

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on February 5, 2025, at 5:00 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 (arrived at 5:01 p.m.), Ms. Beatrice (Bea) J.S. LaPisto-Kirtley, Ms. Ann H. Mallek, Ms. Diantha H. McKeel, and Mr. Mike O. D. Pruitt.

ABSENT: none.

OFFICERS PRESENT: County Executive, Jeffrey B. Richardson; County Attorney, 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 5:00 p.m., by the Chair, Mr. Jim Andrews.

Agenda Item No. 2. Closed Meeting.

At 5:01 p.m., Mr. Pruitt **moved** that the Board go into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia, under subsection (1): to discuss and consider both:

- appointments to various boards and commissions including, without limitation: the 5th & Avon Community Advisory Committee, the Economic Development Authority, the Equalization Board, the Historic Preservation Committee, the Natural Heritage Committee, the Pantops Community Advisory Committee, and the Places 29 (North) Community Advisory Committee; and
- appointment of the County's Director of Facilities and Environmental Services.

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. 3. Certify Closed Meeting.

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

Non-Agenda Item: Resolution Appointing Director of Facilities and Environmental Services.

Ms. McKeel **moved** that the Board of Supervisors approve the resolution appointing Jeffrey Dumars as the Director of Facilities and Environmental Services, effective February 8, 2025. 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 APPOINTING JEFFREY DUMARS AS THE DIRECTOR OF FACILITIES AND ENVIRONMENTAL SERVICES

BE IT RESOLVED by the Board of Supervisors of the County of Albemarle, Virginia ("Board") that:

1. Upon the recommendation of the County Executive, Jeffrey Dumars ("Dumars") is hereby appointed the Director of Facilities and Environmental Services for the County of Albemarle, Virginia, pursuant to *Virginia Code* § 15.2-512, effective February 8, 2025;
2. Dumars will serve as Director of Facilities and Environmental Services at the pleasure of the Board and for an indefinite term pursuant to *Virginia Code* § 15.2-513;
3. Dumars will serve as the head of the County's Department of Facilities and Environmental Services will have the powers and duties authorized by State and County laws; and

4. Dumars will act under the supervision of the County Executive.

Agenda Item No. 4. Boards and Commissions.
Item No. 4.a. Vacancies and Appointments.

Ms. McKeel **moved** that the Board make the following appointments to Boards and Commissions:

- **Appoint** Ms. Naomi Aitken and Ms. Amanda Brookman to the 5th & Avon Community Advisory Committee, with said term to expire on September 30, 2026.
- **Appoint** Mr. William Howard as the Jack Jouett District representative, and Mr. David G. Mitchell as the White Hall District representative, to the Equalization Board with said terms to expire on December 31, 2025.
- **Appoint** Mr. Dennis Hughes to the Historic Preservation Committee, with said term to expire on June 4, 2027.
- **Appoint** Mr. Robert Jennings to the Natural Heritage Committee, with said term to expire on September 30, 2028.
- **Appoint** Mr. Anthony Jargowsky to the Pantops Community Advisory Committee, with said term to expire on June 30, 2026.
- **Appoint** Mr. Jeffrey Dumars, Director of Facilities and Environmental Services, to the Rivanna Solid Waste Authority, with said term to expire on April 1, 2027

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. Call to Order. The meeting was called back to order at 6:02 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, Officer Jordan Allen and Officer First Class Justin Gibson.

Agenda Item No. 6. Pledge of Allegiance.
Agenda Item No. 7. Moment of Silence.

Agenda Item No. 8. Adoption of Final Agenda.

Mr. Andrews said that he heard no recommendations for any amendments or changes and asked if there was a motion.

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

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

Mr. Andrews said that he would like to take a moment to acknowledge the recent appointment of a new Director of Facilities and Environmental Services. He asked if the County Executive had anything to add.

Mr. Jeff Richardson, County Executive, said that it was his honor and privilege to invite Mr. Jeffrey Dumars to the podium to briefly introduce himself. He said that he knew that the Board was familiar with Mr. Dumars, but their community may not be. He said that Mr. Dumars had been with this organization for just over a year, initially hired as the Deputy Director of the Department of Facilities and Environmental Services (FES). He said that their staff had had the opportunity to work with him in that capacity as well as his service as Interim Director. He said that as a result, they had had the opportunity to evaluate his work and collaborate with him on a daily basis.

Mr. Jeffrey Dumars, Director of Facilities and Environmental Services, said that this was a tremendous honor. He said that it had been a privilege for him to join the local government organization over the last year and lead the Facilities and Environmental Services Department. He said that the appointment came as a result of the past Director's early departure, Lance Stewart.

Mr. Dumars said that he was uniquely fortunate to take over a department that Mr. Stewart had fostered, focusing on dedication to service, hard work, and excellence. He said that he had big shoes to fill. He said that his success as Interim Director and his honor that evening represented a greater team effort, as he had been supported by such a great organization and the FES Department, which was filled with talented, steadfast leaders and staff.

Mr. Dumars said that he would like to thank the FES team, particularly division chiefs Blake

Abplanalp, Bill Strother, and Greg Harper, as well as all of the staff, for their tireless efforts to keep the department running smoothly. He said that their dedication to operational, environmental, developmental, and service tasks was essential to the local government's functioning.

Mr. Dumars said that he had also had the opportunity to work with talented leaders and staff from other departments, who had contributed to his and the department's success. He said that he would like to thank those partners and that he looks forward to developing deeper partnerships. He said that he also wanted to thank the Board for their countless hours of leadership and support, which were truly amazing. He said that he personally appreciated their support, that FES loved supporting all of the County's leadership and departments, and that he was grateful for the continued support of FES.

Mr. Dumars said that he was confident that the department would continue to be effective and that they were ready to do the hard work necessary to improve and to strive for continued success. He said that he was up for the challenge, and that he looked forward to helping the department, organization, and community thrive. He thanked the Board again for their support.

Mr. Dumars said that to provide a bit more information about himself, he had been with the organization for a year, having previously served as the Director of Campus Planning at Virginia Tech for approximately three years prior to that, as well as doing similar work for other universities and facilities organizations. He said he had two children, and he was excited to be here.

Ms. LaPisto-Kirtley said that they were thrilled that he had accepted the position. She said that she had noticed that he had mentioned Virginia Tech, but unfortunately, he had not mentioned San Luis Obispo, Cal Poli, which was a great school. She said that she wanted to bring that to the audience's attention, as she knew how much they valued that information. She said that she also wanted to express their genuine happiness that he was on board, and she believed he had demonstrated his capabilities through the hard work and challenge he had mentioned, which was exactly what they were facing, and she had no doubt he was up to the job.

Ms. McKeel welcomed Mr. Dumars. She said that they have a great team here, and their employees are truly outstanding. She said that when she heard he had experience at Virginia Tech, she was particularly excited because they did a lot of great things down there, including their transit system. She said that she just wanted to say that they were thrilled to have him on board. She said that in her experience, Mr. Dumars recently played a key role in the opening of Biscuit Run, and she was impressed by the team's outstanding performance at that event. She said that it was a great addition to their park acreage in the County, and she thanked him.

Mr. Gallaway congratulated Mr. Dumars on his promotion and the step up. He said that a good sign was that during his interim period, the department maintained its momentum and did not lose a step. He said that they had always been appreciative of that. He said that with him now in the permanent position, they believed they had the right person in the seat. He said that he wished him all the best and that he looked forward to working with him as they collaborated.

Ms. Mallek thanked Mr. Dumars already for the previous communications regarding snow shoveling and other maintenance tasks during his first year. She said that these seemingly small things were very important to the communities who Mr. Dumars' department and the County served. She said that she appreciated his attention to guiding them in the right direction, getting these tasks accomplished, and also overseeing the environmental and construction aspects of the multimillion-dollar buildings. She said that that was a significant responsibility, and she appreciated the skills of his many staff members who could effectively manage all those areas.

Mr. Pruitt said that after Mr. Dumars had joined the organization, a combination of fate and bad luck had thrown him into the fire almost immediately. He said that that take it, I got it, kind of approach to leadership without missing a single step must have been incredibly testing, and the fact that Mr. Dumars had continued to lead the department with energy and a willingness to learn, adapting quickly to the role, spoke volumes about his capabilities. He said that he was very excited for him to take on this leadership role.

Mr. Andrews said that they were good people, and that they were fortunate to have him. He offered his congratulations and said that he appreciated Mr. Dumars being there, and he thanked Mr. Dumars.

Agenda Item No. 9. Brief Announcements by Board Members.

Ms. McKeel said that she would like to remind everyone about a couple of upcoming events. She said that the 2025 State of the Community event, hosted by the Chamber of Commerce, was scheduled for Friday, February 21, 2025, from 8:00 a.m. to 10:00 am at Piedmont Virginia Community College (PVCC). She said that the speakers would include Sam Sanders from the City, Jeff Richardson from the County, Antwon Brinson from Culinary Concepts, and Hamilton Lombard from the Weldon Cooper Center. She said that she encourages everyone to visit the Chamber website for more information.

Ms. McKeel said that she would also like to mention the grand opening of the Albemarle Employee Care Clinic, a health clinic for Albemarle County employees on both the School's side and the Government side, which was recently held. She said that this clinic is a game-changer for their employees' healthcare, and she was glad many people were able to attend the ribbon-cutting ceremony.

She said that the first location is at the Pantops location, and that the second location would be opening on Route 29 north, near the intersection of Woodbrook and Lowes.

Ms. McKeel said that a Virginia Department of Transportation (VDOT) notice was recently released, stating that work on the Old Ivy Road bridge deck replacement will begin on February 17. She said that detours will be necessary, and more information can be found on the VDOT website under "Projects".

Mr. Gallaway said that an item not included in the VDOT quarterly report last month was the Hillsdale-Greenbrier intersection, which was being upgraded with a modular roundabout through VDOT and funded through their safety improvement budget, was separate from their regular report. He said that this project was moving forward and had already passed the design stage.

Mr. Gallaway said that the designs were currently being reviewed, and it was not expected to be completed by the end of the fiscal year, although it may be finished by the end of the calendar year. He said that after July 1, it was likely to be completed by the fall. He said that the modular roundabout was a new type of design that was more cost-effective than traditional roundabouts, addressing both speed and intersection issues at that location.

Ms. Mallek said that she was grateful for that news, as it would work much better than her previous suggestion of placing a large hay bale in the center. She said that when one attended the State of the Community event at PVCC, they would be able to park their car in the parking lot under solar panels, which had been installed over the parking lot, providing a unique opportunity to see how that worked up close.

Ms. Mallek said that this was the season for awards dinners for Fire Rescue, and she was privileged to attend the Crozet Volunteer Fire Department dinner. She said that they were celebrating their 115th anniversary this April, and there would be many more celebrations to come. She said that the Western Albemarle Rescue Squad, founded in 1978, recently celebrated the learning and achievements of their 130 active members, who responded to over 2,100 calls in 2024.

Ms. Mallek said that they also celebrated the graduation of 28 new members, including nine juniors who completed their training while still in high school. She said that a wonderful photograph of them in their caps and gowns was taken, showcasing their achievement. She said that many of them were in attendance at the party last night. She said that the rookies ranged in age from a retired lawyer and local businessmen in their 50s to those teenagers. She said that recognitions were given to the winner of the Francis Henry Award, a young woman who ran 181 calls in 2024.

Ms. Mallek said that Bob Knox and his wife Leanne, who was on County staff as the wellness person, had been active members since 1980, and were also recognized. Additionally, Chief Kostas Albertis, who had been Chief since 1984, was recognized for his strong leadership, which had contributed to the high performance and standard of the organization, as well as his strong family atmosphere, which kept members coming back year after year. She said that she would like to extend her congratulations to all the agencies and their members for providing strong service to the community and inspiring everyone.

Mr. Pruitt said that he would like to extend his gratitude to their housing advocates who had joined them today. He said that he would also like to remind his fellow Board members that the coalition advocating for housing was often large and represented a disproportionately large portion of their community, including individuals who desperately needed deeper investment in fair housing. He said that they had made a publicly available letter outlining their demands, which he encouraged the community to review to understand the specific requests being made. He said that while some of these demands may be more achievable than others, he believed it was essential for them to collectively delve into these issues as a Board. He said that he was grateful for their presence today.

Mr. Pruitt said that unfortunately, the Hatton Island Ferry was closing permanently, and it would not reopen this summer. He said that although this was unfortunate, it was a long time coming, as he had discussed with the Historical Society during his past campaign. He said that it was an unsustainable economic model, which was tragic.

Mr. Pruitt said that this highlighted, along with five small businesses that had shut down or were sold in the past month in Scottsville, the serious concerns he had about the economic vibrancy of that region and what collective work could be done between the Town Council and the Board of Supervisors to catalyze economic activity in that region. He said that he hoped they would have the opportunity to discuss this further in their joint meeting with the Town of Scottsville later this year.

Mr. Pruitt said that he would like to remind the public about the upcoming elections. He stated that the primary election was scheduled for June 17, with early voting beginning on May 2.

Mr. Pruitt said that he would also like to address the recent federal government actions, which had had a significant impact on their community. He said that about 9% of their Virginia workforce was employed in nonprofit work, and the number was higher in their local region due to UVA, environmental nonprofits, and many things driven by that engine. He said that the administration's illegal impoundment of congress-approved funds had really thrown a lot of people's work life into jeopardy.

Mr. Pruitt said that they had a significant number of professionals in this area, many of whom were affiliated with the university and worked on federal contracts. He said that the Department of

Government Efficiency (DOGE) administration had initiated an illegal line-by-line effort to eliminate and cancel these individual contracts, resulting in stop work orders. He said that his closest friend had to lay off 30 people and was likely to be furloughed for the next three months, with a high likelihood of being fired at the end of that period.

Mr. Pruitt said that this was happening to many other university staff members who administered federal contracts. He said that this was reported in the C-Ville Weekly yesterday. He said that transgender individuals under 20 in their community, many of whom were adults, had had their care terminated by an illegal order. He said that this meant a complete loss of access to their psychiatrists, an interruption of their medical care, including medication and hormone treatment, being abruptly stopped mid-cycle.

Mr. Pruitt said that he had received calls from close friends who were concerned that they did not know how to get a passport anymore, and they wanted to know what kind of lawyer they should see. He said that his answer was that there was not a specific lawyer for this issue, as it was novel. He said that he was attending an emergency wedding on Friday for two trans friends of his. He said that their School System had been specifically named in a legal order that sought to take away curricular control. He said that the officers on this dais had been threatened by the Department of Justice (DOJ) if they attempted to interfere with these actions.

Mr. Pruitt said that in their own budget, 1,500 people received housing choice vouchers, allowing them to live in their preferred locations. He said that the Albemarle Housing Improvement Program (AHIP) was funded in part by Community Development Block Grants (CDBG) and home grants through Charlottesville and the Thomas Jefferson Planning District Commission (TJPD). He said that the telecom initiative to expand broadband throughout the County, which was a state grant, also received federal funding. He said that it was unclear to him if this meant that there would be a potential interruption of work laying the line in Keene, expected later this year, and they did not have a clear answer as a community yet.

Mr. Pruitt said that Latinos and immigrants were a significant part of their population, particularly in his district, Scottsville, where they comprised a large concentration of this community. He said that some of them were undocumented. He said that those undocumented individuals made up approximately a fourth of the construction workforce and a fourth of the agricultural workforce in this County, both of which were industries that they emphasized the importance of sustaining and supporting.

Mr. Pruitt said that he was not aware of any credible claims of an Immigration and Customs Enforcement (ICE) raid in this community, but people were fearful. He said that as part of a call to lawyers to court watch in case ICE began to make arrests during civil and criminal dockets, he had been involved in organizing a response.

Mr. Pruitt said that students from Monticello High School (MHS) had organized a large, peaceful rally that emerged from a mix of joy and fear for their community. He said that this was a reminder that these were uncertain and harrowing times, and he did not think it was beneficial to pretend that this was not true. He said that the current American federal administration was marked by a contempt and sometimes hatred for Americans.

Mr. Pruitt said that this necessitated that as a community, they had strong backbones and a great deal of moral grit. He said that even though individuals on this dais may disagree on various issues, he was confident that they all had a steel backbone and a strong moral grit. He said that he hoped that the community could find solace in this.

Agenda Item No. 10. Proclamations and Recognitions.
Item No. 10.a. Proclamation Celebrating Black History Month.

Ms. McKeel **moved** to adopt the Proclamation Celebrating Black History Month, which she read aloud.

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

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

Proclamation Celebrating Black History Month

WHEREAS, February 2025 marks the 99th anniversary of Historian Carter G. Woodson's Dedication in promoting the achievements of Black Americans and people of African Descent; and

WHEREAS, February 2025 marks the 49th anniversary of the federal recognition of Black History Month; and

WHEREAS, Albemarle County celebrates the wisdom of civil rights leaders and community builders this month (and every day); and

WHEREAS, Albemarle County seeks to acknowledge and recognize Black Americans in the local workforce and community who contribute much time and service to enhancing the well-being of all residents; and

NOW, THEREFORE, BE IT PROCLAIMED that we, the Albemarle County Board of Supervisors, do hereby honor and celebrate Black History Month as an opportunity for all County residents to recognize and support the social, physical, and cultural contributions of Black Americans, and to take meaningful actions to create a more equitable and inclusive community for all.

Signed this 5th day of February 2025

Ms. Rebecca Kinney, President of St. John Family Life and Fitness Center, said that she was deeply honored to receive this proclamation, recognizing Black History Month and the work they did at St. John Family Life and Fitness Center.

Ms. Kinney said that she wanted to express her sincere gratitude for this meaningful acknowledgement. She said that Black History Month was a time to reflect on the resilience, contributions, and achievements of African Americans, both past and present. She said that for her, this recognition was not just personal, but it represented the legacy of a community that had persevered, uplifted one another, and worked tirelessly to preserve their history while building a strong future.

Ms. Kinney said that the St. John Family Life and Fitness Center stood on the foundation of the historical St. John Rosenwald School. She said that the Rosenwald School was a school that once provided education to Black children during segregation, and a time when opportunities were scarce or non-existent. She said that today, through the Center, they continued that mission by promoting health, education, and community engagement for all.

Ms. Kinney said that their work was about bridging generations, honoring their past, and creating opportunities that ensured a brighter future. She said that this recognition from the Albemarle County reinforced the importance of preserving history, fostering wellness, and building community. She said that it was a testament to what could be achieved when people came together with a shared vision.

Ms. Kinney said that she wanted to extend her gratitude to the Board of Supervisors and their dedicated volunteers, partners, and community members who had continued to support their mission. She said that this recognition belonged to everyone who had contributed to this journey. She said that it had been a long journey, and they were not finished yet.

Ms. Kinney thanked the Board again for this honor. She said that she looked forward to continuing this important work together. She also said that she wanted to take a moment to acknowledge the support of Ms. Bea LaPisto-Kirtley, who had been instrumental in connecting them with the right people and resources, which had helped them lay fiberoptic cables on their road, allowing them to have internet. She said that while the cables were laid, they were not yet connected. She said that however, they were hopeful that they would be soon. She said that she wanted to express her gratitude to each of the Supervisors for their support.

Ms. Kinney said that she would like to mention that recently, when she was writing a grant for the Commonwealth History Fund, she reached out to Ms. LaPisto-Kirtley for her endorsement. She said that she secured her own endorsement, as well as endorsements from everyone, including the Supervisors. She said that unfortunately, they were unable to secure the grant this time due to the main application exceeding the available funding.

Ms. Kinney said that they were encouraged to reapply in 2026, as the grant was intended to commemorate America's 250th anniversary in 2026. She said that they also planned to update their museum technology to enhance the visitor experience. She said that they were truly grateful for the Board's support and recognition, which they appreciated greatly.

Ms. LaPisto-Kirtley thanked Ms. Kinney for accepting the proclamation. She said that she also wanted to express her gratitude for her hard work. She said that she believed that they would likely support St. John again next year when they applied for the grant. They were committed to helping them. She said that as they had done in the past, the Board had also provided donations to the community center. She said that they would continue to support them. She said that those connections were coming, and that the fiber was laid, and now the connections would be made to the homes. She said that this journey had been challenging, but progress had been made. She said that if Ms. Kinney would be so kind, she would appreciate it if she would introduce the people with her.

Ms. Kinney said that with her were the members of their board, including Vice President and Pastor Kelvin Hawkins, Penny Hawkins, who served on the advisory board, and their daughter Tia.

Ms. LaPisto-Kirtley said that she had known Ms. Kinney for about five years now, since she first joined the Board, it had been an absolute joy and a pleasure. She said that she always looked forward to attending all the events and, as she knew, she enjoyed eating the delicious food. She said that that helped sustain her, and she appreciated that.

Ms. LaPisto-Kirtley said that she believed they would always be there to support her, and that she was a great example of community involvement and what could be achieved when people cared and

came together to care and get things done. She said that she was a true mover and shaker, and that she appreciated all that she did.

Ms. McKeel thanked Ms. Kinney for being present today. She said that she had wanted to mention that she had failed to highlight the historic marker. She said that the marker commemorated the Rosenwald School. She said that many of them were present at the ribbon-cutting for the historic marker for this school, which was a significant piece of their history.

Ms. McKeel said that she would like to take a moment to recognize Black History Month. She said that before Ms. Kinney left, she would like to give her a copy of the proclamation. As they celebrate Black History Month, she said that she would like to reflect on her teaching days in the early 1970s at an elementary school in Virginia that was not diverse. She said that at that time, they had no African American students, no African American teachers, and their diversity consisted of a few Asian students.

Ms. McKeel said that during those years, February was her favorite teaching month because the school supported Black History Month. She said that the school's support allowed her to highlight the achievements of African Americans and teach about those who were important to their nation's history.

Ms. McKeel said that this experience empowered her to include Black History in her curriculum throughout the year. She said that today, she was grateful to live in a community that celebrates the diversity of all its members, regardless of race, disability, gender, or sexual orientation. She said that she was reminded of a quote by Stacey Abrams, author and former Georgia State Representative: "Blackness has been the longest-standing form of discrimination in this country, but the reality is, they start there, but it never stops there. We must remember when we create a safe environment for some, we create a safe environment for everyone. As elected officials, it is our duty to continue doing what is right and to always speak out against discrimination." She thanked Ms. Kinney for being there.

Mr. Gallaway thanked Ms. Kinney for being here. He said that these proclamations often provided an opportunity for reflection on different things that had had meaning or left an impact on them. He said that he appreciated that they had found a new leader, Stacey Abrams, an African American leader, because he too had had a chance to reflect on something that many of them had heard.

Mr. Gallaway said that their House minority leader, Hakeem Jeffries, succinctly captured the essence of diversity, equity, and inclusion (DEI). When he was asked to respond to the issues around DEI, he said: "diversity, equity, and inclusion are American values. Perhaps I can explain. The motto of the United States of America is E Pluribus Unum; 'out of many, one.' That is diversity. The 14th Amendment to the United States Constitution, one of the most important amendments in their country, provides equal protection under the law. That is equity. In this country, we pledge allegiance to flag of the United States of America, a flag that we just presented to the new President and Vice-President, and in that pledge, we promise one nation, under God, indivisible, with liberty and justice for all. ALL – that is inclusion. Not complicated. Diversity, equity, and inclusion are American values. It is about economic opportunities; about merit for everyone based on what you know, not who you know."

Mr. Gallaway said that Mr. Jeffries was a new minority leader, and that we are getting new and fresh ideas and voices born out of this idea, born out of the Black experience, which cherished and understood what the American ideal was supposed to be, and because it did not live up to its promise, has held him to account and continues to. He said that Ms. Kinney's words about preserving history were spot on, as there were many individuals who would prefer not to have certain histories preserved. He said that the truth must be acknowledged and accepted. He said that he appreciated Ms. Kinney's comments on this matter. He thanked Ms. Kinney for being here.

Ms. Mallek said that as a child, she was fortunate to grow up in rural Albemarle, surrounded by many African American Albemarle farmers and their children. She said that today, numerous groups in the White Hall District, neighbors living around parish houses, taking care of cemeteries, researching the locations of buildings and the families that lived there, and coming together to support and preserve as many of those historic structures and the memories they contained as possible. She said that this was an important part of their history, and it was essential that they learned from and shared it with the younger generations moving forward. She said that Ms. Kinney was an inspiration in this effort, and she was deeply grateful.

Mr. Pruitt said that he would like to express his gratitude to Ms. Kinney and her organization for the outstanding work done in preserving the center. He said that he had a friend who he respected who served as vice mayor in Glasgow in the Shenandoah Valley. He said that she was a young Black woman who had spoken about the pride she felt in being able to get funds reinvested into the historic Black community center during her time on that city council. He said that she felt it was essential to be able to effectively communicate the importance of these spaces, particularly in smaller rural communities, where they served as repositories for history, hopes, and dreams, and embodied the essence of community and government. He said that he valued the work that their organization did in preserving this legacy.

Mr. Pruitt said that when it came to Black History Month, they all approached it from a unique angle, and he thought about it in terms of civil rights. He said that many people pictured Dr. King and the Civil Rights Act. He said that he worked as a civil rights lawyer and that he was still suing landlords every day for the things they do against Black people. He said that there were more vindicated lawsuits, with people winning cases against landlords for discriminatory practices than there were when the Civil Rights Act was passed. He said that segregation indexes were higher in many parts of Virginia now than they were in the 1960s, and the Black wealth gap remained significant.

Mr. Pruitt said that therefore, he believed it was essential to remember that Black History was not just about celebrating the past, but also about acknowledging the ongoing struggle and the need for continued action. He said that they must continue to pursue those lawsuits and close the wealth gaps. He said that they must also continue to do the incredible work that he knew Ms. Kinney's organization and greater community was striving for, and he hoped that this Board could continue to provide support and assistance to their community.

Mr. Andrews said that he agreed with his colleagues and expressed his sincere appreciation for Ms. Kinney's presence, the valuable work she was doing at the St. John Family Life and Fitness Center, and her remarks. He said that he was grateful for her dedication. He said that he also wanted to ensure that she received this proclamation before she departed.

Ms. McKeel presented the proclamation to Ms. Kinney.

Agenda Item No.11. Public Comment on: Matters Previously Considered or Currently Pending Before the Board (Other than Scheduled Public Hearings).

Ms. Marta Keane, retired Chief Executive Officer (CEO) of Jefferson Area Board on Aging (JABA) and Rio District resident, said that she was pleased to be here tonight to introduce their new CEO, Judith Selzer. She said that Ms. Selzer brought 20 years of experience leading nonprofits, a deep concern for the health of many, and executive coaching expertise. She said that Ms. Selzer was passionate and enthusiastic and having been on the job for just her fourth week, she was still coming back, which was a very positive sign.

Ms. Keane said that although Mr. Pruitt mentioned some challenges Ms. Selzer would face, particularly given that JABA was funded by the Older Americans Act, they were closely monitoring the situation, Ms. Selzer was undaunted. She said that Ms. Selzer was ready to take on this challenge, and they were pleased and excited that she had joined them. She said that she was proud to have Ms. Selzer here tonight to meet the Board.

Ms. Judith Selzer, Rivanna District, said that she was deeply appreciative of the Board's continued investment in the aging community. She said that it was an honor to be joining JABA, the Jefferson Area Board on Aging, as their new CEO. She said that she was aware that she had very big shoes to fill following Ms. Keane, and she was glad that she would continue to be here to guide her.

Ms. Selzer said that it was such an important organization, and she was grateful for the investment the Supervisors all continued to make in their seniors and those living with disabilities throughout the County. She said that she had visited Richmond that day, at the Capitol, meeting with state elected leaders to discuss the growing need for support in their area.

Ms. Selzer said that by 2030, one in four people in central Virginia would be over the age of 60, and the aging community was expected to continue growing rapidly. She said that in their area, 31% of seniors lived alone, and about 10% lived below the federal poverty level. She said that the services they provided every day, such as home-delivered meals, case management, community centers, and community support, were incredibly important in ensuring their constituents could live independently and with dignity. She said that she wanted to express her gratitude and appreciation for the Board of Supervisors, and she looked forward to working with them.

Mr. Mark Lorenzoni said that he and his wife Cynthia and he had been County residents since 1980 and recently moved to the Samuel Miller District. He said that they had also been City business owners for the past 43 years, along with their two oldest children. He said that living in the same community as their work used to be a given, even when their personal income was much lower. He said that he now viewed it as a privilege, and that bothered him. He said that everywhere he turned, he saw examples of individuals working in the City or County who could not afford to live here.

Mr. Lorenzoni said that for instance, he had overheard Costco employees discussing their long commutes from Louisa or Buckingham. He said that as a member of the UVA Health Center Board, he had been advocating for higher salaries for their nurses, many of whom drove 45 to 60 minutes one way to work. He said that many of their daily customers at their family business, including local firefighters, police officers, teachers, nurses, plumbers, electricians, and trade workers, faced long commutes to both work and serve their community.

Mr. Lorenzoni said that the issue bothered him deeply. He said that everyone deserved the same opportunity and privilege to be a full-time, not just a daytime, member of their community that they worked in. He said that he was aware that the County, along with this Board, had already been working hard to support and finance affordable housing initiatives, such as Premier Circle, Cardinal Hall, and Southwood. He said that, however, more needed to be done.

Mr. Lorenzoni said that tonight, a group of 50 community organizations would present a plan that took a significant step forward in helping provide opportunities for many more people to live where they worked. He said that it was a rare and historic precedent for 50 organizations with diverse missions and constituents to come together and publicly endorse this bold plan.

Mr. Lorenzoni said that he was honored to have been asked to make these remarks. He said that he would like to thank each of the organizations for their tireless daily efforts to help their neighbors in need. He said that as someone who had served on the boards of five of these organizations, and who had chaired the Task Force on Homelessness in 2005, which ultimately led to the creation of The Haven, he must say that the individuals who worked at these incredible organizations, including teachers, nurses, firefighters, and others, were truly local heroes.

Mr. Lorenzoni said that he was aware that the historic plan to succeed, which Matthew Gilligan would be discussing next, would require significant work and financial investment. He said that he spoke for all 50 organizations when he said that they were prepared to be a part of the solution and were willing to make personal sacrifices to support the plan. He said that he personally appreciated the Board's ongoing hard work and looked forward to supporting them as they hopefully moved forward with this bold plan.

Mr. Matthew Gillikin, City Resident, said that he served as one of the co-chairs of Livable C-Ville. He said that he was here tonight to speak on behalf of 50 organizations that support the Board of Supervisors taking bold steps to address housing affordability in this area. He said that these 50 organizations, which touch the lives of thousands, if not tens of thousands, of people in their community, had asked the Board to consider the following strategies to ensure housing is available for all residents regardless of income. He said that to achieve this, they recommended a range of measures.

Mr. Gillikin stated that first, they urged the Board to establish a housing trust fund with at least \$10 million in dedicated annual funding to support the construction and preservation of affordable housing. He said that he would like to thank IMPACT on their leadership on this issue. He said that second, they recommended increasing the funding for the Albemarle County Emergency Relief Program to at least \$2 million per year and considering an increase in the real estate tax to expand resources. He said that the real estate tax had not been increased in five years, and it may be time to reconsider this.

Mr. Gillikin said that their second set of recommendations focused on the AC44 process and policies required for the County to build enough housing and the right types of housing to meet its needs. He said that they asked that they update the future land use map to allow far more housing in development areas, establish a transition area that allowed for more density in the urban ring, strengthen the inclusionary zoning program to ensure it effectively encouraged the construction of market-rate and income-restricted housing, preserve manufactured housing, support community-controlled land acquisition programs, and reduce parking requirements.

Mr. Gillikin said that he apologized for the complexity of the language he had used, but these were specific policy recommendations they would like to see implemented. He said in addition to improving housing affordability, these recommendations were necessary for realizing the County's Climate Action Plan, which aimed to reduce residents' commuting distances, connect them to public transit, and reduce energy burdens and usage, ultimately leading to a healthier future for all.

Mr. Gillikin said that in closing, he would like to highlight the significance of the strong support for these recommendations from 50 local organizations. He said that initially, the process had involved just a few affordable housing groups, but it quickly gained momentum into a widespread and enthusiastic outpouring of support, with over four dozen organizations joining in, including JABA. He said that the broad coalition advocating for these policies underscored the pressing need for affordable housing and the strong community support for a bold and comprehensive approach. He said that they urged the Board of Supervisors to take action to ensure that Albemarle County was a place with diverse housing options for all types of people in various locations.

Ms. Vikki Bravo, IMPACT (Interfaith Movement Promoting Action by Congregations Together), said that the Board had heard from them many times over the past eight years about affordable housing. She said that they have been advocating for the establishment of an affordable housing trust fund of \$10 million per year, with priority given to building housing for individuals and families at 60% area median income (AMI) and below.

Ms. Bravo said that in 2021, when the Board passed the new housing policy, an affordable housing trust fund was part of that, but the trust fund has yet to be set up. She said that they were advocating for this trust fund because it was a best practice nationally, with a proven track record of success over the past four decades. She said that it ensures regular funding, provides financing for local solutions and priorities, and was designed by the County to meet the greatest opportunities and changes in their community.

Ms. Bravo said that the fund also unlocks other State, Federal, and philanthropic housing funds to support local solutions and priorities. She said that in Fairfax, an \$18 million trust fund produced over 1,000 units of affordable housing, with \$7 in leveraged funding from outside sources for every dollar invested. She said that in Lexington, Kentucky, an affordable housing fund was established in 2012, with the City investing \$12.2 million and private investors contributing over \$112 million. She said that between 2012 and 2018, over 1,400 affordable housing units were built or preserved.

Ms. Bravo said that affordable housing trust funds create a transparent process that advances innovation and competition among developers, benefiting the community. She said that they allow local government and developers to execute a long-term housing plan, leading to noticeable improvements in

the lives of people and communities. She said that housing developments funded by housing trust funds are visible and tangible, and with consistent ongoing funding, they serve as an engine that positively impacts the local economy, fueling construction. She said that like water to drink or air to breathe, they all need a stable, healthy home to thrive.

Ms. Lila Law said that she was speaking on behalf of IMPACT, their interfaith organization that worked on community problems brought forward by members of their congregations. She said that she resided in Crozet, which was located in the White Hall District, and attended Crozet United Methodist Church. She said that IMPACT had had numerous discussions with the Board about the importance of establishing the affordable housing trust fund. She said that they knew that the Board cared about affordable housing, and the County had supported various affordable housing projects, including Southwood.

Ms. Law said that they may wonder why IMPACT continued to advocate for the affordable housing trust fund. She said that it was because it was a best practice, as Ms. Bravo had explained to them, proven in cities and counties across the country. She said that it had been successful, and that it was a long-term solution. She said that IMPACT knew that for every dollar invested by a county, an average of \$8 was leveraged from other sources that became available due to the trust fund. She said that their question for the Board was, why wait to bring in this funding to help create more affordable housing? She asked why they would wait to provide housing for essential workers, such as teachers, nurses' aides, first responders, and others who served their community.

Ms. Law said that Albemarle County was facing a housing crisis and so was much of the country. She said that they were aware of a solution that had worked in other places. She said that it would work here. She said that it was not only a lack of housing, but the County was also losing affordable housing.

Ms. Law said that a member of their organization lived at Cavalier Crossing. She said that in July, she would be forced to move out because the complex was undergoing renovations and the rent was being raised. She said that she was struggling to find an apartment that cost \$500 to \$600 per month, which she could afford on her Social Security income. She said that another complex, Hearthwood, with 200 apartments, would no longer require affordability after January 1, 2027, and Mallside Forest would lose their affordable requirement in 2029.

Ms. Law said that this meant they were falling behind. She said that an affordable housing trust fund could help address this problem. She said that the City of Charlottesville had assisted Habitat and Piedmont Housing Alliance in purchasing Carlton Mobile Home Park when the owner decided to sell. She said that the Charlottesville Redevelopment and Housing Authority acquired Dogwood Housing, which included 74 units, in order to preserve its affordability.

Ms. Sadhbh O'Flynn said that she is a climate justice policy manager with the Community Climate Collaborative (C3). She said that C3 was honored to represent one of the 50 partner organizations within this affordable housing coalition, supporting the housing trust fund. She said that as a climate justice advocacy organization, they sought climate solutions that included density, reduced energy burden through improved energy efficiency, alleviated transportation burden, and emissions burden, bringing people closer to transit and services.

Ms. O'Flynn said that investing in deeply affordable housing served placemaking and recognized the inherent human dignity. She said that this Board and the County understood that community was core to climate resiliency. She said that in addition to their support for the housing trust fund, C3 made a separate urgent appeal to the County. She said that they needed this year's budget to explicitly fund the County's Climate Action Plan.

Ms. O'Flynn said that in 2018, the County had positioned itself as a leader in national climate change mitigation planning by writing its Climate Action Plan, which had set a strong example that had led the City of Charlottesville to adopt its own Climate Action Plan. She said that since then, the County had not significantly funded Climate Action Plan implementation. She said that the City of Charlottesville had committed to a yearly budget of \$1 million for climate-specific programs, which had spurred emissions reduction initiatives citywide.

Ms. O'Flynn said that in Mr. Gallaway's forward to the Climate Action Plan, they could interpret a call to action when he wrote, "climate change is here now on our doorstep." She said that while they were already feeling the impacts of climate change locally, they were now also feeling the impacts of federal funding on climate programs, as Mr. Pruitt reminded them.

Ms. O'Flynn said that including the City, County, and UVA collaborative program, Resilient Together, which C3 and about a dozen other local nonprofits were part of, they urgently needed the County's leadership to ensure that climate action was not lost to administrative chaos in the name of efficiency. She said that they asked that the County act on its mandate and support a Climate Action Plan implementation fund that matched the City's commitment.

Ms. Shawn Cossette, Samuel Miller District, said that she chose to attend today's meeting to discuss some concerns she had. She said that she believed there had been a disproportionate rate of biosolids being applied to farmland in the southern part of the County, particularly near her property. She

said that the published EPA (Environmental Protection Agency) reports on per- and polyfluoroalkyl substances (PFAS) and biosolids, as well as the testing results from Maine, Texas, and Michigan, had raised concerns about the potential contamination of farmland and water sources.

Ms. Cossette said that she was worried that they may be poisoning their farmland, which in turn affected the crops and animals grown on it, as well as private wells in the Totier Creek watershed. She said that only 20% of the Scottsville public water supply passed through a charcoal filter, with the remaining 80% arriving at Scottsville faucets unfiltered. She said that she was concerned for the safety of herself, her family, and her neighbors.

Ms. Cossette said that until they had sufficient testing of soil and water, they would not know if they had a PFAS problem in their County. She said that she understood that Albemarle County could not ban biosolids due to state regulations, but she believed they could establish an ordinance requiring testing and monitoring, as many other counties in the commonwealth had done. She said that she hoped they would consider this as they finalized AC44.

Ms. Cossette said that additionally, she was strongly opposed to the by-right 21-acre solar farm proposal in AC44. She said that while she supported solar installations where appropriate, she was concerned about the concentration of solar farms in one area. She said that she was worried that including the 21-acre by-right in AC44, which was double the size of the project being reviewed today, could lead to the development of three 21-acre solar farms surrounding her property, and nobody could say or do anything, potentially harming their property values and the values of the area.

Ms. Cossette said that her rural part of the County was home to numerous valued historic agricultural sites and byways. She said that they had six such structures on their property. She said that when they purchased their small farm 20 years ago, they had envisioned a rural agricultural lifestyle, not a concentration of solar farms, industrial creation of solar utilities and grids, or land contamination from industrial sewer waste.

Ms. Cossette said that she hoped the Board would recognize the value in preserving their historic rural agricultural zoning and remove the 21-acre by-right ordinance from the proposed AC44. She said that she would like to require all solar projects to undergo a permitting process before approval.

Mr. Tom Eckman, Rivanna District, said that he moved to the area in 2005 and did not know any poor people. He said that he had the opportunity to mentor seven refugee boys from Somalia who were new to the School System. He said that they did not speak the language, so he worked with their teachers to teach them English.

Mr. Eckman said that he then mentored these children, who were living in public housing. He said that there were five children sharing a room with their parents, but having a stable home allowed them to grow and thrive. He said that four of the children went on to earn college educations. He said that they spoke Mai-Mai and that everything was verbal.

Mr. Eckman said that he also worked with the schoolteachers, who were overwhelmed, to help them with basic math skills, such as addition, multiplication, and division. He said that these seven children became close friends of his. He said that he had also been involved with PACEM (People and Congregations Engaged in Ministry) and had been running the homeless shelter at the Church of Incarnation for 18 years.

Mr. Eckman said that he prepared for three months, and during that time, he served 500 people, providing meals, laundry facilities, and other essential services. He said that he got to know these individuals, who were often struggling with addiction and other challenges, such as not being able to find affordable housing. He said that this year, they faced particularly harsh weather conditions these past two weeks, and one man arrived with a suitcase, seeking assistance.

Mr. Eckman said that he met him, and the man, whose name was Richard, said that he had never experienced homelessness before. He said that he offered to take his suitcase to the kitchen, explaining that he may not be able to stay at this location, but he could take him to McDonald's and show him how to get back to their building. He said that he should come back at 4:30 and sit down on the bench in front of their designated area, which they called the "pack." He said that they both hoped he could get in and be accommodated, because otherwise he would have to sit in a chair in the hot room all night with no food. He said that he was able to get in and made some friends.

Mr. Eckman said that they needed to get serious about the housing trust fund. He said that they had come before the Board seven years ago with a request for a housing trust fund, with an ordinance to ensure there would be money in there so that the funds could be leveraged by nonprofit developers. He said that nothing had been done, he was tired, and they needed to move forward.

Ms. Sara Delgado, Rio District, said that she is here today to provide feedback on the County's upcoming budget decisions. She said that as a mother of a nine-year-old, she is deeply concerned that the County is not allocating sufficient resources for climate action in her area, particularly as federal funding begins to dwindle. She said that if they do not invest in climate action now, their community will be severely impacted by the effects of greenhouse gas emissions, significant storms, and other natural disasters as global warming continues. She said that this will impact the health and well-being of their

area's youth, as well as other vulnerable populations, and will ultimately cost the County more money to address these issues in the future.

Ms. Delgado said that she wants to express her appreciation for the Board's commitment to the County's Climate Action Plan and she strongly urges the County to act on its mandate to allocate a healthy amount of climate dollars for its implementation, as well as dollars specifically for local schools to increase energy efficiency and reduce emissions. She said that the County's plan aims to enhance the well-being and quality of life for all community members, and it is important to her and her neighbors that they protect their children's futures.

Agenda Item No. 12. Consent Agenda.

Ms. McKeel **moved** to approve the consent agenda. 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. 12.1. Tax Refund Approval Request.

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

Staff is requesting approval from the Board for the itemized refunds in Attachment A totaling \$78,642.22 to conform with Virginia Code §58.1-3981. Each refund amount listed has been reviewed and certified by staff and the Chief Financial Officer with the consent of the County Attorney's Office. It is the County's practice to request such refunds on a quarterly basis.

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

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

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

**RESOLUTION
REQUESTING TAX REFUNDS**

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

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

NOW, THEREFORE, BE IT RESOLVED that a refund in the amount of \$19,676.82 has been reviewed and certified due to filing amended business license returns and this refund shall be remitted to Cierant Corporation to conform with Virginia code §58.1-3981;

BE IT RESOLVED that a refund in the amount of \$16,042.88 has been reviewed and certified due to personal property taxes in Albemarle County that were rolling stock and this refund shall be remitted to Norfolk Southern Railway Co. to conform with Virginia code §58.1-3981;

BE IT RESOLVED that a refund in the amount of \$15,894.66 has been reviewed and certified due to payment of real estate taxes on an inactive real estate parcel and this refund shall be remitted to Galaxie Farm Investments LLC to conform with Virginia Code §58.1-3981;

BE IT RESOLVED that a refund in the amount of \$14,953.03 has been reviewed and certified due to overpayment of monthly taxes and this refund shall be remitted to Trump Virginia Acquisitions LLC to conform with Virginia Code §58.1-3981; and

BE IT RESOLVED that a refund in the amount of \$12,074.83 has been reviewed and certified due to amended business tangible personal property tax filings and this refund shall be remitted to Rolling Frito Lay Sales LP to conform with Virginia Code §58.1-3981.

Item No. 12.2. License Agreement for the Southern Albemarle Convenience Center.

The Executive Summary forwarded to the Board states that in November 1990, the City of Charlottesville and the County of Albemarle entered a Solid Waste Organizational Agreement, forming the Rivanna Solid Waste Authority (RSWA) to provide all waste disposal services, including recycling programs, for waste collected in the City and County.

Pursuant to the original agreement and the County's desire for expanded recycling and refuse collection in support of the Climate Action Plan, the Southern Albemarle Convenience Center (SACC) was designed and constructed to serve southern Albemarle County. The SACC is in the Samuel Miller Magisterial District at 6269 Esmont Road in Keene, on County-owned parcel ID 12100-00-00-082A2 (Attachment B).

The RSWA has been operating the SACC since June 2023. The RSWA and the County agree that to articulate the relative areas of control and the responsibilities of each party, the parties should enter a license agreement.

The proposed license agreement (Attachment A) outlines the rights and responsibilities regarding the property and the SACC for both RSWA and the County.

The license may be revoked by the County if the RSWA defaults on the license provisions and cannot cure such default within 60 days. Either party may terminate the license upon twelve (12) months advance written notice.

Approval of this license agreement would have no additional impact on the County budget.

Staff recommends that the Board adopt the attached resolution (Attachment C), authorizing the County Executive to sign a license agreement to allow the RSWA to occupy the SACC property to operate and maintain recycling and waste services.

By the above-recorded vote, the Board adopted the attached Resolution (Attachment C), authorizing the County Executive to sign a license agreement to allow the RSWA to occupy the SACC property to operate and maintain recycling and waste services:

**RESOLUTION TO APPROVE LICENSE AGREEMENT FOR THE SOUTHERN ALBEMARLE
CONVENIENCE CENTER**

WHEREAS, the City of Charlottesville and the County of Albemarle entered a Solid Waste Organizational Agreement, forming the Rivanna Solid Waste Authority (RSWA) to provide all waste disposal services, including recycling programs, for waste collected within the City and County; and

WHEREAS, pursuant to the County's desire for expanded recycling and refuse collection in support of the Climate Action Plan, the Southern Albemarle Convenience Center (SACC) was designed and constructed to serve southern Albemarle County; and

WHEREAS, the RSWA has been operating the SACC since June 2023; and

WHEREAS, the RSWA and the County agree that to articulate the relative areas of control and the types of responsibilities for each party, the parties should enter a license agreement;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia hereby approves a license agreement between the County and the RSWA regarding the SACC, in a form as approved by the County Attorney, and authorizes the County Executive to execute the agreement on behalf of the Board.

* * * * *

SOUTHERN ALBEMARLE CONVENIENCE CENTER

LICENSE AGREEMENT

THIS LICENSE AGREEMENT (this “License”), dated February 3rd, 2025, is between the **COUNTY OF ALBEMARLE, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, (the “County”), and **RIVANNA SOLID WASTE AUTHORITY**, a body politic and corporate formed under the Virginia Water and Waste Authorities Act (the “Authority”), recites and provides:

RECITALS

A. On November 20, 1990, the City of Charlottesville (the “City”) and the County entered into a certain Solid Waste Organizational Agreement, which agreement was made as of November 5, 1990 (the “Organizational Agreement”) for the purposes of forming the Authority to provide all waste disposal services, including recycling programs, for waste collected within the City and County

B. Pursuant to Section 4.3 of the Organizational Agreement, the County determined the need to offer expanded recycling and refuse collection services at strategic locations (“Convenience Centers”) throughout Albemarle County in support of the County’s Climate Action Plan and its goal of Sustainable Materials Management, and the County requested the Authority to manage the design and construction of, and thereafter operate, a Convenience Center to serve the southern portion of Albemarle County, and the Authority agreed to provide such services.

C. The County and the Authority worked collaboratively on the Authority’s design and construction of the Southern Albemarle Convenience Center (the “Southern Albemarle Convenience Center,” or the “SACC”), which provides recycling and household trash facilities for the use of the general public on land owned by the County located at 6269 Esmont Road in Keene.

D. The SACC opened in June, 2023, and the Authority operates the SACC on behalf of the County at the sole cost of the County.

E. The parties now desire to enter into a license agreement to clarify the boundaries of and clarify the rights and obligations of the parties regarding the property upon which the SACC is located and operated by the Authority.

NOW, THEREFORE, pursuant to the recitals contained herein and in consideration of the mutual agreements herein set forth and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. **Subject Property.** The County hereby grants to the Authority, and the Authority hereby accepts from the County, for the term and upon the terms and conditions hereinafter set forth, a license to occupy and use real property containing approximately 2.416 acres (the “Subject Property” as further described herein), comprising a portion of that certain parcel of land owned by the County containing approximately seven (7) acres, located in the Samuel Miller Magisterial District, having an address of 6269 Esmont Road in Keene, and identified on the current tax maps of the County as parcel 12100-00-00-082A2 (the “Land”). The Land is shown on a plat prepared by Draper Aden Associates entitled “Southern Albemarle Convenience Center, Plat Showing the Location of a SWM Forest and Open Space Easement to be Acquired through the Property of the County of Albemarle, Parcel ID: 121-82A2, County of Albemarle, Virginia,” dated September 15, 2022, and recorded with a Certificate of Plat on October 21, 2022 in the Clerk’s Office of the Circuit Court of Albemarle County, Virginia as Instrument No. 202200012153 (the “Plat”), a copy of which Plat is attached hereto for reference and convenience. Two portions of the Land, containing 1.364 acres and 3.220 acres

individually, and 4.584 acres in the aggregate, are shown on the Plat as "SWM Forest and Open Space Easement" (the "Easement Area"). The Subject Property comprises the 2.416 acres of the Land that is located outside the boundary of the Easement Area.

2. Term. The initial one-year term of this License is deemed to have commenced on July 27, 2022, the date that the Authority commenced construction of the SACC. Thereafter, unless earlier terminated pursuant to its terms, this License will automatically renew for successive one-year terms (collectively with the initial term, the "Term") and will continue for so long as the County desires for the Authority to operate the SACC and continues to fund the Authority's expenses in operating the SACC (the "Operating Expenses").

3. Operation and Maintenance. Subject always to the County's financial support and payment of the Authority's Operating Expenses, the Authority will at its own cost and expense during the term of this License use the Subject Property to operate the SACC and must maintain and keep the Subject Property and all improvements, equipment, and facilities located therein (collectively, the "Facilities") in a reasonably safe, clean, and attractive condition, and as required by applicable laws, ordinances, regulations, and policies, including any rules and regulations the Authority may adopt from time to time for operation of Convenience Centers. The County has no obligation to operate or maintain the SACC or the Subject Property, and the Authority has no obligation or right to maintain the Easement Area, nor any right to enter the Easement Area without the express written permission of the County.

4. Reimbursement of Operating Expenses. No rent is owed by the Authority to the County in connection with this License or the Subject Property. In lieu of paying rent to the County, the Authority operates the SACC on behalf of the County using funds specifically allocated for the Operating Expenses of the SACC from the Authority's budget, which funds are provided by the County to the Authority pursuant to Section 4.3 of the Organizational Agreement.

5. Ownership of Improvements, Equipment, & Facilities. All improvements, equipment, and facilities located on the Subject Property will be and remain the property of the Authority.

6. Utilities. The Authority will pay when due all expenses incurred for utilities provided to the Subject Property, such as telephone, electricity, and any other applicable utility services, which expenses constitute part of the Operating Expenses.

7. Real Property Taxes. Because the SACC is a public use conducted and maintained by a governmental entity, the use is non-taxable, and no real property taxes will be imposed against the Subject Property.

8. Insurance. During the term, the Authority must maintain and keep in force as part of its Operating Expenses insurance coverage at the levels or in such amounts as the Authority may reasonably determine to be appropriate. The policy or policies must name the County as an additional insured and provide that the insurance thereunder may not be cancelled without thirty (30) days prior written notice thereof to the County. The Authority will not be liable for any claims arising out of the operation of the SACC that exceed the applicable insurance coverage limits, provided that nothing herein is a waiver of the County's sovereign immunity. The Authority has no obligation to maintain insurance over the Easement Area and has no liability for any personal injury or property damage occurring within the Easement Area, without exception.

9. Assignments; Subordination. The Authority will not transfer or assign this License or let or sublet the whole or any part of the Subject Property without the prior written consent of the County Executive of Albemarle County, which consent may not be unreasonably withheld, delayed, or conditioned. The County will not transfer, assign, or otherwise encumber in any way any or all of its interest in the Subject Property or any or all of its rights under this

License at any time without the prior written consent of the Authority, which consent may not be unreasonably withheld, delayed, or conditioned.

10. Rights of the County Upon Authority Default. Any of the following will be deemed a default by the Authority and a breach of this License: (a) a default by the Authority in the performance of any provision, covenant, or condition of this License, and (b) any abandonment, desertion, or vacation of the Subject Property by the Authority. In the event of any such default by the Authority and the failure of the Authority to cure such default within sixty (60) days after written notice thereof by the County (unless such default is of a type that is not reasonably capable of being cured within such sixty (60) day period, such period will be extended for so long as required for such cure, provided the Authority is making diligent efforts to complete such cure), the County and its agents may reenter and resume possession of the Subject Property and terminate this License.

11. Termination and Reconciliation of Operating Expenses. Either party may terminate this License upon twelve (12) months advance written notice. In such event, the Term will expire on the date that is twelve (12) months after such notice. Prior to the expiration of the Term, the County will pay the Authority for any portion of Operating Expenses that have not yet been paid to the Authority by the County, and for all Operating Expenses incurred or estimated by the Authority to be incurred as part of the Authority's closure of the SACC, including the removal of all Facilities from the Subject Property, unless the County specifies that all or any portion of the Facilities should remain on the Subject Property following expiration of the License. The Authority must within two (2) years after the expiration of the Term complete the removal of the Facilities from the Subject Property except for any Facilities that the County has directed to remain at the Subject Property.

12. Miscellaneous.

a. Entire Agreement. This License constitutes the entire agreement between the parties and may not be modified except by written instrument executed by both the County and the Authority.

b. Governing Law. This License will be construed and governed by the laws of the Commonwealth of Virginia.

c. Binding nature. This License will be binding upon and inure to the benefit of the representatives, successors, permitted sublessees, and permitted assigns of the parties.

d. Headings. Headings have been inserted solely as a matter of convenience and do not define or limit the scope of any of the provisions contained therein.

e. No Holdover. Upon termination of this License, the Authority must deliver possession of the Subject Property to the County subject to the terms of this License.

f. Quiet Possession. If the Authority is not in default under the terms of this License, the Authority will have the quiet possession and enjoyment of the Subject Property during the term of this License.

g. Execution in Counterparts. This License may be executed in any number of duplicate originals or counterparts, all of which constitute a single agreement.

h. No Waiver. No delay or omission by any party hereto to exercise any right or power accruing upon any noncompliance or default by any party with respect to any of the terms of this License will impair any such right

or power nor be construed to be a waiver thereof, except as may be otherwise herein provided. A waiver by any party hereto of any covenant, condition, or agreement to be performed by the other party hereto must be in writing and will not be a waiver of any succeeding breach thereof or any other covenant, condition, or agreement herein contained.

i. Memorandum of License. The Authority will not record this License without the written consent of the County, however, upon the request of either party hereto, the other party will join in the execution of a Memorandum of this License for the purpose of recordation. The memorandum or short form of this License will name the parties, describe the Subject Property, set forth the term of this License, and include any other provisions required by Section 55.1-1601 of the Code of Virginia, and incorporate this License by reference.

13. Notice. Any notice provided for or permitted by this License must be in writing and sent to the following addresses:

To the County:

Office of the County Executive
Albemarle County
401 McIntire Road
Charlottesville, VA 22902

To the Authority:

Office of the Executive Director
Rivanna Solid Waste Authority
695 Moores Creek Lane
Charlottesville, VA 22902

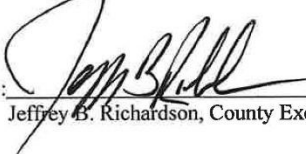
Any party may at any time designate by written notice to the other a change of address for notices. All notices, demands and requests that are addressed as provided above and are (i) hand-delivered, (ii) deposited in the United States mail, certified, postage prepaid, return receipt requested, or (iii) accepted for overnight delivery by any reputable, national overnight courier, such as, for example, Federal Express, or Express Mail, delivery charges prepaid or with delivery not conditioned upon payment of charges, will be deemed to have been given for all purposes hereunder at the time such notice, demand or request was hand delivered, deposited in the United States mail, or accepted for delivery by the applicable overnight delivery service, each as applicable.

SIGNATURE PAGE IMMEDIATELY FOLLOWS

Signature page to License

WITNESS the following signatures.

COUNTY OF ALBEMARLE VIRGINIA

By: 
Jeffrey B. Richardson, County Executive

Approved as to form:


Albemarle County Attorney

RIVANNA SOLID WASTE AUTHORITY

By: 
William I. Mawyer, Jr., Executive Director

Exhibit A:

Attach Plat prepared by Draper Aden Associates entitled "Southern Albemarle Convenience Center, Plat Showing the Location of a SWM Forest and Open Space Easement to be Acquired through the Property of the County of Albemarle, Parcel ID: 121-82A2, County of Albemarle, Virginia," dated September 15, 2022, and recorded with a Certificate of Plat on October 21, 2022 in the Clerk's Office of the Circuit Court of Albemarle County, Virginia as Instrument No. 202200012153.

202200012153.001

RECORDED IN
ALBEMARLE COUNTY, VA
JON R. ZUG
CLERK OF CIRCUIT COURT
FILED Oct 21, 2022
AT 10:10 am

BOOK
START PAGE
END PAGE
INST # 202200012153
TOTAL NUM PAGES 4

MEB

VIRGINIA LAND RECORD COVER SHEET
Commonwealth of Virginia VA. CODE §§ 17.1-223, -227.1, -249

FORM A - COVER SHEET CONTENT

Instrument Date: 10/6/2022

Instrument Type: PM

Number of Parcels: 1 Number of Pages: 3

[] City [X] County ALBEMARLE
CIRCUIT COURT

Tax Exempt? VIRGINIA/FEDERAL CODE SECTION

[] Grantor:

[] Grantee:

Business/Name

(Area Above Reserved For Deed Stamp Only)

1 Grantor: COUNTY OF ALBEMARLE, COUNTY OF ALBEMARLE

Grantor:

1 Grantee: COUNTY OF ALBEMARLE, RICHARDSON, JEFFREY B.

Grantee:

Grantee Address

Name: JEFFREY B. COUNTY OF ALBEMARLE, RICHARDSON

Address:

City: State: VA Zip Code:

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: 12100-00-00-082A2

Short Property Description:

Current Property Address:

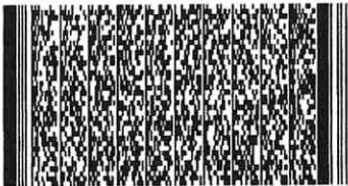
City: SAMUEL MILLER MAGISTERIAL State: VA Zip Code: 22946

Instrument Prepared By: ALBEMARLE COUNTY ATTORNEY Recording Paid By: ALBEMARLE COUNTY

Recording Returned To: DERECK H PERRY

Address: 110 AVON STREET

City: CHARLOTTESVILLE State: VA Zip Code: 22902



202200012153.002

This document was prepared by:
Albemarle County Attorney
County of Albemarle
401 McIntire Road
Charlottesville, Virginia 22902

Parcel ID Number: 12100-00-00-082A2

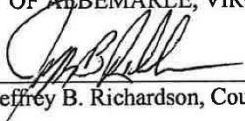
This deed is exempt from taxation under Virginia Code § 58.1-811(A)(3) and from Court Clerk's fees under Virginia Code § 17.1-266.

CERTIFICATE OF PLAT

The attached plat, made by Draper Aden Associates, dated September 15, 2022, of certain lands belonging to the County of Albemarle, Virginia, situated in County of Albemarle, Virginia, identified as Parcel ID # 12100-00-00-082A2, and being the same land acquired by the said County of Albemarle, Virginia by deed recorded in the Office of the Clerk of the Circuit Court of Albemarle County, Virginia in Deed Book 1088, page 600, is hereby confirmed and submitted for record in the aforesaid Clerk's Office.

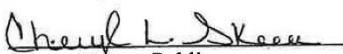
Given under my hand this 6th day of October, 2022.

COUNTY OF ALBEMARLE, VIRGINIA

By: 
Jeffrey B. Richardson, County Executive

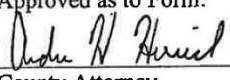
COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Charlottesville:

The foregoing instrument was acknowledged before me this 6th day of October, 2022 by Jeffrey B. Richardson, County Executive, on behalf of the County of Albemarle, Virginia, Grantee.

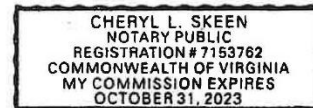

Notary Public

My Commission Expires: Oct. 31, 2023
Registration number: 7153762

Approved as to Form:


County Attorney

10/5/2022
Date



NOTES:

- 1) THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT NECESSARILY SHOW ALL ENCUMBRANCES ON THE TITLE.
- 2) EXTERIOR PROPERTY LINES SHOWN HEREON ARE COMPILED FROM RECORDED DOCUMENTS. THIS PLAT DOES NOT REPRESENT A BOUNDARY SURVEY.
- 3) THIS SURVEY WAS PREPARED FOR THE RIVANNA SOLID WASTE AUTHORITY. DRAPER ADEN ASSOCIATES ASSUMES NO LIABILITY FOR REFUSE OR MODIFICATION OF THIS DOCUMENT.
- 4) NO GRAVES OR PLACES OF BURIAL ARE FOUND.
- 5) THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE X BASED ON A SCALED LOCATION ON FIRM PANEL #1000002522 EFFECTIVE DATE 02/24/2020. THIS FLOOD DETERMINATION IS NOT A RECOMMENDATION BY DRAPER ADEN ASSOCIATES TO NOT PURCHASE OR PURCHASE FLOOD INSURANCE COVERAGE AND DOES NOT IMPLY THAT THE REFERENCED PROPERTY WILL OR WILL NOT BE FREE FROM FLOOD DAMAGE.
- 6) THE PROPERTY SHOWN HEREON IS LOCATED IN THE TOTTEN CREEK WATERSHED.
- 7) THE PROPERTY SHOWN HEREON IS LOCATED WITHIN A WATER SUPPLY PROTECTION AREA.
- 8) THE PROPERTY SHOWN HEREON IS LOCATED IN THE SAMUEL MILLER MAGISTERIAL DISTRICT.
- 9) THE PROPERTY SHOWN HEREON IS PARTIALLY LOCATED IN THE ENTRANCE CORRODOR OF THE DISTRICT.
- 10) THE PROPERTY SHOWN HEREON CONTAINS NO STREAM BUFFERS.
- 11) THE PROPERTY SHOWN HEREON IS NOT WITHIN THE WATER AND SEWER JURISDICTIONAL SERVICE AREA.
- 12) THE PROPERTY SHOWN HEREON IS NOT WITHIN AN AGRICULTURAL DISTRICT.
- 13) PRIMARY ZONING: RURAL AREAS

VICINITY MAP
SCALE: 1"=2,000'

DESIGNED: N/A
DRAWN: VDV
CHECKED: CAS
DATE: 09/15/2022

SOUTHERN ALBEMARLE CONVENIENCE CENTER

PLAT SHOWING THE LOCATION OF A SWM FOREST AND OPEN SPACE EASEMENT TO BE ACQUIRED THROUGH THE PROPERTY OF THE COUNTY OF ALBEMARLE, PARCEL ID: 121-48242, COUNTY OF ALBEMARLE, VIRGINIA

STATEMENT OF CONSENT

THE PLATTING OR DEDICATION OF THE FOLLOWING DESCRIBED LAND, IDENTIFIED AS A SWM FOREST AND OPEN SPACE EASEMENT ACROSS LAND CONVEYED IN DEED BOOK 1188 AT PAGE 600, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES, IF ANY.

Alfred P. Keene
COUNTY OF ALBEMARLE
DATE 10/6/22

CERTIFICATE OF ACKNOWLEDGMENT

CITY/COUNTY OF Albemarle
COMMONWEALTH OF VIRGINIA

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 14th DAY OF October, 2022 BY

Alfred P. Keene
Alfred P. Keene
NOTARY REGISTRATION NUMBER 11633162
MY COMMISSION EXPIRES: Oct 31, 2023

AREA SUMMARY

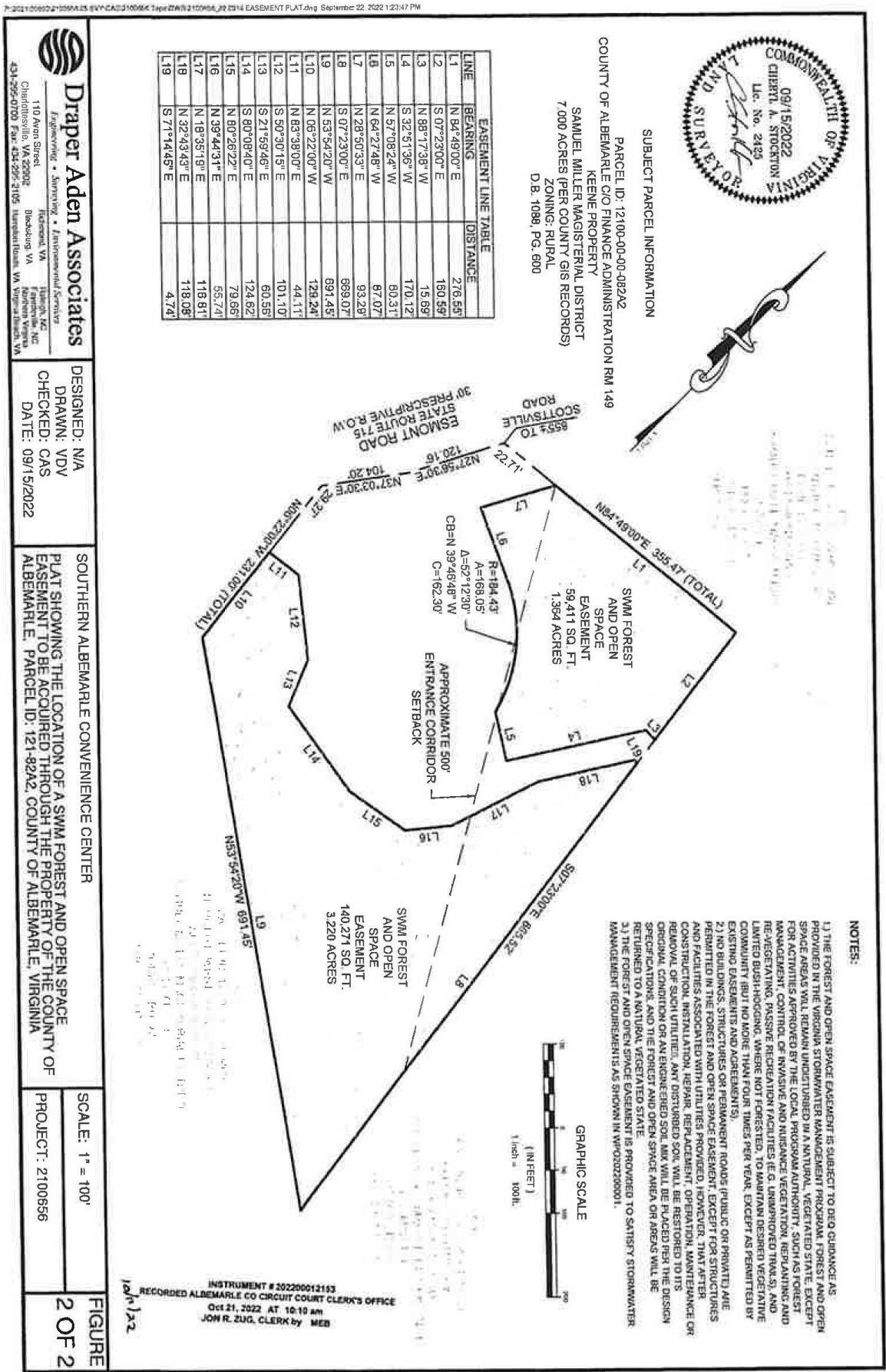
D.B. 1088 PG. 600 PARCEL 7.000 ACRES (PER COUNTY GIS)
TOTAL NEW PERMANENT 4.584 ACRES
EASEMENT AREA

APPROVALS

Tracy Pham WFF
AGENT, ALBEMARLE COUNTY BOARD OF SUPERVISORS
DATE 10/16/22

SCALE: NTS

FIGURE 1 OF 2



Item No. 12.3. Resolution to Accept Road(s) in the Dunlora Park Subdivision Phase 1 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 Dunlora Park Subdivision Phase 1 into the State Secondary System of Highways:

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 5th day of February, 2025, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Dunlora Park Phase 1 Subdivision**, as described on the attached Additions Form AM-4.3 dated **February 5th, 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 **Dunlora Park Phase 1 Subdivision**, as described on the attached Additions Form AM- 4.3 dated **February 5th, 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 01/09/2025)

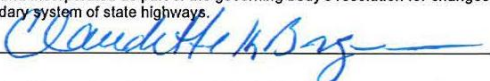
ICR ID: 40499289
SSAR



COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION
Form AM 4.3

In Albemarle County
by Resolution of the governing body adopted 2/5/2025

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: Dunlora Park Phase 1

CHANGE TYPE	RTE NUM & STREET NAME	CHANGE DESCRIPTION	FROM TERMINI	TO TERMINI	LENGTH	NUMBER OF LANES	RECORDATION REFERENCE	ROW WIDTH
Addition	Rt. 1338 - Varick Street	New subdivision street §33.2-705	ESM/CDS	619' North to Dunlora Drive Rte. 1177	0.12	2	Inst 200200005149	54
Addition	Rt. 1339 - Marin Court	New subdivision street §33.2-705	Int with Varick Street East 170'	CDS	0.03	2	Inst 202200005149	54

Item No. 12.4. CCP202400001, Northern Albemarle Convenience Center, **was received for information.**

Item No. 12.5. Board to Board, February 2025, A Monthly Report from the Albemarle County School Board to the Albemarle County Board of Supervisors, **was received for information.**

Agenda Item No. 13. From the County Executive: Report on Matters Not Listed on the Agenda.

There was no report from the County Executive.

Agenda Item No. 14. **Public Hearing: Fiscal Year 2025 Budget Amendment and Appropriations.**

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

The cumulative total of the Fiscal Year 2025 (FY 25) appropriations itemized below is \$16,850,231. Because the cumulative amount of the appropriations exceeds one percent of the currently adopted budget, a budget amendment public hearing is required.

The proposed increase of this FY 25 Budget Amendment totals \$16,850,231. The estimated expenses and revenues included in the proposed amendment are shown below:

PROPOSED FY 2024-25 BUDGET AMENDMENT

ESTIMATED REVENUES

Local Revenues	\$	324,707
Proffer Revenue	\$	38,466
Other Fund Balances	\$	16,487,058
TOTAL ESTIMATED REVENUES	\$	16,850,231

ESTIMATED EXPENDITURES

General Fund	\$	60,127
Special Revenue Funds	\$	228,790
School Special Revenue Fund	\$	16,333,058
Emergency Communications Center Fund	\$	154,000
Capital Funds	\$	74,256
TOTAL ESTIMATED EXPENDITURES	\$	16,850,231

The budget amendment is comprised of a total of 10 separate appropriations, seven of which have already been approved by the Board of Supervisors.

- Seven appropriations approved 1/15/2025
- Three appropriation requests for approval on February 5, 2025, as described in Attachment A.

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

Appropriation #2025028

Sources:	Proffer Revenue	\$38,466
	Capital Funds (already appropriated)	\$80,555
Uses:	Capital Project – Moore’s Creek Trail & Trailhead Park	\$119,021
Net Change to Appropriated Budget:		\$38,466

Description:

This request is to appropriate \$38,466 in proffer funding for the Moore’s Creek Trail and Trailhead Park project. The Thomas Jefferson Planning District Commission (TJPDC) received a Smart Scale grant from the Virginia Department of Transportation (VDOT) to construct multi-use trails and a trailhead park along Moore’s Creek and Biscuit Run in the vicinity of 5th Street Station. The original County funding was for the completion of parking and signage, additional funds are requested for the completion of other trailhead park amenities and improvements, including expenses associated with the planning, design, and construction phases of those amenities.

Appropriation #2025029

Sources:	School Special Revenue Funds’ Fund Balances	\$16,333,058
-----------------	---	--------------

Uses:	School Special Revenue Funds	\$16,333,058
Net Change to Appropriated Budget:		\$16,333,058

Description:
This request is to appropriate the Public Schools' appropriation requests approved by the School Board on January 9, 2025. This request re-appropriates \$16,333,058 in School Special Revenue Funds from FY 24 to FY 25. Following the end of FY 24, balances are retained in each of the Public Schools' Special Revenue Funds. These balances are retained for use in each individual fund and will be spent in accordance with specific requirements for each individual fund. A detailed list including descriptions and amounts requested for re-appropriation is included in Attachment C.

Appropriation #2025030

Sources:	Local Revenue	\$57,496
Uses:	Blue Ridge Health District	\$57,496
Net Change to Appropriated Budget:		\$57,496

Description:
This request is to appropriate \$57,496 in local revenue to the Blue Ridge Health District. At the end of a fiscal year, the Health District performs a reconciliation and may request that unexpended local funds be re-appropriated to the following year to support changes in projected expenses. The source of this local revenue is FY 24 Health District local savings. In FY 25, this supports the County's share of expenses for additional testing kits and lab expenses, as well as some minor facility renovations to exam rooms, bathrooms and lobby areas.

Mr. Ryan Davison, Deputy Chief of Budget, said that this agenda item was a public hearing and action item to amend the Fiscal Year (FY) 25 budget. He said that he had a couple of brief slides to provide an overview of this amendment. He said that then, he would turn it over to the Chair and the Board for any questions and to hold the public hearing. He said that Virginia Code required that they hold a public hearing before amending the budget with a total amount of funding changes exceeding 1% of the adopted budget. He said that tonight, that threshold was met.

Mr. Davidson said that the overall budget amendment was approximately \$16.8 million. Of that amount, \$420,000 was previously appropriated, and \$16.4 million was up for approval and consideration this evening. He said that it was broadly comprised of the items listed on the slide. Attachment A, included with the agenda tonight and on January 15, provided more details and information on these items.

Mr. Davidson said that generally, they had \$16.3 million of reappropriations for school special revenue funds, \$383,000 in special revenue fund appropriations mainly related to vehicle replacement and the emergency communications center funds, as well as smaller items for the capital improvement fund and the general fund. He said that to summarize, staff's recommendation was for the Board to adopt the resolution and Attachment B after holding the public hearing. He said that he would now turn it over to the Chair for any questions and to hold the public hearing.

Mr. Pruitt said that he would kindly remind them, for their benefit and for the public's benefit, that \$16 million was a significant amount that shocked the conscience. He said that he would ask Mr. Davidson to remind them why this amount came to them as a reappropriation, requiring their approval in a public hearing.

Mr. Davidson said that these appropriations, in this case, were for the Public Schools' special revenue funds. He said that many of these were allocated for specific special uses, and each year any remaining balances in these must be used towards those uses, requiring reappropriation on an annual basis to allow the Schools to spend those funds in future fiscal years. He said that the dollar amount exceeding 1% of the appropriated budget was the reason for the public hearing.

Mr. Andrews opened the public hearing. Seeing no speakers, he closed the public hearing and the matter rested with the Board for any additional comment or for a motion.

Ms. McKeel **moved** that the Board of Supervisors adopt the Resolution (Attachment B). 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
ADDITIONAL FY 2025 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That the FY 25 Budget is amended to increase it by \$16,429,020;
- 2) That Appropriations #2025028; #2025029; and #2025030 are approved;
- 3) That the appropriations referenced in Paragraph #2, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2025.

APP#	Account String	Description	Amount
APP2025030	3-1000-99000-319000-199910-9999	SA2025030 Blue Ridge Health District Reconciliation	\$57,496.68
APP2025030	4-1000-59000-451000-379600-0010	SA2025030 Blue Ridge Health District Reconciliation	\$57,496.68
APP2025029	3-3000-63000-351000-510100-6599	Child Nutrition Program-Fund Balance	\$4,253,010.68
APP2025029	3-3002-63002-351000-510100-6599	Summer Nutrition Program-Fund Balance	\$669,296.94
APP2025029	3-3010-63010-351000-510100-6599	Fresh Fruits & Vegetables Program-Fund Balance	\$489.05
APP2025029	3-3103-63103-351000-510100-6599	Migrant-Fund Balance	\$5,952.98
APP2025029	3-3104-63104-351000-510100-6599	Misc Grants-Fund Balance	\$681,284.23
APP2025029	3-3105-63105-351000-510100-6599	CTE/Tech Grants-Fund Balance	\$21,305.42
APP2025029	3-3116-63116-351000-510100-6599	Economically Dislocated Workers-Fund Balance	\$5,078.98
APP2025029	3-3120-63120-351000-510100-6599	Blue Ridge Juvenile Detention Program-Fund Balance	\$121,563.19
APP2025029	3-3125-63125-351000-510100-6599	School Health Workforce Grant-Fund Balance	\$8,604.86
APP2025029	3-3132-63132-351000-510100-6599	Apprenticeship Grant-Fund Balance	\$5,696.00
APP2025029	3-3145-63145-351000-510100-6599	AIMR Summer Rental-Fund Balance	\$189,299.75
APP2025029	3-3152-63152-351000-510100-6599	Algebra Readiness-Fund Balance	\$295,933.43
APP2025029	3-3159-63159-351000-510100-6599	KOVAR Grant-Fund Balance	\$613.33
APP2025029	3-3166-63166-351000-510100-6599	ARP-Fund Balance	\$123,624.08
APP2025029	3-3173-63173-351000-510100-6599	Migrant Consort Incentive Grant-Fund Balance	\$0.08
APP2025029	3-3202-63202-351000-510100-6599	ED Program-Fund Balance	\$136,004.30
APP2025029	3-3203-63203-351000-510100-6599	Title II-Fund Balance	\$4.52
APP2025029	3-3207-63207-351000-510100-6599	Carl Perkins-Fund Balance	\$12,186.33
APP2025029	3-3217-63217-351000-510100-6599	Project Graduation-Fund Balance	\$30,809.38
APP2025029	3-3221-63221-351000-510100-6599	EL Civics Partnership-Fund Balance	\$19,559.85
APP2025029	3-3224-63224-351000-510100-6599	School Security Equipment Grant-Fund Balance	\$80,990.04
APP2025029	3-3225-63225-351000-510100-6599	i3 Grant-Fund Balance	\$21,895.22
APP2025029	3-3226-63226-351000-510100-6599	STEM Learning Through the Arts-Fund Balance	\$32,048.62
APP2025029	3-3227-63227-351000-510100-6599	VPI/Bright Stars-Fund Balance	\$150,000.00
APP2025029	3-3229-63229-351000-510100-6599	All-In-VA-Fund Balance	\$1,237,279.98
APP2025029	3-3304-63304-351000-510100-6599	Families in Crisis-Fund Balance	\$145,375.85
APP2025029	3-3305-63305-351000-510100-6599	Driver Safety-Fund Balance	\$188,291.67
APP2025029	3-3310-63310-351000-510100-6599	Learning Recovery Fund-Fund Balance	\$1,160,811.03
APP2025029	3-3380-63380-351000-510100-6599	Community Lab School-Fund Balance	\$2,195.62
APP2025029	3-3501-63501-351000-510100-6599	Albemarle Trust-Fund Balance	\$15,000.00
APP2025029	3-3502-63502-351000-510100-6599	Foundation for Excellence-Shannon Grant-Fund Balance	\$22,879.41
APP2025029	3-3905-63905-351000-510100-6599	Vehicle Replacement-Fund Balance	\$490,271.84
APP2025029	3-3907-63907-351000-510100-6599	Technology Replacement-Fund Balance	\$1,988,140.67
APP2025029	3-3909-63909-351000-510100-6599	Learning Resources Replacement-Fund Balance	\$113,199.41
APP2025029	3-3910-63910-351000-510100-6599	Vehicle Maintenance-Fund Balance	\$343,795.15
APP2025029	3-3911-63911-351000-510100-6599	Revenue Contingency Reserve-Fund Balance	\$3,000,000.00
APP2025029	3-3913-63913-351000-510100-6599	Federal Revenue Contingency Reserve-Fund Balance	\$760,566.00
APP2025029	4-3000-63000-465101-119300-6101	Salaries-Food Service	\$100,000.00
APP2025029	4-3000-63000-465101-119300-6102	Salaries-Food Service	\$100,000.00
APP2025029	4-3000-63000-465101-119300-6103	Salaries-Food Service	\$100,000.00

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APP2025029	4-3000-63000-465101-600200-6104	Food Supplies	190000.00
APP2025029	4-3000-63000-465101-600200-6105	Food Supplies	90000.00
APP2025029	4-3000-63000-465101-600200-6106	Food Supplies	90000.00
APP2025029	4-3000-63000-465101-600200-6107	Food Supplies	90000.00
APP2025029	4-3000-63000-465101-600200-6109	Food Supplies	189490.68
APP2025029	4-3000-63000-465101-600200-6110	Food Supplies	100000.00
APP2025029	4-3000-63000-465101-600200-6111	Food Supplies	100000.00
APP2025029	4-3000-63000-465101-600200-6112	Food Supplies	200000.00
APP2025029	4-3000-63000-465101-600200-6114	Food Supplies	200000.00
APP2025029	4-3000-63000-465101-600200-6115	Food Supplies	200000.00
APP2025029	4-3000-63000-465101-600200-6116	Food Supplies	200000.00
APP2025029	4-3000-63000-465101-600200-6117	Food Supplies	250000.00
APP2025029	4-3002-63002-463115-139320-6520	PT/Cafeteria Special Events	305895.97
APP2025029	4-3002-63002-463115-210000-6520	FICA	23400.97
APP2025029	4-3002-63002-463115-600200-6520	Food Supplies	250000.00
APP2025029	4-3002-63002-463115-600230-6520	Disposable Cooking Supplies	25000.00
APP2025029	4-3002-63002-463115-600500-6520	Laundry/Janitorial Supplies	15000.00
APP2025029	4-3002-63002-463115-800130-6520	Kitchen Equipment	50000.00
APP2025029	4-3010-63010-460204-600220-6520	Student Snacks/Meals	489.05
APP2025029	4-3103-63103-461101-550100-6530	Travel/Training/Education	5952.98
APP2025029	4-3104-63104-460700-601300-6530	Ed & Rec Supplies	681284.23
APP2025029	4-3105-63105-460700-601300-6530	Ed & Rec Supplies	21305.42
APP2025029	4-3116-63116-463348-132100-6530	P/TWages-Teacher	2000.00
APP2025029	4-3116-63116-463348-135000-6530	P/TWages-Clerical	2000.00
APP2025029	4-3116-63116-463348-210000-6530	FICA	306.00
APP2025029	4-3116-63116-463348-601300-6530	Ed & Rec Supplies	772.98
APP2025029	4-3120-63120-461101-601300-6306	Ed & Rec Supplies	121563.19
APP2025029	4-3125-63125-462220-601300-6530	Ed & Rec Supplies	8604.86
APP2025029	4-3132-63132-461101-301210-6499	Contract Services	5696.00
APP2025029	4-3145-61105-461105-301210-6599	Contract Services	189299.75
APP2025029	4-3152-63152-463333-132100-6530	PT/Wages-Teacher	274903.16
APP2025029	4-3152-63152-463333-210000-6530	FICA	21030.27
APP2025029	4-3159-63159-461102-800100-6599	Machinery & Equipment	613.33
APP2025029	4-3166-63166-461101-601380-6530	Materials & Supplies-COVID19	123624.08
APP2025029	4-3173-63173-461101-601300-6530	Ed & Rec Supplies	0.08
APP2025029	4-3202-63202-461102-112100-6499	Salaries-Teacher	126339.34
APP2025029	4-3202-63202-461102-210000-6499	FICA	9664.96
APP2025029	4-3203-63203-461311-601300-6530	Ed & Rec Supplies	4.52
APP2025029	4-3207-63207-461190-580500-6530	Staff Development	2539.61
APP2025029	4-3207-63207-461190-601300-6530	Ed & Rec Supplies	3646.72
APP2025029	4-3207-63207-461190-800100-6530	Machinery & Equipment	6000.00
APP2025029	4-3217-63217-461101-132100-6530	PT/Wages-Teacher	28619.96
APP2025029	4-3217-63217-461101-210000-6530	FICA	2189.42
APP2025029	4-3221-63221-461101-132100-6530	PT/Wages-Teacher	18169.84
APP2025029	4-3221-63221-461101-210000-6530	FICA	1390.01
APP2025029	4-3224-63224-464600-800100-6530	Machinery & Equipment	80990.04
APP2025029	4-3225-63225-461313-601300-6530	Ed & Rec Supplies	12595.44
APP2025029	4-3225-63225-461313-800100-6530	Machinery & Equipment	9299.78
APP2025029	4-3226-63226-461101-301210-6530	Contract Services	32048.62
APP2025029	4-3227-63227-461110-112100-6104	Salaries-Teacher	20525.00
APP2025029	4-3227-63227-461110-112100-6109	Salaries-Teacher	20000.00
APP2025029	4-3227-63227-461110-112100-6110	Salaries-Teacher	20000.00
APP2025029	4-3227-63227-461110-112100-6112	Salaries-Teacher	25000.00
APP2025029	4-3227-63227-461110-112100-6114	Salaries-Teacher	25000.00
APP2025029	4-3227-63227-461110-112100-6116	Salaries-Teacher	25000.00
APP2025029	4-3227-63227-461110-210000-6104	FICA	1912.50

APP2025029	4-3227-63227-461110-210000-6109	FICA	1530.00
APP2025029	4-3227-63227-461110-210000-6110	FICA	1530.00
APP2025029	4-3227-63227-461110-210000-6112	FICA	1912.50
APP2025029	4-3227-63227-461110-210000-6114	FICA	1912.50
APP2025029	4-3227-63227-461110-210000-6116	FICA	1912.50
APP2025029	4-3227-63227-461110-132135-6501	PT/Wages-Interpreter	100.00
APP2025029	4-3227-63227-461110-210000-6501	FICA	7.65
APP2025029	4-3227-63227-461110-312500-6501	Professional Services-Instructional	657.35
APP2025029	4-3227-63227-461110-580500-6501	Staff Development	1000.00
APP2025029	4-3227-63227-461110-601200-6501	Books & Subscriptions	1000.00
APP2025029	4-3227-63227-461110-601300-6501	Ed & Rec Supplies	1000.00
APP2025029	4-3229-63229-461101-111400-6530	Salaries-Other Management	44841.85
APP2025029	4-3229-63229-461101-132100-6530	PT/Wages-Teacher	260333.02
APP2025029	4-3229-63229-461101-134100-6530	PT/Wages-Teacher Aide	32140.80
APP2025029	4-3229-63229-461101-137100-6530	PT/Wages-Bus Drivers	4192.02
APP2025029	4-3229-63229-461101-139300-6530	PT/Wages-Food Service	3220.00
APP2025029	4-3229-63229-461101-160150-6530	Stipend-Tutorial	20700.00
APP2025029	4-3229-63229-461101-210000-6530	FICA	29099.18
APP2025029	4-3229-63229-461101-231000-6530	Health Insurance	6900.00
APP2025029	4-3229-63229-461101-232000-6530	Dental Insurance	168.00
APP2025029	4-3229-63229-461101-301260-6530	Catering	718.72
APP2025029	4-3229-63229-461101-310000-6530	Professional Services	338354.02
APP2025029	4-3229-63229-461101-420110-6530	School Transportation	119603.60
APP2025029	4-3229-63229-461101-600000-6530	Materials & Supplies	347.77
APP2025029	4-3229-63229-461101-600200-6530	Food Supplies	1135.42
APP2025029	4-3229-63229-461101-800710-6530	Software	55000.00
APP2025029	4-3229-63229-461102-134100-6530	PT/Wages-Teacher Aide	3750.00
APP2025029	4-3229-63229-461102-210000-6530	FICA	300.00
APP2025029	4-3229-63229-461311-310000-6530	Professional Services	20000.00
APP2025029	4-3229-63229-461311-600000-6530	Materials & Supplies	9013.00
APP2025029	4-3229-63229-462210-112300-6530	Salaries-Counselor	218300.00
APP2025029	4-3229-63229-462210-210000-6530	FICA	16700.00
APP2025029	4-3229-63229-462210-221000-6530	Virginia Retirement Sys.	38923.00
APP2025029	4-3229-63229-462210-231000-6530	Health Insurance	9857.00
APP2025029	4-3229-63229-462210-232000-6530	Dental Insurance	240.00
APP2025029	4-3229-63229-462210-240000-6530	Group Life Insurance	2925.00
APP2025029	4-3229-63229-468300-134000-6530	PT/Wages-Technical	480.80
APP2025029	4-3229-63229-468300-210000-6530	FICA	36.78
APP2025029	4-3304-63304-461101-579001-6530	Housing Assit. Payments Homeless	72687.93
APP2025029	4-3304-63304-461101-580004-6530	Misc. Exp-Homeless	72687.92
APP2025029	4-3305-63305-461144-132100-6301	Salaries-P/T Wages Teacher	44266.95
APP2025029	4-3305-63305-461144-132100-6302	Salaries-P/T Wages Teacher	38316.00
APP2025029	4-3305-63305-461144-132100-6304	Salaries-P/T Wages Teacher	38316.00
APP2025029	4-3305-63305-461144-210000-6301	FICA	3386.42
APP2025029	4-3305-63305-461144-210000-6302	FICA	2931.17
APP2025029	4-3305-63305-461144-210000-6304	FICA	2931.17
APP2025029	4-3305-63305-461144-601300-6301	Ed & Rec Supplies	7924.67
APP2025029	4-3305-63305-461237-132100-6530	Salaries-P/T Wages Teacher	33816.00
APP2025029	4-3305-63305-461237-210000-6530	FICA	2586.92
APP2025029	4-3305-63305-461237-312700-6530	Professional Services Consultant	3816.37
APP2025029	4-3305-63305-461237-601300-6530	Ed & Rec Supplies	10000.00
APP2025029	4-3310-63310-461120-117200-6599	Salaries-Transit Aide	10000.00
APP2025029	4-3310-63310-461120-132100-6599	P/T Wages Teacher	550000.00
APP2025029	4-3310-63310-461120-134100-6599	P/T Wages TA	122457.31
APP2025029	4-3310-63310-461120-137100-6599	P/T Wages Bus Drivers	25000.00
APP2025029	4-3310-63310-461120-210000-6599	FICA	40303.72

APP2025029	4-3310-63310-461120-420110-6599	School Transportation	50000.00
APP2025029	4-3310-63310-461120-601300-6599	Ed & Rec Supplies	10000.00
APP2025029	4-3310-63310-461124-117200-6599	Salaries-Transit Aide	10000.00
APP2025029	4-3310-63310-461124-132100-6599	P/T Wages Teacher	250000.00
APP2025029	4-3310-63310-461124-137100-6599	P/T Wages Bus Drivers	25000.00
APP2025029	4-3310-63310-461124-210000-6599	FICA	8050.00
APP2025029	4-3310-63310-461124-420110-6599	School Transportation	50000.00
APP2025029	4-3310-63310-461124-601300-6599	Ed & Rec Supplies	10000.00
APP2025029	4-3380-63380-461101-601300-6280	Ed & Rec Supplies	2195.62
APP2025029	4-3501-63501-463080-580000-6599	Miscellaneous Expenses	15000.00
APP2025029	4-3502-63502-460606-601300-6599	Ed & Rec Supplies	22879.41
APP2025029	4-3905-63905-462320-800506-6599	School Bus Replacement	490271.84
APP2025029	4-3907-63907-468200-800700-6599	Technology Equip-Computer	1988140.67
APP2025029	4-3909-63909-461101-601200-6599	Books & Subscriptions	81643.07
APP2025029	4-3909-63909-461101-601300-6599	Ed & Rec Supplies	1556.34
APP2025029	4-3909-63909-461101-602000-6599	Textbook Replacement	30000.00
APP2025029	4-3910-63910-462341-600900-6599	Vehicle & Equip Repairs	343795.15
APP2025029	4-3911-63911-461101-112100-6599	Salaries-Teacher	2322340.92
APP2025029	4-3911-63911-461101-210000-6599	FICA	191250.00
APP2025029	4-3911-63911-461101-221000-6599	VRS	225000.00
APP2025029	4-3911-63911-461101-231000-6599	Health Insurance	201409.08
APP2025029	4-3911-63911-461101-232000-6599	Dental Insurance	50000.00
APP2025029	4-3911-63911-461101-241000-6599	VRS Group Life Insurance	10000.00
APP2025029	4-3913-63913-461101-601300-6599	Ed & Rec Supplies	760566.00
APP2025028	4-8581-99000-493010-939100-9999	SA2025028 Proffers to Moore's Creek	38465.39
APP2025028	3-8581-99000-352000-510100-9999	SA2025028 Proffers to Moore's Creek	38465.39
APP2025028	3-9010-99000-351000-512057-9817	SA2025028 Proffers to Moore's Creek	38465.39
APP2025028	4-9010-71009-471000-800605-9817	SA2025028 Proffers to Moore's Creek	38465.39

Agenda Item No. 15. **Public Hearing: SP202400020 Carter Machinery Outdoor Storage, Display, and Sales.**

PROJECT: SP202400020 Carter Machinery Outdoor Storage and Display
MAGISTERIAL DISTRICT: Rio
TAX MAP/PARCEL: 06100-00-00-12000
LOCATION: 721 Rio Road W
PROPOSAL: Establish outdoor storage, display, and sales of construction equipment/vehicles
PETITION: Outdoor storage, display and sales serving or associated with a permitted use in accordance with Section 30.6.3.a.2(b) of the Zoning Ordinance on approximately 4.37 acres. No dwelling units proposed.
ZONING: HC Highway Commercial – commercial and service; residential by special use permit (15 units/ acre)
ENTRANCE CORRIDOR: Yes
OVERLAY DISTRICT: EC Entrance Corridor, AIA Airport Impact Area, and Steep Slopes – Managed
COMPREHENSIVE PLAN: Core Area within Rio 29 Small Area Plan - area intended to have a mixture of uses including residential, commercial, retail, office, institutional and employment uses. Buildings with heights of 3-6 stories, built close to the street, with pedestrian access and relegated parking.

The Executive Summary forwarded to the Board states that at its meeting on November 26, 2024, the Planning Commission (PC) voted 4:0 (Commissioners Bivins, Missel, and Moore absent) to recommend approval of SP202400020 with the recommended conditions, and for the reasons, stated in the staff report.

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

The PC did not object to the special use permit request. No members of the public spoke at the public hearing on this proposal.

Since the PC meeting, the applicant made one minor update to the concept plan, at staff's request, to more clearly define the boundaries of the proposed outdoor storage area. (Attachment D)

Staff recommends that the Board adopt the attached Resolution (Attachment E) to approve SP202400020 with conditions.

Mr. Khristopher Taggart, Senior Planner I, said that he was joined tonight by Margaret Maliszewski, who assisted with the review. He said that he would be presenting staff's presentation for the Special Use Permit application. He said that the subject properties were located at 721 Rio Road West, situated directly west of the Northside Library and the primary commercial buildings in the area. He said that both Rio Road and Route 29 were entrance corridors. He said that the parcel contained a warehouse consisting of multiple structures at the front of the property, surrounded by paving.

Mr. Taggart said that the Special Permit requests were for outdoor storage display and sales of construction equipment and vehicles in the Entrance Corridor Overlay District, so he would refer to this as outdoor storage. He said that the plan was oriented with the sides facing north and south, and the top and bottom facing west and east. He said that the plan showed the demolition of the eastern portion of the existing warehouse buildings, the storage area south and east of the existing brick-faced building, which was shaded in blue in the concept plan.

Mr. Taggart said that the storage area would be enclosed with a combination of security and chain-link fencing. He said that new planting areas would be added along the west side of the building and the front end of the property. He said that new parking would be added along the north side of the storage area. He said that machinery and equipment sales and services were permitted by right use in the zoning district, but outdoor storage was a special use in the entrance corridor.

Mr. Taggart said that special permits for outdoor storage were reviewed under Section 30.6, which limited the factors to be considered to whether the outdoor storage was consistent with entrance corridor design guidelines. He said that this proposal had been reviewed by the Architectural Review Board (ARB) in October and November of last year, and after revisions to the concept plan to increase site landscaping, the ARB unanimously voted to recommend approval with conditions.

Mr. Taggart said that those changes included creating planting areas along the frontage and the western side of the building and increasing landscaping along the northern perimeter of the storage area. He said that a community meeting had been held on November 18, and the Planning Commission had unanimously recommended approval of the SP with no changes to the ARB's recommended conditions. He said that the conditions were listed here, and they could be brought back up if needed.

Mr. Taggart said that staff did not identify any unfavorable factors, and the favorable factor for this request was that outdoor storage use would be consistent with the entrance corridor (EC) design guidelines if the ARB's recommended conditions were upheld. He said that for this reason, staff recommended approval of a special permit for outdoor storage. He said that he was happy to answer the Board's questions and could bring up the motions and conditions of approval when the Board was ready.

Ms. McKeel said that from her understanding, there would be no grading required for this project.

Mr. Taggart confirmed that was correct.

Mr. Gallaway said that typically, when they had an application in front of them, it involved more than just changing the existing use. He said that for instance, with this new application, it was likely because it was a new use, and they needed to ensure it aligned with the entrance corridor and other relevant factors.

Mr. Gallaway said that from a stormwater management perspective, they examined how water left the property, and he was sure that there were existing measures in place. He said that he had not heard of any issues with this particular property. He asked that, just like they looked at things with guidelines for entrance corridors and what they could do now that it is a new application, was the same true for looking at how water runoff happened on the site.

Mr. Taggart said that since there was no disturbance on the site, the scope was somewhat limited to what was already present.

Mr. Gallaway said that he was using this application as a test case to understand that, just as they were now examining this property under the current situation versus older situations when it was first established, that they did not conduct stormwater scrutiny as well.

Mr. Taggart said that was correct; there would need to be disturbance to the site.

Mr. Gallaway clarified that because they were not moving any property or anything like that, the site does not really get looked at.

Mr. Taggart said that was correct.

Ms. Mallek thanked Mr. Gallaway for bringing that up, as it reminded her of the discussions they had during the library site renovation. She said that there was a lot of concern about the runoff from this area flowing into Berkeley, and the potential flashpoints related to the sheet drainage. She said that this was the reality they were facing, but it was not because nothing was going on; it was just that they did not appear to have the ability to address it.

Ms. Mallek asked if Mr. Taggart could provide more information about the northern half of the

eastern border. She said that it appeared that there had been a significant improvement in landscaping for the southern half, but not for the northern half. She said that the northern half seemed to be paved all the way to the property line. She said that normally an applicant would not be allowed to take credit for screening on someone else's property, and that she was interested in what was happening over there.

Mr. Taggart said that the landscaping increase was a recommendation based on the outdoor storage use, intended to satisfy the screening of the outdoor storage equipment within the site.

Ms. Mallek said that that appears to be the three rows of five things, which are designated for outdoor storage, which were not screened from the east at the bottom of the slide. She said that they had done a great job on the left-hand side, the southern half of this line.

Mr. Taggart said that the screening requirements, limited to the Route 29 entrance corridor, focused on the visibility of the viewpoints from Route 29. He said that on the eastern portion of the site, there was a building and other structures that filtered or screened the view from the Route 29 entrance corridor. He said that although there may have been some visibility from Route 29, it was largely filtered by existing development between the site and the Route 29 entrance corridor, which is why landscaping was predominantly along the Rio Road entrance corridor.

Ms. Mallek asked if the 500 feet off the corridor did not affect this particular, as it did up at Hollymead Town Center, where there were lots of other buildings in between, but because they were within the 500 feet of the roadway, and they had to each provide their own screening elements.

Mr. Taggart said that he believed the key difference lay in the use of outdoor storage and the screening of visibility of the equipment from the entrance corridor. He said that with buildings and such, they would be more visible from any particular entrance floor due to their height.

Ms. McKeel said that she had a question based on something Ms. Mallek had mentioned earlier. She said that Ms. Mallek had discussed how the library was affected by stormwater from this property. She said that she was confused because she would have wanted to know about such an issue if it were happening.

Ms. Mallek said that the sheet drainage was the same across both because they were originally a single parcel. She said that that was the extent of her knowledge.

Ms. McKeel said that she was concerned because Ms. Mallek had mentioned that the library was being affected by the stormwater runoff from this property.

Ms. Mallek said no; the downstream neighborhood was the area that was impacted, and there were preventative measures in place on the library side to try to control the situation.

Mr. Andrews opened the public hearing.

Mr. Conor O'Donnell, land use planner with Gentry Locke Attorneys, said that he was joined by Mr. Berkey, the director of facilities. If the Board had specific questions regarding machinery on site or the longer-term vision for the building, Mr. Berkey could help provide answers.

Mr. O'Donnell said that he believed it was helpful to provide context for the long-term plans for the building. He said that they were currently seeking a special use permit for outdoor storage, but there were other plans in the works that they were working towards. He said that as could be seen, there was an intention to demolish one of the buildings, which would accommodate some of the storage.

Mr. O'Donnell said that this would trigger a major site plan amendment, and they had already presented this to the ARB for approval. He said that they would need to return to the ARB for the landscape plan, and Carter Machinery was currently preparing their application for various building permits and land disturbance activities. He said that there would be future engineering on the site as these changes came into play.

Mr. O'Donnell said that, however, the outdoor storage component was being set up first, and this plan would be incorporated into the site plan, with future ARB approval. He said that the interior of the building would undergo changes, including a small customer service area, which was currently in the building permit process. He noted that this plan would be reviewed by the ARB again before any site plan approval moved forward.

Mr. O'Donnell said that the property currently had a zoning clearance, so they were currently operating, and the equipment was stored behind the buildings. He said that if one drove on Rio Road, the building that would be demolished was currently obstructing the view behind the building. He said that there was also a 14-foot drop from Rio Road to the rear of the property, which helped with natural sightlines. He said that additionally, a six-foot tall fence would be installed in the front, adjacent to the building, to provide screening. He said that as part of their conditions, no equipment stored in that property could be higher than the fence there. He said that therefore, nothing should be visible from Rio Road as one moved through the area. He said that any equipment on site would be stored as low as possible.

Mr. O'Donnell said that they had also directly contacted the library, and the library had not

provided any comments or feedback. He said that in fact, there were many children at the library who were interested in the heavy equipment. He stated they had not received any issues from neighbors. He said that as this project would be reviewed by the County multiple times as various permits progressed.

Ms. LaPisto-Kirtley said that the vehicles in the front were machinery, but they would be under six feet and within the fence. She asked if the ones in the back could be larger, heavier equipment.

Mr. O'Donnell confirmed that was correct. He said that the primary use was for rentals, and in front of the fence, there would also be a double-staggered row of evergreens.

Ms. McKeel said that she did not have any specific questions about the plan. She said that given that it was a rental facility, she wanted to ensure that they would have adequate personnel on site to manage the equipment and their movements. She said that specifically, she was concerned that with the library nearby, there would be someone on site who could oversee the placement of equipment, prevent litter, and maintain the grounds and facility.

Mr. O'Donnell said that Mr. Berkey could walk them through their typical rental process.

Ms. McKeel said that she wanted to confirm that the facility was properly maintained and monitored, given its location.

Mr. Berkey said that they would have staff on site during the duration of operations. He said that this site was actually quite interesting for them. He said that they were having corporate sponsors, such as Caterpillar, support them in adding additional infrastructure to the site. He said that on any given day, when they opened in the morning, facilities personnel would be present throughout the day.

Mr. Berkey said that they took pride in maintaining cleanliness at Carter Machinery and strived to be good stewards of the community and neighborhood. He said that they aimed to dress the facility up to be better than what currently existed. He said that their staff conducted multiple daily checks to ensure the facility remained clean. He said that they would also hire outside cleaners and janitorial staff to further maintain the high standards they set, comparable to the cleanliness of the library.

Mr. Gallaway said that for his own edification, he would like to know if the west side of the property was shared, and the access there was shared with the library.

Mr. O'Donnell said that the road back there was quite unusual, with a large amount of pavement. He said that the island adjacent to the building that was added after their first ARB meeting was already approximately 30 feet in size. He said that he believed the distance between the library and this island was significant, and it was a private road shared between them.

Mr. O'Donnell said that the island, as previously mentioned, was planted with vegetation, extending about 30 feet from the edge of the building towards the middle of the road. He said that the remaining drive aisle, excluding the additional drive lane for the library, was approximately 20 feet, which was still a considerable distance. He said that to put this into perspective, a residential street with a minimum width of 24 feet, from curb to curb, was equivalent to the width of the drive aisle on the Carter Machinery side, with the added landscaping.

Mr. Gallaway said that it was not physically separate. He asked if it was all open, but it would be lined and painted.

Mr. O'Donnell said that during the major site plan approval process, the County had mentioned possibly incorporating curb separation or painting, although the specifics were unclear at that point. He said that it appeared that there would be some future addressing of that large span there.

Ms. Mallek said that her understanding was that most of the equipment would be transported on trailers, so people would not be driving a backhoe 15 miles to the site. She said that based on her limited experience with a 15-foot livestock trailer, she could attest that it still required a significant turning radius and careful handling. She said that the thought of inexperienced drivers must give them nightmares, and that she would not want to take it on.

Ms. Mallek said that the design of the entrance to the back lot appeared to have a great curvature, and that her eyebrows went up when they mentioned about curb. She said that that was not in the 30-foot road and was only to keep wheels off the gardens basically.

Mr. O'Donnell said no, and that he believed it would be something more if the County decided they wanted some type of physical separation between the drive aisle and the library. He said that if that was something that the County would be interested in, it would come up during the site plan process. He said that currently, the distance between the two properties was quite large.

Ms. Mallek said that she could see the benefits of that whole width, particularly with wider turns.

Mr. Andrews said that due to its earth-moving nature, the equipment would likely be dirty. He asked if the facility had special bays designed to clean and separate the oils. He said that he was wondering if this was a standard automotive type or a specialized system.

Mr. Berkey said that it was not standard, but it was similar to what one would find at a car wash, where all their washing facilities were run through a booth or controlled area before being run through an

oil-water separator, then back into sanitary use. He said that they use special detergents, and that their environmental team at Carter Machinery worked closely with the locality to ensure that things were vetted prior to washing on site. He said that everything that came into the facility was cleaned, inspected, and put back into service.

Mr. Berkey said that large overhauls and equipment were sent to their larger stores, which had better capabilities for that type of service. He said that all equipment that was washed in this facility would be washed and controlled, separated through an oil-water separator, and then discharged into the sanitary system, all within the building, eliminating any stormwater runoff.

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

Mr. Gallaway said that, although it fell outside the scope of the small area plan, this site was currently not being utilized effectively. He said that this project would greatly improve the area, and it would be a welcome addition, providing good activity and a well-functioning facility that would look much better than the current state.

Ms. Mallek said that it appears that all the requirements of the process had been met, and she was pleased. She said that she had a strong appreciation for those big yellow machines, and she thought many children at the library would want to peer through the fence and see them up close. She said that perhaps a Caterpillar speaker at the library could be arranged on a regular basis.

Ms. Mallek said that there were numerous job sites that required machinery, and she believed it was becoming increasingly challenging to find someone to assist with an emergency situation, such as a washout. She said that she thought this company's skills would be valuable in addressing this need. She said that if their business had a workforce side that could affiliate with their local workforce board, it may be possible to train and place operators for their business as well.

Mr. Andrews said that he was supportive, and that he was looking for a motion.

Mr. Gallaway **moved** that the Board of Supervisors adopt the attached Resolution (Attachment E) to approve SP202400020 with conditions. 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 SP202400020
CARTER MACHINERY OUTDOOR STORAGE, DISPLAY, AND SALES**

WHEREAS, upon consideration of the staff reports prepared for SP202400020 Carter Machinery Outdoor Storage, Display, and Sales, and all of their attachments, including staff's supporting analysis, the information presented at the public hearings, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-30.6.3(a)(2)(b) and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

1. not be a substantial detriment to adjacent parcels;
2. not change the character of the adjacent parcels and the nearby area;
3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the Highway Commercial (HC) zoning district, and with the public health, safety, and general welfare (including equity); and
4. be consistent with the Comprehensive Plan and the applicable design guidelines.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SP202400020 Carter Machinery Outdoor Storage, Display, And Sales, subject to the conditions attached hereto.

* * * * *

**SP202400020 Carter Machinery Outdoor Storage, Display, And Sales Special Use Permit
Conditions**

1. Use of this site must be in general accord with the Carter Machinery Concept Plan by Balzer & Associates dated November 15, 2024. To be in general accord, equipment must be stored only in areas indicated for storage on the Concept Plan.
2. Equipment must be kept in the retracted/stowed position.
3. Site plan approval is subject to ARB approval of the landscape plan (submitted with the site plan), including (but not limited to) all planting islands and areas shown on the Concept Plan. Landscaping shown on the plan may be required to exceed the minimum requirements of the ARB guidelines and/or the Zoning Ordinance in order to mitigate the visual impacts of the proposed use.
4. Site plan approval is subject to ARB approval of the lighting plan (submitted with the site plan). Maximum light levels must not exceed 20 footcandles. The maximum height of pole lights must not exceed 20 feet. All fixtures must have lamps whose color temperature is between 2000 and

LOCATION: 1010 Rio Road East

PROPOSAL: Amend existing special use permit, SP202200012, to allow a 13,100 square foot building and up to 87 additional parking spaces on site. Associated is a special exception request (SE202400018) in accordance with Section 18-4.12.2 (c) to modify the limitation on the maximum number of parking spaces allowed by Section 18-4.12.4 (a).

PETITION: Religious assembly in the R4 Zoning District on a 4.23 acre parcel under Section 15.2.2.12 of the Zoning Ordinance.

ENTRANCE CORRIDOR: Yes

ZONING: R4 Residential (4.0 units/acre)

OVERLAY DISTRICT(S): Airport Impact Area, Steep Slopes – Managed

COMPREHENSIVE PLAN: Urban Density Residential which allows residential uses (6.01 – 34 units/ acre) and supporting uses such as religious institutions, schools, commercial, office and service uses in Neighborhood 2 of the Places 29 Master Plan.

The Executive Summary forwarded to the Board states that at its meeting on December 10, 2024, the Planning Commission (PC) voted 4:0 to recommend approval of SP202400012 with the conditions listed in the staff report. The Planning Commission did not act on SE202400018 because the PC is not required to act on special exceptions. No members of the public spoke during the public hearing.

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

Though staff recommended approval, the PC report noted that the parking lot expansion would result in a significantly larger parking area along the Entrance Corridor. The PC discussed that issue, encouraged the applicant to look for ways to adjust the design of the parking lot, allow for ARB landscaping requirements, and reduce impervious area.

Following the PC meeting, the applicant provided a revised Concept Plan (Attachment D) that illustrates a landscaping plan, and is an example of what the landscaping on the site could look like if the special use permit were to be approved by the Board. However, this revised plan has not been fully reviewed by staff nor have comments been provided to the applicant. If the special use permit is approved, parking locations and the quantity of parking spaces may need to be adjusted or reduced to satisfy requirements.

Staff recommends that the Board adopt the attached resolutions (Attachment E and F) to approve both special use permit SP202400012 City Church Multi-Use Space Addition, with conditions, and special exception SE202400018.

Mr. Syd Shoaf, Senior Planner, said that tonight he will be presenting for Special Use Permit SP202400012 and Special Exception SE202400018, City Church Multi-Use Space Edition. He said that the Special Use Permit is amending a previously approved SP2022-12 to construct a multiuse building and a parking lot expansion, and the Special Exception is for parking beyond the maximum requirement. He said that the subject property, located on the northwest border between the City of Charlottesville and Albemarle County's jurisdictional line at 1010 Rio Road East, is 4.23 acres, zoned R-4 Residential, and designated as Urban Density Residential in the Comprehensive Plan.

Mr. Shoaf said that to the west lies the City of Charlottesville, with residential uses; to the northeast and south are institutional uses such as the Charlottesville-Albemarle Technical Education Center (CATEC), and other churches; to the east across Rio Road consists of primarily single-family residential uses. He said that the site currently features an existing church building, two parking areas, and a Tier 2 personal wireless service facility, with 74 parking spaces between the two existing parking lots. He said that a shared use parking agreement between City Church and CATEC allows them to use their parking lot for church services.

Mr. Shoaf said that this presentation will provide an overview of the two applications before the Board this evening. He said that the Special Use Permit, SP2024-12, seeks to amend the previously approved SP2022-12 to allow a 13,100 square foot multiuse building and a parking lot expansion for up to 87 additional spaces. He said that the Special Exception, SE2024-18, requests a modification to the limitation on the maximum number of parking spaces.

Mr. Shoaf said that he will begin by discussing the Special Use Permit and then proceed to discuss the Special Exception in a later slide. He said that the previously approved Special Use Permit SP2022-12 was approved in May 2023, and it authorized a 10,600 square foot multiuse building with a parking lot expansion for 43 parking spaces. He said that the area in purple represents the new, larger building, and the areas in red indicate the proposed locations for the parking lot expansions. He said that the applicant would provide further details regarding their proposal.

Mr. Shoaf said that the special use permit application was reviewed under the factors outlined in the Zoning Ordinance. He said that staff believed that the proposed special use permit would not be detrimental to adjacent parcels, would not change the character of the nearby area, would continue to be in harmony with the R-4 Residential zoning district, and was consistent with the Comprehensive Plan.

Mr. Shoaf explained that there were five conditions for this application, with most being carried over from the previously approved SP. He said that the first condition required the development to be in general accord with the provided concept plan, including the location of the proposed building, the location of parking, a 20-foot buffer along the western property line, and for the wooded areas to remain.

He said that the second condition addressed the larger parking area along the entrance corridor, and that conditions 3-5 were carryover from the previously approved SP.

Mr. Shoaf said that in summary, there were two positive aspects: the proposal was consistent with the review criteria for special use permits contained in the Zoning Ordinance, and the use was consistent with the Places 29 Master Plan. He said that staff recommended approval with the conditions as outlined in the staff report.

Mr. Shoaf said that he would now transition to discussing the associated special exception. He said that this special exception requested a modification to the limitation on the maximum number of parking spaces. He said that the County Code allowed for this limitation, and it may not exceed the number of spaces required by the section by more than 20%.

Mr. Shoaf said that the table breakdown illustrated the concept plan if both the special use permit and the special exception were to be approved. He said that currently, there were 74 parking spaces on site, and the County Code required a minimum of 107 parking spaces. He said that the 20% maximum was 128 spaces, and the applicant was requesting a total of 161 parking spaces, which was approximately 50% above the minimum parking requirement.

Mr. Shoaf said that in summary, the proposal was consistent with the review criteria for special exceptions, and its use was consistent with the Places 29 Master Plan. Staff did have concerns regarding the expansion of 161 parking spaces, which would increase the parking area along the entrance corridor. He said that however, staff recommended approval without conditions, as stated in the staff report.

Ms. LaPisto-Kirtley asked to review slide 12. She said that they were requesting 50% above the minimum requirement. She said that what concerned her was the amount of asphalt involved and where the runoff would go. She said that it appeared that they were seeking 161 parking spaces so they could avoid using CATEC property.

Mr. Shoaf said that the applicant could provide more details about their reasons for submitting this proposal, but they did submit a parking study along with the special exception request, which included parking counts throughout the year that were consistent with this request. He said that the applicant could explain more about their situation with CATEC.

Ms. McKeel said that she did not have any questions about the special use permit. She said that churches and schools consistently experienced growth, which was a given. She said that during her 12 years on the CATEC board, she recalled discussing shared parking with this particular church. She said that they had a shared agreement that allowed them to use the parking spaces for both church and CATEC events. She said that this was an informal agreement.

Ms. McKeel said that she was concerned about the applicant's request for 50% more parking, especially at a time when this Board was trying to decrease the number of parking spaces for stores, churches, and schools. She said that this seemed counterintuitive to their efforts to encourage businesses to share parking spaces.

Ms. McKeel said that she recently visited a Thai restaurant in the City, which had two restaurants on either side of it, all of which had agreed to share the parking spaces. She said that the Thai restaurant had limited parking, while the other two had more space and were sharing it. She said that she would reserve her remaining questions for the applicant.

Mr. Gallaway asked if Mr. Shoaf could repeat the history of the permit, as he was having trouble recalling the differences between this one and the previous one.

Mr. Shoaf said that the previous special use permit had been approved. He said that on the screen was the approved concept plan from the plan that had been approved in May 2023. He said that originally, it had been approved for a 10,600 square foot building. He said that this proposal today increased the size to approximately 13,100 square feet. He said that the proposal from 2022 had requested 43 parking spaces, whereas this one was requesting an additional 87 parking spaces.

Ms. Mallek said that with the expansion of the asphalt in the parking lot and the increase in the building, there was already a plan in place to implement stormwater collection and detention systems, which would help slow down the velocity of water as it drained towards the railroad track.

Mr. Shoaf said that the applicant and the engineer could provide more information on that topic, but based on his understanding, that was accurate.

Ms. Mallek said that the railroad was located to the west, and the City was beyond. She said that it was an intervening activity. She said that it was also very important that there was not an excessive amount of water that could undermine the tracks, so this would need to be carefully managed.

Mr. Shoaf said that that was correct.

Mr. Pruitt said that he shared some of his peers' concerns about the parking, but he did not have any technical questions about the application.

Mr. Andrews said that in the conditions, he noticed that landscaping was mentioned, but there

was no provision for conditions related to implementing parking. He said that there was a discussion about potentially implementing environmentally friendly parking solutions, which was not something they typically conditioned. He said that he would likely discuss this concern with the applicant. He said that for his own curiosity, he knew that this would be a Sunday morning use, but he would like to inquire about the availability of public transportation or MicroCAT services in this area on a Sunday morning.

Mr. Shoaf said that there was a bus stop located directly in front of the property, but it did not operate on Sundays.

Ms. McKeel said that hopefully that would change.

Mr. Andrews opened the public hearing.

Mr. Chris Becker, Operations Pastor at City Church, said they relocated to Charlottesville High School in 2013 due to the church's growth. He said that when COVID-19 hit, they returned to their church, but unfortunately, as their church returned to normal, they found that they no longer had sufficient space for their children, particularly those in elementary first through fifth grade. He said that they had a good working relationship with Harvest Church, and Harvest Church had graciously allowed them to rent their gymnasium on a weekly basis. He said that they have also been able to use the center for various purposes.

Mr. Becker said that one of the reasons they are seeking to build this facility is to consolidate their families on one side of the road. He said that it was unsafe to cross there, and that a green-T was coming from VDOT in the near future. He said that they would like to have all of their kids and adults on the same side of the street. He said that they currently have a positive working relationship with CATEC, and they appreciate their cooperation.

Mr. Becker said that last year's change in ownership, where CATEC was sold primarily to the City, raised concerns about the potential for the City to repurpose the property in the future. He said that for instance, if the City were to convert it into a police or fire facility, it would render their investment in this building and facility unnecessary. He said that therefore, they want to ensure that their site has sufficient parking capacity to accommodate their future needs. He said that they have that good relationship with CATEC, but they want to make sure that in their future they can fit everything they need to do on their site.

Mr. Clint Shifflett said that he was with Timmons Group. He said that Mr. Shoaf had done a great job of providing the background and understanding of the project. He said that provided on the slide was an aerial view of the site. He said to recap, the existing SUP approved not long ago was for a 10,600-square-foot multiuse building, which included 40 additional parking spaces at the time. He said that tonight, they were proposing an additional 47 parking spaces on top of what was previously approved, bringing the total to 161.

Mr. Shifflett said that today, at 13,000 square feet, it is a little bit bigger than 10,600 square feet. He said that the proposed building had the same footprint as the original, but the additional square footage was primarily second-floor mezzanine space. He said that the existing site was shown, with Rio Road on the right and the railroad tracks on the left. He said that the approved SUP was depicted, with the proposed building on the left, including the previously approved 40 additional parking spaces. He said that the additional request included an additional 47 spaces, a stormwater management facility to the left of the proposed building that would impound and detain water, ensuring that downstream properties were protected, in compliance with all State and local storm water regulations.

Mr. Shifflett said that lastly, the screen depicted what the landscape plan might look like. He said that of course being in the entrance corridor, that this would need to be reviewed by the ARB for its impact on the viewshed. He said that the screen depicted an idea of the level of landscaping that could be provided to serve as a buffer between the parking areas in development. He said that one key point to consider was the viewshed from Rio Road and the additional parking. He said that the parking lot to the north, which was approximately 10 feet lower than Rio Road, helped to obscure the additional parking in that location.

Ms. LaPisto-Kirtley said that she believed the applicant had addressed the question regarding the runoff with the additional parking. She said that they specifically mentioned that the proposed parking spaces in the front, adjacent to Rio Road, would be 10 feet lower than the street. She said that they also stated that there would be screening, including trees and other features.

Mr. Shifflett said that was the plan. He said that it would need to undergo site plan approval and would also require consideration from the ARB, which would be scrutinized, and buffering would be provided.

Ms. LaPisto-Kirtley asked if there were no other options for adding parking, and the location of the additional parking was the only feasible option.

Mr. Shifflett said that given the site constraints, the existing building, and topography, the location created an awkward triangle shape, with Rio Road on one side, CATEC on the other, and the railroad on the other side. He said that obtaining vehicular access to the rear of the building and other necessary facilities proved to be challenging. He said that consequently, they believed that this was the best

approach to provide the additional parking needed.

Ms. LaPisto-Kirtley asked if they have had any communication with CATEC regarding entering into an agreement for joint use of their facilities.

Mr. Becker said that they had not spoken with them specifically about long-term, but they knew that they would not commit to an indefinite arrangement. He said that although they had not spoken recently, their relationship was more of an ongoing, informal connection, built on the mutual use of each other's facilities, understanding that they would not pursue an indefinite partnership.

Ms. LaPisto-Kirtley asked if they would be opposed to anything long-term.

Mr. Becker said that they would not sign any long-term agreements.

Ms. LaPisto-Kirtley asked if they knew the maximum amount of time CATEC would give them.

Mr. Becker said that he had not asked them that.

Ms. McKeel said that she wondered if it had considered installing solar panels over the parking area.

Mr. Becker said that they had discussed the possibility of incorporating solar panels into the current facility, but it was currently cost-prohibitive, so they were focusing on this project to begin with.

Ms. McKeel said that during her time on the CATEC board, she recalled numerous discussions about expansion and building out the site. She said that due to the topography and the railroad track, the site was constrained, so she did not think there was a significant issue with them building a fire department or police station there.

Ms. McKeel said that she would like to see more dialogue with CATEC about the possibility of a shared parking area. She said that there was available space for a good connection, and there had been, or at least there was, a rough connection existing there.

Mr. Becker said that it was not a connection currently, but there was a spot that could be. He said that his concern was the long-term situation.

Ms. McKeel said that she understood that, but without having spoken directly with CATEC, she believed it was in their best interest, especially considering the City's efforts to reduce parking footprints just as the County is.

Ms. Mallek said that she had found it challenging as a non-engineer to understand this concept on her own, but she said that she would assume that there would be a certain amount of cut and fill in the area that went up towards the north to create the new spaces. She asked if the new spaces would be one flat level or tiered.

Mr. Shifflett said that the parking lot was to be minimally graded to provide slopes that were usable for pedestrians, meeting Americans with Disabilities Act (ADA) standards of 5% or less, ensuring both vehicular and pedestrian access.

Ms. Mallek said that she noticed that there were some partitions included in the drawing, which suggested the possibility of some places where the water could drop down into the tree section, rather than relying on a berm to contain it and prevent it from entering the tree section.

Mr. Shifflett said that they would likely propose stormwater infrastructure, including stormwater inlets similar to those commonly found in parking lots, which would capture the water and direct it to their stormwater management facility before it left the site.

Ms. Mallek said that she had just overheard several suggestions in other locations that instead of creating a hard edge around the trees, shrubs, and bushes in the islands, they could actually allow the water to flow there, as the plants in that area also required water. She said that this would provide a place for the water to drain off the roadway, reducing the depth of water around people's ankles when they exited their vehicles.

Mr. Pruitt asked if there were three worship times on Sundays.

Mr. Becker said that was correct.

Mr. Pruitt asked if the 10:30 a.m. service was the largest.

Mr. Becker said that, yes, that was the largest.

Mr. Pruitt asked what the average attendance for the 10:30 a.m. Sunday service was.

Mr. Becker said that it was about 540 people. He said that this was including adults, and then there was a separate demographic of children, which were likely an additional 80.

Mr. Pruitt said that he would like to clarify the basis of the 320 fixed seat assembly, which was what the parking request was based off of.

Mr. Becker said that was correct.

Mr. Pruitt asked if that was how many seats were in the sanctuary, specifically.

Mr. Becker said yes.

Mr. Pruitt clarified that he was providing the average Sunday attendance across all of the facilities. He asked if Mr. Becker had a sense of the specific Sunday attendance at 10:30 a.m.

Mr. Becker said that, typically, the number of attendees was around 300.

Mr. Pruitt said that his point was that the 10:30 a.m. service was the primary driver behind the demand for space and parking, as well as the need for a children's play area, which was also one of the largest components of the facility.

Mr. Becker said that they had adjusted their service times to help alleviate the heavy load. He said that they continued to work on optimizing the service times to ensure that the parking would spread out across.

Mr. Pruitt said that they should consider the potential worst-case scenario. He said that if they did not approve the second half of their request today and CATEC were to rescind the gentleman's agreement tomorrow, he assumed that their only viable option would be to alter their service by splitting off a fourth service, and he was guessing that staff could not support that.

Mr. Becker said that they would consider a fourth service, or considering parking off-site and providing shuttle services, looking at Harvest Church and the Center could be other catastrophic opportunities for them to explore.

Mr. Pruitt clarified that since the transfer to the City, they had not had a new conversation with CATEC.

Mr. Becker said that they had not had a conversation with CATEC, but in the past, they had not given them a long-term agreement.

Mr. Pruitt said that when they referred to long-term, he would like to know what times were associated with that. He said that he was assuming they did not want to do an easement, but he would like to know if a formalized lease agreement was discussed.

Mr. Becker said that it was not discussed.

Mr. Andrews said that there was this one service that was very large that required a significant amount of parking. He said that he wondered if there were other uses for this area, aside from the Sunday services. He said that he was curious to know what the largest use for this space was during the rest of the week.

Mr. Becker said that outside of Sundays, he assumed that the facility would be used primarily on weeknights. He said that that was probably true for Saturdays as well. He said that various groups would come in, so the parking need was not as great during those times, but it would be continually used throughout the week.

Mr. Andrews asked if those were likely to grow, in comparison with what they were doing now.

He said that they would grow because the new facility would enable them to have six more meeting spaces on their site where they could house more people throughout the week, but it would still not reach its maximum capacity on Sunday mornings.

Mr. Andrews asked if the applicant had explored any options for more environmentally friendly alternatives to pavement.

Mr. Shifflett said that they were committed to meeting all state and local stormwater management requirements. He said that they had to in order to go through the site plan process, provide calculations, and undergo extensive engineering reviews, spanning months, to demonstrate that they were meeting stormwater requirements for both water quality and quantity leaving the site. He said that a part of their strategy could include low-impact measures, such as permeable pavers.

Mr. Shifflett said that he believed there may have been a mention of bioretention or rain garden-type facilities. He said that they said that given the complexity of the issue, they would consider all options, but it was dependent on the costs. He said that permeable pavers were particularly expensive, and for a church, their viability would depend on their economic situation. He said that at this time, they could not commit to specific measures.

Mr. Andrews said that they did not currently have a review process in place that would allow them to facilitate alternative solutions in the future. He asked if it would be part of the site review.

Mr. Shoaf said that if this proposal were to be approved, it would be subject to a final site plan or a major amendment, and that was when they could regulate what was included in their ordinance. He said that they were not required to go beyond the ordinance that was already in place.

Mr. Shifflett said that the process involved the Water Protection Ordinance (WPO) plan, in addition to the site plan that was submitted for review to the County. He said that the County reviewed the site plan, and the County Engineering department reviewed it on behalf of the state DEQ (Department of Environmental Quality). He said that the County was checking for two main things: water quantity, ensuring that they were not sending more water, velocity, or volume off-site, which was why they were detaining it on-site, or would be required to; and water quality, making sure that the water was treated properly.

Ms. LaPisto-Kirtley said that she believed that they were all concerned about the amount of asphalt. She said that she was wondering if there were any trees or features in the center section that could help mitigate the effects of heat. She asked if there would be any kind of shading.

Mr. Shifflett said that they would most likely end up with planters or trees in that area to meet the County's ordinance for canopy coverage in parking areas. He said that he believed those areas would indeed have trees. He said that in fact, he could refer to the planning plan or conceptual plan. He said that as part of the ARB site plan review process, they anticipated that trees and those islands would be included.

Ms. LaPisto-Kirtley said that in the center section, it appeared to be three trees, but she was unsure what the other objects were in the center.

Mr. Shifflett confirmed that those were trees as well. He said that these planting areas were currently anticipated, featuring medium-sized shade or ornamental trees, and the larger shade trees were positioned on the side.

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

Ms. McKeel said that she was supportive of the SUP, as she understood the need for more space. She said that she was not supportive of the proposed parking option at this time. She said that she believed requesting 50% of the space, when their current standard was 20%, was a significant ask, especially if they had not yet attempted to establish a mutually beneficial agreement with CATEC. She said that transit was provided when there was a need, and it was essential to remember that a transit bus stop was typically only established where there was a demand for it. She said that she had been informed that CAT would be providing a stop at the Center by the summertime.

Mr. Gallaway said that they had been scheduled to begin that years ago.

Ms. McKeel said that she was aware that they would implement the route, as it had been recently announced in the Regional Transit Partnership meeting. She said that there were also new changes on Rio Road, and the Regional Transit Authority would hold its first meeting in February. She said that she appreciated the long-term focus on access issues, but she believed there were also some positive developments in transportation and transit.

Ms. McKeel said that although they may not be immediate, she would verify the information. She said that in the Regional Transit Partnership meeting, Mr. Williams had announced that the bus stop at the Center would be implemented, and it was happening quickly. She said that this was why, at this time, she was not supportive of the special exception due to parking concerns. She said that she was supportive of the SUP.

Mr. Gallaway said that he wanted to make a couple of comments. He said that they could not require shared parking agreements, so that was not something they could require people to do. He said that he had a similar issue in his district, unrelated to these two organizations. He said that it involved two other organizations across the road, where friendly shared parking agreements turned into paid parking agreements, which then turned into increase in pay, which then became unreasonable requests for increased parking. He said that as a result, the organization was now facing an issue because they did not have enough parking to provide for certain times of the week for events. He said that the shared parking that used to be a handshake turned into a paid arrangement that became too high of a paid for. He said that given this, he would not let that influence his thoughts about the actual application.

Mr. Gallaway said that he was also aware of other concerns regarding the CATEC site, including past uses that may be changing or may change in the future. He said that he shared the applicant's concern that he would not be placing short-term faith in what may or may not be available to him there. He said that this was based on what he was hearing in his district. He said that the ownership of CATEC had changed, and he had been trying to secure agreements to plant flowers in a section over there. He said that these agreements were only temporary, and even getting a Memorandum of Understanding (MOU) in place was challenging.

Mr. Gallaway said that he did not see the additional request for parking as substantially different from what they had previously approved. He said that there were uses in the Rio District where parking was actually needed. He said that if parking was not available, it would likely lead to people parking in

unauthorized areas, and there was no room for that on this site or in the district.

Mr. Gallaway said that this issue was similar to problems experienced by a couple of car dealerships on 29 North, which had structured parking and on-site parking but still faced parking and display issues, which could create problems of their own. He said that he understood that they wanted to minimize asphalt and were reducing parking in other areas due to good reason. He said that there seemed to be different formulas for residential projects that did not require parking, whereas this project did.

Mr. Gallaway said that he was not trying to be judgmental, but these religious uses were similar to events where it was essential to have parking available when all attendees needed to be present. He said that he was concerned about what would happen if there was not enough parking on the site and there was no agreement with the neighboring site. He said that he had always opposed people having to cross the Rio Road from the Center.

Mr. Gallaway said that he did not envision pedestrians walking down, especially with the new roundabout and green-T design. He said that he would need to review the pedestrian elements to confirm their presence. He said that he did not recall that in the green-T design, which was supposed to protect left turns and restrict right turns only for the church.

Mr. Gallaway said that if the transit could assist on their side of the road and MicroCAT could help with that, he understood. He said that he got nervous about any potential issues. He said that they had pedestrian facilities in place at the Gasoline Alley intersection, and it was still frightening to see people cross there.

Mr. Gallaway said that ultimately, with this application, he hoped that they would get what they wanted in place, as they had presented their case to the Board before. He said that they had previously approved the parking, which added 47 spaces, and the water aspects had been thoroughly scrutinized. He said that he would be supportive of both.

Ms. Mallek said that she appreciated the concern the parish had regarding their investment in the expansion and the uncertainty of accessibility. She said that she did not fully understand the demographics of the congregants, but she knew that many parish families had been with the community for generations and traveled from various locations to see those folks once or twice a week. She said that that was a little different in her mind.

Ms. Mallek said that while she could not require it, she believed it would be beneficial for the applicant to implement parking in stages and assess their needs before adding the final 20 spaces. She said that the applicant had made a reasonable effort to plan for the current capacity, which was based on a smaller original permit from 2022. She said that she thought that she was all right for now.

Mr. Pruitt said that he would like to start by congratulating the applicant. He said that in this time of declining institutions, this church stood out as incredibly vital, with a high average Sunday attendance (ASA) and serving families with children, which was a notable achievement. He said that he was excited to support the work the applicant was doing.

Mr. Pruitt said that he would like to reiterate his concerns about parking, and he appreciated the delicacy of the position the applicant was in because there were not really other options. He said that he was concerned about how the expansion of asphalt would displace other potential uses that could be valuable to the community, such as housing and higher-density commercial spaces. He said that he did not see this as a significant issue in this particular case, given the relatively sylvan nature of the land and the fact that it was owned by the applicant.

Mr. Pruitt said that the primary concern, therefore, was an environmental one, specifically the individual footprint and the creation of a heat island, which, although minor, was still a consideration. He said that he appreciated Mr. Gallaway's statement that there was no alternative, and that if CATEC were to rescind their gentleman's agreement, it would create a disastrous scenario. He said that adding a fourth service would not be a straightforward solution, as it would require splitting the community because every service was a community.

Mr. Pruitt said that he would like to ask that as people who shared a concern about care for creation in the same way that the Board was trying to steward, that this was an approval for permission rather than a trigger to create what was requested. He said that he hoped the applicant took this opportunity to re-engage and consider alternative solutions that could be implemented in stages, potentially allowing for a more viable transit opportunity to be explored before committing to concrete. He said that this could also save them some money.

Mr. Andrews said that he shared the sentiments regarding concern that they were allowing a use that contradicted their previous stance on minimizing parking. He said that he believed this was a different type of use than what that was contemplated for, and he did not see other uses for this particular space. He said that he would like to reiterate Mr. Pruitt's hope that the applicant's project's footprint would be as minimal as possible under the circumstances.

Mr. Andrews said that he was looking for a motion for the special use permit.

Mr. Gallaway said that he would like to make one additional comment. He said that he had

previously failed to mention that this section of Rio Road was considered an entrance corridor, as they had expanded it a few years ago to extend all the way to the City line. He said that as a result, all design and site plan approvals that were mentioned were subject to scrutiny at the entrance corridor level.

Mr. Gallaway **moved** that the Board of Supervisors adopt the attached Resolution (Attachment E) to approve the Special Use Permit SP2400012, City Church Multi-Use Space Addition, with conditions. Ms. Mallek **seconded** the motion.

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

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

Mr. Andrews asked if they had a second motion.

Mr. Gallaway moved that the Board of Supervisors adopt the attached Resolution (Attachment F) to approve Special Exception SE202400018. 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, and Mr. Pruitt.
NAYS: Ms. McKeel.

**RESOLUTION TO APPROVE SP202400012
CITY CHURCH MULTI-USE SPACE ADDITION**

WHEREAS, upon consideration of the staff report prepared for SP202400012 – City Church Multi-Use Space Addition, the recommendation of the Planning Commission and the information presented at the public hearing, any comments received, and all of the relevant factors in Albemarle County Code § 18-15.2.2 and § 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

1. not be a substantial detriment to adjacent parcels;
2. not change the character of the adjacent parcels and the nearby area;
3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in the R-4 Residential District, 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 SP202400012 – City Church Multi-Use Space Addition, subject to conditions attached hereto.

* * *

SP202400012 – City Church Multi-Use Space Addition Conditions

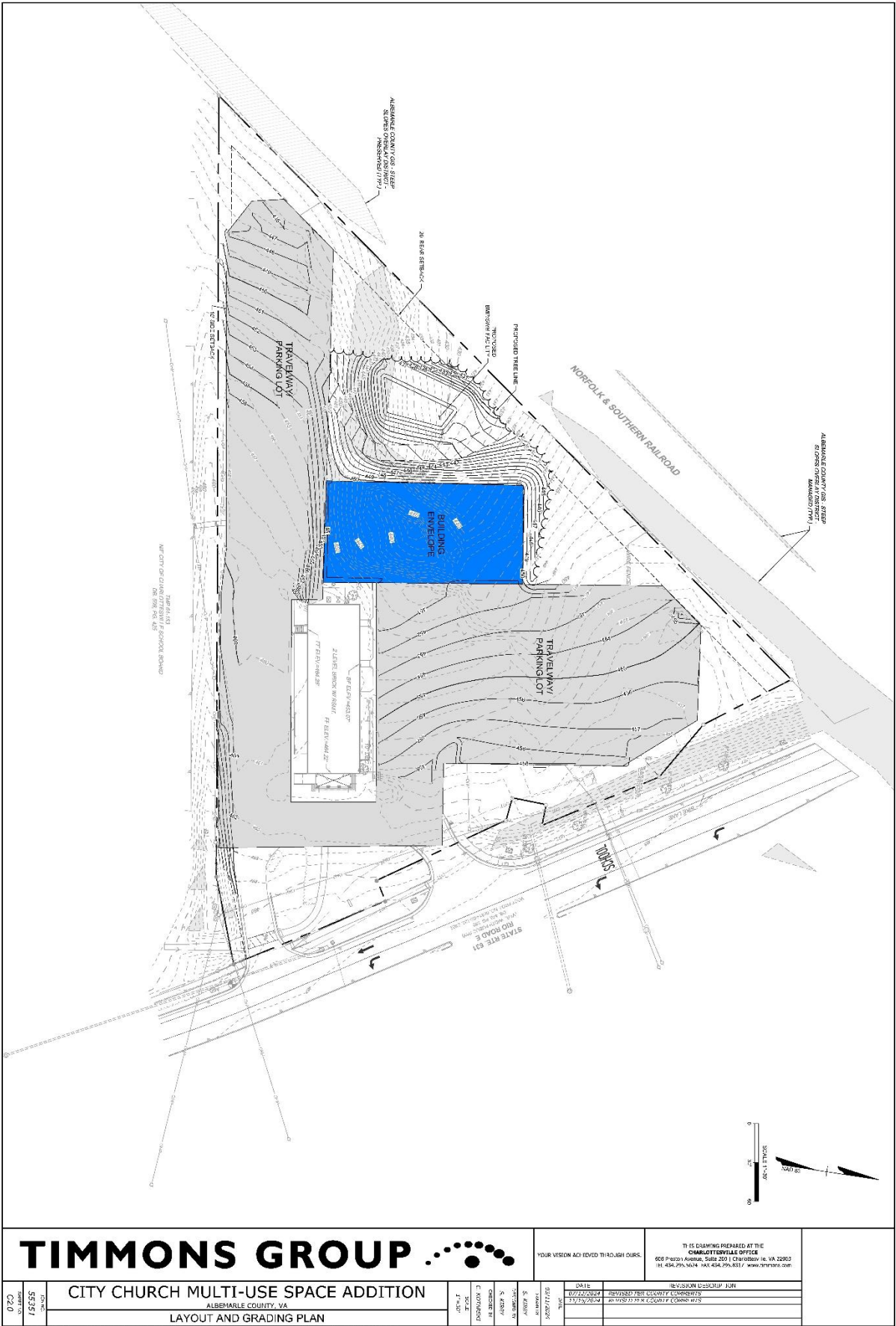
1. Development of the use must be in general accord, as determined by the Director of Planning and the Zoning Administrator, with Sheet C2.1, titled "Concept Plan", provided in the document entitled "City Church Multi-Use Space Addition Application Plan", prepared by Timmons Group dated March 11, 2024, last revised November 15, 2024 (hereafter, the "Concept Plan"). To be in general accord with the Concept Plan, development and use must reflect the following major elements as shown on the plan:
 - a. Location of the proposed building;
 - b. Location of parking;
 - c. 20' buffer along the western property line;
 - d. Wooded areas to remainMinor modifications to the Concept Plan that do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.
2. Landscaping may be required to exceed the minimum requirements of the ARB guidelines and/or the Zoning Ordinance, in order to mitigate the visual impacts of the proposed use.
3. The area of assembly is limited to a maximum 320-seat sanctuary.
4. Upon demand of the County, the owner(s) must dedicate sufficient right-of-way adjacent to Rio Road for improvements identified in the Rio Corridor Road Plan, dated June 30, 2022.
5. The use must commence on or before February 5, 2030 or the permit will expire and be of no effect.

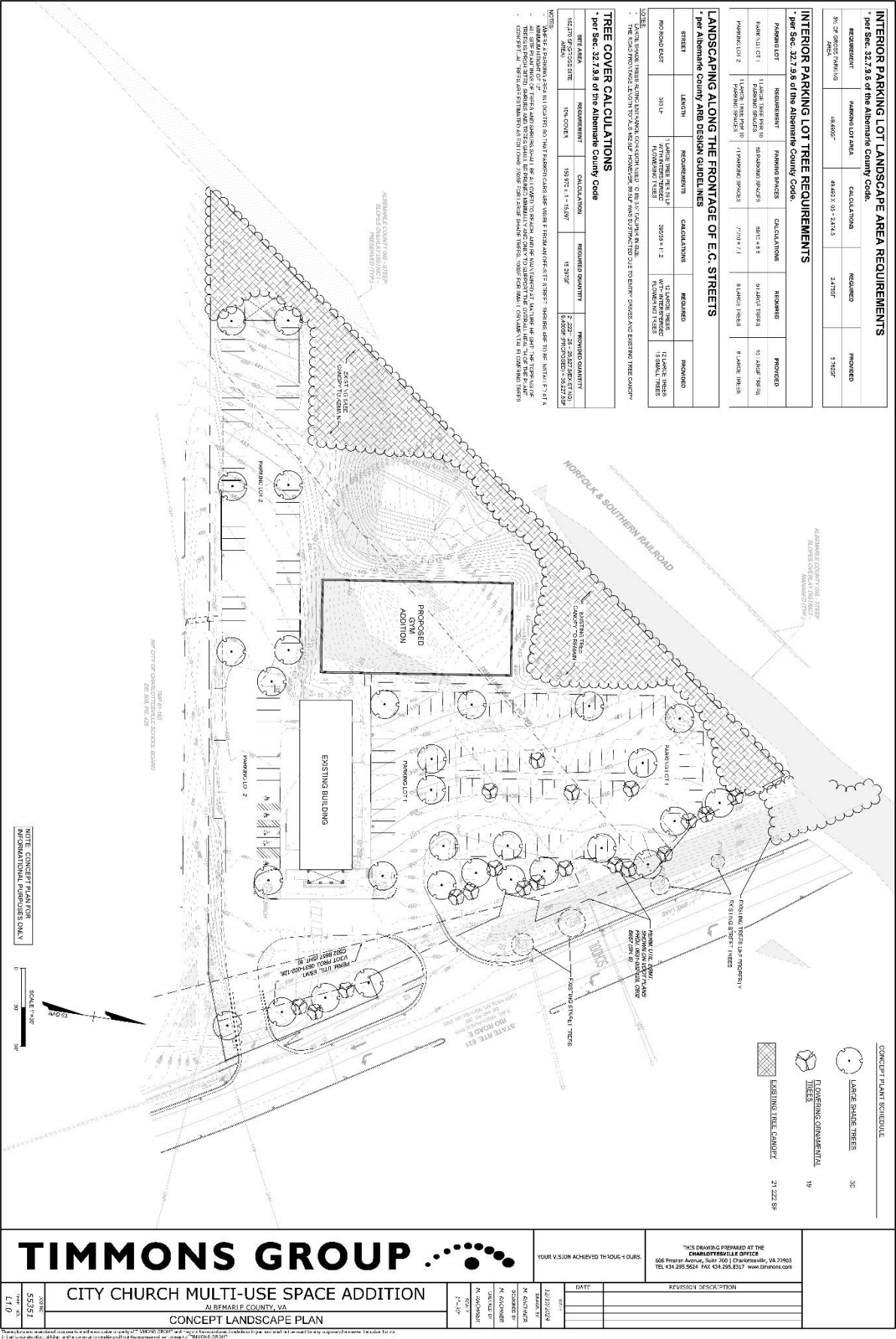
**RESOLUTION TO APPROVE SE 2024-00018
CITY CHURCH PARKING SPACES MODIFICATION**

WHEREAS, upon consideration of the staff reports prepared for SE2024-00018 City Church Multi-Use Space Addition and the attachments thereto, including staff's supporting analysis, any comments received, and all relevant factors in Albemarle County Code §§ 18-4.12.2(c) and 18-33.9, the Albemarle County Board of Supervisors hereby finds that:

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Agenda Item No. 17. **Public Hearing: SP202300023 Buck Island Solar.**
PROJECT: SP202300023 Buck Island Solar
MAGISTERIAL DISTRICT: Scottsville
TAX MAP/PARCEL(S): 10500-00-00-001A0
LOCATION: 2826/2828 Campbell Farm Lane, immediately west of its intersection with Buck Island Rd., and approx. ½ mile south of the intersection of Buck Island Rd./Thomas Jefferson Pkwy PROPOSAL: Solar-energy electrical generation facility.
PETITION: 10.2.2.58, Solar energy systems, No new dwelling units proposed.
ZONING: RA, Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
OVERLAY DISTRICT(S): Flood Hazard Overlay District
COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots).

The Executive Summary forwarded to the Board states that the Planning Commission held a public hearing on November 26, 2024, and by a vote of 4:0 (Commissioners Missel, Bivins, and Moore absent) recommended approval of SP202300023 Buck Island Solar and found the application substantially in accord with the adopted Comprehensive Plan.

During the Planning Commission public hearing, concerns were raised about the target for solar production. The Commission stated that the Comprehensive Plan has limited guidance for solar facilities. The Commission also noted that the site has been previously timbered, and the requirement of pollinator smart certification may improve the habitat compared to replanting the site with pine. Finally, the Commission noted that the scale of the project, along with its buffers, minimizes the impact of the facility.

Following the Planning Commission meeting, the County Attorney's Office substantially re-wrote the proposed permit conditions, to better match the conditions of previously-approved solar facilities (especially SP202200015 Woodridge Solar).

Staff recommends that the Board adopt the attached resolution (Attachment D) to approve SP202300023 Buck Island Solar.

Mr. Bill Fritz, Development Process Manager, said that he wanted to provide some context for the Buck Island Solar special use permit application. He said that to help illustrate the project's location, he had marked the approximate area on the displayed map with a red dot. He said that this map area was also home to two other approved solar projects, the Woodridge Solar Project and the Rivanna Solar Project. He said that the displayed map provided a more detailed look at the character of the surrounding area. He said that the proposed Buck Island Solar project was represented by a circle. He said that he had also attempted to outline the approximate panel zone area of the Rivanna Solar project, so one could see the relationship of this to the Rivanna Solar Project.

Mr. Fritz said that the plan showed the design of the solar facility, and the panel area spanned approximately 11 acres. He said that access to the facility was available via Campbell Farm Lane, a public road, and then Buck Island Road. He said that the size of this facility fell below the threshold requiring a siting agreement. He said that for larger projects, a siting agreement was required, and it was during the approval of that agreement that it was determined whether the project would be taxed under the solar revenue share or machinery and tools tax. Smaller projects are only taxed under the machinery and tools tax. He said that the applicant had offered to allow the County to tax under the solar revenue share, and there was a condition that had been included addressing this.

Mr. Fritz said that the next map provided more detail on the project, with the limits of disturbance preserving a buffer to adjacent properties. He said that the panel area was well removed from any stream buffer areas and did not impact any critical slopes. He said that he had highlighted Buck Island Road and Campbell Farm Lane, the public road, for reference. He noted that this was still under development by the applicant, and they were going to serpentine that a little, so they did not have a straight shot of view in, but they were still working on that.

Mr. Fritz said that the map also showed areas that would be retained in woods and areas with additional screening. He said that the Planning Commission (PC) had recommended approval of this application on November 26 by a vote of 4-0. He said that at that meeting, they had also found that this request was substantially in accord with the Comprehensive Plan.

Mr. Fritz said that the PC had noted that the site had previously been timbered, and that the requirement of a Pollinator Smart certification condition may improve the habitat compared to replanting the site with pine. He said that the PC had also noted that the scale of the project, along with the buffers, minimized the impact of the facility. He said that staff and the PC were recommending approval of this application. He said that they had recommended conditions of approval, which he would bring back up later, and he would be happy to answer any questions they might have.

Ms. McKeel said that several people in the community had expressed concerns about why all the solar facilities were being concentrated in one area. She said that in her opinion, this particular area appeared to be a region with extensive timbering, and what they were looking at were not prime agricultural lands, but rather timbered areas that resembled moonscapes. She said that it was not that they were intentionally placing them all in one location.

Mr. Fritz said that there were a combination of factors at play, including the presence of pine in the area and the gentler terrain, which reduced the need for extensive grading. He said that they had considered the concentration of solar panels in this immediate area, which is why he had shown that particular slide. He said that staff and the PC had agreed that the screening mitigated the appearance of a large concentration of facilities. He said that this had been a topic of discussion at the PC meeting. He said that Ms. McKeel was correct that the pine had lower value for agriculture, but the area also offered some terrain advantages.

Ms. McKeel said that they had those same conditions with the last project they approved. She said that the screening from the road allowed it to blend in, making it nearly invisible as they drive by.

Mr. Gallaway said that to build on Ms. McKeel's statement, the Woodbridge facility was partially located due to its access to the system.

Mr. Fritz said that for the Woodridge site, it required access to a transmission line, but this subject application would connect to a distribution line. He said that this project was much smaller; Woodridge required proximity to high-voltage power lines.

Ms. Mallek said that based on their recent conversation, it was clear that PJM was not involved in this project since it was a low-voltage application.

Mr. Fritz said that he would allow the applicant to respond to that question.

Ms. Mallek said that she was concerned when people suggested that a site could be easily repurposed simply because it had been previously timbered. She said that she considered this when she visited the site at Woodridge, where a site had been left untouched for a dozen years. She said that that was a different scenario. She said that what worried her was that people would assume that a site was ruined just because it had been timbered, and then suddenly it would be suitable for something else. She said that this was a slippery slope, and it was an issue that had been raised during the Woodridge site discussion.

Ms. Mallek said that with Woodridge, the applicant had gone out of their way to offer many incentives to make it better that she was persuaded. She said that she did not think it should be an assumption that just because a site had been timbered, it was automatically ruined. She said that she was going to push back to the comment that the soils at Woodridge had no agricultural value due to years of timber use. She said that that was not true, and that they may be a little more acidic, but that could be easily compensated for.

Ms. Mallek said that there were certainly places where pine trees could grow very well and other things would not, which was why they were growing there. She said that many of them used pine trees on steep slopes because they could not have access with machinery to do other things, and that they just stand there and grow and that it is wonderful. She was trying to strike a balance and encourage the County to be clinical when they go forward with descriptions, avoiding the trap that may be being created. She said that she understood the smaller scale of this. She said that a new set of conditions were applied, but she was unsure of where those were located.

Mr. Fritz said that the resolution included the conditions, and what occurred was that the conditions were modified after the PC meeting to more closely match the language adopted for the Woodridge solar project. He said that this change did not alter the intent of the PC's action but rather updated the wording.

Ms. Mallek said that she was concerned that the details regarding wildlife corridors and other specifics included in earlier discussions may have gotten lost in the process. She said that if they did not explicitly document these elements, the County could not hold the applicant accountable for what they may agree upon at the public hearing. She said that they may say that they would have grazing areas under there, but then potentially change their mind and not do that after all because there was no condition. She said that these were the kinds of things that they needed more definitive provability on, along with lighting and corridors and those kinds of things.

Mr. Pruitt said that he was going to ask a question in that vein. He asked if they were more technical than material terms.

Andy Herrick, County Attorney, said that there was an issue with version control of the conditions submitted to the PC, so between the PC and the Board's consideration, he reviewed and revised them to align more closely with the Woodridge solar conditions. He said that the one condition that was substantially new from the PC condition was condition number 20, which dealt with the solar revenue share. He said that this new condition aligned with what they were doing at the Woodridge solar project, where the applicant would pay the greater of the solar revenue share or the M&T tax.

Mr. Herrick said that the version of the conditions that the Board had in front of it with the 20 conditions, Attachment D, was essentially the best version the County had, and it represented an improvement over the version submitted to the PC. He said that he thought it was worth noting that the Board's version differed from the PC's version, even though the substance was similar. He said that the main purpose of his review was to clean it up and ensure that there were no version control issues.

Mr. Pruitt said that his understanding was that the nature of the series of terms and conditions applied were substantially different, not just that one term, but other terms from the neighboring Rivanna solar development, which was their first project.

Mr. Fritz said that they were quite different, having undergone significant changes over time.

Mr. Pruitt said that he would appreciate a brief overview of the substantive differences that had evolved since the Rivanna Solar project into these more contemporary ordinances. He said that this was particularly relevant for neighboring communities, as their experience with Rivanna Solar served as a reference point. He said that they had not lived next to Woodridge but had lived next to Rivanna Solar. He said that understanding the material differences would be helpful in what they could expect.

Mr. Fritz said that he did not recall all of the conditions for Rivanna Solar, but he could provide some examples. He said that the screening process, as described and referenced, was significantly

improved from what it was in Rivanna Solar. He said that the decommissioning requirements had also evolved over time to be more robust. He said that some notable changes included a fencing requirement that aligned with the state's guidelines for managing deer populations, keeping them out while allowing smaller animals to come and go.

Mr. Fritz said that there was also a new condition requiring certification for the Pollinator Smart Program. He said that coordination with the Department of Fire Rescue was another new requirement. He said that he believed that the lighting standards remained the same. He said that these were some of the key highlights that demonstrated the progress they had made from Rivanna Solar to their current standards.

Mr. Pruitt said that when they discussed screening, he thought there was an assumption that they were considering Buck Island Road, which was a major road in a rural area, but it had significant throughput and was a quality paved road. He said that in contrast, Campbell Farm Lane was an unpaved, rural rustic that served only three households. He said that when they were talking about screening, his understanding was that they were focusing on the properties located on Campbell Farm Lane, not the passing traffic on Buck Island Road. He said that any amount of screening would likely be additive.

Mr. Fritz said that was correct. He said that he had mentioned Buck Island Road, as it was the larger of the two roads. He said that the screening was actually coming from the abutting properties, which included Campbell Farm Lane and properties to the north. He said that to the west and south, it was substantially removed, so the existing trees would remain and therefore would provide screening.

Mr. Pruitt said that to ensure everyone had a clear understanding of this, if he were standing on the road or standing across the street on a neighboring property, what he would have between his viewshed and a panel would be a 20-foot buffer zone between the road and the abutting properties, and then the properties themselves, the houses, and then 150-foot additional screen.

Mr. Fritz said that he'd have to blow this plan up because he did not remember the exact dimensions of everything, but that there was substantial landscaping and screening that is occurring between this site and other residences and Campbell Farm.

Mr. Andrews said that exploring the same idea that he explored with Rivanna Solar and the changes that had occurred since then, they still did not have an ordinance in place, and they currently had Woodridge, Rivanna, and this new proposal. He said that he was trying to understand how much of this had been driven by the applicant and what negotiations had taken place.

Mr. Andrews said that he was concerned that they were still in a position where they were essentially negotiating what they could offer or what they needed, which could become unwieldy. He said that he thought this was problematic because people often did not fully understand their expectations. He said that for example, he questioned if the Pollinator Smart certification was a requirement that the County had decided upon or were they simply one of several options that they were considering, such as agrivoltaics and other alternatives.

Mr. Fritz said that this example illustrated something that they had learned during the development of the solar, and through collaboration with the State, they discovered that it was something that the state would administer. He said that they believed it could be done, and the state also believed it could be done. He said that that was something new that they did not have before.

Mr. Fritz said that in contrast to the Woodridge project, which had a condition requiring the applicant to make diligent efforts to be Pollinator Smart, this project explicitly stated that the applicant will be Pollinator Smart. He said that this approach was based on their discussions with the state regarding the Pollinator Smart program. He said that they were learning new things that their ordinance had not been adopted, either through past Board actions, past projects, or through their ongoing development of the solar ordinance.

Mr. Andrews said that he would like to address the issue of buffers, and the amount of land required for how many solar panels. He said that he was concerned that they may be approaching this situation in an ad hoc manner, where they were essentially saying "show us what you think you'll fit" and then trying to make it work, which may be necessary in some cases. He said that he would appreciate staff's thoughts on that.

Mr. Fritz said that what he thought Mr. Andrews was referring to was more closely related to the proposed ordinance and any by-right areas that might be involved. He said that there was a significant discussion about the relationship between the cleared area and the panel zone. He said that this was a valuable discussion. He said that for this specific application, they had reviewed the project as presented to them. He said that they had examined the impact of the cleared area and the panel zone. He said that rather than focusing on the ratio, they looked at the actual plan to understand the relationships and potential impacts. He said that this led them to recommend approval.

Mr. Andrews said that experience is indeed a great teacher. He said that he appreciated the clarification.

Mr. Andrews opened the public hearing.

Ms. Valerie Long said that she was with Williams Mullen and representing the applicant, Nexamp, or Buck Island Solar LLC, a wholly owned subsidiary of Nexamp. She said that Erick Alves de Sa would take over from her in a few minutes, as he had extensive experience building solar facilities in the state and region. She said that they also had representatives from Boller Engineering, the civil engineering firm working on this project, including Brian Miller, who would be happy to address any technical questions.

Ms. Long said that she would like to thank Mr. Fritz for his assistance. She said that they had been working on this project for approximately 14 to 15 months, submitting their application in December 2023. She said that they had been very focused on community engagement from the outset. She said that they had submitted their application in December 2023 and met with the Monticello Foundation immediately to reassure them that there would be no visual impact on the Monticello property.

Ms. Long said that they had conducted outreach to the adjacent neighbors, including the owners of those parcels marked with blue circles on the map, and held a community meeting about a year ago. She said that they had engaged directly with the neighbors closest to the property, building strong working relationships and executed agreements with adjacent landowners for access easements and buffers. She said that they had also addressed concerns about timber, and she would like to provide more information on this topic.

Ms. Long said that they had exhibits demonstrating that this property had been timbered on a regular basis for many years. She said that she had another view of the entrance location. She said that she would now like to hand over to Mr. Alves de Sa to continue. She said that she would like to make one comment before he does. She said that they had two continuing requests to modify slightly two of the conditions, one of which was discussed regarding the pollinator program. She said that they would appreciate the opportunity to discuss that and another condition at a later time, once they had completed their current presentation.

Mr. Erick Alves de Sa said that he was the development manager for this application, based out of Nexamp's Mid-Atlantic office. He said that open, honest, and direct engagement with neighbors early on is crucial to the success of projects and respecting host counties. He said that as Ms. Long explained, it had been a pleasure to meet and work with residents along Campbell Farm Lane to develop a site plan that had their support and backing. He said that the property in question, outlined in orange on the left, totals 105 acres, and the aerial on the right shows present-day conditions.

Mr. Alves de Sa said that their project's scale is 30 acres of disturbance at the northeast, where the topography is relatively flat and steep slopes are avoided. He said that the soils on this parcel are not optimal for agricultural production and had historically been used for timbering for pulp wood and pine lumber. He said that the left image shows the property after the last harvest of loblolly pine in 2013, revealing that the south and west, the more densely areas of hardwoods remained untouched. He said that the northern half of the property, where the project is to be situated, is due for its next thinning in 2026, followed by a full timber harvest around 2030 or shortly thereafter.

Mr. Alves de Sa said that this meant that come a decade from now, as shown in their landscaping plan, more trees would be left standing were the solar project to be approved than if not. He said that the aerials included on the right provide a helpful view from the public right-of-way, as if one were standing on Buck Island Road at the intersection with Campbell Farm Lane. He said that the entrance gate to the solar site would be situated over 150 feet deeper into the woods, behind the wall of dark trees visible in the background.

Mr. Alves de Sa said that if one looked at the tip of the yellow arrow, Campbell Farm Lane today veered hard left. He said that the project would build a new extension, forking right and into and through the tree line to get to their site. He said that as they approached their site, the new access road, as mentioned by Mr. Fritz, would feature an S-shaped bend to prevent a straight line of sight to the solar arrays from Buck Island, the public right-of-way, or from any of the neighboring properties.

Mr. Alves de Sa said that approximately 150 feet of wooded forest would remain untouched between the solar project and the neighboring residences on either side of Campbell Farm Lane, thanks to the signed tree preservation easement agreement they had in place. He said that Nexamp adheres to a high standard when it comes to site selection, facility design, and community engagement. He said that each project they undertake is unique, and he hoped that the Supervisors would agree that this was a well-sited community-scale solar project.

Mr. Alves de Sa said that there were no critical slopes or wetland impacts, and the project was fully screened from the outset, something that could not be said of the much larger Rivanna solar project, which was recently built nearby on Buck Island Road. He said that although 30 acres of trees must be cleared, these same 30 acres would be timbered regardless. He said that to put this into perspective, the clean power generated by this project displaced fossil fuel electricity, avoiding the equivalent of 2,200 acres of U.S. forest that would be required to sequester the same amount of greenhouse gas emissions.

Mr. Alves de Sa said that solar energy offered numerous benefits, including being a quiet neighbor with no traffic, affluence, noise, lighting, or burden on public services. He said that it also boosted real estate tax revenue to the City, machinery and tools tax, and potential rollback taxes, while aligning with the state's renewable energy goals, Climate Action Plans, and the County's Comprehensive Plan.

Mr. Alves de Sa said that he would provide a brief overview of Nexamp. They had been a leader

in community-scale solar for over 15 years, a remarkable achievement in the solar industry. He said that they were the nation's number one community solar provider for several years based on total new megawatts constructed year over year. He said that they owned and operated over 400 solar facilities across the country and had grown into a company of around 500 employees, running a fully end-to-end business model.

Mr. Alves de Sa said that they developed, permitted, and interconnected with their projects. He said that they oversaw the construction of their own projects, serving as a long-term owner and operator. He said that they did not sell their projects, ensuring single-party continuity with Nexamp throughout the project's lifetime.

Mr. Alves de Sa said that the next slide provided the project overview. He said that if the Supervisors had questions about the facts and figures, they would address them. He noted that there was no battery energy storage at this site, and no plans for future expansion.

Mr. Alves de Sa said that examining the landscape plan, within the red dashed SUP area, their project exceeded code requirements for perimeter landscaping by utilizing the existing vegetation that would remain intact. He said that on the east side, 150 feet of forest preservation, and at the north, a separate 75 feet of existing tree buffer would remain. He said that much of the remaining property, outside of the SUP area, was mature hardwood forest that would not be timbered.

Mr. Alves de Sa said that the site plan, overlaid on a satellite image, showed critical slopes in dark gray, water features in green and blue, all located outside of the SUP area. He said that zooming in further, the new electric poles and overhead lines needed to transmit their electricity to Dominion's distributed grid were marked in pink. He said that these poles were within Nexamp's scope and were located behind the 150-foot tree buffer to the east. He said that the bubble clouds extending from that, west and then north, represented Dominion's scope, involving the upgrading of existing infrastructure.

Mr. Alves de Sa said that he would pause on the site plan to briefly discuss decommissioning. He said that to reiterate, their civil and environmental engineer, Boller, was available to answer questions and provide specifics regarding the site plan. He said that Nexamp adhered to industry best practices for decommissioning, partnering with companies like We Recycle Solar to recover raw materials and components from their solar modules, and had established a recycle stream as part of their sustainability efforts. He said that he welcomed any questions about the application and site plan specifics.

Ms. LaPisto-Kirtley asked to see slide 6. She said that she had gotten lost. She said that Mr. Alves de Sa had mentioned the bubble, but he had said the west side and she was not sure if that was the pink outline.

Mr. Alves de Sa said that this was their site entrance, located between the red SUP area, which marked the edge of the Campbell property, and the black line, which represented the limits of their tree clearing. He said that the white negative space was the 150 feet of existing trees that would remain, with the exception of the access road itself. He said that they were currently modifying the access road to have a more pronounced S-bend and extending it slightly north to disrupt the straight line of sight.

Mr. Alves de Sa said that as they came into the site and were within the project's fence, the brown internal gravel access road allowed for travel south, while the pink line marked the location of five or six standard 40-foot tall utility poles with overhead lines. He said that these poles were situated behind the 150 feet of wooded area, and at the final pole where the bubble started, and went across the neighbor's property and extended to a tap point on Buck Island Road. He said that the existing lines along the entirety of this bubble. He said that it was a small line which would need to be upgraded due to the increased electricity being brought in. He said that this upgrade was within Dominion's scope, and they had an easement on the neighbor's property, which the neighbor was aware of.

Ms. LaPisto-Kirtley asked if the tap point connected to Dominion.

Mr. Alves de Sa said that it actually connected to Dominion in another area, where the bubble represented the amount of existing Dominion infrastructure that needed to be upgraded at this existing pole as it proceeded to the substation. He said that the existing wires and poles were robust enough that they did not require upgrading.

Ms. LaPisto-Kirtley asked if this facility would produce approximately 3 kilowatts.

Mr. Alves de Sa said that it would produce 3 megawatts.

Ms. LaPisto-Kirtley asked if it would be connected to Dominion, which would serve the County and the local area.

Mr. Alves de Sa said that this project was considered a shared solar project or community solar project, as defined by the Virginia Dominion program, which limited it to 5 megawatts AC or less. He said that for comparison, this site was a 3-megawatt site. He said that the Rivanna solar project across the street was a 12-megawatt AC site, which was roughly four times larger in terms of acreage and four times more powerful. He said that there were high-voltage transmission lines that crossed that site, that he believed they were tying into, although he was not certain.

Mr. Alves de Sa said that this project was connected to the Dominion distributed grid, which was

the network of wires and poles along the streets. He said that the electricity generated by this project would be fed into the overall Dominion grid that served all of Virginia.

Ms. McKeel said that she did not have any specific questions at the moment, although she was curious about the changes Ms. Long mentioned. She asked if Mr. Alves de Sa could address those at this time.

Ms. Long said that these two conditions were raised by Lori Schweller with the PC. She said that one involved the period of validity for the special use permit, which currently required the use to commence within three years after approval. She said that they would like to extend this period to five years, which had previously been a standard for all special use permits. She said that this had been the case for the Woodridge Solar Project, although it was a larger project.

Ms. Long said that these projects often took a long time to reach the point where construction could begin. She said that the site plan process alone could take a year to complete. She said that if they needed to amend the special use permit to extend the period, they must start two years from today. She said that they did not want to have to go through this process again.

Ms. Long said that the applicants wanted to know what the rules were going in, and that they would have enough time to work through the process with Dominion to complete the site plan. She said that they would need to coordinate with their contractors, and that there were many moving parts involved. She said that while they were optimistic that they could break ground within three years, there were many factors outside of their control. She said that the risk of having to plan a year in advance to ensure the permit was amended in time, and then hoping for the best, was a significant concern. She said that therefore, they were requesting this change.

Ms. Long said that the second condition involved the Smart Pollinator Certification requirement. She said that Nexamp was comfortable participating in the program and was excited to do so, but it was new. She said that the manual was outdated, and as of 2023, only two projects in the state had been certified. She said that there was significant uncertainty about the program, as it was discretionary and there was no guarantee that Nexamp could ensure certification. She said that they had a high level of optimism that they would be able to meet the requirements. She said that the manual was detailed, guiding them through the process, but ultimately, it was still a discretionary decision.

Ms. Long said that the certification was made by the Smart Pollinator Review Board, which consisted of representatives from DEQ, Department of Conservation and Recreation (DCR), and another entity. She said that it was relatively new, and their regulations could change. She said that similarly, the rules could change in the next couple of years with special use permit conditions. She said that the possibility that the rules could change tomorrow in a way that would not be reasonable, and the applicant would not be able to comply economically, was a concern. She said that they would need to revisit and request an amendment.

Ms. Long said that there were challenges with the Smart Pollinator program, as it encouraged strongly and required specific seed mixes, but there was a concern that the market for these seed mixes was not yet sufficient to meet the scale required for certain projects. She said that this was a significant concern for the Woodridge Solar project.

Ms. Long said that although it was less of a concern here, larger solar projects might purchase all the necessary seed mixes, leaving none for other projects. She said that they were asking for flexibility in case the certification was not obtained due to unforeseen circumstances. She said that they had language in the Woodridge Solar project that provided a safety valve, allowing the applicant to demonstrate their best efforts and, if necessary, the Zoning Administrator could approve a modified plan that still aligned with the program's goals.

Ms. Long said that the main issue was the uncertainty of the rules changing in the interim. She said that the applicant must plan, finance, and prepare for the project, navigating the County review process and other challenges. She said that the applicant was concerned that the rules might change or that they may have to revisit the process in two years, requiring them to apply for an amendment.

Ms. McKeel said that they were seeking flexibility, but there were still certain requirements that must be met. She said that they would need to demonstrate to County staff that they had conducted due diligence and implemented necessary safeguards.

Ms. Long said that on the pollinator certification, yes. She said that if she may, she would like to read from the condition. It states that the owner uses diligent efforts to achieve the certification. She said that if they fail to obtain or maintain such certification, and upon demonstrating to the Zoning Administrator's reasonable satisfaction that such certification is not commercially viable, despite at least five years of diligent efforts and adhering to the vegetation management plan, the Zoning Administrator, with input from a consultant monitoring the project, may approve alternative measures to approximate such certification. She said that this is the goal.

Ms. Long said that they set a high bar, which is not an easy thing to achieve. She said that it was not simply a matter of saying they did not try very hard. Rather, the owner must demonstrate diligent efforts and prove to the Zoning Administrator that they are unable to meet the certification requirements. She said that the concern about the seed mix supply chain is also relevant. She said that the applicant had every incentive to get this project up and going as soon as possible, but the uncertainties posed

issues as the process went on.

Ms. Mallek said that she would like to discuss decommissioning. She said that in the staff report, it was stated that the owner of the property and the person performing the decommissioning must agree. She said that she would like the County to be the one to agree. Mr. Fritz could correct her, but she believed those things should be laid out and no one else should be able to change it.

Ms. Mallek said that the report mentioned a removal depth of 36 inches. She said that she would like to clarify the depth of the verticals. She said that she reviewed the picture the applicant shared, and it appeared to have fairly high arrays with steep angles. She said that she would like to confirm how deep the verticals were buried in the ground.

Mr. Alves de Sa said that that aspect was still to be determined, assuming they received approval. He said that they would conduct Geotech analysis of the site, and only then could they have a clear understanding of the underground support required for the racking that held the panels. He said that he believed that the three-foot requirement, and they have seen four feet in other locations, was typically so that many sites where solar was a possibility were formerly or could be in the future used for agricultural purposes. He said that the three- to four-foot depth underground did not pose a concern for farm equipment or the tilling of the land, and that there were some that were buried deeper than that.

Ms. Mallek said that she would prefer it to say to remove it all because that way they were not worrying about a few inches. She said that the difference between two feet and four feet made a big difference when they were trying to do something that says this would someday be reversible to be usable for anything else other than this. She said that that was too wiggle wobbly for her happiness.

Ms. Mallek said that she would like to know the inspection schedule for the fencing, as it appears to be mentioned in the application. She said that she was particularly concerned about the potential for wild animals to be trapped, and having babies starve to death because they were separated from their mothers. She asked what the frequency of on-site fencing inspections for their other properties was.

Mr. Alves de Sa said that as part of their ownership and operations of the site, asset management had a dedicated team that oversaw all of their sites nationwide. He said that they utilized remote sensing cameras and sensors on site to have a visual presence at any given time. He said that they had remote shutdown procedures in place, which were primarily driven by the need to ensure safety, particularly since the site was producing electricity.

Mr. Alves de Sa said that the type of fence proposed here was similar to an agricultural fence, designed to be square in shape. He said that they had ensured that the height was consistent with the upcoming ordinance for solar projects, allowing for clearance by deer jumping over, while also including a four-inch or six-inch gap at the bottom for smaller wildlife. He said that this gap would be located around the perimeter of all the fencing, providing a means for smaller wildlife to enter and exit. He said that in the event of a larger animal, their cameras would capture the incident, and they could respond promptly to safely remove the animal within the same day.

Ms. Mallek asked if they would include overlaps where they could find a way out. She said that this was somewhat standard.

Mr. Alves de Sa said that to ensure compliance with the national electric code, the fence must be a continuous barrier.

Ms. Mallek said that she was reassured by the cameras. She said that that was a good approach to take. She said that one thing that concerned her was the history of companies like theirs, which had made promises about implementing certain practices, such as sheep grazing, but then failed to follow through on them. She said that in Virginia, there had been instances where companies had made commitments, only to abandon them after a year, and that was the end of the agricultural operations. She said that she would like to see a written expectation for the operation of the site that was not just going to be chosen to be too much trouble in the future.

Mr. Alves de Sa said that he would like to comment on that. He said that their nationwide default approach to vegetation management and grazing was to utilize sheep. He said that they found that it was both cost-effective and more effective than using mower blades to cut the grass, as sheep's grazing habits were more thorough and targeted the roots of the vegetation. He said that it was also quieter.

Mr. Alves de Sa said that he believed that at this particular site, situated far away from residences with a lot of trees in the middle, noise was not so much of a concern. He said that however, because they were adjacent to contiguous forest, the concern was that potential wildlife, such as bears, coyotes, or wolves, might be interested in the sheep, especially given the fact that they were accommodating a small wildlife gap at the bottom of the fence.

Mr. Alves de Sa said that as they moved forward with site design and finalized their vegetation management plans, he anticipated that they would study this option between now and the expected nine-month timeline for making a final decision, particularly in light of their Smart Pollinator certification requirements.

Ms. Mallek said that she believed that many of the shepherds in their County had an effective use of guard dogs, which helped minimize coyote problems. She said that bears were unlikely to go after their

sheep. She said that that was just one point of view to consider. She asked if they would be hiring a shepherd to come in with their flock, rather than relying on their own flocks to manage the situation.

Mr. Alves de Sa said that was correct. He said that they had partners in other states in the country, and he would welcome any recommendations for anybody here locally in the state.

Ms. Mallek said that there were some nearby individuals who would likely be interested. She said that he mentioned the Dominion interconnection, which made her think her home's automatic transfer switch in the garage to protect the linemen from being harmed when they were working on the system during power outages and their solar was producing electricity. She asked if their poles have a similar system to disconnect from the system.

Mr. Alves de Sa said that on the poles themselves, which were located outside the fence, they adhered to standard utility design, meeting the same design requirements as Dominion. He said that the live equipment on those poles was typically located at the top. He said that one of the poles featured an emergency shutdown switch, which was actually the purpose of that specific pole. He said that anything within the fence, being gated and locked, would have a Knox box and a key available for local emergency personnel in case they needed to visit the site. He said that they also had automatic shutdown switches.

Ms. Mallek clarified that if the power was out due to an ice storm or other circumstances, the facility would be automatically shut down as well in terms of putting power back into the system.

Mr. Alves de Sa said that was correct.

Mr. Andrews said that he had a couple of quick questions that stemmed from curiosity rather than criticism. He said that they had made a claim in the application that the 29 acres cleared for 11 acres of panels equated to 2,200 acres of forest vegetation in terms of CO2 sequestration, that was 200-to-1. He said that he had heard these statistics before, and he would like to understand it at some point. He said that he found it impressive, highlighting the significance of solar compared to the alternative.

Mr. Andrews said that they worry about their forests, but solar plants could actually help save forests by preventing carbon from entering the atmosphere. He said that he would like to confirm this information at some point, but it did not need to be addressed immediately. He said that they had mentioned the silicon panels used in their project. He said that he had heard concerns about the materials used in these panels, and he would appreciate confirmation on what else was present in the solid-state silicon panels, aside from silicon itself.

Mr. Alves de Sa said that these panels were photovoltaic silicon panels that were essentially glass, fully encased all around. He said that he wanted to compare it to a cell phone, such as an iPhone, which was also fully encased in a glass layer. He said that the exact chemicals and compounds used may vary. He said that they had long-standing, long-term agreements with two separate American manufacturers of panels, so the Board could rest assured that these were the premiere panels on the market.

Ms. Mallek said that the applicant mentioned the community solar subscriber program, and she was encouraged that they were doing this because when others had tried, the monthly fee that Dominion charged, which was \$80 per month, it completely makes the investment not happen from a citizen point of view. She asked if Nexamp had found a solution to that issue.

Mr. Alves de Sa said that the Dominion program was a challenge for developers, but it also presented a really great opportunity, and it was what made community-scale solar so unique. He said that in contrast, a utility-scale project, such as one connecting to the PJM grid or at the transmission level, was likely to export electricity to neighboring regions.

Mr. Alves de Sa said that under Virginia regulations, community-scale solar projects had to remain within the Dominion utility. He said that the subscriber organization for this project would need to find Dominion rate payers, or residents of Virginia, who paid their bills through Dominion. He said that this project would generate enough electricity to power the equivalent of roughly 500 homes.

Mr. Alves de Sa noted that Nexamp had a customer subscription platform that allowed residents to sign up to be a customer at Nexamp and receive savings from their community-scale solar farms in Virginia. He said that they had two projects currently under construction in Virginia, and they were already subscribing folks, and although it was not a requirement, they were ensuring that 100% of the subscribers were low-to-moderate income. He said that there was no fee for them. He said that if they continued to receive Dominion bills and loans, they worked with Dominion on the back end to conduct a plus and minus, ensuring that the bill they received was the net amount they paid at the end, which was approximately 15% to 20% less.

Ms. Mallek asked what the washing chemicals were composed of. She said that she hoped it was just soap and water.

Mr. Alves de Sa said that it was a condition they would meet.

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

Mr. Scott Bazzarre, Scottsville District Resident, said that out of everyone in Albemarle County, he had been screwed by solar farms worse than any other person. He said that every morning when he went out his front door, he got to look at that monstrosity across the road. He said that they planted trees about 2 feet tall. He said that with his diabetes, he would not make it five more years; so this was what he had to look at every day. He said that they exaggerated and did a pretty poor job. He said that he was referring to Rivanna Solar.

Mr. Bazzarre said that he had worked with this applicant quite a bit, and surprisingly, he was here to support the proposal. He said that this project was located right behind his property. He said that they discussed developing wildlife corridors to ensure the deer could get back and forth and that they had been very cooperative. He said that he did not have any complaints; he was supportive but did not want the project to take five years to complete. He said that it would be a ridiculous timeline; they should be able to do it within a year. He said that they should throw it in there and see what happens.

Mr. Bazzarre said that he was fine with it, and it would affect him worse than anyone. He said that he already had the lovely Rivanna Solar project to look at for the rest of his life. He said that looking at the map, all of the pictured lots were his and he got to look at that every day. He said that they stated they would be planting trees, and he thought they meant full grown trees, as well as a bigger setback. He said that the subject applicant was the exact opposite of that project, and he believed they would actually like them. He said that he was sure they would build more than one project in Albemarle.

Ms. Mallek asked if it would be suitable to discuss the two possible changes to the conditions before the public hearing closes.

Mr. Andrews said that they could certainly discuss the conditions in case there were any issues. He asked if there were any questions or concerns about extending the timeline for the applicant.

Ms. Mallek said that she was comfortable with the five-year timeline. She said that she believed the Pollinator Smart requirement proposed was a good one. She said that even if the specific seed DCR mix from a certain source was not available, the constituents were available; they could get five different kinds of grasses could be obtained from various sources, and in the event of a disaster, the State program could provide an alternative solution.

Ms. Mallek said that she thought there were viable solutions to this issue, and by also relying on the state program, which the state would monitor and take care of as a way to go forward She said that she was supportive of the staff's recommendation.

Mr. Andrews said that he would like to hear from Mr. Fritz regarding the proposed condition to determine whether it was workable from the County's perspective. He said that he did not want to proceed with something that really could not be done from the County's point of view.

Mr. Fritz said that at the PC meeting, this topic was also discussed, and their response remained the same as it was here. He said that they did not go with the recommendation to the Zoning Administrator's satisfaction because that would potentially put the Zoning Administrator in an awkward position. He said that the term "diligent effort" could be interpreted differently by various individuals, so they recommended leaving the condition as is.

Mr. Fritz said that if the applicant was unable to meet the Pollinator Smart Program requirements, they could present their efforts to the Board of Supervisors, and the Board would determine whether those efforts constituted diligent efforts, ultimately deciding whether to amend the condition.

Ms. LaPisto-Kirtley asked if they were discussing the proposed timeframe for the pollinator area going from three to five years.

Mr. Fritz said that he may have misunderstood the question he was being asked. He said that to clarify, when Rivanna Solar was originally approved, it was for a two-year period. He said that they later requested an extension of three years, which resulted in a five-year approval. He said that the other solar applications that had been approved in the County had been for three-year periods, with the exception of Woodridge, which received a five-year approval based on the project's size. He said that this provided the typical period of validity for solar.

Ms. LaPisto-Kirtley asked what the current recommendation was.

Mr. Fritz said that the current term was three years, and it was contingent upon the commencement of facility construction within that timeframe or the expiration of the special use permit.

Ms. LaPisto-Kirtley stated that they needed to start the project within the next three years.

Mr. Fritz said that regarding the Pollinator Smart Program, the applicant was seeking a condition identical to the one that Woodridge Solar had, and that was to make diligent efforts to achieve that, and if they were unable to meet this standard, they would present their findings to the Zoning Administrator, who would then determine whether the applicant had made sufficient efforts, so they did not have to participate in the Pollinator Smart Program, and the Zoning Administrator could substitute an equivalent standard.

Mr. Fritz said that after learning more about the pollinator program from the state, they had not supported this condition for this specific project because they believed it could be achieved. He said that they typically did not like to have conditions asking the applicant to do their best to do something because it could be awkward or difficult to administer.

Ms. Mallek said that it would make the provision unenforceable, which was a problem.

Mr. Fritz said that the alternative solution would be for them to return before the Board of Supervisors and request that the condition be amended, which was what staff was recommending.

Mr. Andrews asked how long the process would typically take if they had to do that.

Mr. Fritz said that the applicant would be doing just that one condition, which would significantly reduce the scope of the review, and hopefully, the process would be completed much more quickly than a standard special use permit.

Mr. Andrews said that it would not be expected that the Board would be the experts in determining whether this was a best effort or not; the Board should rely on someone else to tell them.

Mr. Fritz said that in that particular case, the applicant would present their case, which staff would then analyze. He said that staff may also present their findings to the Board, stating whether they agreed or disagreed with the applicant's actions. He said that staff would make a recommendation to the Board based on the information provided by the applicant.

Ms. LaPisto-Kirtley asked if they could have a process in place where staff members were responsible for making the decision.

Mr. Pruitt said that that was what Williams Mullen had proposed.

Mr. Fritz said that, yes, they could. He said that this was what was done with Woodridge Solar. He said that the question was, did the Board want staff to make that decision independently, or did the Board want staff to present it to them for their final approval, with the Board ultimately making the decision.

Ms. LaPisto-Kirtley said that she did not have a problem with staff doing that without returning before the Board.

Mr. Pruitt said that leaving the condition as-is, staff would make a recommendation and bring it back before the Board, would accomplish the same thing but would add to their calendars.

Ms. LaPisto-Kirtley said that she would be happy to have staff make that recommendation.

Mr. Pruitt said that the condition as read off by counsel was quite onerous. He said that it would still be a financial hardship and obstacle for them to overcome, as they would need to identify and obtain the review of an independent consultant. He said that they would try to get the certification. He said that he took comfort in that condition.

Ms. Mallek asked what Mr. Pruitt was recommending. She asked if he was recommending they go with the staff recommendation for Pollinator Smart and allow the DCR to handle the details, or something else.

Mr. Pruitt said that he was interested in the condition proposed by the counsel from Nexamp, which would be to allow it to be a best effort, with the best effort to be stamped by independent consultants. He said that the decision would then rest with the Zoning Administrator, who would make a determination based on that assessment. He said that this would not come back before the Board but would be quite onerous on their end.

Ms. LaPisto-Kirtley said that was a reasonable approach.

Ms. Mallek said that she would rather have DCR do the work. She said that they should not be placing the burden on their Zoning Administrator to do the work when DCR could do it for them. She said that it was their program.

Mr. Pruitt said that the consultant would likely handle the majority of the work.

Ms. Mallek said that it was a consultant who had been hired by the applicant.

Ms. Long said that if she may clarify, what they were proposing was actually slightly more onerous than Mr. Pruitt had described. She said that it would require the applicant to make best, reasonable, or diligent efforts to achieve certification. She said that the goal would be to obtain certification, but if for some reason they were unable to, the only option for flexibility was to demonstrate to the Zoning Administrator that, despite diligent efforts, certification was not possible. She said that in this case, an alternative would be proposed that was as close as possible.

Ms. Long said that for example, a seed mix variation that was not exactly on the list but was the best available in the market. She said that they hoped that the program would work, as the DEQ was

excited about it, and even news articles from the seed companies acknowledged the challenges involved. She said that they were hopeful that they would figure this out within the next three to five years. She said that the program had not been used very much yet. She said that Nexamp believed it was a great program, and that they were excited to do it, but the uncertainty of not being able to guarantee certification was a concern.

Ms. Long said that to illustrate this point, she would like to reference a similar example from the past. She said that occasionally, there were requirements for new development projects, including conditions of approval or proffers that ensured Leadership in Energy and Environmental Design (LEED) certification. She said that although this program was well-tested with national standards and a complex bureaucracy, there was no guarantee of certification, even if all the requirements were met. She said that developers would sometimes encounter issues where they could not obtain certification, despite their architects' assurances that they would qualify.

Ms. Long said that the uncertainty drove her concern. She said that they had modified the language to address this issue, as seen in the condition for the Woodridge Solar project, which was modeled after the proffers for 5th Street Station, the first of its kind. She said that rather than requiring they obtain LEED certification, one had to design projects to comply with the necessary standards and submit a letter from the architect at the building permit stage stating that the project met these requirements. She said that that was how that was administered for those buildings.

Ms. Long said that to achieve this goal, ideally obtaining certification, it was essential to note that the program may be gutted or canceled at any time, which would require them to revisit and amend the application. She said that the church application, which was reviewed before this meeting, was submitted in July and included the changes to the building size and parking spaces, which was a pretty simple change. She said that here it was eight months later.

Ms. McKeel said that she was referring to a program, and many programs were being eliminated at present.

Ms. Long said that it was not an ordinance, and there were no regulations. She said that there was a user guide, which she had printed half of, and it had been helpful. She said that the guide was well-written and easy to understand, even for someone without a background in such matters. She said that it was a program, and she was concerned that for example, an anti-solar administration could arise and decide to either eliminate the program or staff it with people who do not want people to get certification.

Ms. Long said that she could not find an appeal process for this program. She said that she hoped this was purely planning for a worst-case scenario, but as someone who represented and advocated, it was her job to anticipate and prepare for such scenarios, and to come up with a good 99.9% solution.

Mr. Andrews asked the County Attorney if someone was interested in making a motion with a revised condition, was it written down somewhere.

Mr. Herrick said that the Board had been discussing, and he had been taking notes, although the language he was hearing from Ms. Long differed slightly from what was in Woodridge. He said that he was unsure whether the Board was interested in the diligent efforts approach Ms. Long was suggesting, and that it might be wise to take a brief recess to confer with Ms. Long to ensure they had the same language. He said that if the Board was not interested, or if they preferred the original condition proposed by Mr. Fritz, they could proceed with that as well. He said that he had been made aware of a suggested change to Condition 11 regarding the period of validity. He said that he was prepared to present revised conditions based on the direction of the Board.

Ms. LaPisto-Kirtley said that she was in favor of Ms. Long's proposal, as well as proceeding with the five-year plan. She said that she also supported extending the timeline because this individual was genuinely trying to do the right thing. She said that there were many factors at play in the state and in D.C. that they were not aware of, and it was essential that they provided them with the opportunity to make this correct. She said that she believed they would want to move as quickly as possible.

Ms. McKeel said that she was supportive of both revisions.

Mr. Gallaway said that he was in favor of the three-to-five-year timeframe. He said that he was not in favor of the diligent efforts approach, as it seemed too vague for his liking. He said that the piece that was brought together and presented to them was a scorecard. He said that unlike a traditional certification process, where they must check off all 10 requirements to receive a certification, this system allowed for more flexibility. He said that they could put in the effort and get 100 and receive a gold, 80 for a silver, and that there was wiggle room in the scorecard. He said that he understood that it would be a problem to have to come back to the Board for that.

Mr. Gallaway said that he would not want to be the Zoning Administrator making this call when there were six elected officials potentially holding different opinions. He said that if it was going to be this wishy washy and had to come back, that they needed to own it and it needed to come back to the Board and they make the call on it. He said that in the past, they had seen instances where Supervisors had disagreed, and it was not ideal to place that responsibility on a staff person. He said that he was in favor of the three-to-five-year timeframe. He said that he was in favor of keeping the pollinator program as suggested by staff.

Ms. Mallek said that she supported three to five years, she would recommend keeping the pollinator program as staff recommended.

Mr. Pruitt said that he agreed with the revision for three to five years for the timeline. He said that he could not support the Board coming back to regulate seed mix varieties. He said that it did not seem an appropriate use of the Board's time.

Ms. Mallek said that she believed that they were falling for hyperbole that was being used to gain an advantage on an issue.

Mr. Andrews said that he supported both revisions for the same reasons that had been previously stated. He said that there was strong language in the condition, but it sounded like the condition Ms. Long had read off was one they should go with.

Mr. Herrick said that if he was correctly understanding the Board's consensus, it would be to extend the agreement to five years and that the majority of the Board would allow to permit the diligent efforts for the Pollinator Smart program. He said that he would prepare the revised conditions accordingly and send them to the Board for review.

Non-Agenda Item. **Recess.** The Board adjourned its meeting at 9:38 p.m. and reconvened at 9:46 p.m.

Agenda Item No. 17. **Public Hearing: SP202300023 Buck Island Solar, continued.**

Mr. Andrews said that he believed that they all had access to the suggested list of conditions, which included revised Conditions 11 and 18. He said that Condition 11 was revised to extend the timeline to five years instead of three years, and Condition 18 provided an alternative to the smart pollinator certification.

Mr. Andrews closed the public hearing, and said the matter rested with the Board for comments or a motion.

Mr. Gallaway stated that he wanted it on the record that he disagreed with the change to the special condition.

Mr. Andrews said that he would look to the Supervisor for the Scottsville District for a motion.

Mr. Pruitt **moved** that the Board of Supervisors adopt the proposed Resolution to Approve SP202300023 Buck Island Solar, revised February 5, 2025. Ms. McKeel **seconded** the motion.

In further discussion, Mr. Gallaway said he wanted to go on the record of objecting to the special condition change but would not allow his objection to vote no against the project.

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 SP202300023
BUCK ISLAND SOLAR**

WHEREAS, Buck Island Solar, LLC submitted an application for a solar energy system in the Rural Areas zoning district on Parcel ID 10500-00-00-001A0, identified as SP202300023 Buck Island Solar; and

WHEREAS, on November 26, 2024, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP202300023 with staff-recommended conditions; and

WHEREAS, on February 5, 2025, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP202300023; and

WHEREAS, upon consideration of the staff reports prepared for SP202300023 and all of their attachments, including staff's supporting analysis, the information presented at the public hearings, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-10.1 and 18-33.8(A), the Albemarle County Board of Supervisors hereby finds that the proposed special use would:

1. not be a substantial detriment to adjacent parcels;
2. not change the character of the adjacent parcels and the nearby area;
3. be in harmony with the purpose and intent of the Zoning Ordinance, with the uses permitted by right in Rural Areas zoning 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 SP202300023 Buck Island Solar, subject to the conditions attached hereto.

* * *

SP202300023 Buck Island Solar- Conditions

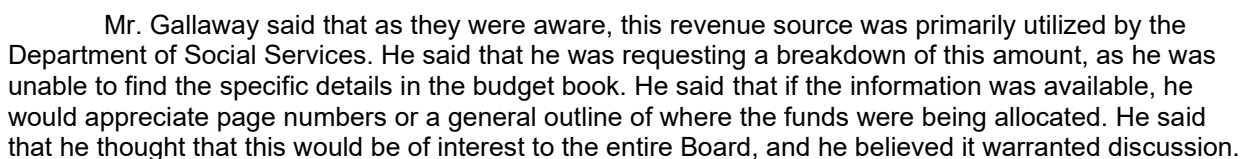
1. Development and use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the conceptual plan prepared by BOHLER and NEXAMP last revised 10/21/2024 (hereinafter "Concept Plan") and included as Attachment A3. To be in general accord with the Concept Plan, development and use must reflect the following major elements as shown on the Concept Plan:
 - a. Location of solar development envelopes,
 - b. Location of equipment yard, and
 - c. Retention of wooded vegetation in stream buffersLand disturbance, which includes (but is not limited to): grading, excavation, filling of land, the felling of trees, and the removal of tree stumps, is limited to the areas within the limits of disturbance as shown on the Concept Plan.

Upon the approval of the Zoning Administrator and the Director of Planning, minor modifications may be made to the Concept Plan that (i) do not otherwise conflict with the elements listed above and (ii) ensure compliance with the Zoning Ordinance, and State or Federal laws.
2. Landscaping and screening locations must be substantially the same (as determined by the Director of Planning and the Zoning Administrator) as shown on the Concept Plan. Additional landscaping and/or screening may be required for compliance with the screening provisions of the Albemarle County Code. The County's site plan agent will determine and specify and required planting materials during site plan review.
3. The owner(s) must submit a decommissioning and site rehabilitation plan (hereinafter "Decommissioning Plan") with the building permit application. The Decommissioning Plan must include the following items:
 - a. A description of any agreement(s) (e.g. lease) with the landowners regarding decommissioning;
 - b. The identification of the party currently responsible for decommissioning;
 - c. The types of panels and material specifications being utilized at the site;
 - d. Standard procedures for removal of facilities and site rehabilitation, including recompacting and reseeding;
 - e. An estimate of all costs for the removal and disposal of solar panels, structures, cabling, electrical components, roads, fencing, and any other associated facilities above ground or up to 36 inches below grade or down to bedrock, whichever is less;
 - f. An estimate of all costs associated with rehabilitation of the site; and
 - g. Provisions to recycle materials to the maximum extent possible.

The Decommissioning Plan must be prepared by a qualified third-party engineer and approved by the party responsible for decommissioning, and all landowners subject to the project. The Decommissioning Plan is subject to review and approval by the County Attorney and County Engineer, and must be in a form and style suitable for recordation with the Circuit Court of the County of Albemarle.

4. Prior to issuance of a grading permit, the owner(s) must record the Decommissioning Plan with the Circuit Court of the County of Albemarle.
5. The Decommissioning Plan and estimated costs must be updated by qualified individual(s) upon (a) change of ownership of either the property or the project's owner(s) or (b) written request from the Zoning Administrator, but in any event at least once every five years. All updated decommissioning plan(s) must include as-built plans. The owner(s) must record any changes or updates to the Decommissioning Plan in the office of the Circuit Court of the County of Albemarle.
6. The owner(s) must notify the Zoning Administrator in writing within 30 days of the abandonment or discontinuance of the use.
7. All physical improvements, materials, and equipment (including fencing) related to solar energy generation, both above ground and underground, must be removed entirely, and the site must be rehabilitated as described in the Decommissioning Plan, within 180 days of the abandonment or discontinuance of the use. Any piece(s) of any underground component(s) must be excavated to a depth of at least 36 inches below the ground surface.
8. If the use, structure, or activity for which this special use permit is issued is not commenced by February 5, 2030, this permit will be deemed abandoned and will thereupon terminate.

9. The facility must comply with all provisions of the *Albemarle County Code*, including § 18-4.14 (Performance standards).
 10. Panels may be cleaned only with water and biodegradable cleaning products.
 11. No above ground wires are permitted, except for those (a) associated with the panels and attached to the panel support structure or (b) tying into the existing overhead transmission wires, and/or necessary to avoid impacting wetlands or stream buffers.
 12. Before activating the site, the owner(s) must provide training to the Department of Fire Rescue. This training must include documentation of onsite materials and equipment, proper firefighting and life saving procedures, and material handling procedures.
 13. The property owner(s) must grant the Zoning Administrator (or any designees) access to the facility for inspection purposes within 30 days of any such request.
 14. Outdoor lighting for the facility is permitted only during maintenance periods. Regardless of the lumens emitted, each outdoor luminaire must be fully shielded as required by *County Code* § 18-4.17, except for any outdoor lighting required by state or federal law.
 15. The owner(s) must use diligent efforts to achieve VA Pollinator-Smart Certification under the Virginia Pollinator-Smart Solar program. If the project fails to obtain or maintain such certification, upon a demonstration to the Zoning Administrator's reasonable satisfaction that such certification (or maintenance of such certification) is not commercially viable despite at least five years of the owner(s)' diligent efforts and with input from a qualified consultant, the Zoning Administrator may approve alternative measures to approximate such certification.
 16. Fencing must be consistent with the recommendations of the Department of Wildlife resources, including a minimum height of eight feet to exclude deer, with a four-inch gap at the bottom.
 17. Until the County adopts a Solar Revenue Share Ordinance pursuant to *Virginia Code* § 58.1-2636(A), the owner must make a separate payment to the County (each, a "Supplemental Payment" and collectively, the "Supplemental Payments") for each year that the project's Estimated Solar Revenue Share exceeds its Machinery and Tools Tax ("M&T Taxes"). The amount of each Supplemental Payment will equal the difference between the Estimated Solar Revenue Share and the M&T Taxes. Each Supplemental Payment will be due at the same time the M&T Taxes are due and owing. No Supplemental Payment will be made for any year when the M&T Taxes equal or exceed the Estimated Solar Revenue Share. If the County adopts a Solar Revenue Share Ordinance, no Supplemental Payment will be made for the year in which such ordinance is adopted, or for any year thereafter.
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Mr. Gallaway said that the second item concerned the Albemarle housing trust fund. He said that as they may recall, they had previously voted in favor of establishing a housing trust fund, with strategy 6A outlining the development and implementation of a sustainable housing trust fund for adoption by the Board of Supervisors. He said that they had voted on that, and it had passed.

Mr. Gallaway said that however, the history of the developer incentive program had created confusion regarding the Board's direction to staff regarding a trust fund. He said that he was respectfully requesting that the chair and vice chair schedule a discussion on this topic for the agenda, focusing on clarifying their approved direction in Housing Albemarle, and ensuring staff understood the Board's guidance on the formation of a housing trust fund, its differences from the existing housing fund, and other relevant details.

Mr. Gallaway said that he believed any discussion about funding the trust fund could occur during the budget season, so he did not think they needed to address it in this conversation. He said that they could explore the hypothetical use of the monies, as that could provide valuable insight. He said that the issue was that it was unclear where the Board stood on the trust fund, regardless of the reason. He said that they had a history of endorsing it in the form of a vote, which was what he had always relied on.

Mr. Gallaway said that to move forward, he thought they needed to have this conversation to ensure everyone was on the same page regarding what a housing trust fund is and what it does, and its potential impact on addressing the housing crisis, and to provide staff with clear direction on their next steps. He said that he was just putting that request out there.

Ms. Mallek said that she appreciated Mr. Gallaway bringing this up, as she had previously mentioned it, and was told that it was only a matter of the appropriation that was waiting for the money, after which the project would move forward. She said that she was grateful for this discussion, because they had sort of been going around in circles for a while. She said that she did not have any further announcements at this time.

Mr. Pruitt said that to echo the point already made, he believed that there were additional considerations beyond the question of funding. He said that there had been ongoing discussions about how it would be structured, whether to issue a Notice of Funding Availability (NOFA), whether to structure it as grant disbursements or loans, and whether to preserve an element for continued revenue generation through interest.

Mr. Pruitt said that there were differing opinions on the Board regarding the most suitable approach, and it was his growing sense that the Housing Office staff expected this Board to be the first to address these questions and provide a clear answer, so a discussion should be scheduled on the calendar. He said that as they continued to discuss this in a general manner, it was challenging to discern clarity, largely overshadowed by the more pressing question of funding.

Mr. Andrews said that he was not on the Board when the housing policy was adopted, but he did believe in it. He said that every time the housing trust fund had been mentioned, he had requested an explanation of what it entailed. He said that he needed to gain a deeper understanding of the housing trust fund. He said that he thought this would be a great opportunity to schedule a discussion to get on the same page.

Agenda Item No. 19. Adjourn.

At 9:53 p.m., the Board adjourned its meeting to February 12, 2025, 3:00 p.m. in Room 241, Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA, 22902. Mr. Andrews said information on how to participate in the meeting would be posted on the Albemarle County website Board of Supervisors home page and on the Albemarle County calendar.

Chair

Approved by Board
Date: 10/15/2025
Initials: CKB