

ACTIONS
Board of Supervisors Meeting of June 4, 2025

June 5, 2025

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>	<u>VIDEO</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> The meeting was called to order at 1:01 p.m. by the Chair, Mr. Andrews. All BOS members were present. Also present were Trevor Henry, Andy Herrick, Claudette Borgersen, and Travis Morris. 		Link to Video
<p>4. Adoption of the Final Agenda.</p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED the final agenda. 		
<p>5. Brief Announcements by Board Members.</p> <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> Reported on recent graduations. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Reported that the Rivanna Water and Sewer Authority (RWSA) was the first water agency in Virginia to be approved to use a new testing method for total nitrogen. Stated that on the previous Friday, she attended the change of command ceremony for the U.S. Army HHC (Headquarters and Headquarters Company) Commander at Rivanna Station. Commented that the Albemarle Amateur Radio Club would be participating in the ARRL (American Radio Relay League) Field Day on June 28 and June 29 at the Earlysville Volunteer Fire Department. <p><u>Bea LaPisto-Kirtley:</u></p> <ul style="list-style-type: none"> Mentioned that she and Ann Mallek had attended a junior classes life science project presentation on recycling, composting, and their plans to implement these practices at the school. Invited community members to the 14th Annual Grace Church Historic Farm Tour, Beyond the Gates, on June 7 in Keswick. <p><u>Ned Gallaway:</u></p> <ul style="list-style-type: none"> Reiterated his thanks to the first responders who were on site during the emergency at his home a few weeks ago and that he was grateful for the phenomenal community they lived in, the exceptional emergency personnel who kept them safe, and the kindness of strangers. <p><u>Mike Pruitt:</u></p> <ul style="list-style-type: none"> Wished everyone a happy Pride Month and highlighted the opening of the Rivanna Area Queer Center based on West Main and was open from 9:00 a.m. to 5:00 p.m. Reminded the public that while it was Pride Month in Charlottesville, they celebrated their Pride Festival in September and would take place on September 6 at the Ting Pavillion. Noted that the next Scottsville Fridays on the Canal, a free concert series that took place at Canal Basin Square, would be held on June 27 from 5:00 p.m. to 8:00 p.m., and would feature 		

<p>the Scottsville-based band, The Morning Buzzards.</p> <p><u>Jim Andrews:</u></p> <ul style="list-style-type: none"> • Congratulated Mr. Andy Herrick for being one of only four attorneys to complete the Virginia State Bar Association's inaugural Local Government Attorneys Leadership Training Program. 		
<p>6. Proclamations and Recognitions.</p> <p>a. National Gun Violence Awareness Day Proclamation.</p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED proclamation and presented to Katie Fox, volunteer at Moms Demand Action for Gun Sense in America. 	(Attachment 1)	
<p>7. Public Comment on: Matters Previously Considered or Currently Pending Before the Board (Other than Scheduled Public Hearings).</p> <ul style="list-style-type: none"> • <u>Alison Webb</u>, Rio Magisterial District, expressed concern about a situation involving their immigrant neighbors regarding actions by the U.S. Immigration and Customs Enforcement on April 22 at the courthouse. • <u>The following individuals addressed the Board concerning agenda item #10 AC44 – Cultural Resources Chapter and Resilient Community Content:</u> <ul style="list-style-type: none"> • <u>Drew Goodman</u> • <u>Tom Loach</u> • <u>Neil Williamson</u> 		
<p>8.2 Personnel Policy Amendments.</p> <ul style="list-style-type: none"> • ADOPTED Resolution to amend personnel policies § P-32 and § P-34. 	<u>Clerk:</u> Forward copy of signed resolution to Human Resources and County Attorney's office. (Attachment 2)	
<p>8.3 Berkmar Drive Extension Revenue Sharing Project.</p> <ul style="list-style-type: none"> • ADOPTED Resolution in support of the proposed alignment of the Berkmar Drive Extension project. 	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 3)	
<p>8.4 SE-2025-00004 Maplewood Setback Variation.</p> <ul style="list-style-type: none"> • ADOPTED Resolution to grant a variation to establish the following interior setbacks: <ul style="list-style-type: none"> • 5' minimum and no maximum interior side yard building setback • 5' minimum and no maximum interior rear yard building setback 	<u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 4)	
<p>9. Albemarle-Charlottesville Regional Jail (ACRJ) Renovation Project Permanent Financing.</p> <ul style="list-style-type: none"> • Removed from agenda. 		
<p>10. Work Session: AC44 – Cultural Resources Chapter and Resilient Community Content.</p> <ul style="list-style-type: none"> • HELD. 		
<p>19. From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> • 		
<p>11. Closed Meeting.</p> <ul style="list-style-type: none"> • At 5:26 p.m., the Board went into Closed Meeting pursuant to section 2.2-3711(A) of the Code of Virginia: 		

<ul style="list-style-type: none"> under subsection (1) to discuss and consider appointments to various boards and commissions including, without limitation: the Albemarle Broadband Authority, the Community Policy and Management Team (CPMT), the Historic Preservation Committee, the Jefferson Area Board for Aging Advisory Council, the Natural Heritage Committee, the Pantops Community Advisory Committee, the Piedmont Virginia Community College Board, and the Region Ten Community Services Board. 		
12. Certify Closed Meeting. <ul style="list-style-type: none"> At 6:09 p.m., the Board reconvened into an open meeting and certified the closed meeting. 		
13. Boards and Commissions: a. Vacancies and Appointments. <ul style="list-style-type: none"> REAPPOINTED Mr. William Walsh, Mr. Waldo Jaquith, Mr. Trevor Henry, and Mr. Bill Fritz to the Albemarle Broadband Authority with said terms to expire on June 7, 2029. REAPPOINTED Mr. Ross Stevens to the Historic Preservation Committee with said term to expire on June 4, 2028. APPOINTED Ms. Kathryn Gehred and Ms. Milan Mookerjee to the Historic Preservation Committee with said terms to expire on June 4, 2028. APPOINTED Ms. Joanne Hoyle to the Jefferson Area Board for Aging Advisory Council with said term to expire on May 31, 2027. APPOINTED Ms. Jennifer Olsen to the Natural Heritage Committee with said term to expire on September 30, 2028. REAPPOINTED Ms. Anne Oliver, Mr. Henry Light, and Ms. Judith Joyce to the Pantops Community Advisory Committee with said terms to expire on June 30, 2027. APPOINTED Ms. Dylan Henry to the Pantops Community Advisory Committee with said term to expire on June 30, 2027. 	<u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.	
14. From the County Executive: Report on Matters Not Listed on the Agenda. <ul style="list-style-type: none"> There was none. 		
15. Public Comment on: Matters Previously Considered or Currently Pending Before the Board (Other than Scheduled Public Hearings). <ul style="list-style-type: none"> <u>The following individuals spoke regarding immigrants, sanctuary jurisdictions, and ICE actions in Albemarle County:</u> <ul style="list-style-type: none"> Alicia Lenahan Susan McCully 		
16. <u>Pb. Hrg.: Fiscal Year 2025 Budget Amendment and Appropriations.</u> <ul style="list-style-type: none"> ADOPTED resolution to approve appropriations #2025039; #2025040; #2025041; #2025042; #2025043; #2025044; #2025045; #2025046; #2025047; #2025048; 	<u>Clerk:</u> Forward copy of signed resolution to Finance and Budget, and County Attorney's. (Attachment 5)	

#2025049; #2025050; #2025051; and #2025052 for local government projects and programs.		
17. <u>Pb. Hrg.: SP202400022 & SE202400031 Living Earth School.</u> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED resolution to approve SP202400022 The Living Earth School. By a vote of 6:0, ADOPTED resolution to approve SE202400031 The Living Earth School. 	Clerk: Forward copy of signed resolutions to Community Development and County Attorney's office.(Attachments 6 and 7)	
18. <u>Pb. Hrg.: SP20240026 Woolen Mills Industrial.</u> <ul style="list-style-type: none"> Motion to approve SP202500026 failed by a vote of 3:3 (Pruitt/Andrews/Mallek). 		
19. From the Board: Committee Reports and Matters Not Listed on the Agenda. <ul style="list-style-type: none"> Moved earlier on agenda. 		
20. Adjourn to June 18, 2025, 1:00 p.m., Lane Auditorium. <ul style="list-style-type: none"> The meeting was adjourned at 10:44 p.m. 		

ckb/tom

Attachment 1 – National Gun Violence Awareness Day

Attachment 2 – Resolution – Personnel Policies

Attachment 3 – Resolution of Support for Connector Rd from Rt 1403 (Berkmar Drive) to Rt 649 (Airport Road)

Attachment 4 – Resolution to Approve SE2025-000004 Maplewood Interior Setbacks

Attachment 5 – Resolution to Approve Additional FY 2025 Appropriations

Attachment 6 – Resolution to Approve SP202400025 Living Earth School

Attachment 7 – Resolution to Approve SE2024-000031 Living Earth School

NATIONAL GUN VIOLENCE AWARENESS DAY

- WHEREAS,** every day, more than 125 people in the United States are killed by gun violence, alongside more than 260 who are shot and wounded, and on average, there are nearly 19,000 gun homicides every year, and Americans are 26 times more likely to die by gun homicide than people in other high-income countries; and
- WHEREAS,** Virginia has 1,200 gun deaths every year, with a rate of 13.6 deaths per 100,000 people, and has the 34th highest rate of gun deaths in the US, and localities across the nation, including Albemarle County, are working to end the senseless violence with evidence-based solutions; and
- WHEREAS,** protecting public safety in the communities they serve is the local government's highest responsibility, and support for the Second Amendment rights of law-abiding citizens goes hand-in-hand with keeping guns away from those who are a danger to themselves or others. Local officials and law enforcement officers know their communities best and are the most familiar with local criminal activity and how to address it, and are best positioned to understand how to keep their citizens safe; and
- WHEREAS,** gun violence prevention is more important than ever as we see an increase in firearm homicides and nonfatal shootings across the country, increased calls to domestic violence hotlines, and an increase in gun violence; and
- WHEREAS,** anyone can join this campaign by pledging to wear orange on June 6th, the first Friday in June in 2025, to help raise awareness about gun violence. By wearing orange, people across the United States will raise awareness about gun violence, honor the lives of gun violence victims and survivors, renew our commitment to reduce gun violence, pledge to do all we can to keep firearms out of the wrong hands, and encourage responsible gun ownership to help keep our children safe.
- NOW, THEREFORE, BE IT PROCLAIMED,** that we, the Albemarle County Board of Supervisors, do hereby recognize the first Friday in June, June 6, 2025, as National Gun Violence Awareness Day and encourage all residents to support their local communities' efforts to prevent the tragic effects of gun violence and to honor and value human lives.

Signed this 4th day of June 2025

RESOLUTION

WHEREAS, the Board of Supervisors may adopt Personnel Policies under Albemarle County Code §2-901; and

WHEREAS, the Board desires to amend the following Policies: §P-32 Employee Discipline and §P-34 Grievance.

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors of Albemarle County, Virginia, hereby approves the amendment to the County's Personnel Policies as set forth in the documents attached hereto.

**RESOLUTION OF SUPPORT FOR CONNECTOR ROAD
FROM ROUTE 1403 (BERKMAR DRIVE) TO ROUTE 649 (AIRPORT ROAD)
VIRGINIA DEPARTMENT OF TRANSPORTATION
PROJECT NUMBER: 9999-002-R98**

WHEREAS, Albemarle County submitted applications for Revenue Share funding in FY2021 and for additional funding in FY2024 for the Berkmar Drive Extension to Airport Road project, which proposes to construct a new roadway, including bicycle and pedestrian accommodations, to continue Berkmar Drive to Airport Road, where a roundabout is proposed to connect to Innovation Drive/Lewis and Clark Drive; and

WHEREAS, the Commonwealth Transportation Board approved funding necessary for the project in the FY25 SYIP cycle; and

WHEREAS, the Virginia Department of Transportation advertised and held a Location and Design Public Hearing for the project on November 13, 2024; and

WHEREAS, Albemarle County considers an extension of Berkmar Drive (Route 1403) to Airport Road (Route 649), with a roundabout at this intersection, an important part of the local transportation network;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors hereby endorses the location for the extension of Berkmar Drive (Route 1403) to Airport Road (Route 649) that was presented at the Location and Design Public Hearing and recommends that the Commonwealth Transportation Board approve the proposed alignment for design and construction.

**RESOLUTION TO APPROVE SE2025-000004
MAPLEWOOD INTERIOR SETBACKS**

WHEREAS, the Owner of Parcel 046B4-00-00-00400 applied for a special exception to vary the Maplewood Development application plan approved in conjunction with ZMA202100006 to modify the required setbacks, as depicted on Sheet 2 of the application plan for ZMA202100006.

WHEREAS, upon consideration of the staff reports prepared for SE2025-000004 Maplewood Interior Setbacks Special Exception and the attachments thereto, including staff's supporting analysis, any comments received, and all relevant factors in Albemarle County Code §§ 18-5.5.3(c) and 18-33.9(A), the Albemarle County Board of Supervisors hereby finds that a variation would:

1. be consistent with the goals and objectives of the comprehensive plan;
2. would not increase the approved development density or intensity of the development ;
3. would not adversely affect the timing or phasing of development of any other development in the zoning district;
4. would not require a special use permit; and
5. would be in general accord with the purpose and intent of the approved application;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves SE2025-000004, granting the proposed special exception for a variation of the setbacks otherwise required by Albemarle County Code § 18-4.19 on Parcel 046B4-00-00-00400.

**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 \$18,201,190;
- 2) That Appropriations #2025039; #2025040; #2025041; #2025042; #2025043; #2025044; #2025045; #2025046; #2025047; #2025048; #2025049; #2025050; #2025051; and #2025052 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.

**RESOLUTION TO APPROVE SP202400025
LIVING EARTH SCHOOL**

WHEREAS, upon consideration of the staff report prepared for SP202400025 Living Earth School, the recommendation of the Planning Commission and the information presented at the public hearing on March 11, 2025, any comments received, and all of the relevant factors in Albemarle County Code §§ 18-10.2.2(20), 18-5.1.05, 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 zoning district, with the applicable provisions of Albemarle County Code § 18-5.1.05, 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 SP202400025 Living Earth School, subject to the conditions attached hereto.

* * * *

SP202400025 LIVING EARTH SCHOOL- Conditions

Staff recommends approval with the following 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 Shimp Engineering, PC, titled "Living Earth Sanctuary," revised 27 February 2025 (hereinafter "Concept Plan"). 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) General location of structures, camping areas, and activity areas as shown on Sheet 2 of the Concept Plan;

b) Access-road cross section as shown on Sheet 5 of the Concept Plan
Minor modifications, with the approval of the Zoning Administrator and the Director of Planning, to the Concept Plan that do not otherwise conflict with the elements listed above, may be made to ensure compliance with all applicable laws.

2) Vegetated forest cover on the site must be managed in general accord with sheet 6 of the Concept Plan.

3) For up to eight weeks each year, an overnight Summer Camp is permitted on the site during June, July, and August ("Summer Camp Season"). Summer Camp attendance must not exceed 250 campers on the site at any one time.

4) Outside of the Summer Camp season, camp attendance must not exceed 100 participants (excluding staff) on the site at any one time. Overnight camping is permitted only as part of a scheduled program run by the operators of the camp. The site must not be used as a commercial campground.

5) Programs or events on the site for up to 200 participants (excluding staff or contractors) must occur no more than 12 times per calendar year. Events on the site for more than 200 participants must occur no more than six times per calendar year, and the maximum number of attendees (excluding staff or contractors) for those events is 500 persons. For any event with more than 200 attendees, all attendees in excess of 200 must arrive and depart the site in shuttle vans or buses rather than individual vehicles.

- 6) The existing crossing of White Oak Creek must be removed. The replacement crossing must span the stream bed. The vehicle weight capacity of the crossing requires County approval prior to approval of a final site development plan.
- 7) Existing stone walls and foundations on the site must not be removed or dismantled during development of the site or operation of the camp use.
- 8) Health Department approval is required for all well and septic facilities prior to issuance of a Zoning Clearance.
- 9) Fire/Rescue approval of an emergency-access plan for the site is required prior to issuance of a Zoning Clearance.
- 10) Outdoor lighting is limited to full cut-off fixtures, shielded to reflect light away from all abutting properties.
- 11) Outdoor sound amplification is permitted only in the Main Camp Area and Welcome Area shown on the Conceptual Plan. In the Welcome Area, outdoor sound amplification is not permitted between the hours of 9 p.m. and 9 a.m.
- 12) Campfires on the site must occur only in constructed fire rings whose location has been approved by the County.
 - a) All fires must be attended by camp staff from lighting until complete extinguishment.
 - b) A fire extinguisher must be maintained at the site of each active fire.
 - c) Fire rings must have a clear zone without trees within 25 feet of the edge of the fire ring.
 - d) Campfires may be prohibited when atmospheric conditions or local circumstances make such fires hazardous, as determined by the Fire Marshal.

**RESOLUTION TO APPROVE SE2024-000031
LIVING EARTH SCHOOL**

WHEREAS, upon consideration of the staff reports prepared for SE2024-000031 Living Earth School Special Exception and the attachments thereto, including staff's supporting analysis, any comments received, and all relevant factors in Albemarle County Code § 18-4.2.5(a), the Albemarle County Board of Supervisors hereby finds that alternatives proposed by the developer or subdivider would satisfy the intent and purposes of Albemarle County Code § 18-4.2 to at least an equivalent degree, and that the proposed special exception:

1. would not be detrimental to the public health, safety or welfare, to the orderly development of the area, or to adjacent properties; and
2. would not be contrary to sound engineering practices.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby grants the proposed special exception to modify the disturbance of critical slopes requirements otherwise required by County Code § 18-4.2.5(a), provided that the area of land disturbance on critical slopes not exceed the disturbed slopes shown on the "Living Earth School Critical Slopes Exhibit" prepared by Shimp Engineering, P.C.