

'Blighted'

County cracks down on Charlottesville Oil

By Lisa Provence

For decades, two of Albemarle's toniest enclaves—Farmington and Ednam Forest—have lived in proximity to a less desirable neighbor. Charlottesville Oil, built in 1950, has long been known for the junked vehicles and debris outside. And inside, when it rained, it poured.

Albemarle County finally noticed. On April 22, it sent Charlottesville Oil president James F. "Phil" Dulaney Jr. a preliminary determination that "the property at 2839 Ivy Road is blighted." Among the 10 violations cited are "overall lack of any or no maintenance to the building and outside property," holes in the roof and floor, hazardous materials, mold and mildew, "unsanitary conditions" inside the building, and no heat for employees.

That was followed by an April 27 letter from county Assistant Fire Marshal Micaiah Ledford, who noted "continuing violations" of fire codes, as well as local and state statutes. He set out a timeline for hazardous materials cleanup, asbestos abatement, and demolition permits for unsafe structural sections.

On July 13, county Zoning Administrator Brad Svobada sent Dulaney an official notice of violation. He listed the accumulation of tires and trash, multiple inoperable vehicles, structures, and a roofing contractor whose business was not a permitted use. Svobada warned Dulaney the violations could be subject to criminal and civil penalties, and to bring the property into compliance by August 15.

Albemarle's deadline for compliance has been extended because Charlottesville Oil is "making forward progress," says county spokesperson Emily Kilroy, who clarifies that the property has not been condemned. The county has taken the owners of blighted properties to court, but "that's not where



Charlottesville Oil sits on a 1.31-acre parcel on Ivy Road. Albemarle County assesses the land at \$922,700, and the three structures there at \$199,100. An adjacent 1.21 parcel, where empty semi-trailers are often parked, is assessed at \$869,700.

we want to be," she says, noting the cost to taxpayers. "The opportunity to address real safety and health issues is a better outcome."

The fire marshal was involved, she explains, because "unsafe structures pose huge risks to firefighters."

In an emailed statement, Dulaney says, "We have completed the asbestos removal phase and are coordinating with Albemarle County to take down what needs to be taken down and fixing up what needs to be fixed up. We look forward to a completed project in the near future."

Dulaney owns a large portfolio of properties in prominent locations, the most notori-

ous at Rockfish Gap where the Blue Ridge and Shenandoah national parks meet. The Howard Johnson restaurant and Holiday Inn there were thriving businesses when he took control of the primo real estate 50 years ago.

The site included a gas station and the Skyline Parkway Motor Court, which became the target of arsonists in the early 2000s and has been partially demolished. Dulaney also faced fire code violations in 2011 and 2012 at the former Holiday Inn, by then known as the Afton Inn.

Today, only the orange HoJo's roof seems to have survived the half century intact, and a popcorn truck is the only business in operation.

Swannanoa, a 1912 palace on the Virginia Landmarks Register and National Register of Historic Places, is also Dulaney-owned, as are the parcels housing Wayside Chicken and the former Toddsbury in Ivy.

Bruce Kirtley ran the Ivy convenience store for 25 years, closing it in 2019, he said, because Dulaney refused to do any maintenance. A faulty septic system was the breaking point for Kirtley, who told C-VILLE, "If I owned it, I'd fix it. That's what rational people do. His properties speak for themselves."

Anderson's Seafood and Catering has resided under a canopy in the Charlottesville Oil parking lot for eight years. That use is not within the parameters of the zoning violations, says Kilroy.

"So many customers have been concerned that we'd have to move," says Ted Anderson. "It's the best location we've ever been in." He says he has five times the business he's had in previous locations. Dulaney and his associate, Mike Jones, "have been fantastic to work with," Anderson says, but he does acknowledge that inside the building, "it wasn't in very good shape."

The closer scrutiny of Charlottesville Oil came about after a complaint earlier this year, Kilroy says. C-VILLE Weekly did a story on Dulaney's properties in 2015 called "The ruins of Afton Mountain: Eyesores along a scenic byway," which reported—with photographs—the busted-up vehicles at Charlottesville Oil, and asked the director of zoning about the county's junked vehicles ordinance.

"It's a fair question," concedes Kilroy about the lack of action seven years ago. She says the county was unaware of the mysterious "Crozet hum," a noise ultimately linked to Yancey Lumber in 2018, until a Crozet Gazette reporter got in touch. "If folks see something that needs addressing, they should reach out to us." ☺

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BRUCE KIRTLEY, FORMER CONVENIENCE STORE OWNER



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Good enough?

A glimpse at Bob Good's first term



SHUTTERSTOCK PHOTO

Republican Congressman Bob Good identifies as a “biblical conservative,” and has aligned himself closely with Trump’s politics and rhetoric.

By Richard DiCicco

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As Bob Good’s two-year term comes to a close, the representative for Virginia’s 5th Congressional District has reason to feel secure in a potential victory on November 8—VA-5 has elected Republicans for years, with the last Democrat winning by a hair in 2008.

For this article, C-VILLE Weekly wanted to hear Good defend his record in his own voice. However, after multiple attempts to speak with the representative, the candidate didn’t return our calls by press time. So, because Bob Good won’t talk to us, here’s what we dug up on him.

Raised in the Lynchburg area, Good, 57, paints a portrait of his early life that places his family at the edge of poverty.

“I knew what it was like to be in the free lunch line at school,” he said at a candidates forum in 2020, “or to walk a mile down the street to the grocery store because we didn’t have a car, and to buy groceries with food stamps.”

In order to attend his private Christian high school, Good accepted financial assistance, and earned a partial wrestling scholarship to cover his tuition at Liberty University, where he earned his bachelor’s degree in finance and his master of business administration degree. Wrestling became a fixture for him—his scholarship came after he won a state championship—and he eventually became a coach and administrator of the sport. After working for CitiFinancial for 17 years, he returned to Liberty as an associate athletic director.

Good’s faith is a focus of his life and his politics—he identifies as a “biblical conservative.” But his platform rests with the most far-right members of the Republican party. Before he announced his congressional candidacy, he served on the Campbell County Board of Supervisors from 2016 to 2019, where he elbowed his way to the front line of the culture wars. According to *The Washington Post*, Good joined his fellow county supervisors in condemning the Supreme Court’s 2015 decision legalizing same-sex marriage, and used his position to advocate for state laws denying gender-affirming bath-

“You look at his Twitter feed, all he talks about is ‘This nation is going to hell under the Biden administration.’”

J. MILES COLEMAN,
SABATO’S CRYSTAL BALL

room use. He also sought to make Campbell County a “Second Amendment sanctuary.”

In his campaigning and during his first congressional term, Good has stayed in lockstep with former president Donald Trump and his ilk. Good has called the COVID-19 pandemic “phony,” and joined notorious GOP members like Marjorie Taylor Green in calling for Anthony Fauci’s firing.

While Good did condemn the storming of the U.S. Capitol Building in January 2021, he also was one of more than 100 Republicans who objected to the Electoral College votes submitted in the 2020 presidential election. Specifically, Good wished to reject EC votes from six states: Arizona, Georgia,

Michigan, Nevada, Pennsylvania and Wisconsin, all of which Joe Biden and Kamala Harris won. When legislation was introduced to award Congressional Gold Medals to members of the U.S. Capitol Police and D.C. Metropolitan Police for their defense of the Capitol building and the lawmakers inside, Good voted against it.

Though the ’21 insurrection would result in the death of nine people, Good said just months earlier that the threat of violence could only come from one side of the political aisle. “They’re calling for revolution,” Good said about the “radical left” at a private campaign event in fall 2020. “So, the threat is clearly to our democracy, to our republic, to our freedoms is coming from the radical left. I don’t see any evidence of a threat from the conservative side.”

As of October 24, Good has sponsored 37 pieces of legislation, which he told *Cardinal News* earlier in the month made him “the leader among Virginia Republicans in this Congress with the most bills sponsored.” Many of his proposals attack hot-button issues, such as a September bill supporting a “private right of action” for parents to oppose the teaching of “racial discrimination theory” or “radical gender theory” in schools, and a January 2021 bill denying asylum to undocumented migrants convicted of a crime. None of Good’s bills have made it out of committee.

During Biden’s tenure, Good has only voted in line with the president 3.1 percent of the time, according to *FiveThirtyEight*. Specifically, Good has been in favor of just three things: repealing the 2002 authorization of military force against Iraq in 2021, extending pandemic-era Medicare telehealth flexibilities this past July, and modifications to merger filing fees and the disclosure of foreign merger subsidies.

Good has voted no on bills that appear to align with his platform, giving a thumbs-down to three September 2022 measures that would support law enforcement agencies across the country. One measure offered agencies funding to investigate unsolved homicides and nonfatal shootings, another aimed to financially assist governments in training mental health professionals to respond to appropriate emergency calls, and a third sought to provide grants for agencies with under 125 officers. (However, these votes are consistent with his fiscally conservative platform.) All three passed the House.

But Good loves to talk, and that may be a big appeal for his voters, especially in the more conservative South Side of the 5th District. “Good is basically a complainer,” says J. Miles Coleman, associate editor of *Sabato’s Crystal Ball* at the University of Virginia Center for Politics. “You look at his Twitter feed, all he talks about is ‘This nation is going to hell under the Biden administration.’ He talks about cultural issues often.”

Sabato’s Crystal Ball has VA-5 as a safe Republican seat this year, says Coleman. ©

Or gone for Good?

Josh Throneburg hopes to flip the 5th

By Brielle Entzminger

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For nearly two decades, Virginia's 5th District has been deep red—a Democrat has not won here since 2008. After last year's redistricting process, the district is considered competitive, but remains Republican-leaning, according to FiveThirtyEight.

Democrat Josh Throneburg, an ordained minister and small business owner, believes he has what it takes to finally flip the district to blue, and make hardcore conservative incumbent Bob Good a one-term representative.

In 2019, Throneburg—along with his wife, Minhee, and their two daughters, Agnes, 7, and Lucy, 13—moved to Charlottesville from Massachusetts so Lucy, who has dyslexia, could attend a school that better fit her learning needs. Since last year, he and Minhee have owned Nooks & Crannies, an eco-friendly cleaning business.

Throneburg's fear for his daughters' futures pushed him to run for Congress.

"I think the trajectory of a lot of things in our country is unsettling—whether that's our democracy, our climate, racism, and sexism," says Throneburg. "As the father of two young girls, and both of them are young women of color, you want to make sure that they're going to have a future that is happy and healthy ... I don't have confidence right now that their future looks that way."

Throneburg touts his ability to bring people together and work on everyone's behalf. He believes his years in ministry will help him "have compassion in all kinds of circumstances" in Congress.

"In the church, there's lots of different people who come from a lot of different backgrounds. ... You don't care about their politics or anything like that. You just try to serve them as well as you can," he says. "My opponent has made it very clear that he's not interested in working with Democrats."

As someone who grew up on a farm and as a Republican, Throneburg, who is from a small town in Illinois, has worked throughout his campaign to reach out to and discuss bipartisan issues with voters who may have never considered supporting a Democrat.

"I'm hoping that there are enough independent and Republican voters who are tired of the toxicity in our political culture ... and are looking for someone who will get stuff done," he adds. "Mr. Good has brought no projects, no money back into the district, and has passed no bills."

Addressing the climate crisis is among Throneburg's top priorities. The federal government needs to not only significantly invest in renewable energy sources but also incentivize people to use fossil fuel alternatives, he says. He also wants to improve public transportation, create a progressive



HUNTER AND SARAH PHOTOGRAPHY

Democrat Josh Throneburg, an ordained minister and small business owner, hopes to make 5th District Republican Bob Good a one-term representative.

"Mr. Good has brought no projects, no money back into the district, and has passed no bills."

JOSH THRONEBURG,
5TH DISTRICT CANDIDATE

corporate tax on carbon emissions, and bring more green jobs to the 5th District and the entire state.

Additionally, Throneburg would prioritize bringing down inflation and getting broadband into every home in the district during his first few months in office.

Throughout his term, Throneburg says he would tackle a variety of pressing issues, most notably the affordable housing crisis and gun violence. He believes Congress should create more programs giving first-time homebuyers access to capital, and restrict large corporations from buying up the majority of the housing stock—"that prices local buyers out, and for renters it really increases the amount they have to pay," he says. Particularly in the 5th District's rural areas, he also vows to secure

housing and business grants, and upgrade critical infrastructure.

To prevent shootings, "we should have common sense gun safety—that includes simple things like locking up your firearm and ammunition, universal background checks, [and] red flag laws," says Throneburg. He also supports funding community-based violence intervention and prevention programs.

In the wake of 2020's Black Lives Matter protests, Throneburg hopes to address the racial wealth gap, mass incarceration, disproportionate sentencing and use of force, and other racial justice issues. He wants to increase investments in minority communities, by, among other things, offering low or no-interest loans to entrepreneurs of color, as well as federally legalize marijuana.

"We have so many police officers in this country, and many of them do a wonderful job, but there have also been issues," says Throneburg. We need to "[make] sure that our police departments are adequately funded and trained ... to give them the resources they need to more equally dispose of that justice."

In response to the overturning of *Roe v. Wade*, Throneburg supports codifying abortion rights into federal law. And to address

the lack of affordable health care across the country, "I'm someone who would support a universal health-care solution," he says.

To help solve the student debt crisis, Throneburg wants to make community college free for everyone, and expand eligibility for Pell Grants and the Public Service Loan Forgiveness program, among other reforms. He also promises to push for pay raises for K-12 teachers and funding for school infrastructure upgrades.

As LGBTQ+ rights are attacked in Virginia under Governor Glenn Youngkin, Throneburg says he would work to pass the Equality Act, which would expand federal civil rights laws to protect LGBTQ+ people from discrimination in employment, housing, credit, jury service, public places, and federally funded programs.

Good and Throneburg will square off for the first time in a forum at Hampden-Sydney College on Wednesday, October 26, at 7pm, after Good denied or ignored multiple debate requests from his Democratic challenger.

"I think Mr. Good was trying to make this as late and unseen as possible," says Throneburg. "But certainly late is better than never." ©

To reduce and eliminate disparate policing, McDonald encouraged the community to call in both compliments and complaints about officers, so the department can identify where it needs additional training and education. Kochis emphasized the importance of training including community members, so officers can understand the significant impact of implicit bias. Durette pointed to community events like the forum as a way to “change that behavior and culture.”

Two candidates have previously stirred up controversy. In 2014, McDonald accidentally shot his teenage daughter when she came home after sneaking out and he mistook her for an intruder. He was not charged with a crime. According to Brackney, Durette, a former SWAT team commander, was on a “performance improvement plan” under her leadership—last year, the former chief disbanded the team for severe misconduct.

Later in the forum, all three candidates expressed support for the Marcus Alert system, which allows behavioral health experts, instead of law enforcement, to respond to certain calls related to mental health, substance use, and developmental disabilities. (It remains unclear when the system will be fully implemented in Charlottesville due to legislative setbacks.) They also stressed the need for community partnerships and programs to end gun violence, such as activities for youth.

Kochis explained how he’s brought down gun violence in Warrenton by meet-

“We have to recognize [that] in 2017, we failed. We have to change that perception.”

TITO DURRETTE, ACTING CPD CHIEF

ing with community stakeholders and members, and utilizing procedural justice, which is “giving people a voice, explaining the why,” he said.

For months, the CPD has had a severe staffing shortage. To recruit and retain more officers, McDonald emphasized providing adequate training and equipment, while Kochis pointed to his leadership in Warrenton—by involving the rank and file in the department’s strategic plan, he was able to fill every vacancy.

The candidates also vowed to recruit more officers of color. McDonald suggested meeting with Black organizations at colleges and universities, and talking with people who may have never have considered joining law enforcement. Durette recommended building relationships with young people, and getting them interested in the profession. Kochis cited his efforts to recruit more women, too—the WPD is now 24 percent female.

Finally, the candidates advocated for building relationships with unhoused people, showing empathy, and connecting them with critical services.

Rogers will evaluate the candidates’ forum responses and “determine the best selection for our community,” he said. ☺

Murky Waters

County removes stream from map—then puts it back

By Lisa Provence

Eric Schmitz came back from the holidays last December and found a letter about plans to develop 17.5 acres on two parcels in front of Western Ridge in Crozet. “I know it well,” he says. “The future development was on top of a stream.” But on the Albemarle County map, the stream was no longer there.

He attended a Crozet Community Advisory Committee meeting about Montclair, the proposed 157-unit development off Route 240, where he was told that when county officials went out there, there was no stream, says Schmitz. “My eyes weren’t lying.”

Why a county stream, which has been on maps for 170 years and is presumably protected by Albemarle’s Water Protection Ordinance, was removed—along with its 100-foot buffers on each side—from county GIS maps shortly before the Board of Supervisors approved the Crozet Master Plan in October 2021, and before a developer asked for a rezoning to build on the stream site, is not crystal clear.

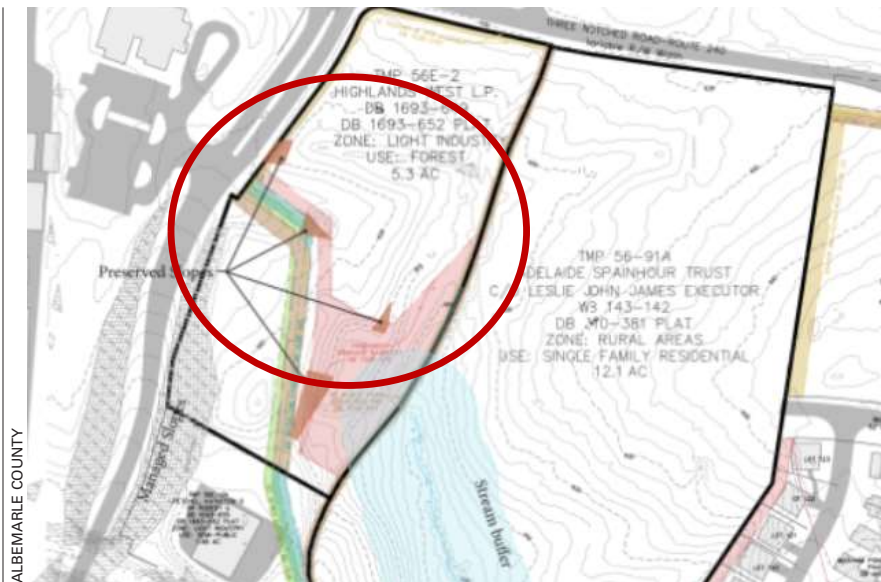
“We don’t have a good sense of why that happened,” says Joe Fore, chair of the Crozet Community Advisory Committee, which had been reviewing the master plan. “The first thing that seemed strange was that it was very late in the process. People felt blindsided. There was no chance to review.”

The plans to rezone the site sans stream, originally reported by Crozet Gazette, drew widespread opposition among Crozetians, who formed Crozet United and filed a citizen suit under the Clean Water Act against the U.S. Army Corps of Engineers. The basis of the complaint, says Schmitz, is that the developer piped a stream under an invalid permit. On March 20, 2021, county engineer Frank Pohl and the Army Corps’ Vinny Pero found a stream on the property, according to an email from Pohl obtained under the Freedom of Information Act. By August 31, 2021, Pohl says the map will change because the owner of the parcel—Highlands West LP—had piped a section of the stream.

During summer 2021, Montclair’s engineer, Justin Shimp, buried a 203-foot portion of the stream, says an email from Shimp Engineering. The county did not require a permit because Shimp said he was moving under 10,000 square feet of earth, explains Pohl in a January 21, 2022, email to Schmitz and Albemarle County Supervisor Ann Mallek.

Shimp received a verbal okay from the U.S. Army Corps of Engineers under its Non-Reporting Nationwide 18 permit, says the email. Once the stream was underground, the segment no longer required a 100-foot buffer.

Eric Schmitz calls the ability to pipe streams without county oversight a huge loophole, and he believes a developer could bury an entire stream by doing it in segments.



The Montclair streams that disappeared from county maps are shown in blue, and with Albemarle’s 100-foot buffer on each side, would have made much of the smaller five-acre parcel unbuildable. The red line shows a stream that was undergrounded in the ‘90s. Segment 1, shown in green, was piped in summer 2021.

Shimp, who has been stalled on other projects involving water, most recently the 0 East High Street 245 apartments in the Rivanna River floodplain, did not return multiple phone calls from C-VILLE.

Through the course of 168 pages of FOIAed emails, county officials began to say the Army Corps had designated the remaining segments of the stream “ephemeral,” making them eligible to be removed from the map as well.

Not true, say three Corps officials, who denied ever reclassifying the stream as ephemeral in a July 22 email. Nor does the group determine whether to remove a stream from the map, says the Corps’ Pero. “We just determine whether it’s a ‘water of the United States.’” And he confirmed that the Montclair stream was, indeed, a “water of the U.S.”

Schmitz calls the ability to pipe streams without county oversight a huge loophole, and he believes a developer could bury an entire stream by doing it in segments. He worries that the same dodging of the Water Protection Ordinance could happen again. “Everyone understands it’s broken,” he says.

Even Mallek, whose White Hall District includes Crozet, had a hard time getting a straight answer about the “stream erasure.” In a September 5 memo to her fellow supes, she writes, “Despite repeated requests from me since January and again March 2022, and from residents at CCAC and to County staff by community members, the only documentation presented for erasure of the stream in the last days of adoption of the Crozet Master Plan is a reported word of mouth declaration by the [Corps] of non-stream status. Now we learn that report is not accurate.”

Despite the Corps’ assurance that the stream existed, Community Development Director Jodie Filardo announced at the September 6 supervisors meeting the hiring of an outside consultant to determine whether the two un piped segments of the stream were, in fact, intermittent streams that required 100-foot stream buffers under the county’s Water Protection Ordinance.

Filardo noted a “conflict of interest” with county engineer Pohl, who used to work for developer Vito Cetta. County spokesperson Emily Kilroy clarifies that Filardo used “conflict of interest” in a “colloquial sense,” not a legal one implying financial interest. “There was a concern there may be the perception of a conflict because over a decade ago he worked for the applicant.”

On October 13, Ecosystem Services determined both stream segments were intermittent, and Pohl agreed, saying in an October 19 letter to the property owner that they would be added back to the county GIS stream buffer mapping.

Highlands West hired its own consultant, Wetland Studies and Solutions, which determined part of Segment 2 and all of Segment 3 are ephemeral. On November 18, Shimp filed a notice of appeal with the county.

With the stream buffers back—at least at the moment, Cetta says he plans to resubmit a smaller, 77-unit project in the next month or so. The revised Montclair will have 20 villas in the \$625,000 to \$700,000 range, and townhouses for \$425K to \$475K, with 12 carved out as affordable units for Habitat for Humanity.

Asked if he had any insights about why a stream was removed from the GIS map of a parcel he planned to build on, Cetta says, “That’s a county question.” ☺