

<p style="text-align: center;">ACTIONS Board of Supervisors Meeting of May 9, 2018</p>		
		May 10, 2018
<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 1:03 p.m., by the Chair, Ms. Mallek. All BOS members were present. Also present were Claudette Borgersen, Greg Kamptner, Travis Morris and Jeff Richardson. 		
2. Presentation: High School 2022 Project Overview. <ul style="list-style-type: none"> RECEIVED. 		
3. FY19 Resolution of Appropriations. <ul style="list-style-type: none"> By a vote of 5:1 (Mallek), ADOPTED FY 19 Resolution of Appropriations, Option 2, to appropriate the FY 19 budget. By a vote of 6:0, REQUESTED that the Superintendent provide Quarterly Financial reports from the School Division detailing the nine (9) categories as they are now reported to the Department of Education, and to detail any transfers of funds between categories. By a vote of 6:0, APPROVED option #2 to place \$180,893 into a reserve for sustaining a quality organization and DIRECTED staff to return with an appropriation. By a vote 6:0, ADOPTED Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing. 	<u>Clerk:</u> Forward copy of signed resolutions to OMB, Finance and County Attorney's office. (Attachment 1) <u>OMB:</u> Proceed as directed. (Attachment 2)	
Recess. <ul style="list-style-type: none"> At 3:22 p.m., the Board recessed and reconvened at 3:32 p.m. 		
4. 2018 Bond Referendum - Project Identification. <ul style="list-style-type: none"> By a vote of 3:3 (Palmer, Randolph, Dill), motion to direct staff to move forward with a \$70 million general obligation bond referendum for school projects FAILED. By a vote of 4:2 (Gallaway, McKeel), DIRECTED staff to move forward with a \$35 million general obligation bond referendum for school projects. By a vote of 5:1 (Randolph), DIRECTED staff move forward with a general obligation bond referendum for \$12 million for local government projects. By a vote of 3:3 (Palmer, Randolph, Dill) motion to direct staff to move forward with a general obligation bond referendum \$70 million dedicated to school projects and \$12 million to local government projects FAILED. By a vote of 6:0, DIRECTED staff move forward with a general obligation bond referendum for \$59 million for school local government projects 		
5. Rural Long Range Transportation Plan.		

[Link to video](#)

	<ul style="list-style-type: none"> • RECEIVED. 		
6.	<p>Closed Meeting.</p> <ul style="list-style-type: none"> • At the 5:09 p.m., Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia: • Under Subsection (1), to consider: <ol style="list-style-type: none"> 1. Appointments to boards, committees, and commissions in which there are pending vacancies or requests for reappointments; 2. To conduct the annual performance reviews of the Board Clerk and the County Attorney, and the mid-year performance review of the County Executive; and 3. The assignment of attorneys in the County Attorney's Office. • Under Subsection (3) to discuss and consider: <ol style="list-style-type: none"> 1. The acquisition of real property in the Rivanna Magisterial District, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County; and 2. The disposition of real property in the City of Charlottesville related to court facilities, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County. • Under Subsection (7), to consult with legal counsel and briefings by staff members pertaining to probable litigation, where the consultation or briefing in open meeting would adversely affect the negotiating or litigation posture of the Board, regarding: <ol style="list-style-type: none"> 1. A claim brought by Virginia Youth Club of America arising from an incident at 29 Place on March 4, 2017; and 2. Threatened litigation brought by Crozet Center Partners LLC regarding the properties commonly known as the Crozet Depot and Crozet Square. • Under Subsection (8), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to: <ol style="list-style-type: none"> 1. The negotiation of an agreement for, and the possible relocation of, court facilities; and 2. The recommended terms of an agreement pertaining to the tourism bureau. 		
8.	<p>Vacancies and Appointments:</p> <ul style="list-style-type: none"> • Held later on agenda. 		
	<p>Resolution to Authorize the Acquisition of Real Property.</p> <ul style="list-style-type: none"> • By a vote 6:0, ADOPTED resolution to authorize the acquisition of real property. 	<p>Clerk: Forward copy of signed resolution to County Attorney's office. (Attachment 3)</p> <p><u>County Attorney:</u> Provide Clerk with fully executed copy of Deed.</p>	
9.	<p>Call back to Order.</p>		

	<ul style="list-style-type: none"> At 6:11 p.m., the meeting was called back to order by the Chair, Ms. Mallek. 	
12.	<p>Adoption of Final Agenda.</p> <ul style="list-style-type: none"> ADDED for discussion as item #22b. Post Proffers. By a vote of 6:0, ADOPTED the final agenda as amended. 	
13.	<p>Brief Announcements by Board Members.</p> <p><u>Rick Randolph:</u></p> <ul style="list-style-type: none"> Reported on the Scottville Town Council elections. <p><u>Liz Palmer:</u></p> <ul style="list-style-type: none"> Reported on the activities at Batesville day. Mentioned that she and Norman Dill attended the ribbon cutting for the new water treatment system at South Rivanna Water Treatment Plant on May 8. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> Mentioned that she attended the ribbon cutting for the new water treatment system at the Crozet Water Treatment Plant on May 9. Reported on the third community salutes ceremony where the new graduates were sworn in. Announced that she attended the VDOT hearing on the six-year plan yesterday. <p><u>Norman Dill:</u></p> <ul style="list-style-type: none"> Mentioned he attended solar car ceremony on the Downtown mall. Mentioned the Property Assisted Clean Energy (PACE) program. <p><u>Diantha McKeel:</u></p> <ul style="list-style-type: none"> Reported on the ACPD Citizens Advisory Committee meeting and announced the new committee officers. 	
14.	<p>Proclamation Recognizing May 13 – 19, 2018 as Police Week, and May 15, 2018, as Peace Officers Memorial Day.</p> <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED proclamation and presented to Lieutenant Mike Wagner. 	(Attachment 4)
15.	<p>From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> <u>The following Monticello High School seniors spoke on the Southwood Mobile Home Redevelopment Project CAP Project:</u> <ul style="list-style-type: none"> <u>Laura Brunk</u> <u>Andrew Gneiting</u> <u>Sid Carver</u> <u>Ahmed Eitta</u> <u>Elisa Moya</u> <u>AC Haggard</u> <u>Jackson Derrico</u> <u>The following Monticello High School seniors on Biking at Ragged Mountain Trail as part of their CAP Project:</u> <ul style="list-style-type: none"> <u>William Comberg</u> <u>McKenzie Bryant</u> <u>Jenna Driskili</u> 	

	<ul style="list-style-type: none"> • <u>Mallory Yowell</u> • <u>Forest Veechoff</u> • <u>The following Monticello High School seniors spoke on the Closing of Yancey Elementary School as part of their CAP Project:</u> <ul style="list-style-type: none"> • <u>Gary Vaclavicek</u> • <u>Gabriel Rakoski</u> • <u>Jordan Bradley</u> • <u>Sarah Cohen</u> • <u>The following Monticello High School students spoke on Relocation of Courts as part of their CAP Project:</u> <ul style="list-style-type: none"> • <u>Nicholas Van Epp</u> • <u>Hannah Baylink</u> • <u>Emily Porter</u> • <u>The following Monticello High School seniors spoke on Bright Stars Program as part of their CAP Project:</u> <ul style="list-style-type: none"> • <u>Madison Plecker</u> • <u>Harrison Wehmann</u> • <u>Ryan Smith</u> • <u>Stuart Thomas</u> • <u>The following Monticello High School seniors spoke on Stormwater Utility Fees as part of their CAP Project:</u> <ul style="list-style-type: none"> • <u>Randall Snow</u> • <u>Natalie Steinberg</u> • <u>Cassidy Wells</u> • <u>Angela Lopez-Ruiz</u> • <u>Tiffany Johnson</u> • <u>Jaylen Purvis</u> • <u>Ixchael Bashom</u> • <u>The following Monticello High School seniors spoke on Open Burning as part of their CAP Project:</u> <ul style="list-style-type: none"> • <u>Ma'ayan Amar</u> • <u>Jack Watkins</u> • <u>Matthew Nicholson</u> • <u>Garrett Porterfield</u> • <u>Tamara Hawkins</u> • <u>Dan O'Neill</u>, a resident of the White Hall district spoke toward consent agenda item #16.8 and requested that the Board postpone its decision. • <u>Morgan Butler</u>, spoke on behalf of the Southern Environmental Law Center in regards to consent agenda item #17 and urged the Board to endorse the resolution. 	
16.2	FY 2018 Appropriations. <ul style="list-style-type: none"> • <u>ADOPTED</u>, Resolution to approve appropriations #2018078, #2018081, #2018082, #2018083, #2018084, #2018085, and #2018086 for local government and school division projects and programs. 	<u>Clerk:</u> Forward copy of signed resolution to OMB and County Attorney's office. (Attachment 5)
16.3	Parks and Recreation Staffing Authorization.	<u>Bob Crickenberger:</u> Proceed as authorized.

	<ul style="list-style-type: none"> AUTHORIZED, Parks and Recreation to increase its staffing by one full time Recreation Supervisor position. 	
16.4	<p>Memorandum of Understanding (MOU) for Use of the Levy House.</p> <ul style="list-style-type: none"> ADOPTED, Resolution approving an MOU with the City to use a portion of the Levy House and AUTHORIZED the County Executive to execute an MOU, once it has been approved as to form and substance by the County Attorney. 	<p><u>Clerk</u>: Forward copy of signed resolution to FES and County Attorney's office. (Attachments 6 and 7)</p> <p><u>County Attorney</u>: Provide Clerk with fully executed copy of MOU.</p>
16.5	<p>Ordinance to Amend County Code Chapter 13, Solid Waste/Recycling.</p> <ul style="list-style-type: none"> DIRECTED, staff to forward the attached proposed ordinance to the Solid Waste Alternatives Advisory Committee for its review and comment; and SET public hearing to consider adoption of the proposed ordinance on September 12, 2018. 	<p><u>Clerk</u>: Schedule on September 12 agenda and advertise in Daily Progress.</p>
16.6	<p>Strawberry Hill ACE Easement.</p> <ul style="list-style-type: none"> ADOPTED, Resolution to approve the proposed CVEC lines across a portion of Strawberry Hill Farm, subject to the conditions listed therein. 	<p><u>Clerk</u>: Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 8)</p>
16.7	<p>B201800516TWR Shentel Proffit Road Special Exception.</p> <ul style="list-style-type: none"> ADOPTED, Resolution approving the special exceptions, subject to the conditions of approval. 	<p><u>Clerk</u>: Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 9)</p>
16.8	<p>Building Permit #B201702432TWR Bucks Elbow ECC Replacement Tower Special Exception.</p> <ul style="list-style-type: none"> ADOPTED, Resolution approving the special exception, subject to the conditions of approval. 	<p><u>Clerk</u>: Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 10)</p>
16.9	<p>Special Exception, SDP 201700057 Old Trail Block 22, Variation of Sidewalk and Planting Strip Requirements.</p> <ul style="list-style-type: none"> ADOPTED, Resolution to approve the special exception with conditions. 	<p><u>Clerk</u>: Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 11)</p>
16.10	<p>Special Exception to ZMA200700001 Hollymead Town Center Area A-2.</p> <ul style="list-style-type: none"> ADOPTED, Resolution to approve the special exception with conditions. 	<p><u>Clerk</u>: Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 12)</p>
16.11	<p>Special Exception: ZMA2003-00004 Cascadia.</p> <ul style="list-style-type: none"> ADOPTED Resolution to approve the special exception with conditions. 	<p><u>Clerk</u>: Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 13)</p>
16.12	<p>Set public hearing for June 13, 2018, on an ordinance to amend Chapter 2, Administration, of the Albemarle County Code, to amend Section 2-202, Compensation of board of supervisors, to increase the compensation of the members of the Board of Supervisors by an inflation factor of 2% effective July 1, 2018.</p> <ul style="list-style-type: none"> SET public hearing for June 13, 2018. 	<p><u>Clerk</u>: Schedule of June 13 agenda and advertise in Daily Progress.</p>
16.13	<p>Change start time of June 6, 2018, Day Meeting from 1:00 p.m. to 9:00 a.m.</p> <ul style="list-style-type: none"> CHANGED start time of the meeting to begin at 9:00 a.m., on June 6, 2018. 	<p><u>Clerk</u>: Notify appropriate individuals.</p>

	<ul style="list-style-type: none"> Announced that senior level staff would be at a management retreat all day on May 10-11, 2018. 		
24.	<p>Closed Meeting.</p> <ul style="list-style-type: none"> At 9:28 p.m., the Board went into Closed Meeting pursuant to section 2.2-3711(A) of the Code of Virginia: Under Subsection (1), to consider: <ol style="list-style-type: none"> Appointment to boards, committees, and commissions in which there are pending vacancies or requests for reappointments; To conduct the annual performance reviews of the Board Clerk and the County Attorney, and the mid-year performance review of the County Executive; and The assignment of attorneys in the County Attorney's Office. Under Subsection (7), to consult with legal counsel and briefings by staff members pertaining to probable litigation, where the consultation or briefing in open meeting would adversely affect the negotiating or litigation posture of the Board, regarding: <ol style="list-style-type: none"> A claim brought by Virginia Youth Club of America arising from an incident at 29 Place on March 4, 2017; and Threatened litigation brought by Crozet Center Partners LLC regarding the properties commonly known as the Crozet Depot and Crozet Square. Under Subsection (8), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to: <ol style="list-style-type: none"> The recommended terms of an agreement pertaining to the tourism bureau. 		
	<p>Certify Closed Meeting.</p> <ul style="list-style-type: none"> At 10:22 p.m., the Board reconvened into open meeting and certified the closed meeting. 		
8.	<p>Vacancies and Appointments.</p> <ul style="list-style-type: none"> APPOINTED, Mr. Robert Finley to the 5th & Avon Community Advisory Committee to fill an unexpired term ending September 30, 2018. APPOINTED, Ms. Susan (Sue) Bell Friedman to the Places 29 (Hydraulic) Community Advisory Committee to fill an unexpired term ending August 5, 2018. APPOINTED, Mr. Brent Hall to the Places 29 (North) Community Advisory Committee with said term to expire August 5, 2019. APPOINTED, Ms. Mary Sandiford to the Village of Rivanna Community Advisory Committee with said term to expire March 31, 2020. 	<p><u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.</p>	
	<p>Non Agenda.</p> <ul style="list-style-type: none"> Motion to authorize the Chair, in concert with a member of City Council, to send a letter to the current CACVB Management Board to provide guidance on how to proceed through June 30 		

	and to support an interim director being hired as an independent contractor as soon as possible, passed by a vote of 6:0.		
25.	Adjourn to June 6, 2018, 9:00 a.m., Lane Auditorium. • The meeting was adjourned at 10:24 p.m.		

ckb/tom

- Attachment 1 – Annual Resolution of Appropriations of the County of Albemarle for Fiscal Year Ending June 30, 2019
- Attachment 2 – Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing
- Attachment 3 – Resolution to Authorize the Acquisition of Real Property
- Attachment 4 – Police Week Proclamation
- Attachment 5 – Resolution to Approve Additional FY18 Appropriations
- Attachment 6 – Resolution to Approve a Memorandum of Understanding between the County and City
- Attachment 7 – Memorandum of Understanding (Levy)
- Attachment 8 – Resolution Approving a Requested Utility Easement across a County-Owned Open-Space Easement on Tax Map Parcel 05000-00-00-04500
- Attachment 9 – Resolution to Approve Special Exceptions for B201800516TWR Shentel – 69203 Proffit Rd
- Attachment 10 – Resolution to Approve Special Exception for B201702432TWR Bucks Elbow ECC Replacement Tower
- Attachment 11 – Resolution to Approve Special Exception for SDP 201700057 to Modify Application Plan Approved in Conjunction with ZMA201500001 Old Trail
- Attachment 12 – Resolution to Approve Special Exception for ZMA200700001 Hollymead Town Center (Area A2) to Vary Street Layout in Block D1 within Application Plan
- Attachment 13 – Resolution to Approve Special Exception for ZMA200200004 Cascadia to Vary Block 1 in Table A within the Code of Development
- Attachment 14 – Resolution of Intent
- Attachment 15 – Resolution to Approve SP2017-19 1640 Seminole Trail Auto Dealership Outdoor Storage and Display
- Attachment 16 – Resolution to Approve SP 2017-28 Woodard Dock
- Attachment 17 – Resolution to Approve SP 2017-10 City Church, Religious Assembly Use
- Attachment 18 – Ordinance No. 18-11(1)

**ANNUAL RESOLUTION OF APPROPRIATIONS
OF THE COUNTY OF ALBEMARLE
FOR THE FISCAL YEAR ENDING June 30, 2019**

A RESOLUTION making appropriations of sums of money for all necessary expenditures of the COUNTY OF ALBEMARLE, VIRGINIA, for the fiscal year ending June 30, 2019; to prescribe the provisions with respect to the items of appropriation and their payment; and to repeal all previous appropriation ordinances or resolutions that are inconsistent with this resolution to the extent of such inconsistency.

BE IT RESOLVED by the Albemarle County Board of Supervisors:

SECTION I - GENERAL GOVERNMENT

That the following sums of money be and the same hereby are appropriated from the GENERAL FUND to be apportioned as follows for the purposes herein specified for the fiscal year ending June 30, 2019:

Paragraph One: ADMINISTRATION

Board of Supervisors	\$699,182
County Executive	\$1,415,324
Human Resources	\$875,181
County Attorney	\$1,199,448
Finance Department	\$6,029,904
Management and Budget	\$618,824
Information Technology	\$3,405,585
Voter Registration/ Elections	<u>\$664,854</u>
	\$14,908,302

Paragraph Two: JUDICIAL

Circuit Court	\$106,349
General District Court	\$39,900
Magistrate	\$4,150
Juvenile Court	\$124,668
Public Defender's Office	\$80,307
Clerk of the Circuit Court	\$929,825
Sheriff's Office	\$2,654,434
Commonwealth's Attorney	<u>\$1,384,180</u>
	\$5,323,813

Paragraph Three: PUBLIC SAFETY

Police Department	\$18,760,618
Fire Rescue Services	\$16,130,015
Inspections and Building Codes	\$1,502,753
Emergency Communications Center	\$2,473,584
Albemarle Charlottesville Regional Jail	\$3,979,272
Community Attention Home	\$30,874
Juvenile Detention Center	\$512,387
Foothills Child Advocacy Center	\$43,486
Offender Aid and Restoration (OAR)	\$159,034
OAR Therapeutic Docket Reserve	\$55,000
SPCA Shelter Contribution	\$604,403
Virginia Juvenile Community Crime Control	<u>\$52,231</u>
	\$44,303,657

Paragraph Four: PUBLIC WORKS

Facilities and Environmental Services	\$5,272,118
Rivanna Solid Waste Authority	\$838,579
	\$6,110,697

Paragraph Five: HEALTH AND WELFARE

Department of Social Services	\$14,170,160
Transfer to Bright Stars Fund	\$999,959
Transfer to Children Services Act (CSA) Fund	\$2,194,720
Tax Relief for Elderly/Disabled	\$950,000
Health Department	\$731,396
Region Ten	\$738,260
Region Ten Treatment Center	\$75,000
Agency Budget Review Team (ABRT)	\$18,900
Boys & Girls Club	\$55,000
The Bridge Line	\$15,450
Charlottesville Free Clinic	\$116,699
ReadyKids	\$70,340
Computers 4 Kids	\$13,780
Jefferson Area Board for Aging (JABA)	\$377,985
Jefferson Area Children's Health Improvement Program (CHIP)	\$310,545
JAUNT	\$1,937,049

Legal Aid Justice Center	\$38,700
Literacy Volunteers	\$26,046
Monticello Area Community Action Agency (MACAA)	\$44,500
Piedmont CASA	\$9,500
Sexual Assault Resource Agency (SARA)	\$21,218
Shelter for Help in Emergency (SHE)	\$90,721
Thomas Jefferson Area Coalition for the Homeless (TJACH)	\$20,852
United Way	\$159,978
Women's Initiative	<u>\$14,420</u>
	\$23,201,178
Paragraph Six: EDUCATION	
Piedmont Virginia Community College	\$24,255
Paragraph Seven: PARKS, RECREATION AND CULTURE	
Department of Parks & Recreation	\$3,072,702
Jefferson-Madison Regional Library	\$4,583,927
African American Festival	\$3,000
Ashlawn Opera	\$3,800
Municipal Band	\$8,000
Paramount Theater	\$2,500
Arts and Culture Initiative Contingency	\$50,000
Rivanna Conservation Alliance - FLOW Festival	\$4,700
Virginia Discovery Museum	\$2,500
Virginia Festival of the Book	\$10,000
Virginia Film Festival	\$10,000
Visitor's Bureau	<u>\$839,004</u>
	\$8,590,133
Paragraph Eight: COMMUNITY DEVELOPMENT	
Department of Community Development	\$5,541,049
Virginia Cooperative Extension Service	\$218,878
Soil & Water Conservation	\$116,006
Office of Economic Development	\$420,766
Albemarle Housing Improvement Program (AHIP)	\$412,000
Charlottesville Area Transit	\$1,178,382
Central Virginia Small Business Development Center (CVSBDC)	\$12,000
Piedmont Housing Alliance	\$35,757
Piedmont Workforce Network	\$15,857
Planning District Commission	\$129,209
Rivanna Conservation Alliance - Streamwatch Program	<u>\$15,000</u>
	\$8,094,904
Paragraph Nine: REVENUE SHARING AGREEMENT	
Revenue Sharing Agreement	\$15,696,360
Paragraph Ten: TAX REFUNDS, ABATEMENTS, & OTHER REFUNDS:	
Refunds and Abatements	\$141,000
Paragraph Eleven: OTHER USES OF FUNDS	
Transfer to School Fund - Recurring	\$131,312,821
Transfer to Debt Service Funds	\$23,362,083
Transfer to Capital Projects Funds	\$4,034,586
Transfer to Water Resources Fund	\$1,289,120
Transfer to Housing Fund	\$600,000
Bond Referendum Contingency	\$50,000
Health Care Reserve	\$741,132
Board's Strategic Priorities Support	\$145,000
Grants Leveraging Fund	\$60,000
Innovation Fund	\$300,000
Training Pool	\$65,000
Reserve for Contingencies	\$780,893
Salary Reserve	\$1,150,000
Pay-for-Performance Reserve	\$290,000
Transformational Initiatives	\$500,000
Early Retirement	<u>\$619,000</u>
	\$165,299,635
Total GENERAL FUND appropriations for the fiscal year ending June 30, 2019:	<u><u>\$291,693,934</u></u>

To be provided as follows:

Revenue from Local Sources	\$254,874,580
Revenue from the Commonwealth	\$24,532,350
Revenue from the Federal Government	\$6,050,598
Transfers In from Other Funds	\$3,865,990
Use of Fund Balance	\$2,370,416

Total GENERAL FUND resources available for fiscal year ending June 30, 2019: **\$291,693,934**

SECTION II: GENERAL FUND SCHOOL RESERVE FUND

That the following sums of money be and the same hereby are appropriated for GENERAL FUND SCHOOL RESERVE FUND purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2019:

Paragraph One: GENERAL FUND SCHOOL RESERVE FUND

Transfer to the School Fund	\$1,024,735
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Total GENERAL FUND SCHOOL RESERVE FUND appropriations for fiscal year ending June 30, 2019: **\$1,024,735**

To be provided as follows:

Use of Fund Balance	\$1,024,735
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Total GENERAL FUND SCHOOL RESERVE FUND resources available for fiscal year ending June 30, 2019: **\$1,024,735**

SECTION III: REGULAR SCHOOL FUND

That the following sums of money be and the same hereby are appropriated for SCHOOL purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2019:

Total REGULAR SCHOOL FUND appropriations for fiscal year ending June 30, 2019: **\$186,800,503**

To be provided as follows:

Revenue from Local Sources (General Fund Transfer)	\$131,312,821
Revenue from Other Local Sources	\$2,230,825
Revenue from the Commonwealth	\$48,263,009
Revenue from the Federal Government	\$2,997,473
Transfers	\$971,640
Transfer from General Fund School Reserve Fund	\$1,024,735

Total REGULAR SCHOOL FUND resources available for fiscal year ending June 30, 2019: **\$186,800,503**

SECTION IV: OTHER SCHOOL FUNDS

That the following sums of money be and the same hereby are appropriated for the purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2019:

Total OTHER SCHOOL FUND appropriations for fiscal year ending June 30, 2019: **\$19,861,772**

To be provided as follows:

Revenue from Local Sources	\$10,564,463
Revenue from the Commonwealth	\$1,476,064
Revenue from the Federal Government	\$5,433,935
Transfers	\$2,125,010
Use of Fund Balance	\$262,300

Total OTHER SCHOOL FUND resources available for fiscal year ending June 30, 2019: **\$19,861,772**

SECTION V: OTHER GENERAL GOVERNMENT FUNDS

That the following sums of money be and the same hereby are appropriated for OTHER PROGRAM purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2019:

Paragraph One: OTHER GENERAL GOVERNMENT FUNDS

Computer Maintenance and Replacement	\$451,641
Commonwealth's Attorney Delinquent Fines and Fees	\$60,000
Victim-Witness Program	\$173,241
Problem Oriented Police (POP) Grant	\$139,900

Regional Firearms Training Center	\$278,336
Regional Firearms Training Center - Capital	\$90,000
Fire Rescue Services Fund	\$244,000
Criminal Justice Grant Programs	\$731,081
Water Resources	\$1,500,916
Facilities Development	\$1,271,109
Courthouse Maintenance	\$29,581
Old Crozet School Operations	\$80,400
Vehicle Replacement	\$1,168,014
Bright Stars Program	\$1,605,084
Children's Services Act	\$11,608,951
Martha Jefferson Hospital Health Grant	\$5,000
Housing Fund	\$600,000
Darden Towe Memorial Park	\$305,794
Tourism Enhancement	\$1,715,199
Economic Development Authority	\$80,000
Housing Assistance Fund	\$3,420,000

Total OTHER GENERAL GOVERNMENT FUNDS appropriations for fiscal year ending June 30, 2019: **\$25,558,247**

To be provided as follows:

Revenue from Local Sources	\$2,259,132
Revenue from the Commonwealth	\$7,701,011
Revenue from the Federal Government	\$3,553,744
Transfers In from Other Funds	\$10,648,215
Use of Fund Balance	\$1,396,145

Total OTHER GENERAL GOVERNMENT FUNDS resources available for fiscal year ending June 30, 2019: **\$25,558,247**

SECTION VI - GENERAL GOVERNMENT CAPITAL IMPROVEMENTS FUND

That the following sums of money be and the same hereby are appropriated from the GENERAL GOVERNMENT CAPITAL IMPROVEMENTS FUND to be apportioned as follows for the purposes herein specified for the fiscal year ending June 30, 2019:

Paragraph One: COURTS

Court Facilities Addition/Renovation	<u>\$1,358,023</u>
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Paragraph Two: PUBLIC SAFETY

Police Community Response Truck Replacement	\$80,000
Police County 800Mhz Radio Replacements	\$353,105
Police Evidence Processing and Special Vehicle Storage Design	\$50,000
Police Mobile Data Computers Replacement	\$35,710
Police Patrol Video Cameras Replacement	\$134,400
Fire Rescue Apparatus Replacement Program	\$1,610,750
Fire Rescue Mobile Data Computers Replacement	\$208,000
Fire Rescue Station Alerting System Replacement	\$851,745
Fire Rescue Volunteer Facilities Maintenance Program Pilot	<u>\$253,336</u>
	<u>\$3,577,046</u>

Paragraph Three: PUBLIC WORKS

City/County Co-Owned Facilities Maintenance/Replacement	\$178,804
County Owned Facilities Maintenance/Replacement	\$1,371,668
Ivy Fire Station 15 Maintenance Obligation	\$50,000
Ivy Landfill Remediation	\$220,000
Ivy Recycling Convenience Center	\$350,000
Moores Creek Septage Receiving Station	\$109,441
Regional Firearms Training Center Capital Reserve - County Share	<u>\$39,600</u>
	<u>\$2,319,513</u>

Paragraph Four: COMMUNITY/NEIGHBORHOOD DEVELOPMENT

Connector Road Study: Berkmar Dr Extended - Lewis and Clark Drive	\$21,005
Sidewalk Construction Program	\$126,595
Transportation Leveraging Program	<u>\$1,512,118</u>
	<u>\$1,659,718</u>

Paragraph Five: HEALTH AND WELFARE

PVCC Advanced Technology Center Sitework	\$140,000
Senior Center at Belvedere	<u>\$500,000</u>
	<u>\$640,000</u>

Paragraph Six: PARKS, RECREATION & CULTURE

City/County Co-Owned Parks Maintenance/Replacement	\$253,883
County Owned Parks Maintenance/Replacement	\$1,520,371
Crozet Park Maintenance/Replacement and Improvements	\$299,138
Parks Restroom Renovation/Modernization	\$8,079
Pilot Fundraising Parks Project	<u>\$79,039</u>
	\$2,160,510

Paragraph Seven: TECHNOLOGY AND GEOGRAPHIC INFORMATION SYSTEMS (GIS)

County Server/Infrastructure Upgrade	<u>\$442,865</u>
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Paragraph Eight: OTHER USES OF FUNDS

Borrowed Proceeds Transfer	\$40,155,308
Transfer to School Division Capital Improvements Fund	\$95,864
Cost of Issuance	\$843,005
Project Management Services - General Government	<u>\$38,823</u>
	\$41,133,000

Total GENERAL GOVERNMENT CAPITAL IMPROVEMENTS FUND appropriations for fiscal year ending June 30, 2019:	<u>\$53,290,675</u>
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To be provided as follows:

Revenue from Local Sources (General Fund Transfer)	\$3,134,324
Revenue from Local Sources (Other Transfers)	\$592,658
Revenue from Other Local Sources	\$233,898
Borrowed Funds	\$45,671,666
Use of Fund Balance	<u>\$3,658,129</u>

Total GENERAL GOVERNMENT CAPITAL IMPROVEMENTS FUND resources available for fiscal year ending June 30, 2019:	<u>\$53,290,675</u>
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SECTION VII: SCHOOL DIVISION CAPITAL IMPROVEMENTS FUND

That the following sums of money be and the same hereby are appropriated from the SCHOOL DIVISION CAPITAL IMPROVEMENTS FUND for the purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2019:

Paragraph One: EDUCATION (SCHOOL DIVISION)

Administrative Technology	\$263,000
High School Capacity and Improvements	\$35,187,250
Instructional Technology	\$575,000
Learning Space Modernization - 2016 Referendum Project	\$121,182
Albemarle County Board	\$35,982
School Bus Replacement	\$1,200,000
School Maintenance/Replacement	\$7,589,930
School Security Improvement Referendum Projects	\$75,940
Scottsville Elementary School Sitework Improvements	\$20,197
State Technology Grant	\$700,000
Telecommunications Network Upgrade	\$150,000
Western Albemarle High School Science Labs Addition Phase 2 - 2016 Referendum Project	\$32,315
Woodbrook Elementary School Addition-Modernization	<u>\$16,158</u>

Total SCHOOL DIVISION CAPITAL IMPROVEMENTS FUND appropriations for fiscal year ending June 30, 2019:	<u>\$45,966,954</u>
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To be provided as follows:

Revenue from the Commonwealth	\$960,000
Revenue from Local Sources (General Govt Capital Programs Transfer)	\$40,251,172
Use of Fund Balance	<u>\$4,755,782</u>

Total SCHOOL DIVISION CAPITAL IMPROVEMENTS FUND resources available for fiscal year ending June 30, 2019:	<u>\$45,966,954</u>
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SECTION VIII: WATER RESOURCES CAPITAL IMPROVEMENTS FUND

That the following sums of money be and the same hereby are appropriated from the WATER RESOURCES CAPITAL IMPROVEMENTS FUND for the purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2019:

Paragraph One: WATER RESOURCES PROJECTS

Chapel Hill Stream Restoration Projects	\$21,651
Drainage Infrastructure Maintenance/Repair Program	\$622,588
Hollymead Dam Spillway	\$78,687
Large-Scale Best Management Practice	\$4,039
Project Management Services - Water Resources	\$27,964
Reimburse General Fund for Lickinghole Creek Project	<u>\$456,185</u>

Water Quality Mandated Total Maximum Daily Load (TMDL) Projects	\$719,992
Water Resources Non-Mandated TMDL Projects	\$100,000
Total WATER RESOURCES CAPITAL IMPROVEMENTS FUND appropriations for fiscal year ending June 30, 2019:	\$2,031,106
To be provided as follows:	
Revenue from Local Sources (Transfer from Water Resources Fund)	\$640,061
Revenue from Local Sources (Transfer from General Fund)	\$456,185
Lickinghole Creek Fund Balance	\$456,185
Use of Fund Balance	\$478,675
Total WATER RESOURCES CAPITAL IMPROVEMENTS FUND resources available for fiscal year ending June 30, 2019:	\$2,031,106

SECTION IX: DEBT SERVICE

That the following sums of money be and the same hereby are appropriated for the function of DEBT SERVICE to be apportioned as follows from the GENERAL GOVERNMENT DEBT SERVICE FUND and the SCHOOL DIVISION DEBT SERVICE FUND for the fiscal year ending June 30, 2019:

Paragraph One: SCHOOL DIVISION DEBT SERVICE FUND

Debt Service - School Division	\$14,809,591
Total SCHOOL DIVISION DEBT SERVICE appropriations for fiscal year ending June 30, 2019:	\$14,809,591
To be provided as follows:	
Revenue from Local Sources (Transfer from General Fund)	\$14,363,448
Revenue from Local Sources (Transfer from General Government Capital Fund)	\$25,502
Revenue from Other Local Sources	\$115,254
Revenue from the Commonwealth	\$226,507
Revenue from the Federal Government	\$78,880
Total SCHOOL DIVISION DEBT SERVICE resources available for fiscal year ending June 30, 2019:	\$14,809,591

Paragraph Two: GENERAL GOVERNMENT DEBT SERVICE FUND

Debt Service - General Government	\$9,213,164
Total GENERAL GOVERNMENT DEBT SERVICE appropriations for fiscal year ending June 30, 2019:	\$9,213,164
To be provided as follows:	
Revenue from Local Sources (Transfer from General Fund)	\$8,998,635
Revenue from Local Sources (Transfer from Stormwater Fund)	\$197,189
Revenue from Local Sources (Transfer from General Government Capital Fund)	\$17,340
Total GENERAL GOVERNMENT DEBT SERVICE resources available for fiscal year ending June 30, 2019:	\$9,213,164
GRAND TOTAL - DEBT SERVICE FUNDS	\$24,022,755

TOTAL APPROPRIATIONS INCLUDED IN SECTIONS I - IX OF THIS RESOLUTION FOR THE FISCAL YEAR ENDING June 30, 2019

RECAPITULATION:

Appropriations:

Section I	General Fund	\$291,693,934
Section II	General Fund School Reserve Fund	\$1,024,735
Section III	School Fund	\$186,800,503
Section IV	Other School Funds	\$19,861,772
Section V	Other General Government Funds	\$25,558,247
Section VI	General Government Capital Improvements Fund	\$53,290,675
Section VII	School Division Capital Improvements Fund	\$45,966,954
Section VIII	Water Resources Capital Improvements Fund	\$2,031,106
Section IX	Debt Service	\$24,022,755
		\$650,250,681

Less Inter-Fund Transfers (\$218,233,167)

GRAND TOTAL - ALBEMARLE COUNTY APPROPRIATIONS

\$432,017,514

SECTION X: EMERGENCY COMMUNICATIONS CENTER

That the following sums of money be and the same hereby are appropriated from the EMERGENCY COMMUNICATIONS CENTER FUND for the purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2019:

Paragraph One: EMERGENCY COMMUNICATIONS CENTER FUND

Emergency Communications Center \$5,752,162

Total EMERGENCY COMMUNICATIONS CENTER FUND appropriations for fiscal year ending June 30, 2019: \$5,752,162

To be provided as follows:

Albemarle County	\$2,473,584
City of Charlottesville	\$1,568,966
University of Virginia	\$866,428
Revenue from Other Local Sources	\$293,385
Revenue from the Commonwealth	\$545,922
Revenue from the Federal Government	<u>\$3,877</u>

Total EMERGENCY COMMUNICATIONS CENTER FUND resources available for fiscal year ending June 30, 2019: \$5,752,162

SECTION XI

All of the monies appropriated as shown by the contained items in Sections I through X are appropriated upon the provisos, terms, conditions, and provisions herein before set forth in connection with said terms and those set forth in this section. The Director of Finance and Clerk to the Board of Supervisors are hereby designated as authorized signatories for all bank accounts.

Paragraph One

Subject to the qualifications in this resolution contained, all appropriations are declared to be maximum, conditional, and proportionate appropriations - the purpose being to make the appropriations payable in full in the amount named herein if necessary and then only in the event the aggregate revenues collected and available during the fiscal year for which the appropriations are made are sufficient to pay all of the appropriations in full.

Otherwise, the said appropriations shall be deemed to be payable in such proportion as the total sum of all realized revenue of the respective funds is to the total amount of revenue estimated to be available in the said fiscal year by the Board of Supervisors.

Paragraph Two

All revenue received by any agency under the control of the Board of Supervisors included or not included in its estimate of revenue for the financing of the fund budget as submitted to the Board of Supervisors may not be expended by the said agency under the control of the Board of Supervisors without the consent of the Board of Supervisors being first obtained, nor may any of these agencies or boards make expenditures which will exceed a specific item of an appropriation.

Paragraph Three

No obligations for goods, materials, supplies, equipment, or contractual services for any purpose may be incurred by any department, bureau, agency, or individual under the direct control of the Board of Supervisors except by requisition to the purchasing agent; provided, however, no requisition for items exempted by the Albemarle County Purchasing Manual shall be required; and provided further that no requisition for contractual services involving the issuance of a contract on a competitive bid basis shall be required, but such contract shall be approved by the head of the contracting department, bureau, agency, or individual, the County Attorney, and the Purchasing Agent or Director of Finance. The Purchasing Agent shall be responsible for securing such competitive bids on the basis of specifications furnished by the contracting department, bureau, agency, or individual.

In the event of the failure for any reason of approval herein required for such contracts, said contract shall be awarded through appropriate action of the Board of Supervisors.

Any obligations incurred contrary to the purchasing procedures prescribed in the Albemarle County Purchasing Manual shall not be considered obligations of the County, and the Director of Finance shall not issue any warrants in payment of such obligations.

Paragraph Four

Allowances out of any of the appropriations made in this resolution by any or all County departments, bureaus, or agencies under the control of the Board of Supervisors to any of their officers and employees for expense on account of the use of such officers and employees of their personal automobiles in the discharge of their official duties shall be paid at the rate established by the County Executive for its employees and shall be subject to change from time to time.

Paragraph Five

All travel expense accounts shall be submitted on forms and according to regulations prescribed or approved by the Director of Finance.

Paragraph Six

The County Executive is authorized to:

1) administratively approve budget transfers of unencumbered funds of up to \$50,000.00 per fund in the fiscal year from one classification, department, or project to another within the same general governmental fund;

2) allocate funding from the below identified classifications to appropriate budget line-items for expenditure:

Expenditure Classifications Eligible for Transfer Under this Resolution:

- Training Pool
- Innovation Fund
- Salary Reserve
- BOS Strategic Priority Support
- Transformational Initiatives

3) allocate salary lapse between department budgets;

4) administratively approve budget transfers of unencumbered capital project management services funds in the fiscal year from one project to another within the same general governmental fund; and

5) administratively approve the carry forward of outstanding grants received and appropriated in FY 19 into FY 20.

Paragraph Seven

The Director of Finance is hereby authorized to transfer monies from one fund to another, from time to time as monies become available, sums equal to, but not in excess of, for the appropriations made to these funds for the period covered by this appropriation resolution.

Paragraph Eight

All resolutions and parts of resolutions inconsistent with the provisions of this resolution shall be and the same are hereby repealed.

Paragraph Nine

This resolution shall become effective on July first, two thousand and eighteen.

**RESOLUTION OF OFFICIAL INTENT TO REIMBURSE
EXPENDITURES WITH PROCEEDS OF A BORROWING**

WHEREAS, the Albemarle County Board of Supervisors, Virginia (the "Borrower") intends to acquire, construct and equip the items and projects set forth in Exhibit A hereto (collectively, the "Project"); and

WHEREAS, plans for the Project have advanced and the Borrower expects to advance its own funds to pay expenditures related to the Project (the "Expenditures") prior to incurring indebtedness and to receive reimbursement for such Expenditures from proceeds of tax-exempt bonds or taxable debt, or both.

NOW, THEREFORE, BE IT RESOLVED by the Albemarle County Board of Supervisors that:

1. The Borrower intends to utilize the proceeds of tax-exempt bonds (the "Bonds") or to incur other debt to pay the costs of the Project in an amount not currently expected to exceed \$66,826,982.

2. The Borrower intends that the proceeds of the Bonds be used to reimburse the Borrower for Expenditures with respect to the Project made on or after the date that is no more than 60 days prior to the date of this Resolution. The Borrower reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds or other debt.

3. Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure); (b) a cost of issuance with respect to the Bonds; (c) a nonrecurring item that is not customarily payable from current revenues; or (d) a grant to a party that is not related to or an agent of the Borrower so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Borrower.

4. The Borrower intends to make a reimbursement allocation, which is a written allocation by the Borrower that evidences the Borrower's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Borrower recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years.

5. The Borrower intends that the adoption of this Resolution confirms the "official intent" within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.

6. This Resolution shall take effect immediately upon its passage.

**CAPITAL IMPROVEMENT PROGRAM
BOND FUNDED PROJECTS
FY 2018/19**

School Division	Amount (\$)
High School Capacity and Improvements	\$32,643,000
School Bus Replacement Program	\$940,000
School Maintenance/Replacement Program	\$6,572,310
School Subtotal	\$40,155,310
General Government	Amount (\$)
Cost of Issuance	\$843,005
Court Facilities Addition/Renovation	\$1,348,516
County-Owned Facilities Maintenance/Replacement	\$587,340
County Owned Parks Maintenance/Replacement	\$924,250
County Server Infrastructure Upgrade	\$110,716
Crozet Park Maintenance/Replacement and Improvements	\$255,750
Fire Rescue Apparatus Replacement Program	\$135,000
Fire Rescue Station Alerting System Replacement	\$651,000
Fire Rescue Volunteer Facilities Maintenance Program Pilot	\$235,602
Ivy Recycling Convenience Center	\$262,500
Police Community Response Truck Replacement	\$74,400
Police County 800Mhz Radio Replacements	\$88,276
General Government Subtotal	\$5,516,355
Total Debt Issue - FY 18/19 Projects	\$45,671,665

PREVIOUSLY APPROPRIATED PROJECTS TO BE BOND FUNDED

School Division	Amount (\$)
Learning Space Modernization Referendum Project	\$1,827,683
School Bus Replacement Program	\$900,000
School Maintenance/Replacement Program	\$12,346,608
School Security Improvements Program – 2016 Referendum Project	\$205,125
Scottsville Elementary School Sitework Improvements	\$195,440
Western Albemarle High School Environmental Studies Academy Phase 2 – 2016 Referendum Project	\$440,820
Woodbrook Elementary School Addition-Modernization – 2016 Referendum Project	\$18,890
School Subtotal	\$15,934,566
General Government	Amount (\$)
COB McIntire Windows Replacement	\$153,925
Cost of Issuance	\$441,896
County Owned Parks Maintenance/Replacement	\$279,822
County Server Infrastructure Upgrade	\$269,476
County-Owned Facilities Maintenance/Replacement	\$377,772
Court Facilities Addition/Renovation	\$26,091
Crozet Park Maintenance/Replacement and Improvements	\$215,453
Police County 800Mhz Radio Replacements	\$275,629
Police Mobile Command Center Replacement	\$175,391
Transportation Leveraging Program	\$2,940,000
General Government Subtotal	\$5,155,455
Water Resources	Amount (\$)
Hollymead Dam Spillway Improvement	\$65,296
Water Resources Subtotal	\$65,296
Total Debt Issue - FY 18/19 Projects	\$21,155,317
TOTAL DEBT ISSUE – ALL PROJECTS	\$66,826,982

**RESOLUTION TO AUTHORIZE
THE ACQUISITION OF REAL PROPERTY**

WHEREAS, the County of Albemarle desires to acquire for public use that certain real property identified as Tax Map Parcel 03300-00-00-001G0 within the County; and

WHEREAS, the County is authorized to acquire title to real property pursuant to Virginia Code § 15.2-1800(A).

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby authorizes the County Executive to execute any agreements necessary to acquire Tax Map Parcel 03300-00-00-001G0 for a sum not to exceed \$250,000.00 plus any incidental costs related to the acquisition; and

BE IT FURTHER RESOLVED that the Board hereby authorizes the County Executive to execute any instrument by which the title in Tax Map Parcel 03300-00-00-001G0 is conveyed to the County, which shall be in a form substantially similar to the instrument attached hereto, and to accept the conveyance on behalf of the County; and

BE IT FURTHER RESOLVED that any agreement or instrument authorized to be executed by the County Executive pursuant to this Resolution is subject to the prior approval as to substance and form by the County Attorney.

Prepared by:

Tax Map No.

This instrument is exempt from the recording tax imposed on Grantees pursuant to Virginia Code Section 58.1-811A.3. and from Clerk's fees under Virginia Code § 17.1-266.

DEED OF BARGAIN AND SALE

THIS DEED is made as of this ____ day of May, 2018, by and between _____, the Grantor, and the **COUNTY OF ALBEMARLE, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, the Grantee, whose address is 401 McIntire Road, Charlottesville, Virginia 22902.

WITNESSETH

THAT for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantor does hereby GRANT, BARGAIN, SELL AND CONVEY WITH GENERAL WARRANTY AND ENGLISH COVENANTS OF TITLE, unto the Grantee the following described property located in the County of Albemarle, Virginia:

SEE ATTACHED EXHIBIT A

This conveyance is made subject to any easements, restrictions, reservations and conditions contained in duly recorded deeds, plats and other instruments constituting constructive notice in the chain of title to the property conveyed hereby which have neither expired by time limitation contained therein nor otherwise become ineffective, including, without limitation, _____.

[SIGNATURES APPEAR ON THE FOLLOWING SIGNATURE PAGES]

IN WITNESS WHEREOF, Grantor has affixed its signature and seal.

COMMONWEALTH OF VIRGINIA)
COUNTY OF ALBEMARLE)) TO-WIT

Notary registration number: _____
My commission expires: _____

[SIGNATURE PAGE TO DEED OF BARGAIN AND SALE]

The County, acting by and through its County Executive, duly authorized by resolution adopted by the Board of Supervisors of the County of Albemarle, Virginia, accepts the conveyance of this property pursuant to *Virginia Code* § 15.2-1803, as evidenced by the County Executive's signature hereto and the recordation of this Deed.

COUNTY OF ALBEMARLE

By: _____
Jeffrey B. Richardson
County Executive

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____:

The foregoing *Deed of Bargain and Sale* was signed, sworn to and acknowledged before me this _____ day of _____, _____ by Jeffrey H. Richardson, County Executive, on behalf of the County of Albemarle, Virginia, Grantee.

Notary Public

My Commission Expires: _____
Notary Registration Number _____

Approved as to form:

By: _____
County Attorney

EXHIBIT A

Property Description

**POLICE WEEK
May 13 – 19, 2018**

- WHEREAS,** in 1962, President John F. Kennedy signed the first proclamation recognizing May 15th as Peace Officers Memorial Day and the week in which it falls as National Police Week, “to pay tribute to the law enforcement officers who have made the ultimate sacrifice for our country and to voice our appreciation for all those who currently serve on the front lines of the battle against crime;” and
- WHEREAS,** the safety and well-being of Albemarle County citizens being of the utmost importance to the prosperity and livelihood of Virginia’s families and communities; and police officers throughout Albemarle County are dedicated to protecting and serving Albemarle County communities – our neighborhoods, schools, and families; and
- WHEREAS,** police officers risk their lives each and every day in order to ensure public safety and enforce the laws of the land; and
- WHEREAS,** Albemarle County values the courage and devotion of our police officer, as our collective prosperity depends on the integrity with which our law enforcement officers maintain peace and security; and
- WHEREAS,** Police Week and Peace Officers Memorial Day are opportunities to honor the officers who have fallen in the line of duty, and recognize the sacrifices made by the families of those officers and the families of those who continue to protect and serve our communities.

NOW, THEREFORE BE IT PROCLAIMED that the Albemarle County **Board of Supervisors**, do hereby recognize
May 13 – 19, 2018
as
POLICE WEEK

and **May 15, 2018, as PEACE OFFICERS MEMORIAL DAY** in Albemarle County, and call these observances to the attention of all our citizens.

Signed this 9th day of May 2018.

**RESOLUTION TO APPROVE
ADDITIONAL FY 18 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2018078, #2018081, #2018082, #2018083, #2018084, #2018085 and #2018086 are approved; and
- 2) 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, 2018.

**RESOLUTION TO APPROVE A MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF
ALBEMARLE AND THE CITY OF CHARLOTTESVILLE**

WHEREAS, the Board finds it in the best interest of the County to authorize the City of Charlottesville to use a portion of the Levy House located at 350 Park Street, Charlottesville, Virginia during the renovation of its Circuit Court.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the Memorandum of Understanding Between the County and the City, and authorizes the County Executive to execute the Memorandum of Understanding once it has been approved as to form and substance by the County Attorney.

MEMORANDUM OF UNDERSTANDING

THIS **MEMORANDUM OF UNDERSTANDING** (MOU), is made by and between the COUNTY OF ALBEMARLE, VIRGINIA (hereinafter, the "County"), the CITY OF CHARLOTTESVILLE, VIRGINIA ("City"), and the City Sheriff, the City's Circuit Court Clerk, and the City's Circuit Court Judge (hereinafter, collectively referred to as the "Circuit Court Users").

WHEREAS, the City and County jointly own certain real estate, located within the City of Charlottesville, Virginia, at 350 Park Street, Charlottesville, Virginia, which is identified as Parcel 109 on City Real Property Tax Map 53, including a building containing approximately 23,565 square feet and land improved as paved parking (the "Levy House"); and

WHEREAS, the City and County desire to provide and allocate rights for the use and occupancy of the Levy House by the Circuit Court Users, as set forth herein, for their convenience, and during a period in which the City's Circuit Court building will be undergoing renovations;

NOW, THEREFORE, in consideration of the premises and covenants herein set forth, the parties hereby set forth their agreement and understanding for the use and occupancy of the Levy House:

A. TEMPORARY USE AND OCCUPANCY

1. **City Use and Occupancy Authorized.** The City and County hereby authorize the Circuit Court Users to temporarily use a portion of the Levy House and the improved land on which the Levy House sits (the "Premises") to the exclusion of the City and County's rights of possession, for occupancy and use by the City Circuit Court, City Sheriff, and City Circuit Court Clerk's as courtroom and related functions, during a period of time in which the City's Circuit Court building is undergoing renovation. For the purposes of this MOU, "Premises" shall not include (a) those areas shown as "out of scope/off limits" in Attachment X, or (b) those seventeen parking spaces depicted on page C100 of Attachment X and labeled "AlbCo".
2. **Duration of Use and Occupancy.** The Circuit Court Users may exercise their rights to use and occupy the Premises during a period that commences on April 1, 2018 ("Commencement Date") and that expires automatically at midnight on August 31, 2019 ("Expiration Date"). On or prior to the Expiration Date, the Circuit Court Users shall vacate the Premises, remove all of their personal property and equipment, and surrender the Premises in good order and condition, ordinary wear and tear excepted. This period may be extended upon request of the Circuit Court Users, if necessary for the completion of the Circuit Court renovation project, with the prior written agreement of the City and County; upon any such extension, the last day of the extended period shall be considered the date on which the Circuit Court Users will be required to vacate and surrender the Premises in accordance with this paragraph.

3. **Rent.** In the event that the Circuit Court Users fail to vacate the Levy House and surrender those premises on the Expiration Date, then the County shall have the rights to (a) evict the Circuit Court Users, and (b) recover holdover rent. Holdover rent, in the amount of \$4,500, shall be due and payable on the first month following the Expiration Date, and again on the first day of each subsequent calendar month, until the Circuit Court Users vacate the Levy House premises as required by this MOU. In seeking to exercise its rights to eviction and/or holdover rent, the County shall give thirty (30) days' advance written notice to the City.
4. **Utilities and Maintenance.** During the City's occupancy of the Levy House, the City shall be responsible for one hundred percent (100%) of the cost of utilities and public services (cable television, trash/waste removal, snow and ice removal, etc.) and any maintenance and repairs incurred for and in relation to the Premises. The cost of specific repairs may be shared equally only upon mutual written agreement of both parties. The parties shall continue to share equally in all other costs of building maintenance and repair. Throughout the term of the occupancy, the City shall provide regular, detailed reports of the costs of such exceptions, not less than once per quarter and not more than two months following the end of each fiscal year. Any data or fiber optics extended to the Levy House, for the sole use by the Circuit Court Users, shall be at the City's expense.
5. **Restricted Use.** The Premises shall be used by the Circuit Court Users only for the purposes contemplated within this MOU. If required by the City's Building Official, an updated certificate of occupancy for the Premises shall be obtained by the City. The Circuit Court Users shall use all electrical, plumbing, heating, ventilating and air conditioning facilities and appliances in a safe and reasonable manner. The Circuit Court Users shall not destroy, damage or remove any part of the Premises, or permit any other person to do so, and shall not change or add locks without notifying the City and providing the City with duplicate keys to such locks.
6. **Interior alterations.** The City may make, or cause to be made, interior non-structural alterations or improvements to the Premises, as necessary to facilitate operations of the Circuit Court Users.
 - a. The City will undertake, at its sole expense, minor interior alterations to the premises as indicated in **Attachment X**. The City shall obtain all required governmental permits and approvals for such alterations, additions or improvements, including, without limitation, those which may be required by the Virginia USBC and the VSFPC.
 - b. On or after the Expiration Date, the County may require the City to remove any alterations, improvements and fixtures made to the Premises, at the City's sole cost and expense. Upon receipt of a written notice from the County requiring such removal, (i) the City shall be responsible for the repair of all damage caused by the installation or removal thereof, and (ii) if the City fails to properly remove such alterations, improvements and fixtures or provide for the repair of the

Premises, the County may perform the same at the City's cost and expense. Alternatively, at the County's sole option, the County may elect to allow any or all alterations, improvements or fixtures installed by the City to remain on the Premises, without reimbursement or any other liability to the City for the cost or value thereof.

- c. Other than as detailed above, no other such alterations or improvements shall be commenced unless the County's consent shall have first been obtained in writing, and provided that the Party performing the alterations or improvements shall obtain all required governmental permits for such alterations, additions or improvements.
7. **No Waiver of Rights.** By agreeing to allow the Circuit Court Users to temporarily have exclusive use and occupancy of the Premises, neither the City nor the County waives its respective right to possession and occupancy of the Levy House, or any portion thereof, for or with respect to any period of time other than that specified within Paragraph A.2, preceding above.
 8. **Insurance.** The City shall maintain the following insurance coverages for the property: General Liability, Excess Liability; and Property.

B. MISCELLANEOUS

1. **Notices.** Any notice, demand, request or other instrument which may be, or are required to be given under this MOU, shall be in writing and delivered in person or by United States certified mail, postage prepaid, and shall be addressed:
 - a. if to the County, at
County of Albemarle
County Executive's Office
401 McIntire Road
Charlottesville, Virginia 22902
or at such other address as the County may designate by written notice; and
 - b. if to the City, at
City of Charlottesville
City Manager's Office
Post Office Box 911
Charlottesville, Virginia 22902
or at such other address as the City shall designate by written notice.

COUNTY OF ALBEMARLE, VIRGINIA

By: _____
Jeffrey B. Richardson, County Executive

Approved as to form:

Albemarle County Attorney

CITY OF CHARLOTTESVILLE, VIRGINIA

By: Maurice Jones
Maurice Jones, City Manager

CHARLOTTESVILLE CIRCUIT COURT

By: Richard Moore
Richard Moore, Circuit Court Judge

By: Llezele Dugger
Llezele Dugger, Circuit Court Clerk

CHARLOTTESVILLE CITY SHERIFF

By: James E. Brown
James Brown, Sheriff

Approved as to form:

Lisa Roberts
Charlottesville City Attorney

ATTACHMENT 'X'

CHARLOTTESVILLE CIRCUIT COURT COURTROOM SWING SPACE

LEVY BUILDING RESTORATION FOR TEMPORARY COURT SPACE
350 Park Street, Charlottesville, Virginia

DRAWING INDEX

C100 - Site Improvements
D200 - 2nd Floor Demolition Plan
A100 - 1st Floor Plan
A200 - 2nd Floor Plan
A200b - 2nd Floor Plan Details
A300 - 3rd Floor Plan
A400 - 2nd Floor Ceiling Plan
A500 - Window AC Details
E100 - 1st Floor Electrical Plan
E200 - 2nd Floor Electrical Plan
E300 - Third Floor Electrical Plan
M200 - 2nd Floor HVAC Plan



"A World Class City"

**THE CITY OF
CHARLOTTESVILLE**

Department of Public Works
Facilities Development
305 4th Street, N.W.
Charlottesville, VA 22903

Project:
Levy - Circuit Court Swing Space

Drawing:
Cover

Date: February 28, 2018

Revision:

Page

Cover

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**THE CITY OF
CHARLOTTESVILLE**

Department of Public Works
Facilities Development
305 4th Street, N.W.
Charlottesville, VA 22903

Project:
Lewy - Circuit Court Swing Space

Drawing:
C100-Site Plan

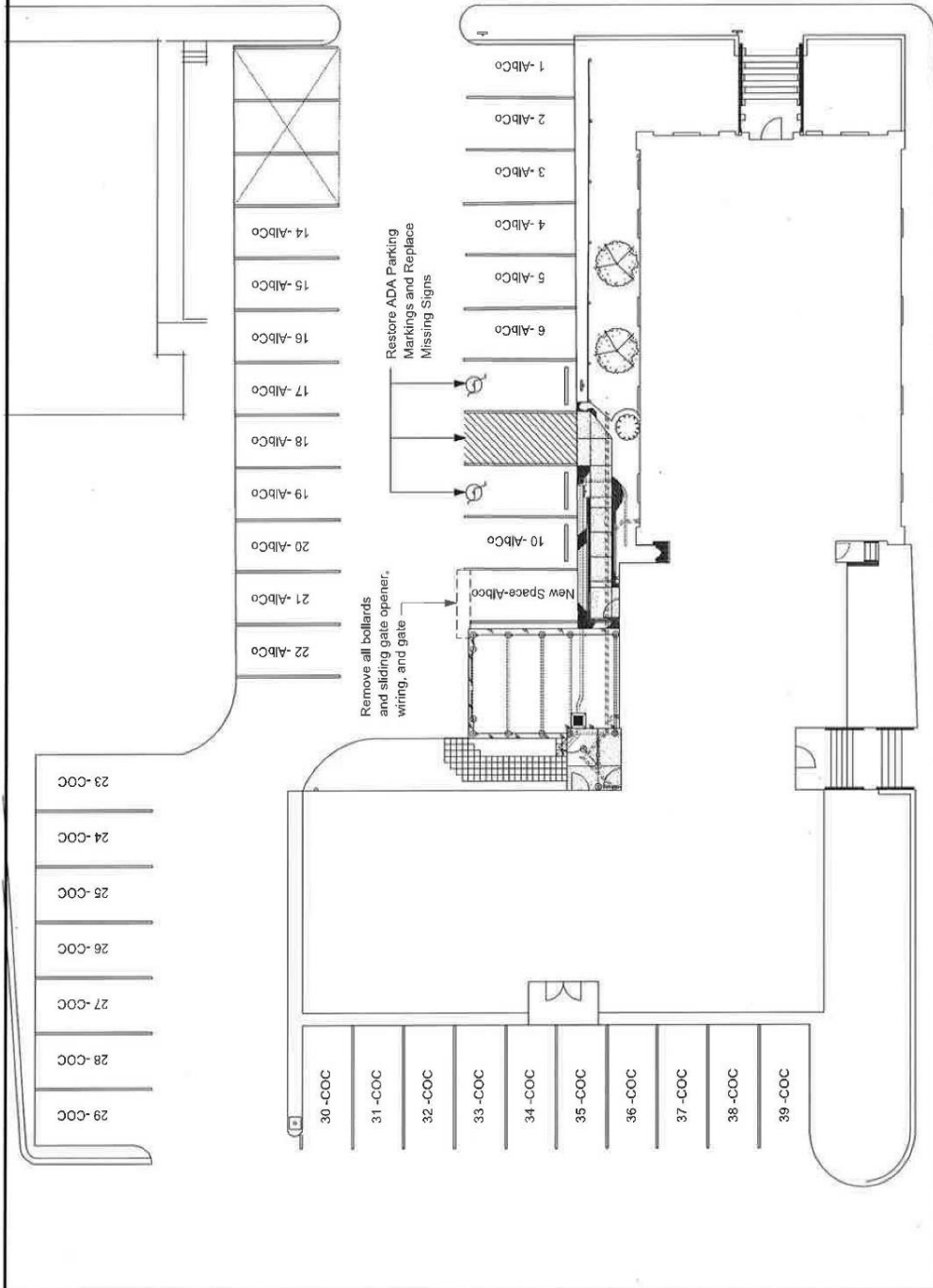
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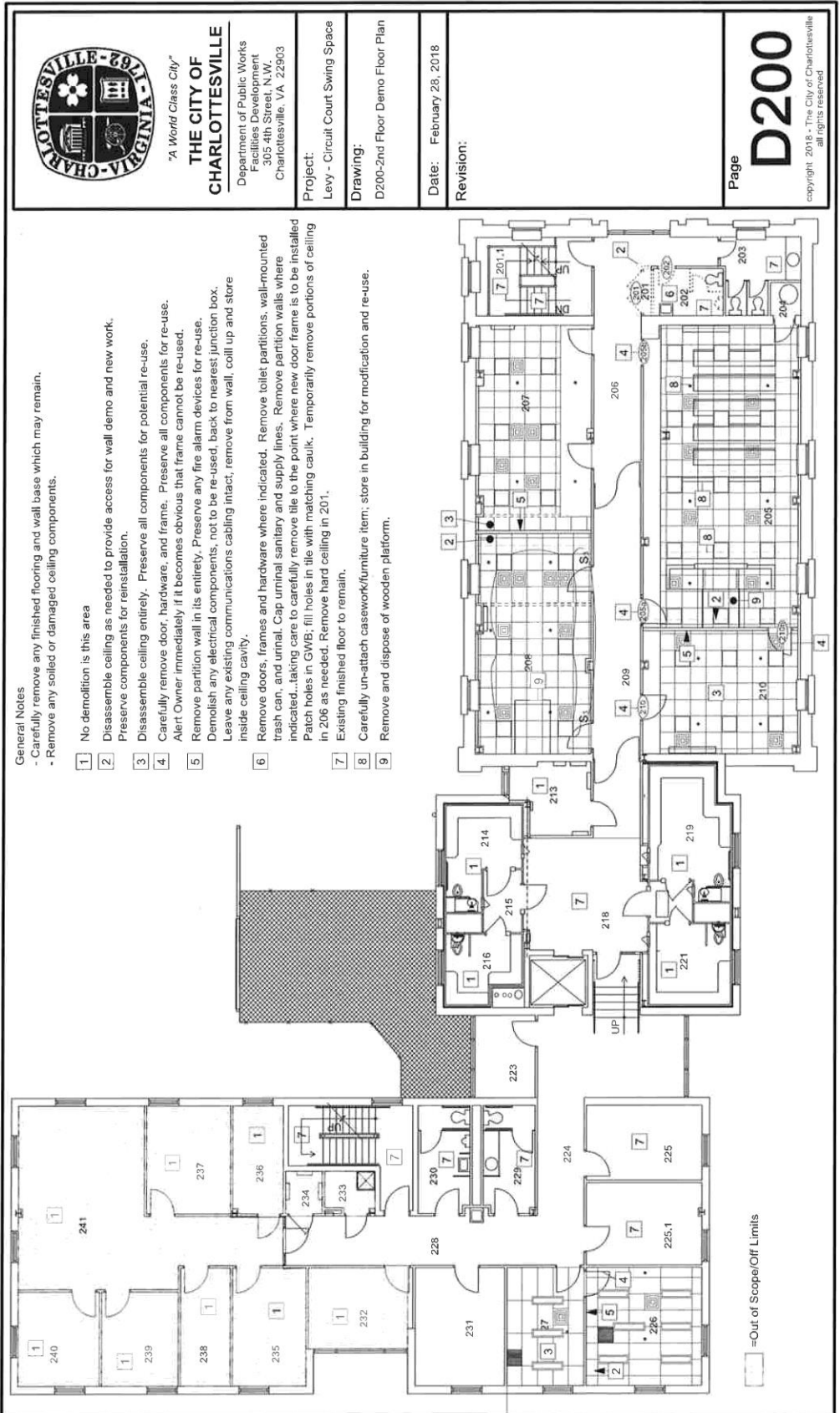
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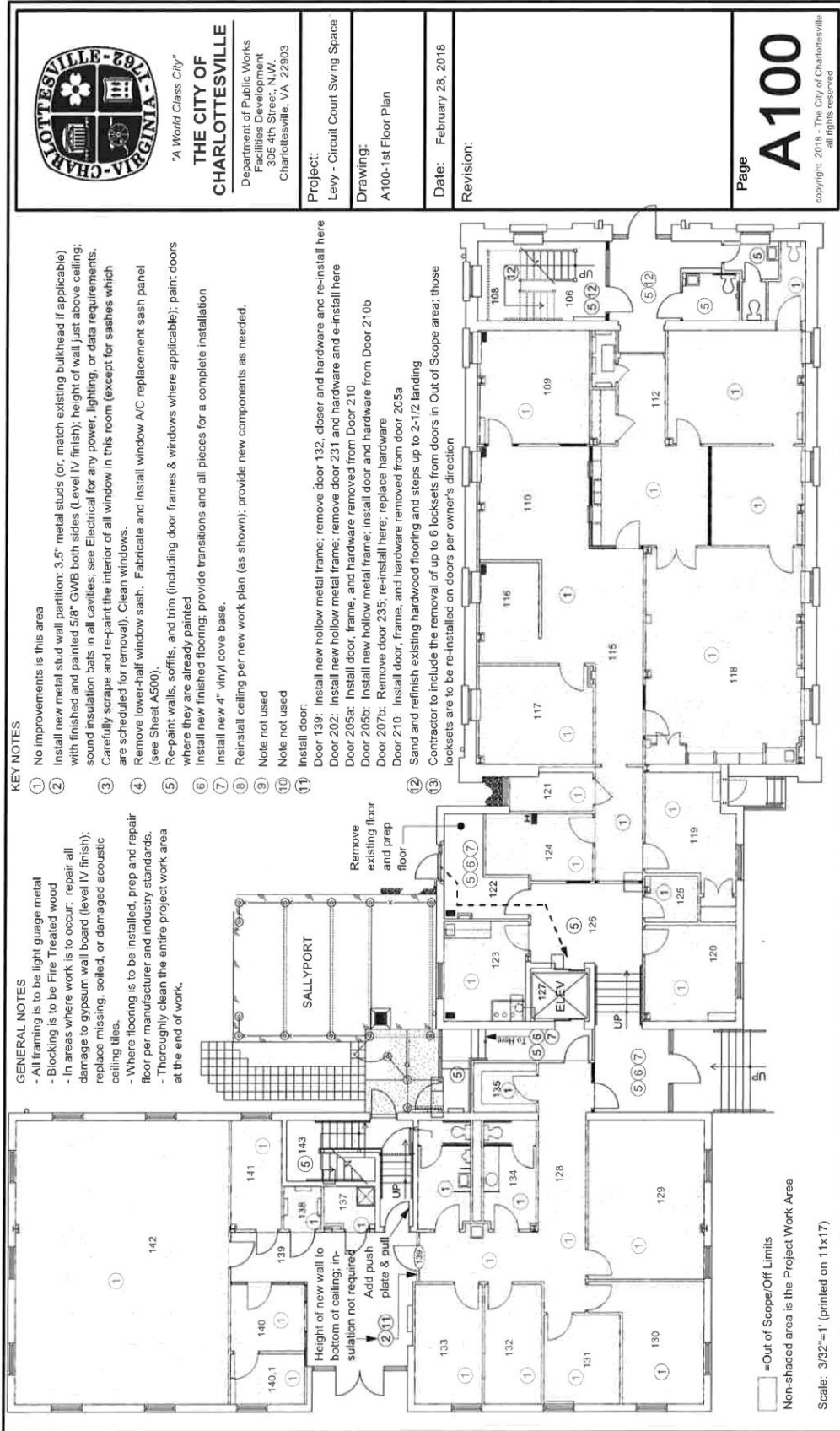
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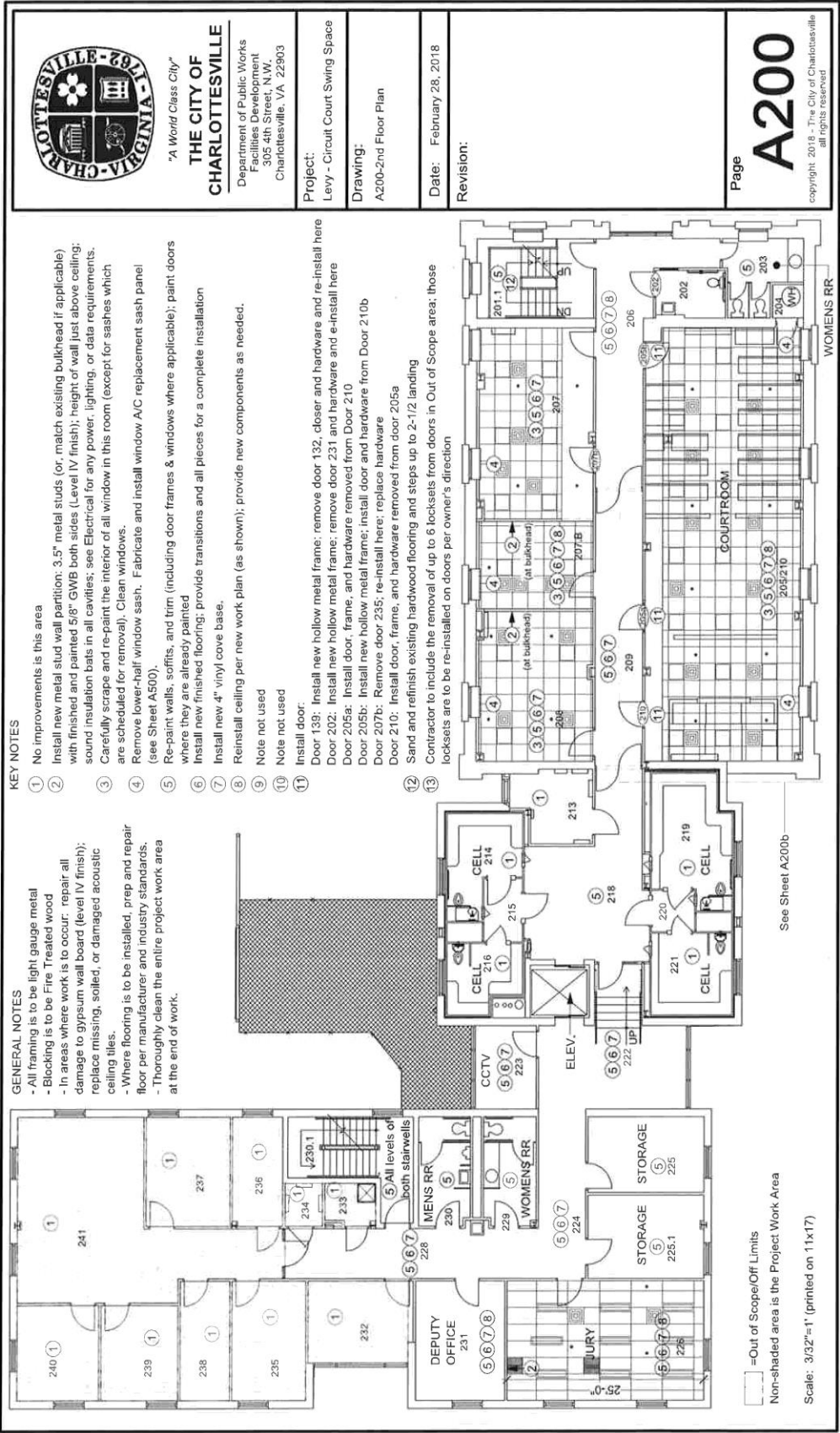
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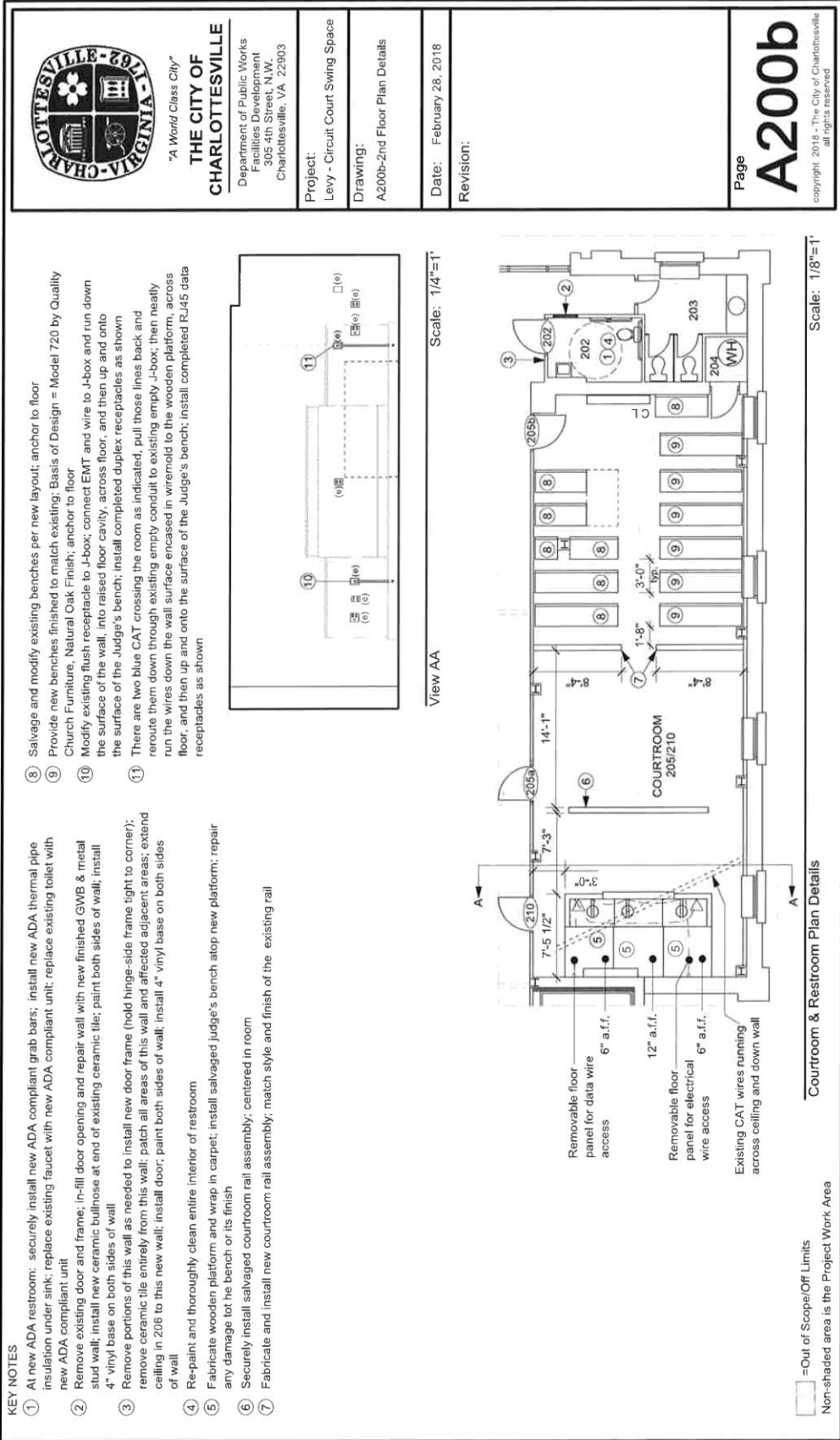
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CHARLOTTESVILLE**
Department of Public Works
Facilities Development
305 4th Street, N.W.
Charlottesville, VA 22903

Project:
Levy - Circuit Court Swing Space

Drawing:
A500-Window AC Details

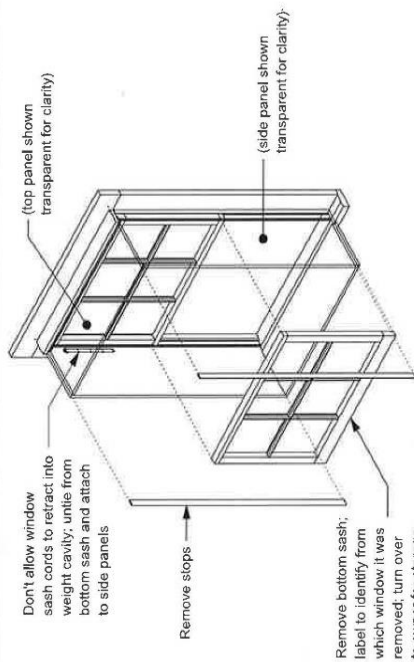
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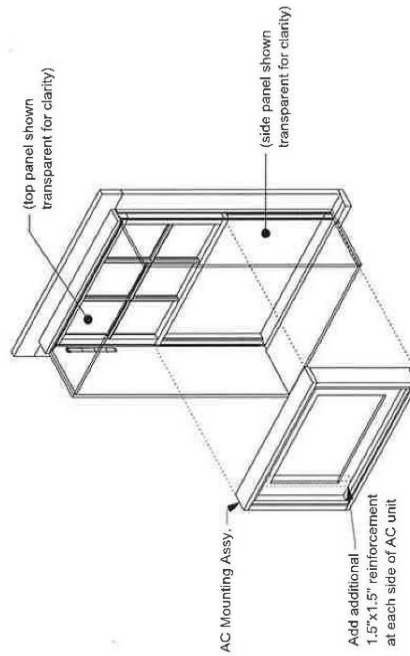
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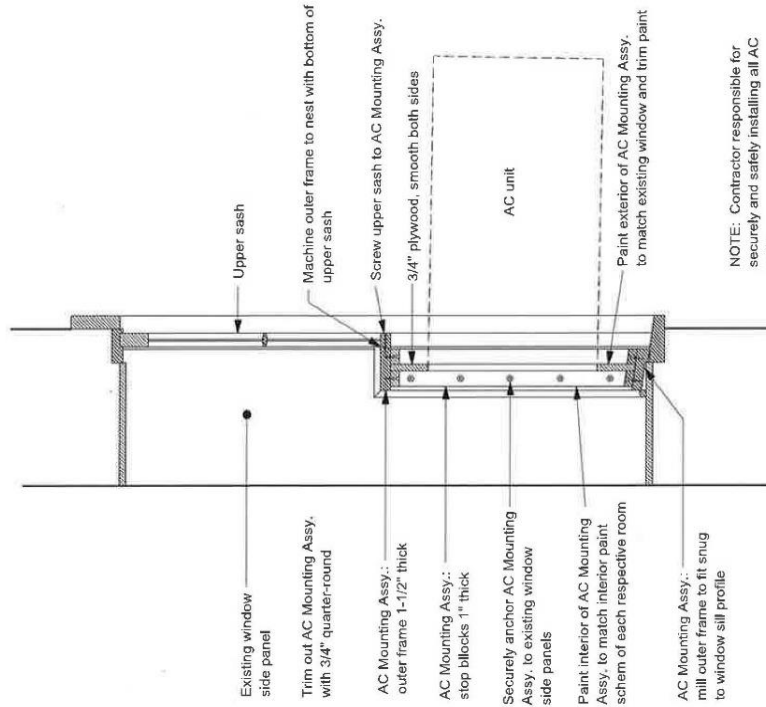
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2 Window Dis-assembly Detail Scale: nts

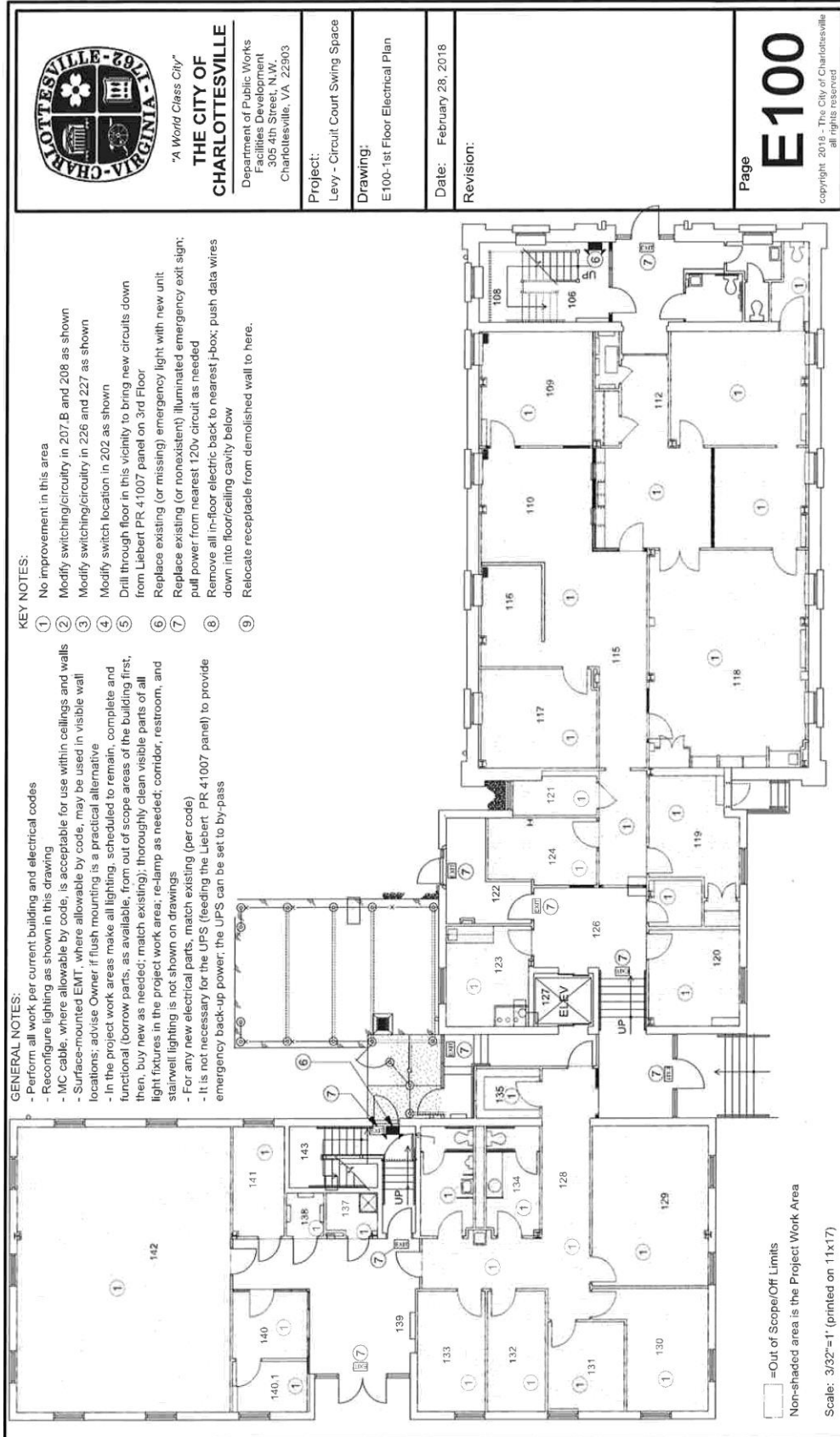


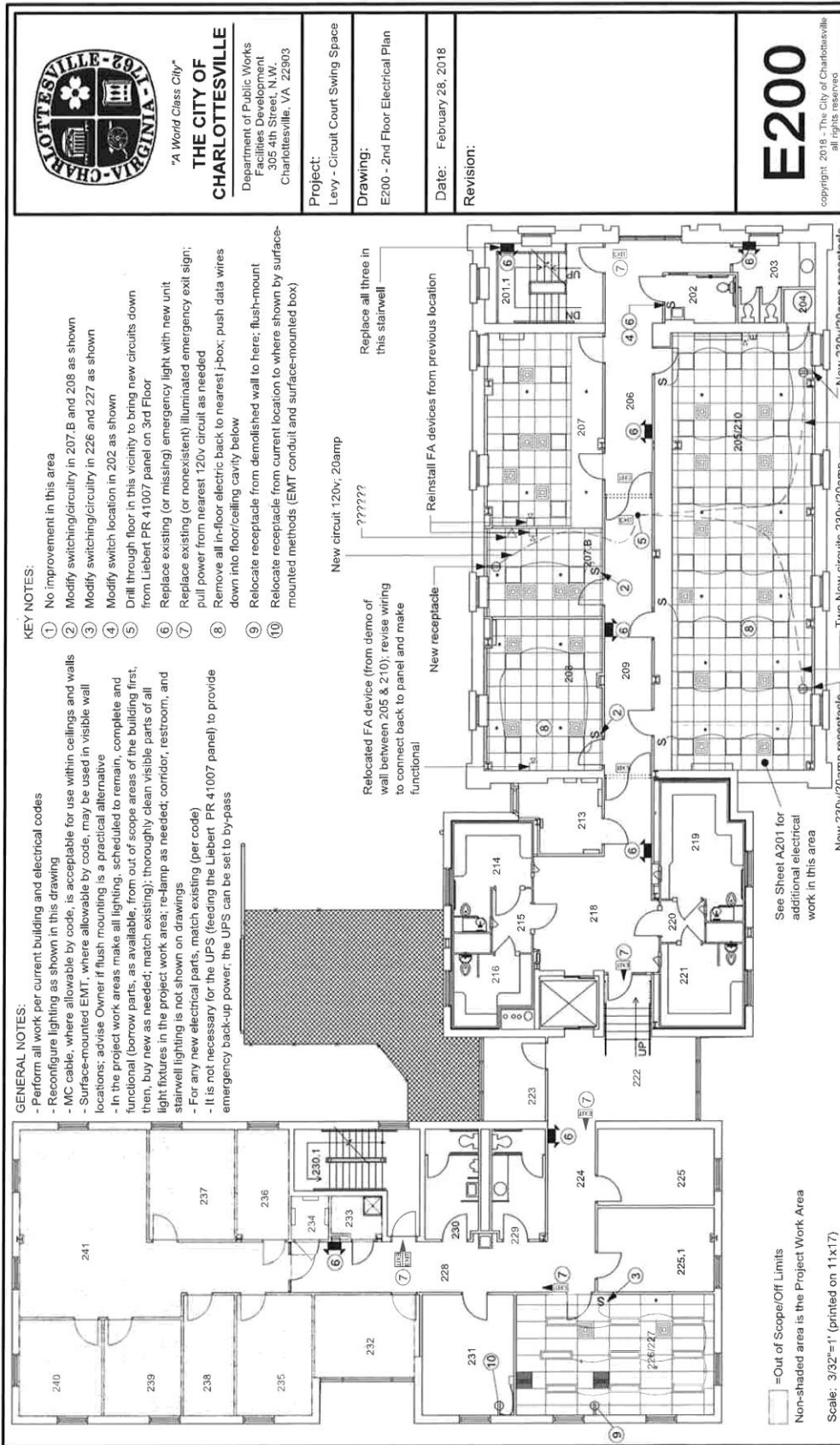
3 Window Re-assembly Detail Scale: nts

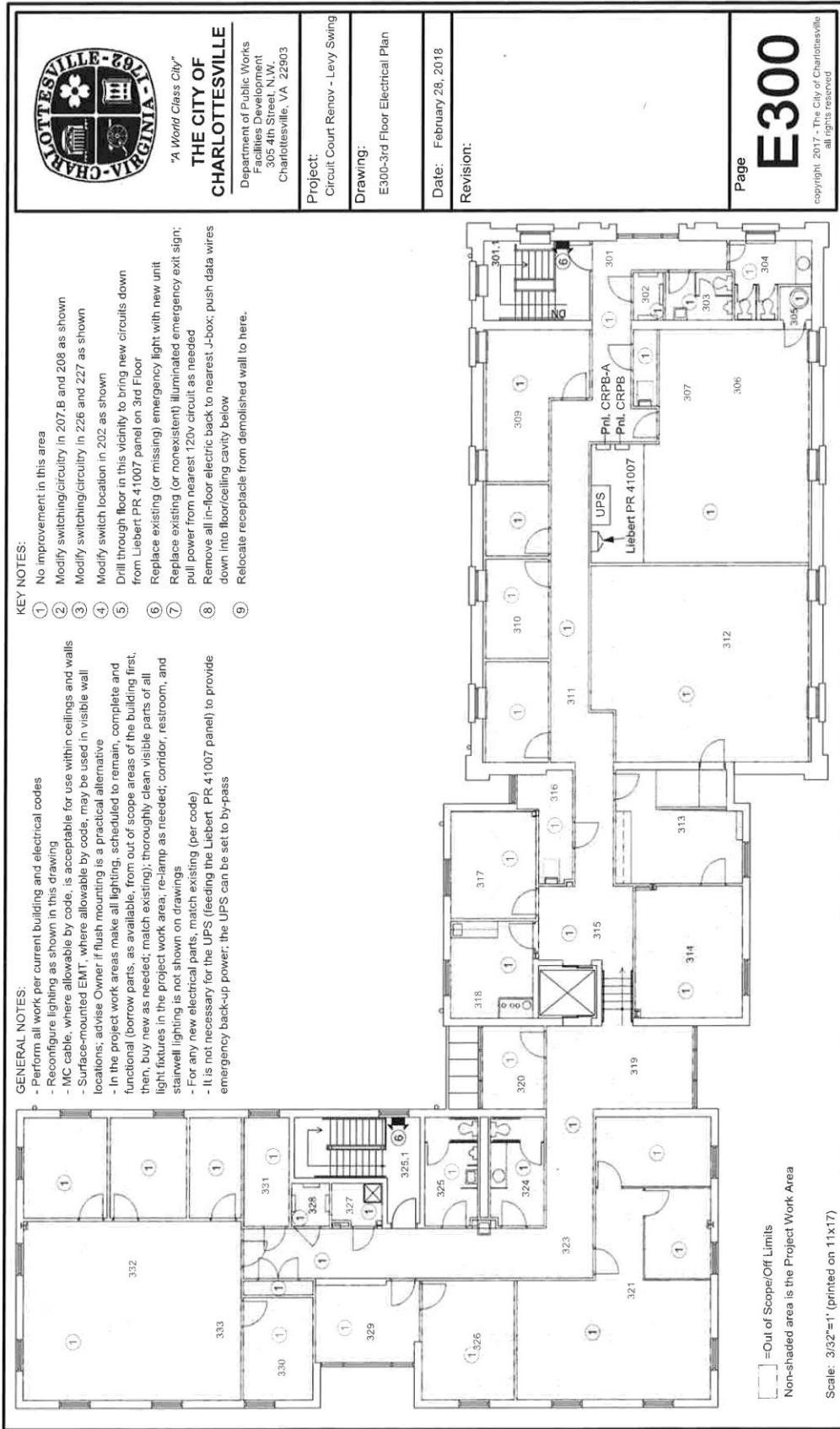


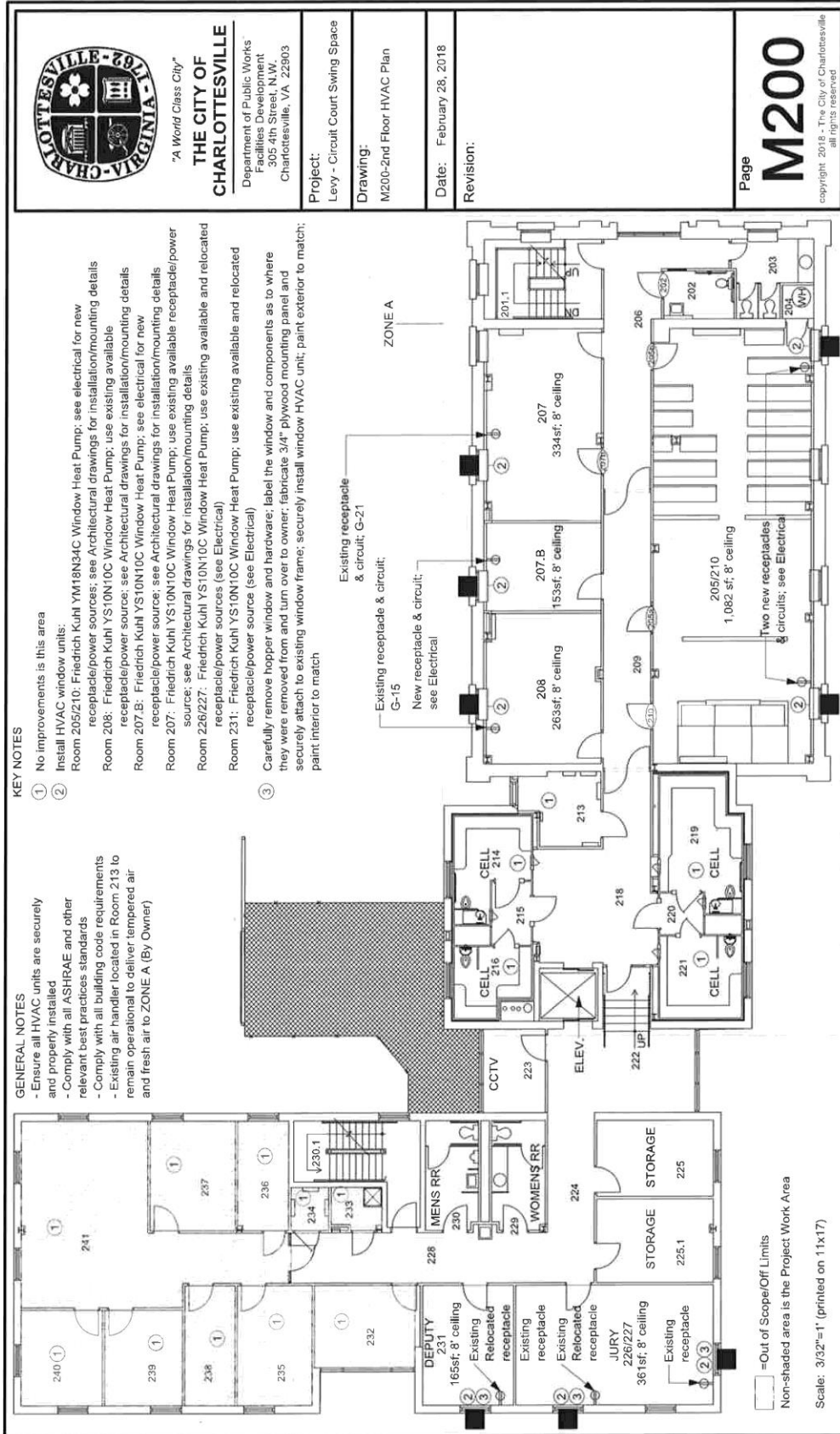
NOTE: Contractor responsible for securely and safely installing all AC units.

1 Section Through Window and AC Mounting Assembly Scale: 1"=1'









**RESOLUTION APPROVING A REQUESTED UTILITY EASEMENT ACROSS A COUNTY-OWNED
OPEN-SPACE EASEMENT ON TAX MAP PARCEL 05000-00-00-04500**

WHEREAS, by deed dated August 15, 2008, and recorded in the Albemarle County Circuit Court Clerk's Office in Deed Book 3658, pages 8-30, the County and the Virginia Outdoors Foundation (VOF) acquired an open-space (ACE) easement across Tax Map Parcel 05000-00-00-04500; and

WHEREAS, the Central Virginia Electric Cooperative (CVEC) has requested an additional utility easement across Tax Map Parcel 05000-00-00-04500 to upgrade its existing facilities on that parcel; and

WHEREAS, Section II(2)(iv) of the County's deed of open-space easement provides in part: "Public and private utilities that do not serve the Property shall not cross the Property unless Grantees [the County and VOF] determine that the construction and maintenance of such utilities will not impair the conservation values of the Property and give its prior written approval for such construction and maintenance;" and

WHEREAS, after reviewing CVEC's request for an additional utility easement, VOF staff has determined that the construction and maintenance of the proposed utilities would not impair the conservation values of the Property and is prepared to give its approval for such construction and maintenance; and

WHEREAS, after reviewing VOF staff's report at its March 12 meeting, the County's ACE Committee unanimously accepted VOF staff's determination and recommended approval of the requested utility easement.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby determines, pursuant to Section II(2)(iv) of the County's deed of open-space easement, that the construction and maintenance of the utilities proposed by the Central Virginia Electric Cooperative on Tax Map Parcel 05000-00-00-04500 will not impair the conservation values of that Property; and

BE IT FURTHER RESOLVED THAT the Board of Supervisors hereby gives its prior written approval for the construction and maintenance of the proposed utilities, subject to the following conditions:

1. A proposed Deed of Amendment for the ROW to increase the height limitation from 55' to 75' and to add the required 0.106 acres shall be submitted to VOF Counsel for review and approval.
2. No above-ground structures or uses other than aerial electric transmission, distribution, and communication lines shall be permitted within the expanded ROW.
3. Additional screening (landscape buffer of evergreen trees) shall be required along the fencing of the southern side of the Cash's Corner Substation to better minimize the visual impacts of the substation from the open-space easement property and farmhouse.

**RESOLUTION TO APPROVE SPECIAL EXCEPTIONS FOR
B201800516TWR SHENTEL – 69203 PROFFIT ROAD**

WHEREAS, Shenandoah Personal Communications, LLC “Shentel” filed an application for a building permit to add an antenna to the existing Dominion Virginia Power transmission tower located on Tax Map Parcel Number 04600-00-00-035B1, which application is identified as Building Permit 2018-516TWR Shentel-69203 Proffit Road (“BP 2018-516”); and

WHEREAS, BP 2018-516 included a request for a special exception to modify the requirements of County Code 18-5.1.40(b)(2)(c) and to waive the requirements of County Code § 18-5.1.40(b)(3); and

WHEREAS, Albemarle County Code § 18-5.1.40(b)(2)(c) requires that antennas be mounted so that in no case shall the farthest point of the back of the antenna be more than eighteen (18) inches from the facility, which may be modified by special exception; and

WHEREAS, Albemarle County Code § 18-5.1.40(b)(3) requires that the Applicant submit a tree conservation plan.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared in conjunction with the application, all of the factors relevant to the special exceptions in County Code §§ 18-5.1.40(b)(2)(c), 18-5.1.40(b)(3), 18-33.5, and 18-33.9, and the information provided at the Board of Supervisors meeting, the Albemarle County Board of Supervisors hereby approves the special exceptions to modify the requirements of County Code 18-5.1.40(b)(2)(c) and to waive the requirements of County Code §§ 18-5.1.40(b)(3), subject to the conditions attached hereto.

* * * * *

**B201800516TWR Shentel – 69203 Proffit Road
Special Exception Conditions**

1. No trees or vegetation shall be removed.
2. The antenna shall not project more than ten (10) feet above the transmission tower as depicted on Sheet C-6 of the site plan referred to as “Site Name: Proffit Road”, prepared by Timmons Group, dated January 3, 2018.
3. No antenna authorized by this special exception shall project more than three and one-half feet (3.5') from the center pole to the back of the antenna.

**RESOLUTION TO APPROVE SPECIAL EXCEPTION FOR
B201702432TWR BUCKS ELBOW ECC REPLACEMENT TOWER**

WHEREAS, the Charlottesville-UVA-Albemarle Emergency Communications Center filed an application for a building permit to replace the existing 120' guyed tower with a 150' self-supporting lattice tower within an existing 100' x 100' fenced gravel compound on Tax Map Parcel Number 03900-00-00-001B1, located on Bucks Elbow Mountain, which application is identified as Building Permit 2017-2432TWR Bucks Elbow ECC Replacement Tower Special Exception ("BP 2017-2432"); and

WHEREAS, BP 2017-2432 included a request for a special exception to modify the requirements of County Code 18-4.10.3.1(b) to allow a reduced setback from the base of the tower to the side and rear property lines from 150 feet to 5 feet.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared in conjunction with the application, all of the factors relevant to the special exceptions in County Code §§ 18-4.10.3.1(b), 18-4.10.3.1(c), 18-33.5, and 18-33.9, and the information provided at the Board of Supervisors meeting, the Albemarle County Board of Supervisors hereby approves the special exception to modify the requirements of County Code 18-4.10.3.1(b), subject to the conditions attached hereto.

* * * *

**B201702432TWR Bucks Elbow ECC Replacement Tower
Special Exception Conditions**

1. The height of the communications tower shall not exceed 150' above ground level.
2. The setback from the base of the tower to any property line shall be no less than 5 feet.

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR SDP 201700057 TO MODIFY APPLICATION PLAN
APPROVED IN CONJUNCTION WITH ZMA201500001 OLD TRAIL**

WHEREAS, the Owner of Tax Map Parcel Number 055E0-01-22-00000 filed a request for a special exception in conjunction with SDP 201700057 Old Trail to vary the Application Plan approved in conjunction with ZMA201500001 Old Trail to modify the street cross section in Block 22 to allow the relocation of the planting strip, sidewalk, and street trees as depicted on the pending plans under review by the County's Department of Community Development.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the Memorandum prepared in conjunction with the special exception request and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-8.5.5.3, 18-33.5, and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to modify the street cross section in Block 22, subject to the condition attached hereto.

* * * * *

**Special Exception for SDP 201700057 to Vary ZMA201500001 Old Trail
Application Plan Special Exception Condition**

1. The special exception shall apply to Block 22 as depicted on sheets 4 and 5 of the Site Plan entitled "Final Plan Block 22 Final Site Plan, Old Trail Village Final Site Plan," prepared by Roudabush, Gale & Associates, Inc., dated September 11, 2017.

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR ZMA200700001 HOLLYMEAD TOWN CENTER (AREA A2)
TO VARY STREET LAYOUT IN BLOCK D1 WITHIN APPLICATION PLAN**

WHEREAS, the Owner of Tax Map Parcel Number 03200-00-00-04500 filed a request for a special exception to vary the Application Plan approved in conjunction with ZMA200700001 Hollymead Town Center (Area A2) to vary the street layout in Block D1 to allow an ADA accessible pedestrian and bicycle connection to be constructed in place of a vehicular connection between the existing shopping center and Area A2, as shown on Exhibit C of Applicant's January 22, 2018 Application, prepared by Collins Engineering, and entitled "Exhibit C – ADA Accessible Pathway Connection".

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the Memorandum prepared in conjunction with the special exception request and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to the special exceptions in Albemarle County Code §§ 18-8.5.5.3, 18-33.5, and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to vary the Application Plan approved in conjunction with ZMA200700001 Hollymead Town Center (Area A2), as described hereinabove, subject to the conditions attached hereto.

* * * * *

**Special Exception to Vary ZMA200700001 Hollymead Town Center (Area A2)
Application Plan Special Exception Conditions**

1. The concrete ADA accessible route shall be a minimum of 8 feet in width from Berkmar Drive to its connection with the existing sidewalk on Community Street as labeled in Exhibit C of Applicant's January 22, 2018 Application, prepared by Collins Engineering, and entitled "Exhibit C – ADA Accessible Pathway Connection."
2. An access easement shall be provided over the entire length of the ADA accessible route and pedestrian stairwell.

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR ZMA200200004 CASCADIA
TO VARY BLOCK 1 IN TABLE A WITHIN THE CODE OF DEVELOPMENT**

WHEREAS, the Owner of Tax Map Parcel Numbers 078H0-00-01-25900, 078H0-00-01-26000, 078H0-00-01-26100, 078H0-00-01-26200, 078H0-00-01-26300, 078H0-00-01-26400, 078H0-00-01-26500 and 078H0-00-01-26600 filed a request for a special exception to vary the Code of Development approved in conjunction with ZMA200200004 Cascadia to vary the type of dwelling units allowed in Block 1 to include detached single family residential unit types as shown on the Exhibit entitled "Letter of Revision for Cascadia Blocks 1-3" prepared by Dominion Engineering and dated February 26, 2018.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the Memorandum prepared in conjunction with the special exception request and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to the special exceptions in Albemarle County Code §§ 18-8.5.5.3, 18-33.5, and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to vary the Code of Development approved in conjunction with ZMA200200004 Cascadia, as described hereinabove, subject to the condition attached hereto.

* * * * *

**Special Exception to Vary ZMA200200004 Cascadia Code of Development
Special Exception Condition**

1. The special exception shall apply to Lots 259, 260, 261, 262, 263, 264, 265, and 266 within Block 1 as shown on the Exhibit entitled "Letter of Revision for Cascadia Blocks 1-3" prepared by Dominion Engineering and dated February 26, 2018.

RESOLUTION OF INTENT

WHEREAS, the Future Land Use Plan and Transportation Network section of the Places 29 Master Plan (hereinafter “Places 29”) includes land use designations and transportation recommendations for the Hydraulic Road/US Route 29 (“Hydraulic/29”) area; and

WHEREAS, Places 29 recognizes this as a key subarea needing further study and more detailed plans using a Small Area Planning process to develop the ultimate land use and transportation recommendations; and

WHEREAS, Places 29 identifies the southern portion of the Places29 area where the County of Albemarle and City of Charlottesville abut each other as a particular opportunity for the two localities to partner in the funding of transportation and other improvements; and

WHEREAS, Places 29 lists the design and construction of improvements to the Hydraulic/29 intersection as a high priority implementation project subject to City and County input and public hearing processes; and

WHEREAS, this area is within the County’s northern Urban Development Area (UDA) established in accordance with the requirements of Virginia Code §15.2-2223.1 in 2011 as a place for compact, mixed use urban development that can accommodate 10 to 20 years of growth under improved coordination between transportation and land use; and

WHEREAS, Places 29 identifies this area within the County’s Priority Area 2 where it is intended that public investment be focused where new development has been approved and redevelopment is encouraged; and

WHEREAS, Virginia Code § 15.2-2233 enables the Planning Commission to make an Official Map showing the location of any future or proposed public street; and

WHEREAS, the Albemarle County Board of Supervisors adopted an Official Map on December 2, 2009 establishing the limits of right of way dedication needed for a possible future interchange in the northwest quadrant of the Hydraulic/29 intersection, re-adopted the Official Map on November 5, 2014 and must again re-adopt the Official Map by November 5, 2019, as required by Virginia Code § 15.2-2236; and

WHEREAS, a Small Area Plan guided by a 12 member Advisory Panel comprised of local City and County representatives was commissioned in 2017 to provide guidance and a new vision for redevelopment and transportation solutions associated with the Hydraulic area as one of several projects funded through the US Route 29 Solutions Projects; and

WHEREAS, the Hydraulic Small Area Plan developed under the guidance of the Advisory Panel proposes:

A small block network more conducive to pedestrians. Grade separated crossings at Angus Road and Route 29 in the City, Hydraulic Road at Route 29 and a new pedestrian/bike friendly local street at Route 29 and Zan Road that fully supports multi-modal travel. A Core Area that provides more detail for the proposed Zan Road corridor along the boundary of Stonefield and Northrup Grumman; and

WHEREAS, on November 1, 2017 the Board of Supervisors endorsed the Hydraulic Small Area Plan for consideration as a Comprehensive Plan Amendment (CPA) that is limited to the Core Area; and

WHEREAS, Transportation Improvement options for the Hydraulic Small Area Plan area have been further developed and analyzed under the guidance of the Advisory Panel, including three scenarios for the Hydraulic/29 intersection; and

WHEREAS, based upon the evaluation criteria used to screen the scenarios, the consensus of the Advisory Panel on March 22, 2018 is a preference for the identified improvements inclusive of Scenario 1 for improvements to the Hydraulic/29 intersection (see attached exhibits):

Grade separation that depresses Hydraulic Road under US 29. Northbound and southbound left turns from US 29 to Hydraulic accommodated with depressed left-turn lanes to reach Hydraulic Road below. Existing traffic signal at the intersection removed; US 29 through traffic to be free flow. Free flow right

turns onto Hydraulic Road from US 29 and onto US 29 from Hydraulic Rd. Through movements on Hydraulic Road accommodated. Left turns onto US 29 prohibited; and

WHEREAS, these Transportation Improvements for the Hydraulic Small Area Plan were identified in anticipation of funding opportunities through Virginia's "Smart Scale" program and the County's Comprehensive Plan needs to demonstrate consistency with the transportation projects included in the Smart Scale application.

NOW, THEREFORE, BE IT RESOLVED THAT the Albemarle County Planning Commission and Board of Supervisors each endorse the Transportation Improvements for the Hydraulic Small Area Plan reflected in the attached exhibits; and

BE IT FURTHER RESOLVED THAT the Board of Supervisors requests that application be made for the Transportation Improvements for the Hydraulic Small Area Plan reflected in the attached exhibits in the 2018 Virginia "Smart Scale" program; and

BE IT FURTHER RESOLVED THAT for purposes of public necessity, convenience, general welfare and good land use planning practices, the Board of Supervisors hereby adopts a resolution to consider amending the Places 29 component of the Albemarle County Comprehensive Plan to incorporate the Transportation Improvements for the Hydraulic Small Area Plan reflected in the attached exhibits; and

BE IT FURTHER RESOLVED THAT the Planning Commission shall hold a public hearing on the Comprehensive Plan Amendment proposed by this resolution, and make its recommendation to the Board of Supervisors, at such time as determined to be necessary to appropriately incorporate these Transportation Improvements into the Comprehensive Plan; and

BE IT FURTHER RESOLVED THAT the Transportation Improvements as amended into the Comprehensive Plan be included in the re-adoption of the Official Map by November 5, 2019.

**RESOLUTION TO APPROVE
SP 2017-19 1640 SEMINOLE TRAIL AUTO
DEALERSHIP OUTDOOR STORAGE AND DISPLAY**

WHEREAS, Downtown Auto Sales, LLC submitted an application for a special use permit to establish outdoor storage, display, and/or sales of vehicles on Tax Map Parcel Number 06100-00-00-120P0, and the application is identified as SP201700019 1640 Seminole Trail Auto Dealership Outdoor Storage and Display ("SP 2017-19"); and

WHEREAS, on March 20, 2018, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2017-19 with conditions; and

WHEREAS, on May 9, 2018, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2017-19.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2017-19 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 §§ 18-30.6.3 and 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2017-19, subject to the conditions attached hereto.

* * * * *

**SP 2017-19 1640 Seminole Trail Auto Dealership
Outdoor Storage And Display Special Use Permit Conditions**

1. Use of this site shall be in general accord with the concept plan "SP2017-19: 1640 Seminole Trail Auto Dealership (TMP 06100-00-00-120P0) - Application Plan," last revised January 29, 2018, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with this plan, development and use of the site shall:
 - a. reflect the general size, arrangement, and location of the vehicle display and storage areas, which shall be striped/marked on the site;
 - b. preclude any vehicle display and storage areas from being located on any existing grass or landscape areas;
 - c. reflect the landscape plan with the final selection of plant species subject to approval of the Director of Planning or his designee.

Permitted modifications may include those required by the Architectural Review Board, those necessary to satisfy the conditions of this special use permit, and additional landscaping/screening approved by the Site Plan Agent.
2. Vehicles shall not be elevated anywhere on the site.

**RESOLUTION TO APPROVE
SP 2017-28 WOODARD DOCK**

WHEREAS, the Owner of Tax Map Parcel 04500-00-00-01000 (the "Property") filed an application to permit the installation of a floating dock on the Property for private use by the Property owner, and the application is identified as Special Use Permit 2017-00028 Woodard Dock ("SP 2017-28"); and

WHEREAS, on March 6, 2018, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2017-28 with conditions; and

WHEREAS, on May 9, 2018, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2017-28.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2017-28 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 2017-28, subject to the conditions attached hereto.

* * * * *

SP-2017-00028 Woodard Dock Special Use Permit Conditions

1. There shall be no lighting within 25 horizontal feet of the Reservoir, measured from the elevation of normal pool, which is Elevation 382 (North American Vertical Datum of 1988).
2. There shall be no removal of vegetation or earth disturbance within the 200-foot stream buffer associated with the installation of the boat dock. The stream buffer is measured from the edge of the floodplain, which is Elevation 390.
3. Structures and improvements located in the two hundred (200)-foot stream buffer shall be limited to those shown on the Woodard Dock Plan, dated November 13, 2017, and a storage rack for kayaks and canoes. There shall be no other structures, such as decking or stairs, constructed in the 200-foot stream buffer.

**RESOLUTION TO APPROVE
SP 2017-10 CITY CHURCH; RELIGIOUS ASSEMBLY USE**

WHEREAS, the Owner of Tax Map Parcel 06100-00-00-153A1 (the "Property") filed an application to amend a previously-approved special use permit (SP 200400045) to remove the existing church building and replace it with a new two-story church, and to reconfigure the existing parking lot and add additional parking spaces on the Property, and the application is identified as Special Use Permit 2017-00010 City Church; Religious Assembly Use ("SP 2017-10"); and

WHEREAS, on March 20, 2018, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2017-10 with conditions; and

WHEREAS, on May 9, 2018, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2017-10.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2017-10 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 §§ 18-15.2.2.12 and 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2017-10, subject to the conditions attached hereto.

* * * * *

SP-2017-00010 City Church; Religious Assembly Use Special Use Permit Conditions

1. Development and use shall be in general accord with the revised conceptual plan entitled, "City Church SP Application Plan," prepared by Terra Engineering and Land Solutions, PC and last updated October 16, 2017 (hereafter "Conceptual Plan") as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, as shown on the Conceptual Plan:
 - a. Location of proposed building;
 - b. Location of parking;
 - c. Pedestrian access across the property frontage.

Minor modifications to the plan that do not otherwise conflict with the elements listed above may be made to ensure compliance with the Zoning Ordinance.
2. Building elevations visible from Rio Road shall not be blank walls. Instead, building elevations shall incorporate at least two of the following types of elements: fenestration (preferred), trellises with vegetation, architectural detailing with a minimum projection of 6 inches, or recesses/projections in the building wall with a minimum depth of 18 inches. These features shall be distributed across the entire elevation. Compliance with this condition shall be determined by the Director of Planning or designee prior to approval of the church's final site plan.
3. The area of assembly shall be limited to a maximum 500-seat sanctuary (or maximum 15,000 square feet).
4. Installation of improvements in the parking area and travel way shall not preclude a future interconnection between the subject property and Tax Map Parcel 06100-00-00-15300 as shown on the Concept Plan.
5. Residential non-infill setback standards, as outlined in Section 4.19 of the Albemarle Zoning Ordinance, shall apply to the primary structure.
6. There shall be no day care center or private school on site without approval of a separate special use permit.
7. The use shall commence on or before May 9, 2023 or the permit shall expire and be of no effect.

ORDINANCE NO. 18-11(1)

AN ORDINANCE TO AMEND CHAPTER 11, PARKS AND RECREATION, 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 11, Parks and Recreation, is hereby amended and reordained as follows:

By Amending and Renaming:

Sec. 11-116 Special events; permitting.

Chapter 11. Parks and Recreation

.....

Sec. 11-116 Special events; permitting.

A. *Purpose.* Pursuant to the authority granted by the Virginia Code and its police powers, the County enacts the following to provide for the public health, safety, peaceful enjoyment, fair and equal access, and general health and welfare of the public in using the County's parks and recreational facilities without unreasonable impairment. In order to accomplish this, the County must take reasonable measures to regulate and control the time, place, and manner of activities that would otherwise unreasonably infringe upon the general public's right to use and enjoy the parks and recreational facilities or would threaten or impair the public health, safety, and welfare of persons using the parks and recreational facilities. These permitting provisions are not intended to exclude any particular activity or communication of a particular content, but to coordinate multiple uses of limited space, to ensure preservation of the park facilities and resources, to prevent dangerous, unlawful, or impermissible uses, and to ensure financial accountability for damage caused by an event. In so doing, the County respects and encourages the exercise of the rights to free speech, free exercise of religion, and peaceable assembly in the parks.

B. *Definitions.* The following definitions apply to this section:

Chief of Police means the Chief of the Albemarle County Police Department.

Commercial activity means any act involving the buying, selling, trading, production, or exchange of goods, products, or services, and includes the offering of goods, products, or services for sale, trade, or exchange, and the engagement in, or soliciting of, any business.

Director means the Director of the Department of Parks and Recreation.

Expressive activity means a non-commercial event in which a person intends to convey a lawful message through speech or conduct that is likely to be perceived by an observer of the speech or conduct, and includes any lawful public gathering, demonstration, procession, or parade in which the primary purpose is to exercise the rights of free speech, the free exercise of religion, or peaceable assembly, in a park.

Parade means any march, procession, or motorcade consisting of people, animals, or vehicles, or any combination thereof, within a County park that interferes with or has a tendency to interfere with the public's normal use of the park or its roadways, sidewalks, paths, trails, facilities, or amenities.

Park means, for the purposes of this section only, any parcel of land owned by, or under the control of, the County that is used or designated to be used by the public for recreational purposes, and includes any park that is jointly owned with the City of Charlottesville.

Public assembly means any meeting, demonstration, picket line, rally, festival, concert, event, tournament, or other gathering of 100 or more people for a common purpose as a result of advance planning.

Special event means: (i) any planned gathering or meeting of 100 or more people in or on a County park, including but not limited to a demonstration, athletic event or contest, festival, concert, parade, march, procession, protest, or public assembly; or (ii) any commercial activity, regardless of size or the number of people attending.

Spontaneous event means an assembly of any number of people that is caused by or in response to unforeseen circumstances or events resulting from news or affairs first coming into public knowledge within seven days before the assembly.

- C. *Permit required.* A permit issued by the Department of Parks and Recreation pursuant to this section is required for any person to conduct or participate in a special event in a County park unless the event or gathering is exempt pursuant to subsection (D).
- D. *Exemptions to permit requirement.* The following events and gatherings are exempt from the requirement to obtain a permit pursuant to this section:
1. Spontaneous events;
 2. Athletic, competitive, or instructional events, leagues, and tournaments organized, sponsored, or procured by the Department of Parks and Recreation individually or in conjunction with the City of Charlottesville Department of Parks and Recreation;
 3. Events and activities sponsored or approved by the County School Board or the Superintendent of the County School Division;
 4. Reservation of athletic fields or facilities through the Department of Parks and Recreation for athletic or competitive leagues or events sponsored by the Department of Parks and Recreation either by itself or in conjunction with the City of Charlottesville Department of Parks and Recreation, including but not limited to softball, soccer, football, baseball, ultimate frisbee, tennis, and lacrosse; provided that commercial and non-commercial private athletic or competitive events and tournaments, organized or conducted without Department of Parks and Recreation sponsorship, are not exempt and require a permit if they are a special event.
 5. Students participating in educational activities under the immediate direction and supervision of the Superintendent of the County School Division or, for any park jointly owned with the City of Charlottesville, the Superintendent of the City School Division;
 6. Shelter reservations for fewer than 100 people.
 7. Events and activities sponsored by the Town of Scottsville in Dorrier Park within the town limits.
- E. *Permit priority and scope.* The Director will grant permits on a first come, first served basis. Permits may provide for the exclusive use of a park or any designated area within a park. Any person may apply for and obtain a permit pursuant to this section, even if the special event does not require a permit, in order to reserve park areas.
- F. *Application.* Each application for a permit is subject to the following:
1. *When to apply for a permit.* Any person intending to conduct a special event shall apply to the Department of Parks and Recreation for a permit at least 15 days before the date of the special event, but no more than 12 months before the date of the special event.
 2. *Contents of the application.* The application shall be on a form prepared and provided by the Department of Parks and Recreation, and the Applicant shall provide the following information:
 - a. The name, address, and telephone number of the person requesting the permit;
 - b. The name and address of any organization or group the Applicant represents;

- c. The name, address, and telephone number of the person who will act as the special event director, leader, or chair, and who will be responsible for managing or conducting the special event;
 - d. The type of special event intended to be held, including a description of all activities planned for the event;
 - e. The date and starting and ending times of the special event;
 - f. The requested location or locations and facilities to be used for the special event, including but not limited to roads, parking facilities, athletic fields or facilities, trails, paths, shelters, and open fields;
 - g. The special event entrance, assembly, and dispersal locations, including the specific entrance, assembly, and dispersal route plans;
 - h. The approximate number and description of people, animals, vehicles, and equipment that will participate in the special event, including but not limited to any tenting, staging equipment, seating, recording equipment, sound amplification equipment, fencing, banners, signs, flags, or other attention-getting devices to be used in connection with the special event;
 - i. A statement as to whether the special event will require closing or restricting any park road, area, or facility to the general public;
 - j. Verification of special event liability insurance coverage as provided in subsection (J);
 - k. A copy of any approved and valid permit, license, or registration required by any federal or State agency or department for any use, facility, or equipment;
 - l. Identification of the person who will be designated permit holder and carry the permit on each day of the special event as required by subsection (N).
 - m. Other information as the Director, the Chief of Police, the Fire Marshal, the Chief of Fire and Rescue may deem reasonably necessary in order to provide for traffic control, highway and roadway maintenance, property maintenance, administrative arrangements, police and fire protection, staff assistance and supervision, and the protection of public health, safety, and welfare.
3. *Complete application.* An application that provides all of the information required by subsection (F)(2) is a complete application.
4. *Late applications, waiver.* The Director is authorized to, and shall make reasonable efforts to consider, an application for a permit filed less than 15 days before the date of the proposed special event if the Director determines that waiving the application deadline will not pose an undue hazard or risk of harm to public safety and that good cause otherwise exists. In making this decision, the Director shall consult with the Chief of Police, Fire Marshal, Chief of Fire and Rescue, and they shall consider: (i) the date, time, place, and nature of the special event; (ii) the anticipated number of participants; (iii) other events scheduled for the parks at the same time or in the same park; (iv) the County or governmental services required in connection with the event; and (v) available County or other governmental resources.

G. *Acting on a permit application.* The Director shall act on a permit application as follows:

- 1. *Approval deadline; when application deemed approved and exception.* The Director shall act on an application within seven days after he receives a complete application. If the Director does not act on a complete application within seven days after he receives a complete application, the application is deemed approved and the permit shall be issued for the special event as described in the application; provided that a late application filed under subsection (F)(4) that is not acted on shall not be deemed approved, but shall be deemed denied.
- 2. *Changes to timeline allowed.* The Director and the Applicant may agree to change the date by which the Director must act on the application.

3. *Approval criteria.* The Director shall apply the following criteria in determining whether to approve an application and grant a special event permit:
 - a. The time, duration, route, and size of the special event will not unreasonably interrupt the safe and normal use of the park or recreational facility by the general public;
 - b. The conduct or nature of the special event will not require diversion of so great a number of police and fire and rescue personnel to properly police the special event and the areas contiguous thereto so as to impair or compromise the normal protection of the remainder of the County;
 - c. The Applicant has, where appropriate, identified persons as monitors to sufficiently control the orderly conduct of the special event in conformity with the special event permit;
 - d. The Applicant has agreed, where appropriate, to be responsible for obtaining appropriate traffic control devices installed in accordance with the Uniform Manual on Traffic Control Devices to close roadways to vehicular traffic sufficient to control the orderly conduct of the special event;
 - e. The special event will not interfere with another special event for which a permit has been granted or any other event for which a park or recreational facility has been previously reserved; and
 - f. The special event will not violate and will conform to all applicable local, State, and federal laws.
4. *Denial criteria.* The Director may deny the application only for one or more of the following reasons:
 - a. The application, including any necessary or required attachments or submissions, is incomplete or not fully executed;
 - b. The application contains materially false or misleading information;
 - c. The Applicant has not tendered the required application fee with the application or has not tendered the required user fee, indemnification agreement, insurance certificate, or security deposit within the times prescribed by the Director;
 - d. The Applicant is legally incompetent to contract or to sue or to be sued;
 - e. The Applicant or the person or organization on whose behalf the application was made has: (i) on a prior occasion damaged a park property or facility; (ii) has not paid in full for prior damage to a park property or facility; or (iii) has any other unpaid debt owed to the County through the Department of Parks and Recreation;
 - f. The Department of Parks and Recreation has received a prior, fully executed application that is for the same time and place and the Director has issued or will issue a permit authorizing a special event that will not reasonably permit multiple occupancy of the particular park or a part thereof or will not permit the County or the Department of Parks and Recreation to devote appropriate resources to facilitating or monitoring the special event;
 - g. The special event would conflict with previously approved planned programs or activities organized, planned, or sponsored by the Department of Parks and Recreation for the same time and place;
 - h. The special event is inconsistent with the customary uses of the park or cannot be accommodated in the park because it lacks the physical improvements required for the special event;
 - i. The Applicant has not or cannot comply with applicable licensure requirements, insurance requirements, or health or safety laws pertaining to the sale or offering for sale of any goods, products, or services;
 - j. The Applicant has not obtained any required permit from the Virginia Department of Transportation to use a public highway or property under its control and jurisdiction;

- k. The special event, or any activity planned or promoted to occur during the special event, either because it is expressly identified in the application or because the Director has verified that it is planned or promoted to occur, is prohibited by law; or
 - l. The special event, or any activity planned or promoted to occur during the special event, either because it is expressly identified in the application or because the Director has verified that it is planned or promoted to occur, would present an unreasonable danger to the health, safety, or welfare of the Applicant, the participants, the attendees, or any person in the park not participating in the special event; however, the Director shall limit consideration of this factor to the special event's activity and shall not consider the expected reaction or response of hostile members of the public or counter-demonstrators.
- 5. *Notice of denial, appeal.* If the Director denies an application, he shall attempt to notify the Applicant promptly by telephone or email and shall promptly mail or email the Applicant a written explanation of the reasons for denial. The written notice of denial shall inform the Applicant of the right to appeal the denial as provided in subsection (O).
- 6. *Preservation of content neutrality.* The Director shall not deny an application because of: (i) political, social, or religious reasons; (ii) the content of the views expressed in the application or intended to be expressed at the special event; or (iii) the expected conduct of non-participants, spectators, or bystanders.
- H. *Conditional permit.* In denying an application for a special event permit, the Director may offer a conditional special event permit reasonably modifying the special event's date, time, location, terms, and conditions. The Director may offer a conditional special event permit contemporaneously with a notice of denial or at any time after the notice of denial. In formulating a conditional special event permit, the Director shall not consider the content of the views expressed in the application, the intended or expected views to be expressed at the special event, or the expected conduct of non-participants, spectators, or bystanders. The Director shall not consider the need for or cost of public safety personnel required to be present to protect special event participants and attendees from hostile members of the public or counter-demonstrators or for general law enforcement in the vicinity of the special event. An Applicant desiring to accept a conditional special event permit shall file a written notice of acceptance with the Director. An Applicant who accepts a conditional special event permit shall meet all terms of the Director's offer and shall otherwise conform to the requirements of a special event permit issued under this section.
- I. *Duty to indemnify, hold harmless, and defend.* All special event permits shall be conditioned as follows:
 - 1. *Indemnification.* Defend, protect, indemnify fully, and hold the County of Albemarle and its boards, officers, employees, agents, and volunteers free and harmless from and against all claims, damages, expenses, loss, or liability of any kind resulting from any willful, reckless, or negligent acts or omissions of the Applicant or the Applicant's officers, agents, representatives, partners, employees, and invitees in connection with the permitted special event; and
 - 2. *Hold harmless.* At the Applicant's own cost, risk, and expense, defend any and all claims and all legal actions that may be commenced or filed against the County of Albemarle and its boards, officers, employees, agents, and volunteers, and to pay any settlement entered into and to satisfy any judgment that may be entered against the County or its officers, employees, agents, or volunteers as a result of the willful, reckless, or negligent acts or omissions of the Applicant or the Applicant's officers, agents, representatives, partners, employees, or invitees in connection with the uses, events, or activities occurring under the special event permit.
 - 3. *Written agreement.* The Applicant shall agree to the requirements of subsections (I)(1) and (I)(2) in writing.
 - 4. *Additional requirement for jointly owned parks.* For special event permits granted for parks jointly owned by the County and the City of Charlottesville, this condition must also include and cover the City of Charlottesville and its council, officers, employees, agents, and volunteers.
 - 5. *Waiver of requirements.* The requirements of this subsection may be waived as provided in subsection (L).

- J. *Special event insurance.* The Applicant shall maintain in full force and effect on each day of the permitted special event a policy of insurance from a reliable insurance company authorized to do business in the State.
1. *The County as named insured or additional insured; additional requirement for jointly owned parks.* The policy shall include the County of Albemarle and its boards, officers, employees, agents, and volunteers as named insureds or additional insureds. For a special event to be held in a park jointly owned by the County and the City of Charlottesville, the policy must also include the City of Charlottesville, its council, officers, employees, agents, and volunteers as named insureds or additional insureds.
 2. *Type and amount of insurance.* The policy shall provide coverage that the Director, in consultation with the Risk Manager for the County of Albemarle, determines to be necessary based on: (i) the estimated number of persons that will be attending the special event; and (ii) the nature of the park that will be used during the event.
 3. *Certificate of insurance.* The Applicant shall provide a certificate of insurance to the Director prior to the issuance of the permit.
 4. *Waiver of requirements.* The requirements of this subsection may be waived as provided in subsection (L).
- K. *Special event permit fees.* The Director may charge a reasonable fee to apply for a special event permit as follows:
1. *Fee schedule, publication.* The County Executive shall establish annually a fee schedule in consultation with the Director by July 1 of each year. The Director shall cause the schedule to be published on the County's website and in the Office of the Department of Parks and Recreation. The fee schedule shall be based upon the size of the special event, facilities, and equipment to be used, restrictions on the public's access to the park, the purpose of the special event, and Department staff time needed to prepare or attend the special event.
 2. *Minimum fee required.* The schedule of fees shall include a minimum fee for any park reservation regardless of the size of the assembly or event.
 3. *Untimely payment, revocation.* If all applicable fees are not paid in full at least seven days before the date of the special event, then the Director shall have the authority to revoke the special event permit.
 4. *What fees do not pay for.* Fees do not include or cover incidental expenses associated with complying with the special event permit, including but not limited to signage, traffic planning, safe road crossings, private security, off-duty police, emergency and rescue services, medical staff, water rescue, lifeguards, other incidents related to protecting the safety of participants and attendees, equipment rental and procurement, and bathroom facilities. The incidental expenses are the sole responsibility of the Applicant.
 5. *Waiver of requirements.* The requirements of this subsection may be waived as provided in subsection (L).
- L. *Waiver of requirements to indemnify, hold harmless, provide insurance, pay fees.* The requirements to indemnify, hold harmless, insure, and pay fees as provided in subsections (I), (J), and (K) shall be waived or reduced for any non-commercial special event held for the primary purpose of expressive activity upon a written showing to the satisfaction of the Director that the Applicant is financially unable to perform the requirements of those subsections and that the right to engage in expressive activity would be unreasonably curtailed by the failure to waive one or more of the requirements.
1. *When an Applicant is ineligible for a waiver.* An Applicant is not eligible for a waiver of the requirement to indemnify, hold harmless, or provide insurance if there is a demonstrable history of personal injury or property damage claims attributable to the Applicant, the Applicant's associates, or its assigns or successors in interest in the conduct of previous events that were similar in nature to the proposed special event.

2. *When an Applicant may reduce or avoid the requirement to provide insurance.* An Applicant may reduce or avoid the requirement to provide insurance if it designs the event in cooperation with the Director so as to limit specific risks and dangers to the participants, attendees, public, and property. Regardless, insurance may be required for collateral activities such as food service and the use of structures or equipment that may present a demonstrable risk or hazard.
- M. *Compliance with directions and conditions.* Every person to whom a special event permit is issued under this section shall comply substantially with all special event permit terms and conditions and with all applicable laws. The special event director, leader, or chair shall personally carry the permit and have it available for inspection upon request by the Director or any public safety or law enforcement officer during the conduct of the special event. Failure to possess or produce the special event permit shall be grounds for the immediate cancellation of the special event.
- N. *Revocation of permit.* A special event permit may be revoked as follows:
1. *Revocation by the Director before or during the special event.* The Director may revoke any special event permit issued pursuant to this section either before or during the permitted special event if: (i) any information supplied by the Applicant is discovered to be false or intentionally misleading; (ii) any material term, condition, restriction, or limitation of the permit has been substantially violated; (iii) there is any continued violation of the terms, conditions, restrictions, or limitations of the special event permit after the Applicant or the Applicant's agent or employee is notified of a violation of the permit by the Director; (iv) the Applicant becomes unable to fulfill the terms of the special event permit on a timely basis; or (v) unforeseen or emergency circumstances arise that would have warranted the Director to deny the application previously.
 - a. *Notice of revocation.* The Director shall notify the Applicant of a revocation as expeditiously as possible, including by telephone, email, or fax. The Director shall mail notice of revocation to the Applicant and shall include in writing the reasons warranting revocation. The Director shall notify the Applicant of the right to appeal the revocation as provided in subsection (O).
 - b. *Agreement to conditional special event permit.* The Director's revocation of a special event permit may be accompanied by a conditional special event permit and shall not bar the Applicant and the Director from agreeing to a conditional special event permit.
 2. *Revocation by the Director or the Chief of Police on the day of the special event.* The Director or the Chief of Police may revoke any special event permit issued pursuant to this section on the day of the special event if: (i) the Applicant or its designated permit holder cannot produce the permit and have it available for inspection upon the Director's or any law enforcement officer's request; (ii) upon a violation of any material term, condition, restriction or limitation of the permit; (iii) upon any continued violation of the terms, conditions, restrictions, or limitations of the special event permit after the Applicant or the Applicant's agent or employee has been notified of a violation of the permit by the Director or an appropriate law enforcement official; (iv) upon emergency circumstances; or (v) upon the event becoming an unlawful assembly under the Virginia Code; provided that the arrest of participants in the special event, in and of itself, is not cause to revoke the special event permit.
- O. *Appeal.* An Applicant whose application for a special event permit is denied, or whose special event permit is revoked under subsection (N)(1), may appeal the decision as follows:
1. *Administrative appeal.* An Applicant aggrieved by the Director's decision may appeal the decision to the County Executive. The appeal shall be filed in writing with the Office of the County Executive within five business days after receiving a notice of denial or revocation. The written notice of appeal shall state all grounds for the appeal. The County Executive shall act upon the appeal within five business days after its timely filing, but in any case at least two days before the date of the proposed special event, unless the Applicant otherwise agrees. Notice of the decision shall be given by the County Executive to the Applicant as expeditiously as possible, including by telephone, email, or fax. The decision shall also be mailed to the Applicant and shall include the reasons for the decision. Neither the pendency nor absence of an appeal shall bar the Applicant and the Director from agreeing to a conditional special event permit.

2. *Judicial appeal.* An Applicant may challenge the Director's and the County Executive's decision in a court of competent jurisdiction in accordance with State and federal law. The County shall meet all deadlines set by the court and by applicable statutes and court rules, and shall otherwise seek to ensure that the challenge, including any motion for preliminary relief, is decided as expeditiously as possible. An Applicant is not required to appeal the Director's decision to the County Executive before challenging the Director's decision in court.

P. *Non-interference with assemblies and special events.* The following acts are prohibited:

1. *Interference.* No person shall hamper, obstruct, impede, or interfere with any assembly, parade, demonstration, gathering, event, or with any person, vehicle, or animal participating or used in the assembly, parade, demonstration, gathering, or event for which a special event permit has been issued in accordance with the provisions of this section.
2. *Driving through events.* No driver of a vehicle shall drive between the vehicles, persons, or animals comprising an assembly, parade, demonstration, gathering, or event except upon a law enforcement officer's direction. This prohibition shall not apply to emergency vehicles such as fire apparatus, ambulances, and police vehicles, or to vehicles authorized to so drive pursuant to the special event permit.
3. *Parking.* The Director and the Chief of Police are each authorized, when reasonably necessary, to prohibit or restrict the parking of vehicles at any location within the park in which a special event or other lawful assembly is located. The Director and the Chief of Police may post signs to that effect. It is unlawful for any person to park or leave unattended any vehicle in violation of a posted sign or in violation of the personal directive of the Director or the Chief of Police.

Q. *Penalties.* A knowing, willful, or intentional violation of any condition of a special event permit or provision in this section shall constitute a class 1 misdemeanor.

(9-12-79; Code 1988, § 14-6.10; Ord. 98-A(1), 8-5-98)

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