

ACTIONS
Board of Supervisors Meeting of November 9, 2016

November 12, 2016

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>	<u>VIDEO</u>
1. Call to Order. <ul style="list-style-type: none"> Meeting was called to order at 3:00 p.m., by the Chair, Ms. Palmer. All BOS members were present with the exception of Brad Sheffield. Also present were Tom Foley, Greg Kamptner, Claudette Borgersen and Travis Morris. 		
2. Presentation: Two Year Balanced Fiscal Plan in context of Five Year Financial Plan. <ul style="list-style-type: none"> RECEIVED. 		
3. Presentation: School Board – Five Year Needs. <ul style="list-style-type: none"> RECEIVED. 		
4. Preliminary FY 18 – FY 22 CIP Overview (Amendment Year). <ul style="list-style-type: none"> RECEIVED. 		
5. Community Policy and Management Team Update. <ul style="list-style-type: none"> RECEIVED. 		
6. Adoption of Joint Resolution Recognizing Veteran's Day. <ul style="list-style-type: none"> By a vote of 5:0:1 (Sheffield, absent), ADOPTED resolution. 	(Attachment 1)	
Closed Session. Personnel and Legal Matters. <ul style="list-style-type: none"> At 5:19 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 (7), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring specific legal advice relating to probable litigation where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. The two claims arise from: <ol style="list-style-type: none"> Alleged injuries sustained by a student at Yancey Elementary School; and Alleged injuries sustained in a motor vehicle accident between a private vehicle and JAUNT vehicle. 		Link to video
Certified Closed Meeting. <ul style="list-style-type: none"> At 6:02p.m., the Board reconvened into open meeting and certified the closed meeting. 		
7. Call back to Order. <ul style="list-style-type: none"> At 6:02 p.m., the meeting was called back to order by the Chair, Ms. Palmer. 		
10. Adoption of Final Agenda. <ul style="list-style-type: none"> At the request of the applicant Deferred agenda item No. 14. ZMA 2015-00001, Old Trail Special Exception to Modify Freestanding Sign Regulations. Added agenda item No. 14a. Pantops Pedestrian Crosswalk. 		

	<ul style="list-style-type: none"> By a vote of 5:0:1 (Sheffield absent), ADOPTED the final agenda as amended. 		
11.	<p>Brief Announcements by Board Members.</p> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Announced that teams from VDOT, TJPDC and the County will be participating in the VDOT Stars program on November 10, from 7am – 2pm. <p><u>Rick Randolph:</u></p> <ul style="list-style-type: none"> Announced the he visited Montdomaine Vineyard the only Grappa grown vineyard in Virginia. 		
12.	<p>From the Public: Matters Not Listed for Public Hearing on the Agenda</p> <ul style="list-style-type: none"> <u>Dan Rosenweig</u>, President and CEO of Habitat for Humanity of Greater Charlottesville, reported on Habitats Wickham pond project and requested that the Board consider adopting an affordable tap fee policy similar to the City of Charlottesville. 		
13.2	<p>Memorandum of Understanding between Albemarle County Police Department and the National Park Service</p> <ul style="list-style-type: none"> By a vote of 5:0:1 (Sheffield absent), ADOPTED Resolution approving the Agreement and authorizing the County Executive to sign the Agreement on behalf of the County once the Agreement after approval as to substance and form by the County Attorney. 	<p><u>Clerk:</u> Forward copy of signed resolution to Police Department and County Attorney's office. (Attachment 2)</p> <p><u>County Attorney:</u> Provide Clerk with fully executed copy of agreement.</p>	
14.	<p>ZMA 2015-00001 Old Trail Special Exception to Modify Freestanding Sign Regulations.</p> <ul style="list-style-type: none"> Applicant requested deferral - Removed from agenda. 		
14a.	<p>Pantops Pedestrian Crosswalk.</p> <ul style="list-style-type: none"> By a vote of 5:0:1 (Sheffield absent), ADOPTED Resolution to Allow the Design and Construction of Pedestrian Crossing Improvements on US-250E at the Intersection with State Farm Boulevard. 	<p><u>Clerk:</u> Forward a copy of signed resolution to Community Development and County Attorney's office. (Attachment 3)</p>	
15.	<p><u>Pb. Hrg.: Economic Development Ordinance Amendment</u></p> <ul style="list-style-type: none"> By a vote of 5:0:1 (Sheffield, absent), ADOPTED ordinance. 	<p><u>Clerk:</u> Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachment 4)</p>	
16.	<p><u>Pb. Hrg.: ACSA – 2016-00004. Barracks Road Area.</u></p> <ul style="list-style-type: none"> By a vote of 5:0:1 (Sheffield, absent), DEFERRED to January 4, 2017. 	<p><u>Clerk:</u> Advertise in the Daily Progress and Schedule on January 4 agenda.</p>	
17.	<p><u>Pb. Hrg.: PROJECT: ZMA201500007 and SP201500025 Brookhill, Rivanna District.</u></p> <ul style="list-style-type: none"> By a vote of 5:0:1 (Sheffield, absent), ADOPTED resolution authorizing the Ashwood Boulevard Connection. Motion to waive the requirement for a public hearing to amend the proffer PASSED by a vote of 5:0:1 (Sheffield, absent). By a vote of 5:0:1 (Sheffield, absent), 	<p><u>Clerk:</u> Forward copies of signed ordinance and resolutions to Community Development and County Attorney's office. (Attachment 5) (Attachment 6) (Attachment 7)</p>	

	<p>ADOPTED ordinance approving ZMA 2015-00007 Brook Hill.</p> <ul style="list-style-type: none"> By a vote of 5:0:1 (Sheffield. absent), ADOPTED resolution to approve SP 2015-00025 Brookhill. 		
18.	<p>From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> By a vote of 5:0:1 (Sheffield, absent), ADOPTED resolution to disallow claims pertaining to Christiana N. Summers. By a vote of 5:0:1 (Sheffield, absent), ADOPTED resolution to disallow claims pertaining to Stacy Rush, David Jones, and Stacy Rush as next friend of Sasha Jones. 	<p>Clerk: Forward copy of signed resolutions to County Attorney's office. (Attachment 8)</p> <p>(Attachment 9)</p>	
19.	<p>From the County Executive: Report on Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> There were none, 		
20.	<p>Adjourn to September, 20 2016, p.m., Room 241.</p> <ul style="list-style-type: none"> The meeting was adjourned at 9:19 p.m. 		

ckb/tom

Attachment 1 – Resolution of Appreciation – Veterans Day

Attachment 2 – Memorandum of Understanding between Albemarle County Police Department and the National Park Service.

Attachment 3 – Resolution to Allow Pantops Pedestrian Crosswalk

Attachment 4 – Ordinance No.16-02(2)

Attachment 5 – Resolution Authorizing the County Executive to Sign an Application, Subdivision Plat, and Related Documents Pertaining to Tax Map Parcel 046B5-00-00-001C0

Attachment 6 – Ordinance No. 16-A(9) ZMA 2015-00007 Brookhill

Attachment 7 – Resolution to Approve SP 2015-25 Brookhill

Attachment 8 – Resolution to Disallow Claim for Damages

Attachment 9 – Resolution to Disallow Claim for Damages

RESOLUTION OF APPRECIATION

- WHEREAS,** the United States of America was founded on the principles of liberty, opportunity and justice for all; and
- WHEREAS,** America has called on her men and women in uniform to protect our national security, to advance our national interests and to preserve our rights and freedoms; and
- WHEREAS,** on Veterans Day we remember and pay tribute to the millions of patriots whose courage and sacrifice have secured our freedom and defended our values; and
- WHEREAS,** we also honor all men and women currently serving in the military for their sacrifices; and
- WHEREAS,** over one hundred veterans continue to serve their country in public schools and government as teachers and other professionals providing services to the students and citizens of Albemarle County; and
- WHEREAS,** these veterans employed by Albemarle County Public Schools and Local Government deserve recognition for their continued service;
- NOW, THEREFORE, BE IT RESOLVED,** that the Albemarle County Board of Supervisors and the Albemarle County School Board do hereby recognize all veterans and the men and women that are currently serving in our armed forces around the world; and
- BE IT FURTHER RESOLVED,** that the Albemarle County Board of Supervisors and the Albemarle County School Board do hereby recognize and honor the continued contributions and sacrifices of the Armed Forces veterans employed by local government and public schools; and
- FURTHER RESOLVED,** that this Resolution celebrating Veterans Day, be adopted this day of November 09, 2016.

**RESOLUTION TO APPROVE THE AGREEMENT
BETWEEN THE U.S. DEPARTMENT OF THE INTERIOR NATIONAL PARK SERVICES
SHENANDOAH NATIONAL PARK AND
THE COUNTY OF ALBEMARLE, VIRGINIA**

WHEREAS, the Board finds that it is in the best interest of the County to enter into a Mutual Aid Agreement with the U.S. Department of the Interior National Park Services Shenandoah National Park for cooperation in the furnishing of police services.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia hereby approves the Agreement between the U.S. Department of the Interior National Park Services Shenandoah National Park and the County of Albemarle, Virginia for cooperation in the furnishing of police services, and authorizes the County Executive to execute the Agreement on behalf of the County after approval as to substance and form by the County Attorney.

**RESOLUTION TO ALLOW THE DESIGN AND CONSTRUCTION OF PEDESTRIAN
CROSSING IMPROVEMENTS ON US-250E AT THE INTERSECTION WITH STATE
FARM BOULEVARD**

WHEREAS, the County of Albemarle has constructed sidewalk and ADA ramps on the southwest corner of the State Farm Boulevard/US-250E intersection as part of a VDOT Revenue Sharing project (UPC-102886) and the construction contract is nearing completion; and

WHEREAS, the County approved a site development plan for Chick-fil-A on the north side of the State Farm Boulevard/US-250E intersection where pedestrian improvements including ADA ramps, painted crosswalk, traffic signal modifications and pedestrian signal heads were constructed from the northeast to northwest corners of the intersection; and

WHEREAS, VDOT and County Staff are concerned that the combination of these intersection improvements will promote pedestrians to cross US-250E at this signalized intersection; and

WHEREAS, VDOT supports the expansion of the Revenue Sharing project (UPC-102886) to include proposed pedestrian crossing improvements on US-250E shown on the Luxor Road Plan attached hereto as a change order to the current construction contract; and

WHEREAS, the project budget for Revenue Sharing project (UPC-102886) is adequate to fund the design and construction of the proposed pedestrian crossing improvements;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Albemarle County authorizes expansion of the project scope of Revenue Sharing project (UPC-102886) to allow the design and construction of pedestrian crossing improvements on US-250E at the intersection with State Farm Boulevard shown on the Luxor Road Plan, within the limits of the project budget.

* * * * *

LUXOR ROAD PLAN (STA. 9+50 TO STA. 13+50)

REQUIRED RIL BETWEEN STATIONS 11+05.74 AND 12+79.99, AS WELL AS THE FILL BETWEEN STATIONS 12+27.37 AND 13+46.19 IS ANTICIPATED TO EXCEED 5'. SEE LUXOR ROAD SECTIONS AT STATIONS 12+10, 12+40, 12+70, AND 13+40 (THIS SHEET).

STATE FARM BLVD.

SIDEWALK AND ADA RAMP (CG-12) BEING BUILT BY THE STATE FARM BLVD SIDEWALK PROJECT

CURB CUT & MEDIAN MODIFICATIONS FOR PEDESTRIAN REFUGE

NEW PEDESTAL POLE & PEDESTRIAN SIGNAL HEAD

NEW ADA RAMP CG-12

RELOCATED STOP BAR

NEW CROSSWALK STRIPING (EITHER DOUBLE STRIPE OR HIGH VISABILITY STRIPES)

NEW PEDESTRIAN SIGNAL HEAD

APPROXIMATE SUE TEST PIT LOCATION.

MATCHLINE THIS SHEET

MATCHLINE THIS SHEET

NOTE:
FOR "ALBEMARLE COUNTY CONSTRUCTION NOTES" C-S-1.

STEEP 3% AN LOW MAINT GROUND MOWING

Chick-fil-A



STEEP SLOPE
33% ANNUAL
LOW MOWING
(GROUND COVER
MOWING)

1138

ORDINANCE NO. 16-02(2)

AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION, ARTICLE VI, ECONOMIC DEVELOPMENT AUTHORITY, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 2, Administration, Article VI, Economic Development Authority, is hereby amended and reordained as follows:

By Amending and Renaming:

Sec. 2-600 Creation of economic development authority
 Sec. 2-601 Powers, duties, and procedures

By Amending and Renumbering:

Old	New	
Sec. 2-604	Sec. 2-602	Board of directors

By Repealing:

Sec. 2-602 Board of supervisors to approve financing
 Sec. 2-603 Board of supervisors to approve location
 Sec. 2-605 Board of supervisors to approve by-laws, etc.

Chapter 2. Administration**Article VI. Economic Development Authority****Sec. 2-600 Creation of economic development authority.**

There is hereby created pursuant to the Industrial Development and Revenue Bond Act (Virginia Code §§ 15.2-4900 *et seq.*) a political subdivision of the Commonwealth of Virginia to be known as the "Economic Development Authority of Albemarle County, Virginia," which is hereinafter, referred to in this article as the "economic development authority."

(5-12-76, §§ 1, 2; Ord. of 5-4-94; Code 1988, §§ 2-47, 2-48; Ord. 98-A(1), 8-5-98; Ord. 08-2(3), 6-4-08, effective 7-1-08)

State law reference--Va. Code § 15.2-4903.

Sec. 2-601 Powers, duties, and procedures.

The economic development authority shall have all public and corporate powers as are or may from time to time be conferred upon the economic development authorities pursuant to the Industrial Development and Revenue Bond Act (Virginia Code § 15.2-4900 *et seq.*) In the exercise of its powers, the economic development authority shall perform all applicable duties and comply with all applicable procedures required by the Act, including obtaining the prior approval of the board of supervisors when that approval is required by state or federal law before the economic development authority may act.

(5-12-76, § 3; 11-1-78; 8-14-80; 12-2-81; 3-16-83; 12-21-83; Ord. of 12-16-92; Ord. of 5-4-94; Code 1988, § 2-49; Ord. 98-A(1), 8-5-98; Ord. 08-2(3), 6-4-08, effective 7-1-08; 5-12-76, § 4; 11-1-78; 8-14-80; Ord. of 5-4-94; Code 1988, § 2-50; Ord. 98-A(1), 8-5-98; Ord. 08-2(3), 6-4-08, effective 7-1-08)

State law reference--Va. Code §§ 15.2-4905, 15.2-4906.

Sec. 2-602 Board of directors.

The economic development authority shall be governed by a board of directors in which all powers of the authority shall be vested, composed of seven (7) members appointed by the board of supervisors as provided by law.

(Ord. of 5-4-94; Code 1988, § 2-52; Ord. 98-A(1), 8-5-98; Ord. 08-2(3), 6-4-08, effective 7-1-08)

State law reference--Va. Code § 15.2-4904.

RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO SIGN AN APPLICATION, SUBDIVISION PLAT, AND RELATED DOCUMENTS PERTAINING TO TAX MAP PARCEL 046B5-00-00-001C0

WHEREAS, the County of Albemarle is the owner of Tax Map Parcel 046B5-00-00-001C0, a piece of land located at the intersection of U.S. Route 29 North and Ashwood Boulevard (the "County Parcel"); and

WHEREAS, the Places 29 Master Plan depicts a road through the County Parcel providing a connection between the lands to its south being considered for rezoning under Zoning Map Amendment 2015-00007, Brookhill ("ZMA 2015-07" and "Brookhill"); and

WHEREAS, pursuant to Proffer 1(C) of the proffers offered in conjunction with ZMA 2015-07, the owners would construct a public street that is referred to therein as the Ashwood Boulevard Connection across the County Parcel; and

WHEREAS, in order to create the public right-of-way on which the Ashwood Boulevard Connection would be constructed, the County Parcel must be subdivided; and

WHEREAS, when its construction is completed, the Ashwood Boulevard Connection will benefit the County and its residents by providing an important multi-modal interconnection.

NOW, THEREFORE, IT IS RESOLVED, that, if the Board of Supervisors adopts an ordinance approving ZMA 2015-07, the Board authorizes the County Executive to sign on behalf of the County of Albemarle any application, subdivision plat, easement plat, deed of easement granting a temporary construction easement, and any other related document required in order to subdivide the County Parcel to create the separate parcel on which the public right-of-way for the Ashwood Boulevard Connection may be constructed.

**ORDINANCE NO. 16-A(9)
ZMA 2015-00007 BROOKHILL**

**AN ORDINANCE TO REZONE 277.5 ACRES
FROM R1-RESIDENTIAL DISTRICT TO NEIGHBORHOOD MODEL DISTRICT (NMD)
FOR TAX MAP PARCEL NUMBERS 04600-00-00-01800, 04600-00-00-018A0, AND 04600-00-00-01900**

WHEREAS, the application to rezone 277.5 acres from R1-Residential District to Neighborhood Model District (NMD) for Tax Map Parcel Numbers 04600-00-00-01800, 04600-00-00-018A0, and 04600-00-00-01900 (the "Property") is identified as ZMA 2015-00007, Brookhill ("ZMA 2015-07"); and

WHEREAS, staff recommended approval of ZMA 2015-07 provided that minor revisions were made to the proffers, the application plan, and the code of development; and

WHEREAS, the Planning Commission held a duly noticed public hearing on ZMA 2015-07 on August 16, 2016, and recommended approval conditioned on the applicant making the staff-recommended revisions, as well as an additional revision, and such revisions have since been made.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the staff report prepared for ZMA 2015-00007 and its attachments, including the proffers dated October 13, 2016 and signed on October 21, 2016, the information presented at the public hearing, the material and relevant factors in Virginia Code § 15.2-2284, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2015-00007 with the proffers dated October 13, 2016 and signed on October 21, 2016, the Application Plan dated June 15, 2015 and last revised September 16, 2016, and the Code of Development dated June 15, 2016 and last revised October 13, 2016.

* * *

Original Proffers X
Amendment

Brookhill

PROFFER STATEMENT

Date: October 13, 2016

ZMA No. 2015-007 Brookhill

Tax Map and Parcel Number(s): **04600-00-00-018A0, 04600-00-00-01800 and 04600-00-00-01900**

Tax Map and Parcel Number(s) High School Site: **04600-00-00-018B0 and 04600-00-00-018D0**

Owner(s) of Record: **CHARLES R. HAUGH & ELIZABETH ANN OGLESBY HAUGH; CHARLES R. HAUGH, & E. J. OGLESBY, JR., TRUSTEES; CROCKETT CORPORATION, a VIRGINIA CORPORATION; HORNE LAND CORPORATION, a VIRGINIA CORPORATION AND CRAFTON CORPORATION, a VIRGINIA CORPORATION**

Date of Proffer Signature: Oct 21, 2016

Approximately 277.5 acres to be rezoned from **R-1 Residential** to **NMD (Neighborhood Model District)**

CHARLES R. HAUGH & ELIZABETH ANN OGLESBY HAUGH are the owners of Tax Map Parcel **04600-00-00-018A0**; **CHARLES R. HAUGH & E. J. OGLESBY, JR. TRUSTEES** are the owners of Tax Map Parcel **04600-00-00-01800**; and **CROCKETT CORPORATION** is the owner of Tax Map Parcel **04600-00-00-01900**; all of the owners of such parcels are referred to herein, collectively as the "Owner" and the parcels are referred to herein as the "Property". **HORNE LAND CORPORATION** is the owner of Tax Map Parcel **04600-00-00-018B0** and **CRAFTON CORPORATION** is the owner of Tax Map Parcel **04600-00-00-018D0**. The Property is the subject of the rezoning application identified by Albemarle County (the "County") as "ZMA 2015-007" for a project known as "Brookhill" (the "Project"), which includes the application plan prepared by Collins Engineering entitled, "Brookhill Neighborhood Model District (NMD) Application Plan," last revised September 16, 2016 (the "Application Plan"), a Code of Development entitled the "Brookhill Neighborhood Model Code of Development," last revised October 13, 2016 (the "Code of Development"). Capitalized terms, not otherwise defined in these Proffers shall have the same definitions as set forth in either the Code of Development or the Application Plan.

Pursuant to Section 33.3 of the Albemarle County Zoning Ordinance, the Owner hereby voluntarily proffers the conditions listed below which shall be applied to the Property if it is rezoned to the zoning district identified above. These conditions are proffered as a part of the proposed rezoning, and the Owner acknowledges that the conditions are reasonable.

1. Transportation Improvements.

- A. Polo Grounds Road Improvements. Pursuant to road plans approved by the Virginia Department of Transportation ("VDOT"), the Owner shall construct all intersection and turn lane improvements, including improvements to the horizontal alignment, vertical alignment and cross-section of Polo Grounds Road ("Polo Grounds Road Improvements"). The Polo Grounds Road Improvements shall be completed in two phases. Owner shall begin construction of Phase I, as depicted on the Figure A, Brookhill Traffic Phasing Plan ("Traffic Phasing Plan"), prior to the issuance of a building permit ("Permit") for the first (1st) dwelling within the Project, and the Phase I Polo Grounds Road Improvements shall be substantially completed prior to issuance of

either i) a Permit for the fiftieth (50th) dwelling (other than an Assisted Living, nursing home, rest home or convalescent facility) within the Project, or ii) a certificate of occupancy for any units within a multi-family dwelling within the Project, whichever first occurs. Phase IV, as depicted on the Traffic Phasing Plan, shall be completed prior to issuance of any Permit for a dwelling (other than a multi-family dwelling, Assisted Living, nursing home, rest home or convalescent facility) within Blocks 14-18 of the Project. The Polo Grounds Road Improvements shall be designed and constructed to applicable VDOT standards, including, without limitation, VDOT's Geometric Design. The Polo Grounds Road Improvements shall be determined to be substantially completed by: i) the Albemarle County Engineer, or its designee, or ii) when they are constructed, inspected and the VDOT construction bond is released, or iii) a VDOT official otherwise confirms that they are substantially complete.

Pursuant to approval by VDOT, Polo Grounds Road Improvements shall include salamander tunnels, shown conceptually in Figure B, ("Salamander Crossing Exhibit"). Maintenance of the salamander tunnels shall be the responsibility of the Owner, and a maintenance agreement shall be established and approved by VDOT during the VDOT review of the road plans for the Polo Grounds Road Improvements.

- B. Route 29 Intersection Improvements. Pursuant to road plans approved by VDOT, the Owner shall construct all intersection and turn lane improvements along Route 29, conceptually depicted on the Application Plan ("Route 29 Intersection Improvements"). The Route 29 Intersection Improvements shall be substantially completed prior to issuance of either i) a Permit for the fiftieth (50th) dwelling (other than an Assisted Living, nursing home, rest home or convalescent facility) within the Project or ii) a certificate of occupancy for any units within a multi-family dwelling within the Project, whichever first occurs. The Route 29 Intersection Improvements shall be designed and constructed to applicable VDOT standards, including, without limitation, VDOT's Geometric Design. The Route 29 Intersection Improvements shall be determined to be substantially completed by: i) the Albemarle County Engineer, or its designee, or ii) when they are constructed, inspected and the VDOT construction bond is released, or iii) a VDOT official otherwise confirms that they are substantially complete.
- C. Ashwood Boulevard Connection. Pursuant to road plans approved by VDOT and a temporary construction easement and maintenance agreement approved by the County, the Owner shall construct the Ashwood Boulevard Connection, as conceptually depicted with improvements and landscaping shown on Exhibit C, Ashwood Boulevard Connection ("Ashwood Boulevard Connection"). The Ashwood Boulevard Connection, which includes a pedestrian connection, shall be bonded prior to road plan approval and substantially completed prior to: i) the issuance of the five hundredth (500th) Permit for a dwelling (other than a multi-family dwelling, Assisted Living, nursing home, rest home or convalescent facility) or ii) the issuance of the eight hundredth (800th) Permit for any dwelling type within the Project, whichever first occurs. In any event, Owner shall have completed the Ashwood Boulevard Connection prior to the completion of the western extension of Ashwood Boulevard to Berkmar Drive Extension.

Until such time as the County determines to submit the Ashwood Boulevard Connection for public dedication, the Owner shall be responsible for all maintenance, repairs, bonding and insurance of the Ashwood Boulevard Connection. The Owner shall submit a temporary construction easement and maintenance agreement that is acceptable to the County prior to approval of road plans for Phase I roadway improvements. The Owner's improvements shall be dedicated, together with the County-owned right-of-way at such time as the County determines to submit the Ashwood Boulevard Connection for public dedication. The Ashwood Boulevard Connection shall be determined to be substantially completed by: i) the Albemarle County

Engineer, or its designee or ii) when it is constructed, inspected and VDOT has accepted the Ashwood Connection for dedication, or iii) a VDOT official otherwise confirms that they are substantially complete.

- D. Rio Mills Road Connection. Pursuant to road plans approved by VDOT, the Owner shall construct a two lane road connection from Rio Mills Road to the newly-constructed, Berkmar Drive Extension in the approximate location shown on Exhibit D, Rio Mills Roadway Connection ("Rio Mills Road Connection"). The Rio Mills Road Connection shall be substantially completed prior to: i) issuance of the two hundredth (200th) Permit for a dwelling unit (other than a multi-family dwelling, Assisted Living, nursing home, rest home or convalescent facility), or ii) the occupancy of twenty five thousand (25,000) square feet or more of non-residential space within Block 1 of the Project, which ever first occurs.

With the first final subdivision plat, or first final site plan for any of the Property, excluding the subdivision of Block 19, Owner shall dedicate sufficient land to permit the construction of the Rio Mills Road Connection (including right of way and grading easements) as conceptually shown on the Application Plan. (The dedication plat for the Rio Mills Road Connection shall not be approved until all road and infrastructure plans are approved and constructed or bonded). Owner shall bear the costs associated with preparation of the Rio Mills Road Connection dedication plat for review and approval by Albemarle County (the "County"). The Rio Mills Road Connection shall be determined to be substantially completed by: i) the Albemarle County Engineer, or its designee or ii) when it is constructed, inspected and VDOT has accepted the Rio Mills Connection for dedication, or iii) a VDOT official otherwise confirms that they are substantially complete.

- E. Transit Stop. The Owner shall construct a Transit Stop within the general location shown as a proposed Transit Stop on the Application Plan (the "Transit Stop"). The Transit Stop shall be designed and constructed in coordination with, and approval by the County Director of Community Development and Regional Transit Authority (if in place) and shall incorporate a shelter, including a rest bench, pedestrian access, and signage equal to or better than the current transit stops for Charlottesville Area Transit (CAT). The Transit Stop shall be installed and completed concurrently with the installation of surrounding roads and sidewalks within Block 1. The Transit Stop and above referenced features shall be dedicated to public use, or the Owner shall grant an easement as necessary to allow for the public access and usage of such facilities.
- F. Public Transit Operating Expenses. Within sixty (60) days of transit services to the Property having commenced by CAT, a regional transit authority, or other provider of transit service selected by the County, the Owner shall contribute Fifty Thousand Dollars (\$50,000) to the County to be used for operating expenses relating to transit service to the Property; and Owner shall contribute Fifty Thousand Dollars (\$50,000) to the County each year thereafter for a period of nine (9) additional years, such that the cash contributed to the County pursuant to this Proffer 1G, shall not exceed Five Hundred Thousand Dollars (\$500,000). The monetary contribution in years two (2) through ten (10) shall be paid by the anniversary date of the first contribution and each such contribution shall be conditioned upon transit service being provided to the Property during the twelve (12) month period prior to such contribution.
- G. Construction Traffic Management. The Owner shall establish Construction Entrances to the Property in locations as approved by the County and VDOT as part of the Erosion and Sediment Control Plan and Site Plan process. During the period in which all roads will be constructed within the Property (and until completion), construction traffic shall be required to use the Construction Entrances as designated in the approved Erosion and Sediment Control Plan. The

Owner shall prohibit such construction traffic from entering the Project via Ashwood Boulevard and Montgomery Ridge Road. Once the roads are completed and dedicated for public use the Owner shall no longer have the authority or responsibility to regulate traffic thereon.

- H. Road Improvements, Generally. The road improvements listed in paragraphs 1C and 1D (the "Road Improvements") above shall be constructed in accordance with road plans submitted by the Owner and approved by VDOT, and shall be dedicated to public use. All of the Road Improvements shall be designed and constructed to applicable VDOT standards, including, without limitation, VDOT's Geometric Design.
 - I. Polo Grounds Road Railroad Overpass. Within ninety (90) days after the request by the County and the approval by VDOT, Owner shall cause to be installed, at Owners expense, a traffic signal at the Polo Grounds Road and Norfolk Southern Railroad Overpass. If, within ten (10) years after the date of issuance of the first (1st) CO for a single family dwelling within the Project, the County has not so requested, (or VDOT has not approved the traffic signal within that time period) the Owner shall be relieved of any obligation to install a traffic signal.
2. Trails, Parks and Civic Spaces. The Owner shall provide the following improvements within the property:
- A. Trail Network. A primitive trail network (the "Trail Network"), consistent with the County's design standards for a Class B- type 1 primitive nature trail, shall be established within the Greenway as described within the Code of Development. The general location of the Trail Network is shown on the Application Plan; however exact trail locations shall be determined by the Owner based on site conditions and in coordination with the County. Installation of the Trail Network shall commence concurrently with the site work for the first Block developed within the Project and the entire trail network shall be substantially completed prior to issuance of the five hundredth (500th) Permit for a dwelling (other than a Multi-family dwelling, Assisted Living, nursing home, rest home or convalescent facility) within the Project. The Trail Network shall be determined to be substantially completed by the Albemarle County Engineer, or its designee.
- Upon written request by the County, but not prior to the issuance of the five hundredth (500th) Permit for a dwelling within the Project, the Owner shall dedicate to the County an easement for public use over the Greenway area, as shown on the Application Plan. Prior to the County's request to dedicate such easement, the Owner may dedicate portions of the Greenway by easement concurrently with one or more subdivision plats for areas lying adjacent to the Greenway; provided however, that Owner may reserve in such easements, rights of access for grading, utilities and maintenance. Each subdivision plat shall depict the Greenway area to be dedicated and shall bear a notation that the Greenway area is dedicated for public use. If, at the time the County requests dedication of the Greenway, any part of the Greenway that has not been dedicated by subdivision plat, shall be (within six (6) months of such request) at Owner's cost, surveyed, platted and recorded with one or more deeds of easement dedication.
- Pursuant to signage plan approval by the Rivanna Water and Sewer Authority (the "RWSA"), the Owner shall install signage along the Trail Network within the Dam Break Inundation Zone designating evacuation routes. Signage shall be installed as the Trail Network is established.
- B. Parks and Civic Spaces. The Owner shall provide not less than 3.2 acres of land within the Project for Parks and Civic Spaces as described in the Code of Development and generally shown on the Application Plan. Each Park or Civic Space shall be substantially completed prior to the issuance of the fortieth (40th) CO for a residential dwelling unit in the Block in which it is

located. Parks and Civic Spaces shall be conveyed to, and maintained by the Owner's Association.

3. Cash Proffer for Capital Improvements Projects.

- A. The Owner shall contribute cash on a per "market-rate" dwelling unit basis in excess of the number of units that are allowed by right under the zoning in existence prior to the approval of this ZMA 2015-007 for the purposes of addressing the fiscal impacts of development on the County's public facilities and infrastructure, i.e., schools, public safety, libraries, parks and transportation. For the purposes of this Proffer 3, the number of units allowed by right under the R-1 Residential zoning is two hundred sixty-nine (269) single-family detached units. A "market rate" unit is any dwelling unit in the Project that is not either a For-Sale Affordable Housing Unit or For -Rent Affordable Unit as described in Proffer 4 ("Market Rate Unit"). The cash contributions shall be Seven Thousand Three Hundred Thirty-three and 18/100 Dollars (\$7,333.18) for each single family detached Market Rate Unit, other than a constructed For-Sale Affordable Dwelling Unit within the Project qualifying as such under Proffer 4. In other words, the cash contribution for market rate single family units shall begin after the issuance of a CO for the 269th single family dwelling unit and prior to the issuance of a CO for the 270th single family dwelling unit. The cash contributions for each single family attached Market Rate Unit shall be Five Thousand Four Hundred and Forty-seven and 57/100 Dollars (\$5,447.57), other than a constructed For-Sale Affordable Housing Unit or a For Rent Affordable Housing Unit within the Project qualifying as such under Proffer 4. The cash contributions for each multifamily Market Rate Unit shall be Seven Thousand Four Hundred Nineteen and 91/100 Dollars (\$7,419.91), other than a constructed For Sale Affordable Housing Unit or For Rent Affordable Housing Unit within the Project qualifying as such under Proffer 4.

4. Affordable Housing.

The Owner shall provide affordable housing equal to fifteen percent (15%) of the total number of residential units constructed on the Property. For example, if one thousand (1000) total units are constructed in the Project, one hundred fifty (150) units, or their equivalent, are required to be provided to satisfy this Proffer 4, subject to paragraph 4C. The Owner or its successors in interest reserve the right to meet the affordable housing objective through a variety of housing types, including but not limited to for sale units, rental units, accessory units and Carriage Units, ("Affordable Units") or through cash contributions, as more particularly described in sections 4A, 4B and 4C below.

- A. **For-Sale Affordable Housing Units.** All purchasers of the For-Sale Affordable Housing Units, (defined below) shall be approved by the Albemarle County Housing Office or its designee. "For-Sale Affordable Housing Units" shall be dwelling units offered for sale at prices for which households with incomes less than eighty percent (80%) of the area median income may qualify, and shall not exceed sixty-five percent (65%) of VHDA's Maximum Sales Price for first-time homebuyers. The Owner shall provide the County or its designee a period of one hundred twenty (120) days to identify and prequalify an eligible purchaser For-Sale Affordable Housing Units. The one hundred twenty (120) day period shall commence upon written notice from the Owner that the unit(s) shall be available for sale. This notice shall not be given more than ninety (90) days prior to receipt of the Certificate of Occupancy for the applicable For-Sale Affordable Housing Unit; the County or its designee may then have thirty (30) days within which to provide a qualified purchaser for such For-Sale Affordable Housing Unit. If the County or its designee does not provide a qualified purchaser during the one hundred twenty (120) day period, the Owner shall have the right to sell the unit(s) without any restriction on sales price or income of

the purchaser(s). Carriage Units, as defined in the Code, shall not exceed twenty-five percent (25%) of the total Affordable Units.

B. For-Rent Affordable Housing Units.

- (1) **Rental Rates.** The initial net rent for each rental housing unit for which Owner seeks qualification for the purposes of this Proffer 4, ("For-Rent Affordable Housing Unit") shall not exceed the then-current and applicable maximum net rent rate approved by the Albemarle County Housing Office. In each subsequent calendar year, the monthly net rent for each For-Rent Affordable Housing Unit may be increased up to three percent (3%). For purpose of this Proffer 4B, the term "net rent" means that the rent does not include tenant-paid utilities. The requirement that the rents for such for-rents for such For-Rent Affordable Housing Units may not exceed the maximum rents established in this paragraph 4B shall apply for a period of ten (10) years following the date the certificate of occupancy is issued by the County for each For-Rent Affordable Housing Unit, or until the units are sold as low or moderate cost units qualifying as such under either the Virginia Housing Development Authority, Farmers Home Administration, or Housing and Urban Development, Section 8, whichever comes first (the "Affordable Term").
- (2) **Conveyance of Interest.** All deeds conveying any interest in the For-Rent Affordable Housing Units during the Affordable Term shall contain language reciting that such unit is subject to the terms of paragraph 4B. In addition, all contracts pertaining to a conveyance of any For-Rent Affordable Housing Unit, or any part thereof, during the Affordable Term shall contain a complete and full disclosure of the restrictions and controls established by this paragraph 4B. At least thirty (30) days prior to the conveyance of any interest in any For-Rent Affordable Housing Unit during the Affordable Term, the then-current Owner shall notify the County in writing of the conveyance and provide the name, address and telephone number of the potential grantee, and state that the requirements of this paragraph 4B(2) have been satisfied.
- (3) **Reporting Rental Rates.** During the Affordable Term, within thirty (30) days of each rental or lease term for each For-Rent Affordable Housing Unit, the then-current Owner shall provide to the Albemarle County Housing Office a copy of the rental or lease agreement for each such unit rented that shows the rental rate for such unit and the term of the rental or lease agreement. In addition, during the Affordable Term, the then-current Owner shall provide to the County, if requested, any reports, copies of rental or lease agreements, or other data pertaining to rental rates as the County may reasonably require.

C. Cash in lieu of Constructing Affordable Dwelling Units.

In lieu of constructing For-Sale, or For-Rent Affordable Dwelling Units for fifteen percent (15%) of the total number of Units, the Owner has the option to make a cash contribution to Albemarle County for the affordable housing program in the amount of Twenty-Four Thousand and Three Hundred Seventy Five Dollars (\$24,375.00) (the "Affordable Housing Cash Proffer") for each such unit as follows: the Owner shall exercise the option to make, and thereby shall pay the Affordable Housing Cash Proffer to the County, if the Affordable Housing requirement has not been proportionally met otherwise, in four (4) installments; after an inspection and prior to the issuance of approval of a CO for each of the two hundredth (200th), five hundredth (500th), eight hundredth (800th), and one thousandth (1000th) dwelling unit within the Project. The total Cash in lieu contribution due to Albemarle County at each of the four

(4) payment periods as noted above shall be calculated based on the total number of Certificates of Occupancy issued for Market Rate and Affordable Housing Units.

5. Cost Index.

Beginning January 1 of each year following the approval of ZMA 2015-007, the amount of each cash contribution required by Proffers 3 and 4 (collectively, the "Cash Contributions" and individually "Cash Contribution") shall be adjusted annually until paid, to reflect any increase or decrease for the preceding calendar year in the Marshall and Swift Building Cost Index for masonry walls in the Mid-Atlantic ("MSI"). The annual adjustment shall be made by multiplying the proffered Cash Contributions amount due for the preceding year by a fraction, the numerator of which shall be the MSI as of December 1 in the preceding calendar year, the denominator of which shall be the MSI as of December 1 in the year preceding the calendar year most recently ended (the "Annual Percentage Change"). By way of example, the first annual adjustment shall be $\$7,333.18 \times 2017 \text{ MSI} / 2016 \text{ MSI}$. Each annual adjustment shall be based on the amount of the proffered Cash Contribution due for the immediately preceding year based on the formula contained in this Proffer 5 (the amount derived from such formula shall be referred to hereinafter as the "Cash Contribution Due"), provided, however, in no event shall the Cash Contribution amount paid by the Owner be less than Seven Thousand Three Hundred Thirty-three 18/100 Dollars \$7,333.18 per single family detached Market Rate Unit and Five Thousand Four Hundred Forty-seven and 57/100 Dollars \$5,447.57 per single family attached Market Rate Unit and Seven Thousand Four Hundred Nineteen and 91/100 Dollars \$7,419.91 per multifamily Market Rate Unit under Proffer 3 or Twenty-Four Thousand and Three Hundred Seventy Five Dollars \$24,375.00 per affordable dwelling unit under Proffer 4 (the "Minimum Cash Contribution"). The Annual Percentage Change shall be calculated each year using the Cash Contribution Due, even though it may be less than the Minimum Cash Contribution, HOWEVER, the amount paid by the Owner shall not be less than the Minimum Cash Contribution. For each cash contribution that is being paid in increments, the unpaid incremental payments shall be correspondingly adjusted each year.

6. Credit For In-Kind Contributions.

Notwithstanding the provisions of these Proffers to the contrary, the Owner's obligation to pay Cash Contributions shall not commence until the number of units, to which such Cash Contributions apply have been completed that results in what would otherwise have been a total Cash Contribution equal to the total value of: i) the Elementary School Site, and related improvements to be completed by Owner, ii) the High School Site and iii) the Rio Mills Road Connection, (collectively referred to as the "In-kind Contribution"). The In-Kind Contribution shall be \$31,086,662.86. The In-kind Contribution reflects the value of the improvements that the Owner has committed to make in these proffers that are for the benefit of the public. In other words, the Owner shall not be required to pay any per unit Cash Contributions until the time of the issuance of the building permit for a new unit completed after applying a credit for the In-kind Contribution. In the event that the Project is completed prior to the balance of the In-kind Contribution being exhausted, any remaining balance of the In-kind Contribution may not be applied for any other project or development.

7. Elementary School Site.

Within one year after written request by the County, but in no event earlier than one year after the date of issuance of the first (1st) CO issued for a dwelling within the Project, the Owner shall dedicate to the County, by General Warranty Deed and without consideration, fee simple title to a parcel of land for a public elementary school of, as shown on Figure E: Brookhill School Sites Exhibit and labeled "Elementary School Site" (the "Elementary School Site"). The Elementary School site shall not be less than seven (7) acres, and shall abut a publicly-dedicated right of way. The Elementary School Site shall

be a graded and compacted pad site with water, sewer and electricity utility connections constructed to the edge of the parcel to accommodate an elementary school according to standards of the County School Division's Building Services Department. At the option of the County, and in lieu of the construction of a school, a public park may be established by the County on the Elementary School Site.

8. Public High School or Institutional Use Site.

Within one year after written request by the County, the Owner shall dedicate to the County, by General Warranty Deed and without consideration, fee simple title to a parcel of land for a public high school, and/or such other use as the County may determine suitable, of not less than sixty (60) acres abutting a publicly-dedicated right of way, as shown on Figure E: Brookhill Schools Sites Exhibit and labeled "High School Site" (the "High School Site"). The High School Site shall be conveyed as-is, without any improvements or warranty as to suitability.

9. Historic Resources.

- A. National Register of Historic Places Eligibility. The existing Brookhill dwelling is eligible for the National Register of Historic Places. Owner shall address any adverse impact to this designation as part of the Section 106 Review under the National Historic Preservation Act of 1966 (NHPA), which is administered by the Virginia Department of Historic Resources (DHR).
- B. Cemetery Delineation. Owner shall i) delineate any cemeteries encountered within the Project on the site plan or subdivision plat for the area to be developed which contains such cemetery or cemeteries, and ii) submit a treatment plan for any such cemetery for approval by the County Director of Community Development, or its designee at the plan or plat review.
- C. Greenway Area Woodlands Camp. There shall be no land disturbance by Owner or by any of its licensees, or successors of the Woodlands Camp located in the Greenway Area and identified in the Phase I Historic Resources Study for the Project.

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

[Signature Pages to Follow]

WITNESS the following signature:

OWNERS of Tax Map Parcel 04600-00-00-018A0:

By: 
CHARLES R. HAUGH

By: 
ELIZABETH ANN OGLESBY HAUGH

Date: 10/20/16

OWNERS of Tax Map Parcel 04600-00-00-01800:

By: 
CHARLES R. HAUGH, TRUSTEE

Date: 10/20/16

OWNER of Tax Map Parcel 04600-00-00-01900:

CROCKETT CORPORATION, a Virginia corporation

By: 
Ann O. Haugh, President

Date: 10/20/16

OWNER of Tax Map Parcel 04600-00-00-018B0:

HORNE LAND CORPORATION, a Virginia corporation

By: 
Ann O. Haugh, President

Date: 10/20/16

OWNER of Tax Map Parcel 04600-00-00-018D0:
CRAFTON CORPORATION, a Virginia corporation

By: Ann O. Haugh, President
Ann O. Haugh, President

Date: 10/20/16

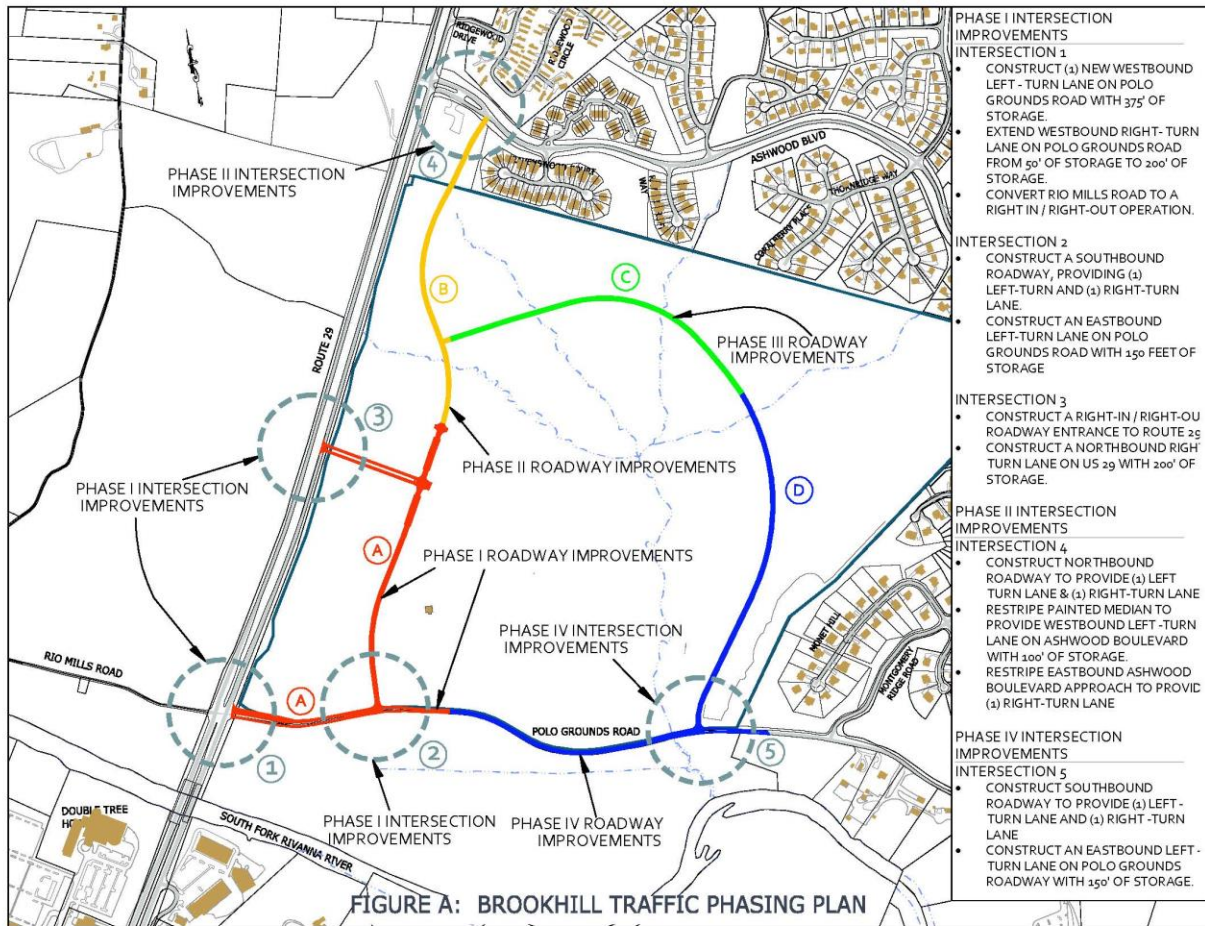
BROOKHILL INVESTMENTS, LLC, a Virginia limited liability company (Contract Purchaser)

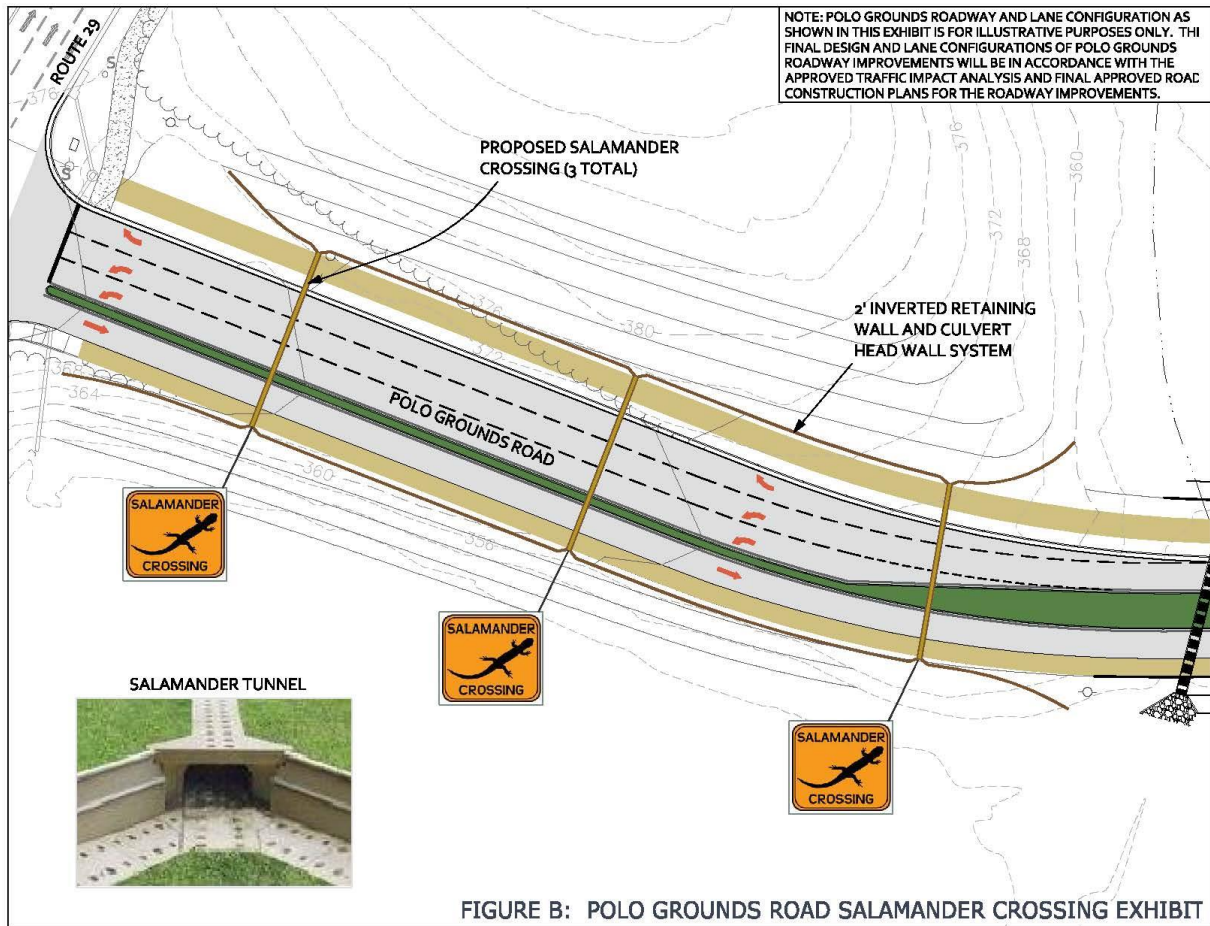
By: River Bend Management, Inc., Manager

By: Alan R. Taylor
Alan R. Taylor, President

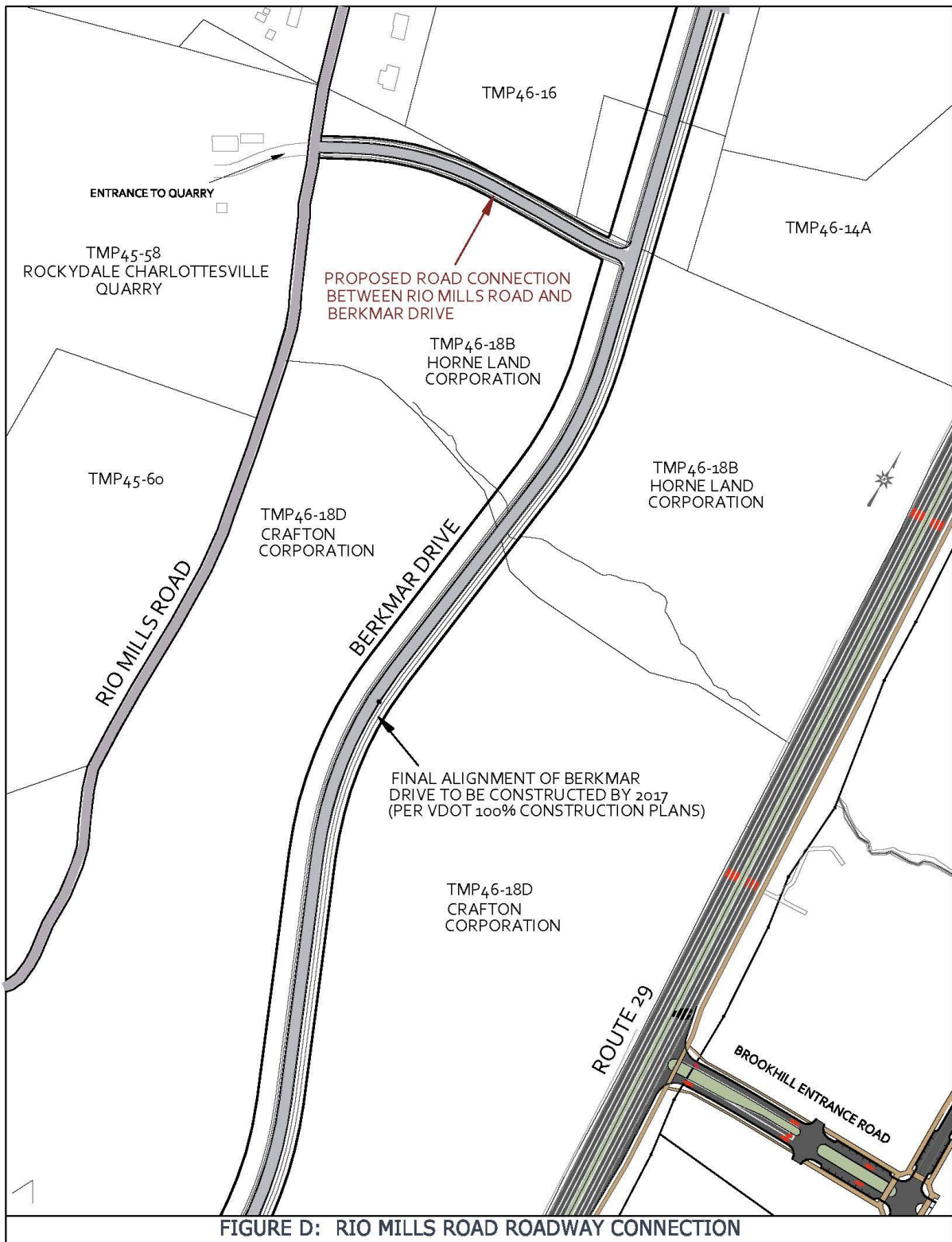
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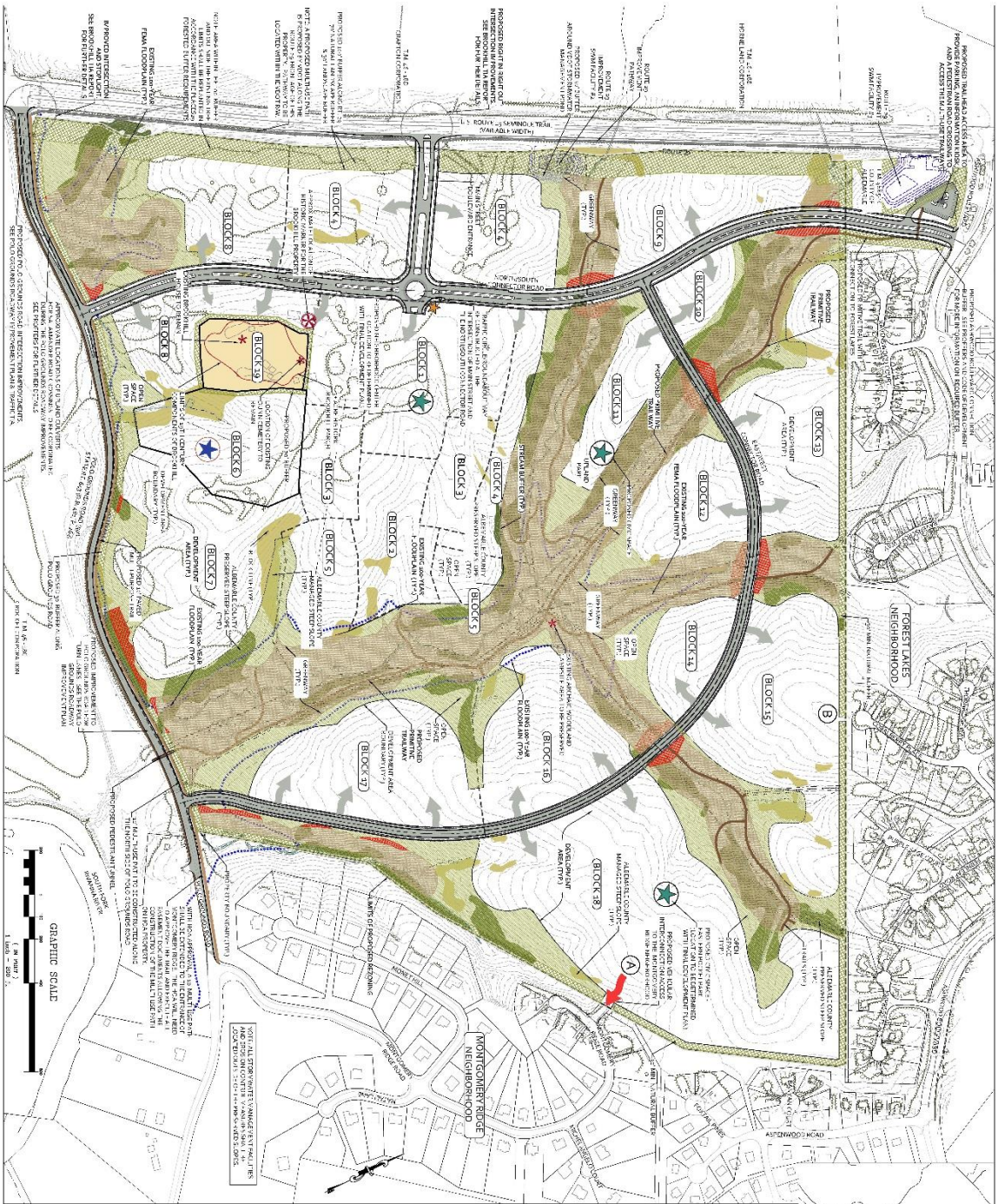












GENERAL NOTES

1. THE ZONING MAP IS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.
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VICINITY MAP

SCALE 1" = 200'

REVISIONS

DATE	DESCRIPTION
06/15/15	INITIAL SUBMITTAL
06/22/15	REVISED PLAN
06/16/16	REVISED PLAN PER COMMENTS ON THE REZONING
06/16/16	REVISED PLAN PER COMMENTS ON THE REZONING
06/16/16	REVISED PLAN FINAL COUNTY COMMENTS AND PLANNING COMMISSION MEETING

**RESOLUTION TO APPROVE
SP 2015-25 BROOKHILL**

WHEREAS, the Owners of Tax Map Parcels 04600-00-00-01800 and 04600-00-00-018A0 (collectively, the "Property") filed an application for a special use permit to permit grading activities within the floodplain that would expand the floodplain limits, and the replacements of culverts within the floodplain, on the property, and the application is identified as Special Use Permit 2015-00025 Brookhill (SP 2015-25"); and

WHEREAS, on August 16, 2016, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2015-25 with staff-recommended conditions; and

WHEREAS, on November 9, 2016, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2015-25.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2015-25 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code §§ 18-30.3.11 and 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2015-25, subject to the conditions attached hereto.

* * * * *

SP-2015-00025 Brookhill Conditions

1. Prior to final road plan approval or permitting of a land disturbance in the floodplain, the applicant shall obtain from the Federal Emergency Management Agency (FEMA) a Conditional Letter of Map Revision Based on Fill (CLOMR-F), and prior to road acceptance, the applicant shall obtain from FEMA a Letter of Map Revision based on Fill (LOMR-F). In addition, the applicant shall copy the County Engineer on all correspondence with FEMA. Construction of the road shall be in compliance with approved road plans and the FEMA approved CLOMR-F.
2. Any residential or commercial lots and associated streets (public or private) resulting from the subdivision of the Property, with the exception of the stream crossings, shall be located outside of the 100 foot stream buffer (as shown on the Brookhill Special Use Permit & CLOMR Plan, Existing Conditions, Sheet 2, last revised 6/15/16), the Flood Hazard Overlay District, and preserved slopes on the property. Approval of lots located within the stream buffer shall be subject to Subdivision Agent approval.

RESOLUTION TO DISALLOW CLAIM FOR DAMAGES

WHEREAS, Christiana N. Summers has asserted a claim against Albemarle County as set forth in the letter dated October 7, 2016, for alleged injuries that she sustained in a motor vehicle collision between the vehicle in which she was a passenger and a JAUNT vehicle on April 12, 2016 at the intersection of Monticello Avenue and Quarry Road; and

WHEREAS, the Board of Supervisors finds that the claim should be disallowed because it does not state a cognizable claim of negligence against Albemarle County as required under Virginia Code § 15.2-209; and

WHEREAS, the Board of Supervisors finds that the claim against Albemarle County is not supported by the facts or by law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia disallows the claim of Christiana N. Summers for alleged injuries sustained by her on April 12, 2016 at the intersection of Monticello Avenue and Quarry Road.

RESOLUTION TO DISALLOW CLAIM FOR DAMAGES

WHEREAS, Stacy Rush, David Jones, and Stacy Rush as next friend of Sasha Jones, by counsel, has asserted a claim against Albemarle County as set forth in the letter dated September 15, 2016, from William T. Woodrow to Thomas C. Foley, County Executive, and Greg Kamptner, County Attorney, for alleged injuries sustained by Sasha Jones on June 3, 2016, at Yancey Elementary School; and

WHEREAS, the Board of Supervisors finds that the claim should be disallowed because it does not state a cognizable claim of negligence against Albemarle County as required under Virginia Code § 15.2-209; and

WHEREAS, the Board of Supervisors finds that the claim is not supported by the facts or by law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia disallows the claim of Stacy Rush, David Jones, and Stacy Rush as next friend of Sasha Jones for alleged injuries sustained by Sasha Jones on June 3, 2016, at Yancey Elementary School.