on Saturday or Sunday.
4. Occasional non-sporting school-related events may occur on and after five o'clock p.m. (5:00 p.m.) on Monday through Friday and at any hours on Saturday and Sunday. Occasional community events may occur on and after six o'clock p.m. (6:00 p.m.) on Monday through Friday and at any hours on Saturday and Sunday.
5. No construction for the use shall begin without written approval of the proposed septic facilities from the Virginia Department of Health.
6. No outdoor lighting of sports fields shall be installed for this use.
7. There must be no outdoor amplified sound associated with this use.
8. Any new outdoor lighting shall be only full cut-off fixtures and shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at the property lines to no greater than 0.3 foot candles shall be submitted to the Zoning Administrator or his designee for approval.
9. If the construction of the private school for which this Special Use Permit is issued is not commenced by August 28, 2026, the permit shall be deemed abandoned and the authority granted thereunder shall thereupon terminate.

* * * * *



if all necessary approvals were obtained. She noted that Mr. Blount had successfully carried through several of these projects with the General Assembly, including the two stages of the James River, which were completed in the last 20 years. She said that the Moormans River project had been completed in the 1980s.

Mr. Andrews asked if action from the Board was necessary or if it was a matter of the Board supporting the initiative and for staff to follow up with more information.

Mr. Herrick said that he believed the next step would be to authorize the County Executive to sign a letter requesting that the DCR study this. He said the letter was not a commitment; rather, it was a request to study it and DCR would determine whether or not the County's portion of the river was eligible for the scenic river designation.

Mr. Pruitt said that he had reviewed what the outcome of the designation would be, which had three components. He explained that this designation would mean that any dam constructed in the river would require General Assembly approval, the local government could adopt a tax abatement program for adjacent properties to the river due to the scenic value, and it would give favorable consideration for grant programs through the Virginia Land Conservation Fund and the Virginia Recreational Trails program.

Mr. Pruitt said that with those factors in mind, he was unsure if the designation made sense for the Hardware River. The tax abatement programs seemed similar to programs the County already had, and he was unaware of any programs that were applicable to those grant opportunities. Considering most of the land along the river was privately owned, there was little opportunity for recreational trails. This left them with the restriction on dams, which potentially could be a positive aspect, but he was concerned that creating that restriction may have unintended consequences in the future, such as if the flow of the river changed in such a way that a dam may actually be helpful, but then they could not construct one due to the scenic river designation. He said that based on the information he had, he was unsure if he could support the designation of the Hardware River as a scenic river.

Ms. McKeel said she agreed with Mr. Pruitt; she did not want the scenic river designation to stop them from being able to construct essential infrastructure such as cell towers and roads. She did not see the point in expending staff's time on this issue, and she was not supportive of this at this time.

Mr. Andrews said that he would be supportive of designating the Hardware River as a scenic river. He believed the benefit of it being a scenic river did not preclude development from occurring where necessary; the river was characteristic of the County, and the designation would be a confirmation of the ecological value.

Ms. Mallek said that to clarify, because the river was water of the Commonwealth, the locality could not construct a dam on the river anyway. Additionally, State agencies were not interested in constructing many dams in general due to the engineering difficulties. She said that Blueway Trails would likely be useful for State funding.

Mr. Andrews noted that DCR still had to evaluate the designation.

Mr. Herrick clarified that the letter would be requesting the Department of Conservation and Recreation to perform a study to determine if the river qualified for state scenic river designation, which was the first step in the process. County staff had a draft letter that could be provided.

Mr. Andrews said that it was his understanding that they would be working with Fluvanna County.

Mr. Herrick said that his understanding was that Fluvanna County had requested the designation for the Fluvanna portion of the river. He said that according to the rules, it was the host locality that could request the designation for the portion of the river within its own locality.

Ms. LaPisto-Kirtley asked if the designation would result in restrictions on the land on either side of the river.

Ms. Mallek clarified that it was honorific and not regulatory.

Mr. Pruitt said that there was an advisory committee that allowed the scenic river's participating localities to provide input on issues affecting the river.

Ms. McKeel said that she still had concerns that the designation could be used to stop development in the future, so she was not in favor of it.

Ms. LaPisto-Kirtley asked if Ms. McKeel could explain that point.

Ms. McKeel said that many places in Scottsville had been designated as scenic and historic and their constituents had used those designations as reasons to stop cell towers from being built.

Mr. Pruitt said that it was possible for the Board to create separate land use criteria that referenced the scenic river designation which had happened with historic districts. He understood Ms. McKeel's concern to be that a future Board could require special use permits for any lands that bordered scenic river designated areas. However, such a thing did not exist currently.

Ms. Mallek **moved** that the Board of Supervisors send a letter requesting the Department of Conservation and Recreation, signed by the County Executive, to commission a study on a potential scenic river designation for the entire length, including the Albemarle County portion, of the Hardware River. Mr. Pruitt **seconded** the motion.

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

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

Item No. 24.b. Appointment of Ned Gallaway as Voting Delegate for the 2025 NACo Annual Conference.

Ms. LaPisto-Kirtley **moved** that the Board of Supervisors appoint Ned Gallaway as Voting Delegate for the 2025 NACo Annual Conference. 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.

Item No. 24.c. Other Matters.

Ms. Mallek said that she would like to bring to their attention the annual report of the Piedmont, Virginia Workforce Center. She said that yesterday, they had a joint board meeting with their industry board, business board, and elected officials board. She noted that the federal government is proposing to eliminate funding for all youth training as part of the new budget. This made it even more crucial for their County to focus on career preparedness, which had already been discussed in their education systems for high school students; it was essential that they were aware that this potential change may be coming.

Ms. Mallek said that the local board had been recognized as an exemplary performer by the State agency, meeting all their performance goals ahead of time. She hoped the Board members would review this information and take note of the fact that a majority of training were coming from Albemarle County due to the training center at Glenwood Station.

Mr. Gallaway reported that at the Thomas Jefferson Planning District Commission (TJPDC) meeting earlier this month, a regional housing study was initiated. He said that the literature review, in particular, was one of the more intriguing aspects of this project. He said that it would take a couple of years to complete, although it would likely be longer than that. He said that the update to the hazard mitigation plan for 2028 was underway.

Mr. Andrews said that the Solid Waste Alternatives Advisory Committee (SWAAC) had met and had requested that they consider hauler requirements, and a letter had been circulated expressing this interest. He said that an additional letter had been circulated requesting that they consider designating their city as a biophilic city, which would make them part of the biophilic region. While this was something they could explore in the future, he was particularly interested in pursuing this designation.

Agenda Item No. 25. Adjourn.

At 8:09 p.m., the Board adjourned its meeting to July 16, 2025, 1:00 p.m. in Lane Auditorium, 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: 01/21/2026
Initials: CKB