

## ACTIONS

### Board of Supervisors Meeting of June 13, 2018

June 14, 2018

| <u>AGENDA ITEM/ACTION</u>   | <u>ASSIGNMENT</u>   | <u>VIDEO</u>                  |
|---|---|-------------------------------|
| <p>1. Call to Order.</p> <ul style="list-style-type: none"> <li>Meeting was called to order at 1:05 p.m., by the Chair, Ms. Mallek. All BOS members were present. Also present were Claudette Borgersen, Greg Kamptner, and Jeff Richardson.</li> </ul>   |   | <a href="#">Link to video</a> |
| <p>2. Closed Meeting.</p> <ul style="list-style-type: none"> <li>At the 1:06 p.m., Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:</li> <li>Under Subsection (3), to discuss and consider 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.</li> <li>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"> <li>The negotiation of an agreement for, and the possible relocation of, court facilities;</li> <li>A pending zoning text amendment identified as ZTA 2018-00002; and</li> <li>The legal authority of the County when a local emergency is declared.</li> </ol> </li> </ul> |   |                               |
| <p>3. Certify Closed Meeting.</p> <ul style="list-style-type: none"> <li>At 2:22 p.m., the Board reconvened into open meeting and certified the closed meeting.</li> </ul>  |   |                               |
| <p>4. Biscuit Run Park Team Structure and Planning.</p> <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>ADOPTED</b> Resolution to approve appropriation #2018091 for local government projects and programs.</li> </ul>   | Clerk: Forward copy of signed resolution to OMB, Finance and County Attorney's office. (Attachment 1) |                               |
| <p>5. <b>Work Session:</b> ZTA 201700001 – Transient Lodging.</p> <ul style="list-style-type: none"> <li><b>Held.</b></li> <li><b>CONSENSUS</b> to have staff come back in July for a work session.</li> </ul>  | Clerk: Schedule on a July agenda.   |                               |
| <p><b>Recess.</b> The Board recessed at 4:11 p.m., and reconvened at 4:20 p.m.</p>  |   |                               |
| <p>6. <b>Presentation:</b> Community Recreation Needs Assessment Final Report.</p> <ul style="list-style-type: none"> <li><b>RECEIVED.</b></li> </ul>   |   |                               |
| <p>7. Closed Meeting.</p> <ul style="list-style-type: none"> <li>At the 4:59 p.m., Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:</li> <li>Under Subsection (1):               <ol style="list-style-type: none"> <li>To consider appointments to boards, committees, and commissions in which there are pending vacancies or requests for reappointments; and</li> <li>To conduct the annual performance reviews of the Board Clerk and the County Attorney.</li> </ol> </li> </ul>   |   |                               |



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| 15.  | <p>From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> <li>• <u>Marta Keane</u>, CEO of Jefferson Area Board for Aging, thanked the Board for their help with the newly renovated memory care unit at Mountain Side Senior Living.</li> <li>• <u>Greg Quinn</u>, White Hall District, spoke toward the expansion of government and due process rights under the 5<sup>th</sup> Amendment.</li> </ul> |  |  |
| 16.2   | <p>FY 2018 Appropriations.</p> <ul style="list-style-type: none"> <li>• By a vote of 6:0, <b>ADOPTED</b> Resolution to approve appropriations #2018092 and #2018093 for local government and school division projects and programs.</li> </ul>  | <u>Clerk</u> : Forward copy of signed resolution to OMB and County Attorney's office. (Attachment 4)   |  |
| 16.3   | <p>Resolution to Request Economic Development Access Program Funding for Avon Court.</p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> Resolution.</li> </ul>   | <u>Clerk</u> : Forward copy of signed resolution to Economic Development office and County Attorney's office. (Attachment 5)   |  |
| 16.4   | <p>Public Recreational Facilities Authority (PRFA) Name Change.</p> <ul style="list-style-type: none"> <li>• <b>SET</b> public hearing for July 11 to consider the proposed amendments to the Authority's Articles of Incorporation.</li> </ul>   | <u>Clerk</u> : Schedule on agenda and advertise in Daily Progress.   |  |
| 16.5   | <p>Acquisition of Conservation Easements (ACE) Ranking Order for FY18 Applicant Pool.</p> <ul style="list-style-type: none"> <li>• <b>APPROVED</b> the final ranking order for the FY18 applicant pool as shown by staff; and <b>AUTHORIZED</b> appraisals of the top three properties: Dollard, Walker, and Ruddock; and <b>AUTHORIZED</b> an appraisal of the Pulliam property, if that application becomes eligible.</li> </ul>                            | <u>Ches Goodall</u> : Proceed as approved. (Attachment 6)  |  |
| 16.6   | <p>Virginia Stormwater Management Program (VSMP) Signing Authority.</p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> resolution authorizing the County Executive to sign VSMP applications on behalf of the County where the County is the property owner or the easement holder on private property.</li> </ul>   | <u>Clerk</u> : Forward copy of signed resolutions to Facilities and Environmental Services and County Attorney's office. (Attachment 7)  |  |
| 16.7   | <p>Community Use of County Facilities Policy.</p> <ul style="list-style-type: none"> <li>• <b>APPROVED</b> the revised Community Use of County Facilities Policy.</li> </ul>  | (Attachment 8)   |  |
| 17.  | <p><b><u>Pb. Hrg: SP201700022 – Charlottesville-Albemarle SPCA Renovation and Expansion.</u></b></p> <ul style="list-style-type: none"> <li>• By a vote of 6:0, <b>ADOPTED</b> Resolution to approve SP201700022 and Resolution to approve the special exceptions.</li> </ul>   | <u>Clerk</u> : Forward copy of signed resolutions to Community Development and County Attorney's office. (Attachments 9 and 10)  |  |
| 18.  | <p><b><u>Pb. Hrg: ZMA201700008 – Charlottesville-Albemarle SPCA Renovation and Expansion.</u></b></p> <ul style="list-style-type: none"> <li>• By a vote of 6:0, <b>ADOPTED</b> Ordinance to approve ZMA201700008.</li> <li>• <b>CONSENSUS</b> that the County Attorney will provide information regarding the issue of split zoning under C1.</li> </ul>   | <u>Clerk</u> : Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 11)<br><u>County Attorney</u> : Provide information to the Board as requested. |  |
| 19.  | <p><b><u>ZTA 2018-02 - Commercial and Industrial Owned Property Not Served by Public Water.</u></b></p> <ul style="list-style-type: none"> <li>• By a vote of 6:0, indefinitely <b>DEFERRED</b> action on ZTA 2018-02 and <b>DIRECTED</b> staff to continue working on ZTA 2018-02 as discussed.</li> </ul>   | <u>Amelia/Rebecca</u> : Proceed as directed.   |  |
| <p><b>Recess.</b> The Board recessed at 8:55 p.m., and reconvened at 9:04 p.m.</p> |   |  |  |

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| 20. | <p><b><u>Pb. Hrg: VDOT Six-Year Secondary Road Construction Program.</u></b></p> <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>ADOPTED</b> resolution approving the FY19-24 Secondary Six Year Program (SSYP) and <b>AUTHORIZED</b> the County Executive to sign the SSYP.</li> <li>By a vote 6:0, <b>APPROVED</b> the Final FY2019 Albemarle County Priority List for Secondary Road Improvements, Unpaved Roads for the record.</li> <li><b>CONSENSUS</b> for Kevin McDermott to send a letter to the residents of White Mountain Road regarding keeping the road on paved road list.</li> </ul> | <p><u>Clerk:</u> Forward copy of signed resolution to Community Development and County Attorney's office. (Attachments 12 and 13)</p> <p><u>Kevin McDermott:</u> Proceed as directed.</p> |  |
| 21. | <p><b><u>Pb. Hrg: Ordinance to Approve the Charlottesville Area Convention and Visitors Bureau Agreement.</u></b></p> <ul style="list-style-type: none"> <li>By a vote of 6:0, <b>ADOPTED</b> Ordinance approving the final draft Agreement, as amended, to Operate a Joint Convention and Visitors' Bureau.</li> </ul>  | <p><u>Clerk:</u> Forward copy of signed ordinance to County Attorney's office. (Attachments 14 and 15)</p>  |  |
| 22  | <p><b><u>Pb. Hrg: Compensation of Board of Supervisors.</u></b></p> <ul style="list-style-type: none"> <li>By a vote of 5:1 (Randolph), <b>ADOPTED</b> ordinance.</li> <li><b>CONSENSUS</b> to the County Attorney to provide the Board with the memorandum regarding the analysis of compensation completed by the previous County Attorney.</li> </ul>   | <p><u>Clerk:</u> Forward copy of signed ordinance to County Attorney's office. (Attachment 16)</p> <p><u>County Attorney:</u> Proceed as directed.</p>                                    |  |
| 23. | <p>From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> <li>Requested the County Executive evaluate establishing work sessions on ZTA 2018-02 - Commercial and Industrial Owned Property Not Served by Public Water.</li> </ul>  |   |  |
| 24. | <p>From the County Executive: Report on Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> <li>Provided an update on the Equal Justice Initiative.</li> </ul>  |   |  |
| 25. | <p>Adjourn to July 5, 2018, 1:00 p.m., Lane Auditorium.</p> <ul style="list-style-type: none"> <li>The meeting was adjourned at 10:35 p.m.</li> </ul>  |   |  |

ckb/tom

Attachment 1 – Resolution to Approve Additional FY 18 Appropriations

Attachment 2 – Resolution of Appreciation for Pam Moran

Attachment 3 – Resolution of Appreciation for Cathy Train

Attachment 4 – Resolution to Approve Additional FY 18 Appropriations

Attachment 5 – Resolution to Authorize the County Executive to Apply to the Commonwealth Transportation Board for Economic Development Access Program Funding

Attachment 6 – Ranking Order of ACE Applicants from 2018

Attachment 7 – Resolution to Authorize the County Executive to Sign Virginia Stormwater Management Program.

Attachment 8 – Community Use of County Facilities Policy

Attachment 9 – Resolution to Approve SP 2017-22 Charlottesville-Albemarle SPCA (CASPCA) Renovation and Expansion

Attachment 10 – Resolution to Approve Special Exceptions for SP 2017-22 Charlottesville-Albemarle SPCA (CASPCA) Renovation and Expansion

Attachment 11 – Ordinance No. 18-A (3) ZMA 2017-08 Charlottesville-Albemarle SPCA Renovation and Expansion

Attachment 12 – Resolution to Approve the Secondary System Six-Year Program (FY 19-24)

Attachment 13 – Final FY19 Albemarle County Priority List for Secondary Road Improvements, Unpaved Roads

Attachment 14 – Ordinance No. 18-A (2) Joint Convention and Visitors Bureau Agreement

Attachment 15 – Agreement to Operate A Joint Convention and Visitors' Bureau



**RESOLUTION TO APPROVE  
ADDITIONAL FY 18 APPROPRIATIONS**

**BE IT RESOLVED** by the Albemarle County Board of Supervisors:

- 1) That Appropriation #2018091 is approved; and
- 2) That the appropriation referenced in Paragraph #1, above, is 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.

**Proclamation  
Resolution of Appreciation for Pam Moran**

- WHEREAS,** Pam Moran has served with distinction as the Superintendent of Albemarle County Public Schools since 2006 and has been honored throughout her career with recognition as a Virginia Superintendent of the Year, as well as a gubernatorial appointee to the State Council on Higher Education for Virginia; and
- WHEREAS,** Pam has been a staunch advocate of student-led research, project-based learning and contemporary learning spaces that promote collaboration, creativity, analytical problem-solving, critical thinking, and communications competencies among all students; and
- WHEREAS,** under Pam's leadership, the County of Albemarle has set an example of excellence in education, with an on-time graduation rate of 95% and standing amongst the top 5% of all school divisions in the nation; and
- WHEREAS,** Pam's visionary administrative leadership has been instrumental in the development of innovative programs developing student capabilities in critical thinking, creativity, collaboration, and problem-solving, and a countywide project to bring broadband technology access to student homes and high school centers of excellence in Math, Engineering and Science, Health and Medical Sciences, and Environmental Studies; and
- WHEREAS,** the Board of Supervisors honors and appreciates the exemplary service of Albemarle County's first female superintendent; and
- NOW, THEREFORE, BE IT RESOLVED,** that the Albemarle County Board of Supervisors do hereby recognize Pam Moran's thirteen years of service as the Albemarle County School's division's chief executive and the contributions and commitment of Pam Moran.

**Proclamation  
Resolution of Appreciation for Cathy Train**

- WHEREAS,** Cathy Train has displayed exemplary leadership as the President of the United Way-Thomas Jefferson Area since 1988; and
- WHEREAS,** Cathy's leadership and dedication to service has been evidenced in her roles on the Board of Directors of the Charlottesville Regional Chamber of Commerce, the Board of Trustees of The Miller School of Albemarle County, as Chair of the Albemarle County Police Foundation, and as president of the Albemarle Rotary Club; and
- WHEREAS,** Cathy has been a staunch supporter of individuals and families in the Thomas Jefferson Area community, initiating the Day of Caring to promote the spirit and value of volunteerism while increasing awareness of local agencies and schools; and
- WHEREAS,** Cathy's visionary stewardship of the United Way has led to the creation and continued operations of programs that support school readiness for children, self-sufficiency for families and community medical care, such as the Success by 6 Insurance for Children Project, the Initiative for Effective Nonprofits, Women United in Philanthropy, Smart Beginnings, and the Childcare Scholarship; and
- WHEREAS,** Cathy's commitment to service and positive influence has been felt on a global and national scale demonstrated by her successful initiation of an effort to bring the Olympic Torch Relay to Charlottesville en route to the Atlanta Summer Olympic Game, and her mobilization and coordination of local agencies, staff and volunteers to provide housing and services to the hundreds of Hurricane Katrina survivors who came to Charlottesville; and
- NOW, THEREFORE, BE IT RESOLVED,** that the Albemarle County Board of Supervisors do hereby recognize Cathy Train's thirty years of service to the members of the Thomas Jefferson Area community and honor her contributions and commitment to the community.



**RESOLUTION TO APPROVE  
ADDITIONAL FY 18 APPROPRIATIONS**

**BE IT RESOLVED** by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2018092 and #2018093 are approved; and
- 2) That the appropriations referenced in Paragraph #1, 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.

## R E S O L U T I O N

WHEREAS, Albemarle County desires to assist in the development of property located off of Avon Court (Route 1101), identified as Tax Map Parcel 77-9 in Albemarle County, Virginia, for the purpose of economic development; and

WHEREAS, Lighthouse Instruments, LLC has purchased property located in Albemarle County and will soon enter into a firm contract to construct its facilities on that property for the purpose of manufacturing; and

WHEREAS, this new facility is expected to involve new capital investment in land, building, and equipment of approximately \$4,885,000 and Lighthouse Instruments, LLC is expected to hire an additional 10 employees at this facility; and

WHEREAS, the existing public road network does not provide for adequate access to this facility and it is deemed necessary that improvements be made to Avon Court (Route 1101); and

WHEREAS, Albemarle County hereby guarantees that the necessary environmental analysis, mitigation, and fee simple right of way and utility relocations or adjustments for this improvement, if necessary, will be provided at no cost to the Economic Development, Airport and Rail Access Fund; and

WHEREAS, Albemarle County acknowledges that no land disturbance activities may occur within the limits of the proposed access project prior to any construction on this project as a condition of the use of the Economic Development, Airport and Rail Access Fund; and

WHEREAS, Albemarle County hereby guarantees that all ineligible project costs and all costs not justified by eligible capital outlay will be provided from sources other than those administered by the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors hereby requests that the Commonwealth Transportation Board provide Economic Development Access Program funding to provide an adequate road to the property located at TMP 77-9;

BE IT FURTHER RESOLVED that the County Executive and/or his designee(s) be authorized to act on behalf of the Board of Supervisors to execute any and all documents necessary to secure the funding sought through the Economic Development Access Program up to, but not exceeding, the full cost of the road; and

BE IT FURTHER RESOLVED that the Board of Supervisors hereby requests that the new roadway so constructed will be added to and become a part of the secondary system of state highways pursuant to Section 33.2-1509, paragraph C, of the Code of Virginia; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

**Ranking Order of ACE Applicants from FY 2018**

(20 points are needed to qualify for ACE Funding)

Enrollment Date: October 31<sup>st</sup>, 2017

| <b><u>Applicant</u></b>                   | <b><u>Tax Map</u></b>    | <b><u>Acres</u></b>   | <b><u>Tourism</u></b> | <b><u>Points</u></b>        | <b><u>Status</u></b> |
|---|--------------------------|-----------------------|-----------------------|-----------------------------|----------------------|
| <b>DOLLARD, Laura</b><br>(Scottsville)    | TM 122, Parcel 17        | (159.84 acres)        | no                    | 27.11                       |                      |
| <b>WALKER, James H.</b><br>(Red Hill)     | TM 100, Parcel 23        | (108.82 acres)        | no                    | 26.86                       |                      |
|   | TM 100, Parcel 23A       | ( 5.56 acres)         |                       |                             |                      |
|   | <u>TM 100, Parcel 26</u> | <u>( 20.63 acres)</u> |                       |                             |                      |
|   | Total                    | (135.01 acres)        |                       |                             |                      |
| <b>RUDDOCK, Cheryl</b><br>(Esmont)        | TM 119, Parcel 22        | (112.91 acres)        | no                    | 23.04                       |                      |
| <b>PULLIAM, William R.</b><br>(Esmont)    | TM 127, Parcel 41        | (65.05 acres)         | yes                   | <i>incomplete</i>           |                      |
| <b>TATUM, Elfriede</b><br>(Barboursville) | TM 36, Parcel 37         | (122.361 acres)       | yes                   | <i>withdrawn (4/9/2018)</i> |                      |

**Notes:**

- 1) Though we no longer use tourism funds (the hotel tax), tourism value is determined by the presence of specific elements from the ranking evaluation criteria that have tourism value, including: contains historic resources or lies in a historic district; lies in the primary Monticello viewshed; adjoins a Virginia scenic highway, byway or entrance corridor; lies on a state scenic river; provides mountaintop protection.
- 2) Over the last few years, easements have typically been 20-35% of appraised land value depending on location, suitability for development, and retained building and development rights.

**RESOLUTION TO AUTHORIZE THE COUNTY EXECUTIVE TO SIGN  
VIRGINIA STORMWATER MANAGEMENT PROGRAM APPLICATIONS  
WHEN THE COUNTY IS THE PROPERTY OWNER OR  
THE EASEMENT HOLDER ON PRIVATE PROPERTY**

**WHEREAS**, the Virginia Department of Environmental Quality requires that development and other land disturbing activities be regulated through the Virginia Stormwater Management Program (VSMP); and

**WHEREAS**, on July 1, 2014, the Virginia Department of Environmental Quality mandated that the County of Albemarle accept the responsibility for administering the VSMP within Albemarle County; and

**WHEREAS**, the VSMP requires permits for all development and other land disturbing activities within the County and the Town of Scottsville, and VSMP applications for those permits must be signed by the property owner; and

**WHEREAS**, there are development and land disturbing activities undertaken by the County on property owned by the County and on easements owned by the County on private property, and those development and land disturbing activities require a VSMP application; and

**WHEREAS**, the efficiency of County government would be improved by delegating the authority to the County Executive to sign such VSMP applications on behalf of the County.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors authorizes the County Executive or his designee to sign Virginia Stormwater Management Program (VSMP) applications on behalf of the County for projects to be located on property owned by the County and on easements owned by the County on private property provided that such applications are approved as to form and substance by the County Attorney.

**COMMUNITY USE OF COUNTY FACILITIES****A) Generally**

1. The Board of Supervisors believes in the full and best possible utilization of the physical facilities belonging to the citizens of the County. To achieve this end, the use of County facilities for governmental, school and related activities, as well as by outside organizations and groups, shall be encouraged when these activities will not interfere with the routine business of the County.
2. Proper protection, safety and care of County property shall be primary considerations in the use of County facilities.

**B) Eligible Organizations**

1. The Board has classified various organizations and groups for the purposes of priority and the charging of fees.
  1. Classification
    - I. County government and School-affiliated or related groups.
    - II. Youth agencies, educational, recreational, cultural, political, civic, charitable, social, veterans' or religious groups or organizations.
    - III. Profit making or Private groups, organizations, or businesses.
  2. Membership

The membership of any group or organization requesting the use of County facilities must be largely from the County of Albemarle. This restriction shall not exclude the use of certain facilities, as determined by the County Executive, by state and national organizations that have a local sponsoring division of such organization.
  3. Commercial Activities

Commercial use of County property by any organization or individual is expressly prohibited.

**C) Applications and Approval**

1. Applications must be sponsored by reputable and established clubs, societies or organizations that can be held responsible for the payment of charges, compensation for damages to property and for use of the property in reasonable conformity with the regulations on the application.
2. The Board authorizes the County Executive or his designee to approve all applications for the use of County facilities that meet the requirements of the Board, that comply with implementing regulations the County Executive deems necessary to protect County property and that do not conflict with established business or commercial interests in the community. The County Executive shall design such application forms as are required. The completed and signed form shall be a binding agreement upon the applicant and the County.
3. No rental application will be considered more than six months prior to the desired rental date.
4. The County Executive or his designee reserves the right to cancel a rental contract up to ten calendar days prior to a scheduled rental.
5. The Lane Auditorium and COB – 5<sup>th</sup> Street Room A are available during business hours (8:00 a.m. – 5:00 p.m. Monday through Friday) only if the applicant provides shuttle bus services or off-site parking for participants of the meeting. On-site parking is not available for large meetings during business hours.
6. All activities shall end, with County facilities vacated, no later than 10:00 p.m.
7. The Lane Auditorium is not available on any day during which a local government board, commission, or other duly appointed entity is scheduled to use the facility due to the possibility of these meetings running beyond the scheduled end time.

8. Meeting rooms and Auditorium are not available on holidays, scheduled or declared, when the County Office Building is closed.
9. Reservations will automatically be cancelled when the County office buildings are closed due to inclement weather or emergency conditions.
10. County Office Buildings' Grounds, including Parking Lots and Sidewalks:
  - a. Generally. Unless otherwise specifically allowed in this policy, the Grounds of the County Office Buildings are not open for public use.
  - b. Parking. Unrestricted parking spaces in parking lots are open to the public for general parking purposes, provided that ingress and egress to any parking lot is not obstructed. Parking lots are not open to the public for general parking purposes in the following circumstances:
    - (1) When parking is not related to County or School Division business being conducted in or on County facilities during the County's regular business hours, or during meetings of the Board of Supervisors, the Planning Commission, or the School Board, or their use is in conjunction with a use in County facilities or on the Grounds by a third party authorized pursuant to this policy.
    - (2) Between the hours of 2:00 a.m. and 6:00 a.m., each day.
    - (3) When the County Executive or his designee determines that the use of any parking lot for general parking purposes at any time other than during the County's regular business hours or meetings of the Board of Supervisors, Planning Commission, or School Board interferes, or may interfere, with County business.
    - (4) When the County Executive or his designee determines to close any parking lot for general parking purposes when the Governor declares a state of emergency or when the County's Director of Emergency Managements declares a local emergency.
  - c. Sidewalks. Sidewalks abutting public streets are open for public use, provided that ingress and egress to and from the Grounds are not obstructed. Sidewalks not abutting public streets are:
    - (1) Open to the public when: (i) a County parking lot is open for general parking purposes under subsection 10(b); (ii) their use is related to County or School Division business being conducted in County facilities or on the Grounds during the County's regular business hours, or during meetings of the Board of Supervisors, the Planning Commission, or the School Board; or (iii) their use is in conjunction with a use in County facilities or on the Grounds by a third party authorized pursuant to this policy.
    - (2) Not open to the public when: (i) the County Executive or his designee determines that public use of any sidewalk not abutting a public street interferes, or may interfere, with County business; and (ii) the County Executive or his designee determines to close any sidewalk not abutting a public street when the Governor declares a state of emergency or when the County's Director of Emergency Managements declares a local emergency.
  - d. Veterans' Memorials. The County Executive or his designee may consider requests for the use of the area in proximity to the veterans' memorials on the Grounds by veterans' groups or organizations consistent with this policy. Such requests must be made and approved no less than 5 business days before the proposed activity.
  - e. At no time shall vehicles be parked on the lawns or pedestrian walkways.
  - f. Unauthorized users of County facilities or Grounds are subject to removal and/or prosecution for trespassing.

**D) Fees (See Attachment)**

1. The County Executive shall establish a minimum schedule of fees and may make additional adjustments in the fees. The minimum schedule and additional adjustments shall be based upon

the classification of the group or organization, the facilities to be used, the size of the group, the objectives of the organization, the approximate cost to the County and the purpose for which the facility will be used.

2. In general, the County Office Building Rental Charges schedule (attached below) will apply.
3. A full rental fee shall be charged to all groups (except Classification I) when County facilities are to be used for fund raising and/or when an admission charge is levied.
4. All fees must be paid at least seven (7) calendar days in advance, and the sponsoring organization whose name appears on the application shall be held responsible for any and all damages to property and equipment.

**E) Protection of County Property**

1. An employee or agent of the County shall be on duty on the property at times when the facilities are in use. No equipment or furnishings may be used or moved without the consent of the employee in charge if such usage is not in conformity with the contracted agreement. The employee in charge may expel any group if said group, after ample warnings, fails to adhere to the provisions of their rental agreement.
2. The sponsoring organization shall be responsible for crowd control measures, including the employment of police protection when required. Such control shall be arranged in advance when deemed necessary by the County Executive or his designee.

**F) Safety**

1. Organizations and individuals using the facility shall be responsible for familiarizing themselves with the nearest exits in case of emergency evacuation. Each conference room has a Fire Escape Plan posted at its entrance which shows the primary and secondary escape routes.

**G) Deposits**

1. A cash bond or deposit may be required at the discretion of the County Executive or his designee prior to use of the property.

Lane Auditorium and COB-5<sup>th</sup> Street Room A Rental Charges

| Classification  | Weekday-Business Hours | Weekday-Evening   |
|---|------------------------|-------------------|
| I. County/Schools*  | No Charge              | No Charge         |
| II. Youth agencies, educational, recreational, cultural, political, civic, charitable, social, veteran's or religious groups or organizations | \$18.00 flat fee       | \$40.00 per hour  |
| III. Profit Making or Private Groups, Organizations or Businesses   | \$200.00 flat fee      | \$200.00-flat fee |

\* Departments directly supervised or sponsored by the County Executive/Superintendent or sponsored by the local office of the Virginia Cooperative Extension

The Lane Auditorium and COB – 5<sup>th</sup> Street Room A are available during business hours (8:00 a.m.-5:00 p.m. Monday through Friday) only if the Applicant provides shuttle bus services or off-site parking for participants of the meeting. On-site parking is not available for large meetings during business hours.

County Office Building Meeting Rooms Rental Charges (Other than for Lane Auditorium and COB-5<sup>th</sup> Street Room A)

| Classification  | Weekday-Business Hours | Weekday-Evening  |
|---|------------------------|------------------|
| I. County/Schools*  | No Charge              | No Charge        |
| II. Youth agencies, educational, recreational, cultural, political, civic, charitable, social, veteran's or religious groups or organizations | \$18.00 flat fee       | \$40.00 per hour |
| III. Profit Making or Private Groups,   | \$40.00 per hour       | \$40.00 per hour |

|                             |  |  |
|-----------------------------|--|--|
| Organizations or Businesses |  |  |
|-----------------------------|--|--|

\* Departments directly supervised or sponsored by the County Executive/Superintendent or sponsored by the local office of the Virginia Cooperative Extension

Additional Charges

1. Each additional room used shall incur an additional charge, pursuant to the above schedule.
2. Requests to set up additional chairs/tables shall incur a flat \$18.00 charge.
- 3 Any portion of a meeting scheduled past 5:00 p.m. will be subject to the applicable weekday evening rate.
4. For any event at which food is served, a \$150.00 security deposit will be charged, to be returned upon satisfactory inspection of facility.



**RESOLUTION TO APPROVE  
SP 2017-22 CHARLOTTESVILLE-ALBEMARLE SPCA  
(CASPCA) RENOVATION AND EXPANSION**

**WHEREAS**, the Owner of Tax Map Parcels 04500-00-00-08600 and 04500-00-00-08800 filed an application to renovate and expand the Charlottesville-Albemarle SPCA facility located at 3355 Berkmar Drive in conjunction with a zoning map amendment request to rezone Tax Map Parcel 04500-00-00-08800 (ZMA201700008), and the application is identified as Special Use Permit 2017-00022 Charlottesville-Albemarle SPCA (CASPCA) Renovation and Expansion ("SP 2017-22"); and

**WHEREAS**, on April 24, 2018, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2017-22 with conditions; and

**WHEREAS**, on June 13, 2018, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2017-22.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the staff report prepared for SP 2017-22 and all of its attachments, the information presented at the public hearing, and the factors relevant to the use in Albemarle County Code § 18-22.2.2(13) and the factors relevant to a special use permit in Albemarle County Code § 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2017-22, subject to the conditions attached hereto.

\* \* \*

**SP-2017-00022 Charlottesville-Albemarle SPCA (CASPCA) Renovation and Expansion Conditions**

1. Development and use shall be in general accord with the conceptual plan titled "Charlottesville Albemarle SPCA Rezoning/Special Use Permit Application" prepared by Timmons Groups and dated December 18, 2017, last updated April 5, 2018, (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Conceptual Plan, the proposed development and use shall reflect the following major elements essential to the design of the site:
  - location of buildings and structures (not including fenced outdoor exercise areas)
  - location of parking areas
  - no parking lots, driveways, or permanent structures within 30 feet of the property lines adjoining parcels zoned residentially
  - dedication of right-of-way along Berkmar Drive
  - landscaping and screening at the perimeter of the site as noted on the plan
  - a 30' buffer zone on TMP 04500-00-00-08800

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. Additional buildings, structures, fencing, and parking may occur in the area shown for SPCA expansion in accordance with the Conceptual Plan.
3. Fundraising activities and other special events shall not occur unless a zoning clearance has been issued by the Department of Community Development.
4. Animals may be walked and/or exercised outside only between the hours of 8:00 a.m. and 7:00 p.m. While animals are outside, they must be supervised and be either on a leash if outside the fenced area or contained within a fenced area if not on a leash.
5. Support facilities located on TMP 04500-00-00-08800 must be shown on an approved site plan and fenced to the satisfaction of the Zoning Administrator.
6. Fencing, other than for outdoor exercise areas, shall be of the same or a similar material identified on the plan entitled "Charlottesville/Albemarle S.P.C.A. ZMA-2000-005, SP-2000-022, revised November 6, 2007."

**RESOLUTION TO APPROVE SPECIAL EXCEPTIONS  
FOR SP 2017-22 CHARLOTTESVILLE-ALBEMARLE SPCA  
(CASPCA) RENOVATION AND EXPANSION**

**WHEREAS**, the Charlottesville-Albemarle Society for the Prevention of Cruelty to Animals, Inc. (the "CASPCA") submitted an application for a special use permit to expand the SPCA facility on Tax Map Parcels 04500-00-00-08600 and 04500-00-00-08800 (the "Property") ("SP 2017-22"); and

**WHEREAS**, the CASPCA filed a request for the following four special exceptions in conjunction with SP 2017-22:

- to modify the requirement of County Code § 18-4.20 that requires a 50 foot side and rear setbacks for structures;
- to waive the requirement of County Code § 18-21.7 that prohibits the disturbance of a 20 foot area between commercial and residential districts;
- to waive the requirement of County Code § 18-5.1.11(a) that soundproofed air-conditioned confinement structures for an animal shelter use be located at least 500 feet from a residential or agricultural lot line; and
- to waive the requirement of County Code § 18-5.1.11(b) that soundproofed confinement structures for an animal shelter use be located at least 200 feet from a residential or agricultural lot line.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the staff report prepared in conjunction with the application, and its supporting analysis, and all of the factors relevant to the special exceptions in Albemarle County Code §§ 18-5.1, 18-33.5, and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exceptions to modify the requirement of County Code § 18-4.20 and to waive the requirements of County Code §§ 18-21.7, 18-5.1.11(a), and 18-5.1.11(b), subject to the conditions attached hereto.

\* \* \*

**SP-2017-00022 Charlottesville-Albemarle SPCA (CASPCA) Renovation and Expansion Conditions**

1. The installation of perimeter fencing and landscaping to enhance screening shall be the only disturbance permitted within the buffer zones.
2. On Parcel 86, no proposed building addition or new structure shall encroach closer than 40 feet to a side or rear property line, except that any fenced outdoor exercise area shall be at least 20 feet from any residential lot line.
3. On Parcel 88, no proposed structures shall encroach closer than 50 feet to a side or rear property line, except that any fenced outdoor exercise area shall be at least 30 feet from any residential lot line.
4. Prior to the issuance of a building permit, the applicant shall submit information to the satisfaction of the County Engineer and the Zoning Administrator (or their designees) that demonstrate the sound attenuation qualities of the construction materials used in the renovation of the clinic can reasonably meet the fifty-five (55) decibel sound limit in Section 5.1.11(b).

**ORDINANCE NO. 18-A(3)**  
**ZMA 2017-08 CHARLOTTESVILLE-ALBEMARLE SPCA RENOVATION AND EXPANSION**

**AN ORDINANCE TO REZONE 2.53 ACRES  
FROM R6-RESIDENTIAL TO C1-COMMERCIAL  
FOR TAX MAP PARCEL NUMBER 04500-00-00-08800**

**WHEREAS**, the application to rezone 2.53 acres from R6-Residential to C1-Commercial for Tax Map Parcel Number 04500-00-00-08800 is identified as ZMA 2017-00008 Charlottesville-Albemarle SPCA ("ZMA 2017-08"); and

**WHEREAS**, staff recommended approval of ZMA 2017-08 with proffers; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on ZMA 2017-08 on April 24, 2018 and recommended approval with proffers, including the potential of more restrictive uses than recommended by staff; and

**WHEREAS**, on June 13, 2018, the Albemarle County Board of Supervisors held a duly noticed public hearing on ZMA 2017-08.

**BE IT ORDAINED** by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the staff report prepared for ZMA 2017-08 and its attachments, including the proffers dated May 29, 2018, which include the use restrictions as recommended by staff, and the rezoning application plan entitled "Charlottesville Albemarle SPCA Rezoning/Special Use Permit Application", prepared by Timmons Group and dated December 18, 2017 and last revised on April 5, 2018 (the "concept plan"), the information presented at the public hearing, the material and relevant factors in Virginia Code § 15.2-2284, the intent of the C1-Commercial district stated in County Code § 18-22.1, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2017-08 with the proffers dated May 29, 2018 and the concept plan dated December 18, 2017 and last revised on April 5, 2018.

Original Proffers   X    
Amendment           

## PROFFER STATEMENT

ZMA No. **201700008 Charlottesville-Albemarle SPCA Renovation and Expansion**

Tax Map and Parcel Number(s): **04500-00-00-08800**

Owner(s) of Record: **The Albemarle Society For The Prevention Of Cruelty To Animals Inc**

Date of Proffer Signature: **May 29, 2018**

**2.53** acres to be rezoned from **R-6, Residential** to **C-1, Commercial**

**The Albemarle Society For The Prevention Of Cruelty To Animals Inc** is the owner (the "Owner") of Tax Map and Parcel Number **04500000008800** (the "Property") which is the subject of rezoning application ZMA No. **201700008**, a project known as "**Charlottesville-Albemarle SPCA Renovation and Expansion**" (the "Project").

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

1. Permitted uses of the property, and/or uses authorized by special use permit, shall include only the following section(s) of the Albemarle County Zoning Ordinance in effect on April 27, 2018, a copy of the section(s) being attached hereto:

**22.2.1 BY RIGHT (§ 18-22.2.1)**


3. Religious assembly use, cemeteries. (Amended 8-9-17)
4. Clubs, lodges (reference 5.1.02).
13. Nurseries, day care centers (reference 5.1.06).
20. Dwellings (reference 5.1.21).
26. Stormwater management facilities shown on an approved final site plan or subdivision plat.
27. Tier I and Tier II personal wireless service facilities (reference 5.1.40).

**22.2.2 BY SPECIAL USE PERMIT (§ 18-22.2.2)**

The following uses shall be permitted only by special use permit approved by the board of supervisors:

2. Energy and communications transmission facilities.
3. Hospitals.
5. Veterinary office and hospital (reference 5.1.11).
6. Unless such uses are otherwise provided in this section, uses permitted in section 18.0, residential - R-15, in compliance with regulations set forth therein.
13. Animal shelter (reference 5.1.11).
14. Tier III personal wireless service facilities (reference 5.1.40).

**OWNER**

  
By: Angie Gunter

Title: **Executive Director**

**The Albemarle Society For The Prevention Of Cruelty To Animals Inc**

**ALBEMARLE COUNTY CODE**

**CHAPTER 18**

**ZONING**

**SECTION 22**

**COMMERCIAL - C-1**

**Sections:**

- 22.1 INTENT, WHERE PERMITTED**
- 22.2 PERMITTED USES**
- 22.2.1 BY RIGHT**
- 22.2.2 BY SPECIAL USE PERMIT**
- 22.3 ADDITIONAL REQUIREMENTS**

**22.1 INTENT, WHERE PERMITTED**

C-1 districts are hereby created and may hereafter be established by amendment to the zoning map to permit selected retail sales, service and public use establishments which are primarily oriented to central business concentrations. It is intended that C-1 districts be established only within the urban area, communities and villages in the comprehensive plan. (Amended 9-9-92)

**22.2 PERMITTED USES**

**22.2.1 BY RIGHT**

The following uses shall be permitted in any C-1 district, subject to the applicable requirements of this chapter. The zoning administrator, after consultation with the director of planning and other appropriate officials, may permit as a use by right, a use not specifically permitted; provided that such use shall be similar to uses permitted by right in general character and more specifically, similar in terms of locational requirements, operational characteristics, visual impact and traffic generation. Appeals from the zoning administrator's decision shall be as generally provided in section 34.

- a. The following retail sales and service establishments:
  - 1. Antique, gift, jewelry, notion and craft shops.
  - 2. Clothing, apparel and shoe shops.
  - 3. Department store.
  - 4. Drug store, pharmacy.
  - 5. Florist.
  - 6. Food and grocery stores including such specialty shops as bakery, candy, milk dispensary and wine and cheese shops.
  - 7. Furniture and home appliances (sales and service).
  - 8. Hardware store.
  - 9. Musical instruments.

***ALBEMARLE COUNTY CODE***

10. Newsstands, magazines, pipe and tobacco shops.
  11. Optical goods.
  12. Photographic goods.
  13. Visual and audio appliances.
  14. Sporting goods.
  15. Retail nurseries and greenhouses.
  16. Farmers' markets (reference 5.1.47).
  17. Laboratories/Research and Development/Experimental Testing; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
  18. Manufacturing/Processing/Assembly/Fabrication and Recycling; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
  19. Drive-through windows (reference 5.1.60). (Added 3-2-16)
- b. The following services and public establishments:
1. Administrative, professional offices.
  2. Barber, beauty shops.
  3. Religious assembly use, cemeteries. (Amended 8-9-17)
  4. Clubs, lodges (reference 5.1.02).
  5. Financial institutions.
  6. Fire and rescue squad stations (reference 5.1.09).
  7. Funeral homes.
  8. Health spas.
  9. Indoor theaters.
  10. Laundries, dry cleaners.
  11. Laundromat (provided that an attendant shall be on duty at all hours during operation).
  12. Libraries, museums.
  13. Nurseries, day care centers (reference 5.1.06).
  14. Eating establishments.

***ALBEMARLE COUNTY CODE***

15. Tailor, seamstress.
16. Automobile service stations (reference 5.1.20).
17. Water, sewer, energy and communications distribution facilities.
18. Public uses (reference 5.1.12).
19. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).
20. Dwellings (reference 5.1.21).
21. (Repealed 4-3-13)
22. Automobile, truck repair shop excluding body shop.
23. Temporary industrialized buildings (reference 5.8).
24. Indoor athletic facilities.
25. (Repealed 5-5-10)
26. Stormwater management facilities shown on an approved final site plan or subdivision plat.
27. Tier I and Tier II personal wireless service facilities (reference 5.1.40).

(§ 20-22.2.1, 12-10-80; 6-3-81; 3-5-86; 9-9-92; 5-2-93; 9-14-93; 10-11-95; Ord. 02-18(6), 10-9-02; Ord. 04-18(2), 10-13-04; Ord. 10-18(4), 5-5-10; Ord. 13-18(2), 4-3-13; Ord. 16-18(2), 3-2-16; Ord. 17-18(4), 8-9-17; Ord. 18-18(1), 1-10-18)

**22.2.2 BY SPECIAL USE PERMIT**

The following uses shall be permitted only by special use permit approved by the board of supervisors:

1. Commercial recreation establishments including but not limited to amusement centers, bowling alleys, pool halls and dance halls.
2. Energy and communications transmission facilities.
3. Hospitals.
4. (Repealed 8-9-17)
5. Veterinary office and hospital (reference 5.1.11).
6. Unless such uses are otherwise provided in this section, uses permitted in section 18.0, residential - R-15, in compliance with regulations set forth therein.
7. Hotels, motels and inns.
8. Motor vehicle sales and rental in communities and the urban area as designated in the comprehensive plan.
9. Stand alone parking and parking structures (reference 4.12, 5.1.41).
10. (Repealed 3-2-16)

***ALBEMARLE COUNTY CODE***

11. Uses permitted by right, not served by public water, involving water consumption exceeding four hundred (400) gallons per site acre per day. Uses permitted by right, not served by public sewer, involving anticipated discharge of sewage other than domestic wastes.

12. Body shop.

13. Animal shelter (reference 5.1.11).

14. Tier III personal wireless service facilities (reference 5.1.40).

15. Storage/Warehousing/Distribution/Transportation

(§ 20-22.2.2, 12-10-80; 1-1-83; 6-1-83; 11-7-84; 6-14-89; 9-9-92; 6-16-99; Ord. 03-18(1), 2-5-03; Ord. 04-18(2), 10-13-04; Ord. 13-18(2), 4-3-13; Ord. 16-18(2), 3-2-16; Ord. 17-18(4), 8-9-17)

**22.3 ADDITIONAL REQUIREMENTS**

In addition to the requirements contained herein, the requirements of section 21.0, commercial districts, generally, shall apply within all C-1 districts. (Amended 3-17-82; 7-10-85)



**RESOLUTION TO APPROVE  
THE SECONDARY SYSTEM SIX-YEAR PROGRAM (FY 19-24)**

**WHEREAS**, Virginia Code § 33.2-331 provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary System Six-Year Program; and

**WHEREAS**, the Board has previously agreed to assist in the preparation of this Program, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Program (FY 19-24), after being duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Program and Priority List; and

**WHEREAS**, local and regional representatives of the Virginia Department of Transportation recommend approval of the Secondary System Six Year Program (FY19-24); and

**WHEREAS**, the Secondary System Six Year Program (FY19-24) is in the best interest of the County and of the citizens of the County

**NOW, THEREFORE, BE IT RESOLVED**, that the Albemarle County Board of Supervisors hereby approves the Secondary System Six-Year Program (FY19-24) and authorizes the County Executive to sign the Secondary System Six-Year Program (FY 19-24); and

**BE IT FURTHER RESOLVED**, that the clerk of the Board shall forward a certified copy of this resolution to the District Administrator of the Virginia Department of Transportation.

ALBEMARLE COUNTY PRIORITY LIST FOR SECONDARY ROAD IMPROVEMENTS, UNPAVED ROADS - FINAL June 2018

| RURAL RUSTIC ROAD PAVING PROJECTS IN PRIORITY ORDER (HIGH TO LOW)  |                                       |   |              |                        |                            |               |                      |                  |  |                                      |           |
|--|---------------------------------------|---|--------------|------------------------|----------------------------|---------------|----------------------|------------------|--|--------------------------------------|-----------|
| Current Priority (Recommended)   | Route Number, Road Name               | Location From - To                                | Length (mi.) | Current Funding Status | Most Current Traffic Count | Year of Count | Crash Data 2010-2016 | thru or dead end | Description/Comments   | Year Project placed on Priority List | Cost      |
| 1  | 824 Patterson Mill Lane               | Rt 688 - paved section                            | 0.73         | In YDOT SSSYP - FY19   | 250                        | 2012          | 1                    | thru             | Public request. Provides improved connection to Rt. 250 and I-64 interchange. Property Owner Notification has been sent and Resolution complete.   | 2011                                 | \$127,750 |
| 2  | 637 Dick Woods Road                   | Rt 151 - Nelson County Line                       | 0.7          | In YDOT SSSYP - FY21   | 130                        | 2015          | 1                    | thru             | Public request. Provides thru road connection to primary route (Rt 151). Advanced in priority to take advantage of reduced cost resulting from recent maintenance. Property Owner Notification has been sent and Resolution Scheduled for July 2018. | 2007                                 |           |
| 3  | 712 North Garden Lane                 | Rt 692 - Rt. 29                                   | 0.87         | In YDOT SSSYP - FY19   | 290                        | 2012          | 4                    | thru             | Public request. Serves former DA Village/VR zoning. Access to primary road. (Rt. 29)   |                                      | \$122,500 |
| 4  | 712 Coles Rolling Road                | Rt 713 - Rt 795                                   | 2.75         | In YDOT SSSYP - FY21   | 300                        | 2012          | 3                    | thru             | Public request. Provides thru road connection to primary route (Rt. 29)  |                                      | \$152,250 |
| 5  | 720 Harris Creek Road                 | Rt 20 - Dead End                                  | 0.38         | In YDOT SSSYP - FY19   | 190                        | 2012          | 0                    | dead end         | Provides thru road connection  | 2007                                 | \$481,250 |
| 6  | 707 Blair Park Road                   | Rt 691 - Dead End                                 | 0.28         | In YDOT SSSYP - FY21   | 180                        | 2012          | 0                    | dead end         | Public request. Serves large orchard operation   |                                      | \$66,500  |
| 7  | 612 Hammocks Gap Road                 | Rt 20 - Dead End                                  | 1.65         | Not Funded             | 170                        | 2015          | 0                    | dead end         | Public Request - Only portion closest to Rt 20 can be done under Rural Rustic Program.   | 2016                                 | \$49,000  |
| 8  | 760 Red Hill School Road              | Rt 29 - Rt. 712                                   | 1.53         | Not Funded             | 140                        | 2012          | 1                    | thru             | Public request. Provides access to school. Serves former DA Village/VR zoning. Provides thru road connection to primary road (Rt. 29), previously killed by residents (Lt Palmer)  | 2011                                 | \$287,750 |
| 9  | 721 Old Dominion Road                 | Rt 6 - Rt. 630                                    | 1.21         | Not Funded             | 130                        | 2012          | 0                    | thru             | Public request. Serves active quarry site (soapstone)  | 2006                                 | \$211,750 |
| 10   | 656 Burton Lane                       | Rt 711 - Dead End                                 | 0.4          | Not Funded             | 130                        | 2012          | 0                    | dead end         | Public request. Rt 711 also unpaved (310100 acft)  | 2007                                 | \$70,000  |
| 11   | 633 Cove Garden                       | Rt 29 - Rt. 712                                   | 4.5          | Not Funded             | 120                        | 2015          | 1                    | thru             | Public request. Provides thru road connection to primary road (Rt. 29)   | 2004                                 | \$387,500 |
| 12   | 600 Stony Point Pass                  | Rt 231 - 2.5 miles east of Rt 281                 | 2.5          | Not Funded             | 70                         | 2015          | 3                    | thru             | Public request. Provides thru road connection between Rt 20 to Rt 231 over Southwest Mtns  |                                      | \$437,500 |
| 13   | 736 Whites Mountain Road              | Rt 635 Craig Store Road - Rt. 636 Bealesville Rd. | 2.6          | Not Funded             | 80                         | 2012          | 0                    | thru             | Public request. <b>Opposition to the project has been noted</b>  |                                      | \$455,000 |
| 14   | 723 Sharon Road                       | Rt 6 - Rt. 722                                    | 1.85         | Not Funded             | 70                         | 2012          | 0                    | thru             | Public request.  |                                      | \$393,750 |
| 15   | 813 Starlight Road                    | Rt 712 - Dead End                                 | 0.5          | Not Funded             | 70                         | 2012          | 0                    | dead end         | Public request   | 2004                                 | \$87,500  |
| 16   | 769 Beam Road                         | Rt 1484 - Dead End                                | 0.27         | Not Funded             | 50                         | 2012          | 0                    | dead end         | Public request. May not be eligible for traditional paving funds due to traffic counts below 50  |                                      | \$47,250  |
| 17   | 628/624 Browns Gap TP/Heckerters Lane | Rt 810 - end of Rt 624                            | 1.5          | Not Funded             | 30                         | 2015          | 1                    | dead end         |  | 2010                                 | \$282,500 |
| NOTES:<br>YDOT makes the determination on whether a road is eligible for RRP paving. All projects are placed on the regular paving list until the determination is made by YDOT [Some projects may not be completed as prioritized due to project complexity and/or available funding]<br>If a road is not eligible for RRP paving, it will be added to the regular paving list.<br>If a road is not eligible for RRP paving, it will be added to the regular paving list. |                                       |   |              |                        |                            |               |                      |                  |  |                                      |           |

NOTES:  
YDOT makes the determination on whether a road is eligible for RFR paving. All projects are placed on the regular paving list until the determination is made by YDOT. [Some projects may not be completed as prioritized due to project complexity and/or available funding]  
Green print = updated traffic data.

| REGULAR PAVING PROJECTS IN PRIORITY ORDER (HIGH TO LOW) |                          |                                  |              |                |                            |               |            |                                      |  |
|---|--------------------------|----------------------------------|--------------|----------------|----------------------------|---------------|------------|--------------------------------------|--|
| Current Priority  | Route Number, Road Name  | Location From - To               | Length (mi.) | Funding Status | Most Current Traffic Count | Year of Count | crash data | Year Project placed on Priority List | Description/Comments   |
| 18  | 848 Hto Mills Road       | Rt. 29 - Rt. 743                 |              | In VDOT SSYP   | 700                        | 2012          | 4          | 2003                                 | Staff request. Seaves Bavel Area, provides access to quarry, provides thru road connection to primary road (Rt. 29). Recommended in Comp. Plan and LRTP. Will need reevaluation upon completion of Connector Road. |
| 19  | 829 Horshoe Bend Road    | Rt. 601 - Dead End               |              | Not Funded     | 210                        | 2008          |            | 2004                                 | Public request. At current ranking due to traffic count.   |
| 20  | 761 Briery Creek Road    | Rt. 622 - County Line            |              | Not Funded     | 160                        | 2008          |            | 2005                                 | Public request. At current ranking due to traffic count.   |
| 21  | 882 Broad Ave Road       | Rt. 637 - current paved sections |              | Not Funded     | 160                        | 2008          |            |                                      | Public request. At current ranking due to traffic count.   |
| 22  | 889 Burch's Creek Road   | Rt. 250 - Rt. 635                |              | Not Funded     | 140                        | 2008          |            |                                      | Public request. At current ranking due to traffic count.   |
| 23  | 840 Gilbert Station Road | Ashleigh Way Dr - paved section  |              | Not Funded     | 120                        | 2008          |            |                                      | Public request. At current ranking due to traffic count. (previously Founding Creek Fwy)   |
| 24  | 898 Hungtown Road        | Rt. 633 - Dead End               |              | Not Funded     | 90                         | 2008          |            | 2006                                 | School transportation request  |
| 25  | 800 Stony Point Pass     | 2.5 miles west - Rt.20           |              | Not Funded     | 80                         | 2008          |            |                                      | Public request. At current ranking due to traffic count.   |
| 26  | 834 Spring Valley Road   | Rt. 633 - Rt. 635                |              | Not Funded     | 80                         | 2008          |            | 2007                                 | Public request. At current ranking due to traffic count.   |
| 27  | 883 Shelton Mill Road    | Rt. 751 - Dead End               |              | Not Funded     | 70                         | 2009          |            | 2007                                 | Public request. At current ranking due to traffic count.   |

| UNPAVED ROADS SECTIONS REMOVED BY BOARD OF SUPERVISORS |                            |        |              |                            |               |            |                              |  |
|--|----------------------------|--------|--------------|----------------------------|---------------|------------|------------------------------|--|
| Road Name/No.  | Location from - to         | Length | year removed | Most Current Traffic Count | Year of Count | Crash Data | Year Placed on Priority List | Description/Comments                                     |
| 867 Catterton Road                                     | Rt. 601 to east of Rt. 676 |        |              |                            |               |            |                              |  |
| 862 Bleak House Road                                   | Rt. 685 to Rt. 680         |        | 2010         |                            |               |            |                              |  |
| 837 Dick Woods Road                                    | Rt. 691 to Rt. 758         |        | 2014         |                            |               |            |                              |  |
| 795 Elenhelm Road                                      | north and south of Rt. 713 |        | 2012         |                            |               |            |                              |  |
| 871 Ballads Mill Road                                  | Rt. 609 - Rt. 674          |        | 2017         | 260                        | 2008          |            | 2007                         | School transportation request                            |
| 874 Sugar Ridge Road                                   | Rt. 614 - Rt. 673          |        | 2017         | 180                        | 2008          |            |                              | Public request. At current ranking due to traffic count. |
| 871 Wesley Chapel Road                                 | Rt. 609 - Rt. 601          |        | 2017         | 100                        | 2008          |            | 2007                         | School transportation request                            |
| 878 Decca Lane   | Rt. 676 - Rt. 614          |        | 2017         | 160                        | 2008          |            |                              | Public request. At current ranking due to traffic count. |

**ORDINANCE NO. 18-A(2)**

**AN ORDINANCE TO ADOPT AND APPROVE AN AGREEMENT  
TO OPERATE A JOINT CONVENTION AND VISITORS' BUREAU  
BETWEEN THE COUNTY OF ALBEMARLE, VIRGINIA AND  
THE CITY OF CHARLOTTESVILLE, VIRGINIA FOR  
THE JOINT FUNDING AND OPERATION OF  
THE CHARLOTTESVILLE-ALBEMARLE  
CONVENTION AND VISITORS' BUREAU**

**WHEREAS**, the County and the City are each enabled by Virginia Code § 15.2-940 to "expend funds from the locally derived revenues of the locality for the purpose of promoting the resources and advantages of the locality"; and

**WHEREAS**, the County and the City are each enabled by Virginia Code § 15.2-1300 to jointly exercise the authority granted to them pursuant to Virginia Code § 15.2-940; and

**WHEREAS**, the County and the City entered into an agreement on July 1, 2004 for the joint funding and operation of the Charlottesville-Albemarle Convention and Visitors Bureau ("CACVB") to promote the resources and advantages of the County and the City; and

**WHEREAS**, the July 1, 2004 agreement was terminated by the County and the City, and the termination's effective date is June 30, 2018; and

**WHEREAS**, the County and the City desire to continue the joint funding and operation of the CACVB to promote the resources and advantages of the County and the City as provided in the agreement attached hereto as Attachment A.

**NOW, THEREFORE, BE IT ORDAINED THAT** the Agreement to Operate a Joint Convention and Visitors' Bureau between the County of Albemarle, Virginia and the City of Charlottesville, Virginia pertaining to the joint funding and operation of the Charlottesville-Albemarle Convention and Visitors' Bureau is hereby approved, and that the County Executive is hereby authorized to execute the Agreement on behalf of the County of Albemarle after it is approved as to form by the County Attorney.

**This ordinance shall be effective immediately.**

## AGREEMENT TO OPERATE A JOINT CONVENTION AND VISITORS' BUREAU

THIS AGREEMENT is entered into this 28<sup>th</sup> day of June, 2018, by and between the County of Albemarle, Virginia (the "County") and the City of Charlottesville, Virginia (the "City"). This agreement may be referred to as the "CACVB Agreement" and "this Agreement." The County and the City may be referred to collectively as the "Parties."

### RECITALS

- R-1** The County and the City are each enabled by Virginia Code § 15.2-940 to "expend funds from the locally derived revenues of the locality for the purpose of promoting the resources and advantages of the locality"; and
- R-2** The County is enabled by Virginia Code § 58.1-3819 to expend Transient Occupancy Taxes collected by it (amounts in excess of two percent of the total five percent authorized to be collected) solely for tourism and travel, marketing of tourism or initiatives that, as determined after consultation with tourism industry organizations, including representatives of lodging properties located in Albemarle County, attract travelers to the County, increase occupancy at lodging properties, and generate tourism revenues within the County; and
- R-3** The County and the City are each enabled by Virginia Code § 15.2-1300 to jointly exercise the authority granted to them pursuant to Virginia Code § 15.2-940, and they desire to enter into an agreement with one another to continue to jointly fund and operate the local convention and visitors' bureau; and
- R-4** The County and the City desire to promote the resources and advantages of the County and the City, and to do so through the Charlottesville-Albemarle Convention and Visitors' Bureau as provided in this Agreement.

### STATEMENT OF AGREEMENT

The County and the City agree to the following:

#### **1. Convention and Visitors' Bureau Established and Authorized.**

The Charlottesville-Albemarle Convention and Visitors Bureau (the "CACVB") is re-established and re-authorized.

#### **2. Purpose of the CACVB.**

The purpose of the CACVB is to promote the resources and advantages of the County, the City, and the region pursuant to the terms and conditions of this Agreement, including marketing of tourism, as well as marketing of initiatives that: attract travelers to the City and County, increase lodging at properties located within the City and County, and generate tourism revenues within the City and County.

#### **3. Organization of the CACVB.**

The CACVB shall be organized to have an Executive Board, an Advisory Board, an Executive Director, and staff serving the CACVB.

##### **A. Executive Board.** An Executive Board is hereby established, and its composition and powers and duties are as follows:

- 1. Composition.** The Executive Board shall be composed of the following nine voting members and four non-voting members:
  - a.** One member of the County Board of Supervisors.
  - b.** One member of the Charlottesville City Council.

- c. The County Executive or his designee.
  - d. The Charlottesville City Manager or his designee.
  - e. The County Director of Economic Development or his designee.
  - f. The City Director of Economic Development or his designee.
  - g. The Executive Vice President of the University of Virginia or his designee.
  - h. One tourism industry organization representative appointed by the Board of Supervisors for a two-year term; no person serving under this appointment may be appointed to more than four consecutive two-year terms, exclusive of time served in the unexpired term of another.
  - i. One tourism industry organization representative appointed by the City Council for a two-year term; no person serving under this appointment may be appointed to more than four consecutive two-year terms, exclusive of time served in the unexpired term of another.
  - j. The Executive Director of the CACVB (non-voting member).
  - k. The Chair of the Advisory Board (non-voting member).
  - l. A representative of the Chamber of Commerce (non-voting member).
  - m. The President or Chief Executive Officer of the Thomas Jefferson Foundation or his designee (non-voting member).
2. **Appointments to the Executive Board.** The members of the County Board of Supervisors and the Charlottesville City Council who shall serve on the Executive Board shall be appointed by their respective governing bodies for terms determined by the respective governing bodies. The County Board of Supervisors and the Charlottesville City Council may appoint alternates to attend any meeting(s) that the regular appointee cannot attend. An alternate attending a meeting in place of the regular member may vote on behalf of the Board or Council at any such meeting.
3. **Powers and Duties of the Executive Board.** The Executive Board shall:
- a. **Adopt a Strategic Plan.** Adopt a strategic plan for the CACVB that is consistent with the purposes of the CACVB.
  - b. **Adopt By-laws.** Adopt by-laws, which shall include procedures and rules for electing a chair, a vice-chair, the conduct of its meetings, and regulating the business of the Executive Board.
  - c. **Adopt Policies and Plans.** Adopt any policies or plans consistent with the purposes of the CACVB and that may provide direction to the CACVB.
  - d. **Marketing Strategies, Performance Measures, and Indicators.** Approve general marketing strategies and programs, and establish performance measures and indicators.
  - e. **Hold Meetings; Quorum; Voting.** Hold a regular meeting at least once every two months. Each meeting shall be conducted in compliance with the Virginia Freedom of Information Act (Virginia Code § 2.2-3700 *et seq.*). Four voting members of the Executive Board physically present at the meeting shall constitute a quorum. The Executive Board shall act only by a majority vote of those voting members present and voting at a lawfully held meeting.
  - f. **Adopt a Budget.** Adopt a budget for the CACVB's operations and activities each fiscal year.

- g. **Contracts.** Acting through its Executive Director, arrange or contract for (in the name of the CACVB) the furnishing by any person or company, public or private, of goods, services, privileges, works or facilities for and in connection with the scope of Section 2 of this Agreement, above and the administrative operations of the CACVB and its offices. The contracts may include any contracts for consulting services related to tourism marketing and to promoting the County, the City, and the region.
  - h. **Appoint the Executive Director; Performance; Termination.** The Executive Board shall appoint the Executive Director, who shall serve at the pleasure of the Executive Board, and evaluate the Executive Director's performance each year. If the CACVB does not have an Executive Director or an interim Executive Director on July 1, 2018, until the Executive Board appoints an interim or permanent Executive Director, the County shall provide an employee currently on its payroll to serve as an interim Executive Director for the CACVB, commencing July 1, 2018 and continuing only until such time as the newly constituted Executive Board has appointed an interim or permanent Executive Director.
  - i. **Offices.** The CACVB shall provide regular staffed visitor services at one location within the City of Charlottesville and one location within the County of Albemarle. Additional locations may be approved by the Executive Board. The Executive Board shall approve the location and terms and conditions for purchasing or leasing any CACVB office(s), and may, by recorded vote or resolution, authorize the Executive Director to execute any required instrument pertaining thereto.
  - j. **Official Seal.** Establish and maintain an official seal, which may be altered at will, and to use it, or a facsimile of it, by impressing or affixing it, or in any other manner reproducing it.
- B. **Advisory Board.** A seven-member Advisory Board is hereby established, and its composition and powers and duties are as follows:
- 1. **Composition.** The initial membership of the Advisory Board shall be composed of those members of the Management Board appointed pursuant to the July 1, 2004 Agreement and whose terms have not expired as of June 30, 2018. The initial Advisory Board members shall continue to serve as members of the Advisory Board until their terms expire under their appointment (the "Holdover Term"). Thereafter, the Executive Board shall appoint each member to the Advisory Board as provided in subsection 3(B)(2), as each Holdover Term expires.
  - 2. **Appointments to the Advisory Board.** The Executive Board shall appoint persons to serve on the seven-member Advisory Board as follows:
    - a. **Qualifications.** Any person appointed to the Advisory Board shall have experience or expertise in the local tourism industry ("stakeholders").
    - b. **Terms and Term Limits.** Each appointment to the Advisory Board, other than to fill a vacancy during an appointee's term, shall be for a two-year term. No person may be appointed to more than four consecutive two-year terms in an appointed seat, exclusive of time served in the unexpired term of another.
    - c. **Filling a Vacancy.** The Executive Board may fill a vacancy according to procedures set forth within its duly adopted bylaws and procedures. An appointment to fill a vacancy arising during an unexpired appointee's term shall be only for the remainder of the unexpired term. In making appointments to the Advisory Board, the Executive Board shall ensure that the Advisory Board always contains at least three (3) County stakeholders and at least three (3) City stakeholders.

- d. **Holdover.** Any member of the Advisory Board whose term expires may continue to serve on the Advisory Board until a successor is appointed.
- 3. **Powers and Duties of the Advisory Board.** The Advisory Board has the following powers and duties:
  - a. **Meetings; Quorum; Voting.** The Advisory Board shall hold a regular meeting at least once every two months. Each meeting shall be conducted in compliance with the Virginia Freedom of Information Act (Virginia Code § 2.2-3700 *et seq.*). Four members of the Advisory Board physically present at the meeting shall constitute a quorum. The Advisory Board shall act only by a majority vote of those members present and voting at a lawfully held meeting.
  - b. **Advisor to the Executive Board.** The Advisory Board shall serve as an advisor to the Executive Board. This duty includes, but is not limited to, making recommendations to the Executive Board pertaining to marketing strategies and performance measures and performance indicators.
  - c. **Reports.** Prepare and provide reports to the Executive Board pertaining to matters within the scope of Section 2 of this Agreement.
  - d. **Committees.** Establish committees to research and provide reports to the Advisory Board on issues pertaining to promoting the resources and advantages of the County, the City, and the region.
- C. **Executive Director.** The position of Executive Director is hereby established. The powers and duties of the Executive Director are as follows:
  - 1. **Promotion.** Promote the resources and advantages of the County, the City, and the region pursuant to the terms and conditions of this Agreement, the Strategic Plan, and other policies and plans adopted by the Executive Board within the scope of Section 2 of this Agreement, subject to the following:
    - a. **Services Provided Until Executive Board Directs Otherwise.** Beginning July 1, 2018, and until the Executive Board directs otherwise, the Executive Director and the persons hired to provide services for the CACVB shall provide the services identified in **Attachment A**, incorporated by reference herein.
    - b. **Services Identified by the Executive Board to be Provided.** When the Executive Board identifies different or additional services to be provided by the CACVB, the Executive Director and the persons hired to provide services for the CACVB shall provide those services. The different or additional services may include, but are not limited to, expanding destination packages focusing on the arts, wineries, breweries, and distilleries; promoting heritage and cultural tourism and including this area's African-American heritage; promoting agritourism; promoting outdoor recreational tourism for activities such as hiking, bicycling, kayaking, and canoeing; and developing and promoting events and activities related to the arts, local resources, and local businesses.
  - 2. **Budgeting.** Recommend an annual budget to the Executive Board.
  - 3. **Contracting.** Execute contracts on behalf of the CACVB; perform the duties of purchasing officer on behalf of the Executive Committee, subject to compliance with Albemarle County procurement ordinances and procedures. The Executive Director shall procure all goods and



services in compliance with the County's procurement laws and procedures, or may delegate procurement responsibilities to the County's purchasing agent.

4. **Reports.** The Executive Director shall provide to the Executive Board any reports required by this Agreement or requested by the Executive Board.
5. **Distribute the Budget and Provide a Balance Sheet.** The Executive Director shall provide the CACVB's adopted annual budget to the County and the City and a balance sheet showing the CACVB's revenues and expenditures for the prior fiscal year and the fund balance, if any, from the prior fiscal year. The budget and the balance sheet shall be provided by December 31 each year.
6. **Employees.** The Executive Director shall recruit, hire, and manage persons to be employed to perform services for the CACVB, subject to Section 8 of this Agreement.

#### 4. **Funding the CACVB.**

The CACVB shall be funded as follows:

- A. **Funding Cycle.** The County and the City agree to fund the activities and responsibilities of the CACVB during each Fiscal Year (July 1 through June 30 of each calendar year) in which this Agreement remains in effect, beginning with the Parties' Fiscal Year 2019.
- B. **Funding Levels.** Subject to Subsection 4(F), the County and the City shall provide funding for the CACVB in each Fiscal Year in an amount equal to 30 percent of its Transient Occupancy Tax revenues collected by it in the most recent Fiscal Year ("Actuals"). This specified percentage and obligation is based on, and specifically limited to, a Transient Occupancy Tax of five percent in each locality. If either the County or the City enacts a Transient Occupancy Tax greater than five percent, that Party's funding obligation under the formula in this subsection is not changed by the increase in the tax rate for the Transient Occupancy Tax.
- C. **Payments to the Fiscal Agent.** Annual funding provided pursuant to Subsection 4(B) shall be delivered by the Party that is not the Fiscal Agent to the Party that is the Fiscal Agent in equal quarterly payments, payable on July 1, October 1, January 1, and April 1 each year, due upon receipt of an invoice from the Fiscal Agent.
- D. **Budget.** The budget prepared and recommended by the Executive Director, shall be presented to the Executive Board, and the recommended budget shall use the Actuals provided by the County and the City and referenced in Subsection 4(B), and any other revenue sources. Following receipt of a recommended budget from the Executive Director, the Executive Board shall take action to approve an annual budget, no later than May 1 each calendar year.
- E. **Documenting Costs.** All costs incurred and expenditures made by the CACVB in the performance of its obligations under this Agreement shall be supported by payrolls, time records, invoices, purchase orders, contracts, or vouchers, and other documentation satisfactory to the County and the City, evidencing in proper detail the nature and propriety of the costs. Records shall be maintained in accordance with Virginia law. Upon request by either the County or the City, the Executive Director shall allow City or County officials to inspect the documentation and records pertaining in whole or in part to this Agreement, or the Executive Director may, if acceptable to the requesting party, provide reports summarizing information within CACVB's records.
- F. **Appropriations.** Notwithstanding any other provisions of this Agreement, the County's and the City's obligation to fund the CACVB is expressly contingent upon the availability of public funds

derived from Transient Occupancy Tax revenues and the annual appropriations of those funds thereof by the Parties. The City's appropriations of funds for the promotion and advertisement of the City are and shall be further subject to the provisions of Section 21 of the City's Charter.

**5. Permitted and Prohibited Uses of Funds, Goods, and Services by the CACVB.**

The CACVB shall expend revenues and use its funds, goods, and services only as follows:

- A. **Purposes for Which Tax Revenues May be Spent.** Revenues appropriated by the County and the City to the CACVB shall be expended only for the purposes for which their respective Transient Occupancy Tax revenues may be spent, as may be governed by state enabling legislation, the City's charter, and local ordinances.
- B. **Prohibited Use of Funds, Goods, and Services for Political Purposes.** The CACVB shall not expend its funds, use its materials or property, or provide services, either directly or indirectly, for any partisan political activity, to further the election of, or to defeat, any candidate for public office.

**6. Duration of this Agreement; Termination.**

This Agreement shall be effective on July 1, 2018 and remain in effect until it is terminated by the Parties, or either of them, as follows:

- A. **Termination by One Party.** Either the County or the City may terminate this Agreement by giving at least six months' written notice to the other Party.
- B. **Termination by Mutual Agreement.** The County and the City may mutually agree to terminate this Agreement under any terms and conditions they agree to.
- C. **Termination by Non-appropriation.** If either the County or the City fails to appropriate funds in the amount required to support its obligations under this Agreement for a subsequent fiscal year, then this Agreement shall automatically terminate at the end of the then-current fiscal year.

**7. Performance.**

The performance of the CACVB shall be measured as follows:

- A. **Until New Performance Measures and Performance Indicators are Adopted.** From July 1, 2018, until the Executive Board adopts new performance measures and performance indicators, the CACVB shall:
  - 1. **Return on Investment.** Meet a return on investment ratio of 7:1 annually that is based on seven dollars of total direct visitor expenditures for every one dollar of funding provided to the CACVB by the County and the City pursuant to the formula in Attachment A.
  - 2. **Performance Measures.** Measure performance using the specific measures in Attachment A.
  - 3. **Performance Indicators.** Track the performance indicators identified in Attachment A.
- B. **Adopted Performance Measures and Performance Indicators.** When the Executive Board adopts a new required return on investment, new performance measures, and new requirements to track performance indicators, the CACVB shall meet and perform those new measures and requirements.

- C. **Audits.** The County and the City may, at their option, request an independent audit of the CACVB's books and records. The cost of the audit shall be shared equally by the County and the City.

8. **Fiscal Agent Designation; Services.**

The County and the City will provide the following fiscal services for the CACVB:

- A. **Fiscal Agent.** The City will continue to serve as Fiscal Agent for the CACVB through December 31, 2018. Effective January 1, 2019, the County shall serve as Fiscal Agent for the CACVB. The Fiscal Agent shall be entitled to a fee of two percent of the Actuals referenced in Section 4(B) as compensation for acting as Fiscal Agent. This fee may be deducted from the Fiscal Agent's funding contribution pursuant to Section 4 each year.
- B. **Insurance.** The County will provide liability insurance coverage to the CACVB.
- C. **Legal Services.** The City Attorney will continue to provide legal services to the CACVB through December 31, 2018. Commencing on January 1, 2019, the County Attorney shall provide legal services to the CACVB, provided that representation does not create a conflict of interest under any rules of professional responsibility or other ethical rules of conduct. In the event any such conflict arises, the County Attorney shall so advise the Executive Board, so that the Executive Board may make necessary arrangements to obtain legal services. If the County Attorney anticipates any such conflict(s), he shall advise the Executive Board prior to January 1, 2019.
- D. **Other Services.** The County shall act as the CACVB's accounting and disbursing office; provide personnel administration services; maintain personnel and payroll records; provide information technology services; provide procurement services and maintain purchasing accounts and monthly statements; and contract for annual audits. Personnel administration shall include the matters referenced in paragraph E, following below.
- E. **Personnel Administration.** The employment of the Executive Director and any other persons hired to perform services for the CACVB are subject to the following:
1. **County Employees.** Any Executive Director or other person hired on or after July 1, 2018 to perform services for the CACVB shall be hired as an employee within the County's personnel and payroll systems.
    - a. **Transition of Employees Hired Prior to July 1, 2018.** Effective January 1, 2019, or as soon thereafter as the County and the City have created and funded an Employee Transition Plan, any person who was hired prior to July 1, 2018 to perform services for the CACVB shall be transitioned to become an employee of the County and shall be classified within the County's pay system and shall be paid in accordance with the County's payroll system and policies and its personnel policies. Until January 1, 2019, all such employees shall remain within the City's personnel/payroll system.
    - b. **Pay and Benefits for Transitioning Employees.** Within their Employee Transition Plan, the City and the County shall provide benefits and funding, as necessary to assure, to the fullest extent practicable, that no employee will lose pay or retirement benefits as a result of making the transition from City to County employment. With respect to retirement benefits, it is the intention of the Parties to keep each person transitioning from City to County employment whole, and to ensure that they neither lose retirement credit for time employed nor monetary contributions made to the City's retirement plan.
  2. **Duty Owed to Both the County and the City.** The Executive Director and any other persons hired to perform services for the CACVB owe a duty of good faith and trust to the CACVB

itself as well as to both the County and the City as the localities which provide public funding for the CACVB.

- F. **Sooner Transfer of Fiscal Agency.** Notwithstanding the January 1, 2019 date for fiscal agency to transfer from the City to the County as provided in this section, fiscal agency may transfer sooner if the County and the City have created and funded the Employee Transition Plan as provided in subsections 8(E)(1)(a) and (b) and the County and the City are otherwise prepared for fiscal agency to transfer.

**9. Disposition of Property Upon Termination or Partial Termination.**

Upon the expiration or earlier termination of this Agreement, all personal property of the CACVB shall be and remain the joint property of the County and the City for disposition, and the proceeds of disposition shall be pro-rated between the County and the City in accordance with the ratio of the amounts provided by each of them to the CACVB: (i) as capital contributions since 1979; and (ii) as contributions of operating funds during the 10 years preceding the date of termination, as compared with the aggregated contributions of the County and the City during that same 10-year period.

**10. Liability.**

Any liability for damages to third parties arising out of or in connection with the operations and activities of the CACVB and any persons employed to provide services for the CACVB shall be shared jointly by the County and the City, to the extent that any liability is not covered by funding within the CACVB's budget or liability insurance proceeds, and only to the extent that the County and the City may be held liable for damages under the laws of the Commonwealth of Virginia.

**11. Miscellaneous.**

- A. **Ownership of Materials; Copyright; Use.** Any materials, in any format, produced in whole or in part pursuant to this Agreement are subject to the following:
1. **Ownership.** The materials are jointly owned by the County and the City.
  2. **Copyright.** The materials are copyrightable only by the County and the City. Neither the CACVB, the Executive Board, nor any of its members, the Advisory Board, nor any of its members, the Executive Director, any CACVB employee, nor any other person or entity, within the United States or elsewhere, may copyright any materials, in any format, produced in whole or in part pursuant to this Agreement.
  3. **Use.** The County and the City shall have unrestricted authority to publish, disclose, distribute and otherwise use, in whole or in part, any reports, data or other materials prepared by or for the CACVB pursuant to this Agreement.
- B. **Amendments.** This Agreement may be amended in writing as mutually agreed by the County and the City.
- C. **Assignment.** The CACVB shall not assign any interest in this Agreement and shall not transfer any interest in this Agreement, whether by assignment or novation, without the prior written consent of the County and the City.

- D. **Severability.** If any part of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable, that determination shall not affect the validity or enforceability of any other part of this Agreement.
- E. **Entire Agreement.** This Agreement contains the entire agreement of the County and the City and supersedes any and all other prior or contemporaneous agreements or understandings, whether verbal or written, with respect to the matters that are the subject of this Agreement.
- F. **Applicable Law.** This Agreement shall be governed by and construed and enforced in accordance with the laws of the Commonwealth of Virginia.
- G. **Approval Required.** This Agreement shall not become effective or binding upon the County and the City until it is approved by ordinances of the Charlottesville City Council and the Albemarle County Board of Supervisors.

IN WITNESS WHEREOF, and as authorized by duly adopted ordinances of the Albemarle County Board of Supervisors and the Charlottesville City Council, the County and the City each hereby execute this Agreement as of the date first above written, by and through their respective authorized agents or officials:

**CITY OF CHARLOTTESVILLE, VIRGINIA**

By: Maurice Jones  
City Manager

Approved as to Form: L. P. Hunter  
City Attorney

**COUNTY OF ALBEMARLE, VIRGINIA**

By: Jeff Blum  
County Executive

Approved as to Form: Jim Knight  
County Attorney

## Attachment A

### A. Services

The CACVB shall perform the following services for the benefit of the County and the City in a satisfactory and proper manner, as they determine:

1. **Meeting Booking and Sales.** The CACVB shall respond to inquiries, provide information to the public, and as part of its convention marketing efforts, shall aggressively promote the bookings and sales of sites within the City and the County for regional, national, and international conventions, trade shows, and corporate meetings.
2. **Convention Services.** The CACVB shall provide customary convention services to those clients who have booked their convention or meeting through the CACVB. All other conventions or meetings will be serviced on an availability basis. The particular services to be provided depend upon the agreement between the CACVB and the meeting planner at the time of booking and other requests, which may be made in the course of servicing the convention or meeting. Customary convention services may include but are not limited to the following:
  - a. Assistance in promoting attendance.
  - b. Visitors guides and appropriate literature.
  - c. Shuttle bus coordination.
  - d. Attraction and itinerary scheduling.
  - e. Dining and restaurant scheduling.
  - f. Bonded registration.
  - g. Tourism information tables.
3. **Tourism.** The CACVB shall promote tourism within the County and the City. Strategies may include but are not limited to: visitor information services; attendance at industry and travel/trade, consumer, planner, hotel and attraction conferences and meetings; and responses to phone inquiries, advertising, public relations, promotions, and packaging. The CACVB will oversee the operation and maintenance of at least one visitor center within the City and at least one visitor center in the County.
4. **Reports.** The CACVB shall advise the County and the City advised of its activities and accomplishments, and shall deliver the following reports:
  - a. The CACVB shall provide to the Parties an annual marketing/operational plan ("Marketing Plan") submitted annually on or before December 31 each year, which includes at a minimum: situation analysis, measurable expected outcomes, data driven rationale for strategies, and budget reflecting strategies.
  - b. The CACVB shall provide to the Parties quarterly reports of the following: (i) program performance, including a comparison of the CACVB's performance during the quarter with the performance goals set forth in sections B, C and D; and (ii) tracking report of the performance measures listed in section C; and (iii) an expenditures report, accounting for dollars spent for marketing, promotion, publicity, and advertisement, shown by category. The quarterly performance reports shall be submitted to the Parties within 30 days after the end of each quarter that this Agreement is in effect.
  - c. On or before September 1 each year, the CACVB shall provide to the Parties an annual report of the outcome of the contract performance measures for the previous year. The Parties will review the annual report no later than October 1 and determine compliance with the return on investment. The Parties will provide these findings to the CACVB.

- d. When requested by either or both Parties, the CACVB shall provide statements, records, reports, data, and any other information, pertaining to matters covered by this Agreement.

## B. Calculating "Direct Visitor Expenditures"

The term "direct visitor expenditures" shall refer to the following sum:

### Group room revenue

[(*Group Room Nights Booked*) x (*ADR\**)]

plus

[(*# of delegates/visitors*) x (*# days spent in City/County*) x (*ADE\*\**)]

\$ \_\_\_\_\_

### Leisure inquiries (consumer and trade)

[ (*room nights generated*) x (*ADR\**) ]

plus

(*# of visitors*) x (*# days spent in City/County*) x (*ADE\*\**)]

\$ \_\_\_\_\_

### Direct Visitor Expenditures

\$ \_\_\_\_\_

### Off Season Adjustment

Add 20% to direct expenditures in off-season (off-season shall be November, December, January and February of each year).

\$ \_\_\_\_\_

### Total Direct Visitor Expenditures

\$ \_\_\_\_\_

\***ADR** = Average Daily Rate (calculated annually by CACVB based on research)

\*\***ADE** = Average Daily Expenditure (excluding room rate) (calculated annually by CACVB, based on research, excluding room rate)

## C. Performance Measures

Performance Measures shall be utilized to indicate the performance of the CACVB. These measures will be used to calculate the total economic expenditure for inclusion in the formula set forth within paragraph A, above:

| Performance Measures  | Tracking Mechanisms  | Target   |
|---|--|--|
| 1. ROI (total direct expenditures ÷ \$ invested)            | ROI Formula  | 7:1  |
| 2. Room nights booked for meeting groups                    | CACVB tracking,<br>Through Sales Department<br>Software programs | Determined by<br>CACVB via<br>marketing plan<br><br>Supported by<br>research/rationale |
| 3. Group tour definite bookings                             | CACVB tracking   | Determined by<br>CACVB via<br>marketing plan   |
| 4. Leisure inquiries converted<br>(consumer and trade)      | Conversion<br>Analysis   |  |
| 5. Destination awareness<br>(trade and consumer)            | Contract with outside resource                                   | Supported by<br>research/rationale   |
| 6. Coop Resources Raised<br>(in kind, marketing, alliances) | CACVB tracking   | Equal to 25% of total<br>marketing budget  |
| 7. Media Coverage (scope,<br>demographics, reach)           | Clipping Service   | Determined<br>by CACVB   |
| 8. Overhead expenditures*                                   | CACVB budget   | Reduce by 5% annually toward<br>goal of <30% of total budget                           |

\*calculations include Finance and Administrative divisions plus support costs for the Executive division

#### **D. Performance Indicators**

CACVB will track certain performance indicators to monitor the performance of the local tourism industry, using the method described below.

| <b>Performance Indicators</b>                | <b>Tracking Mechanisms</b>         |
|--|------------------------------------|
| 1. Economic Impact of Tourism (Annual basis) | Visitor Profile and VTC Statistics |
| 2. Transient Occupancy Tax Collections       | City and County Records            |
| 3. Occupancy                                 | Smith Travel Research Reports      |
| 4. ADR                                       | Smith Travel Research Reports      |
| 5. Length of Stay (Annual basis)             | Visitor Profile                    |
| 6. Per-Person expenditure (Annual basis)     | Visitor Profile                    |
| 7. Attraction Attendance                     | Compilation from Industry Records  |



**ORDINANCE NO. 18-2(3)**

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, ARTICLE 2, BOARD OF SUPERVISORS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 2, Administration, Article 2, Board of Supervisors, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained by amending Section 2-202, Compensation of the Board of Supervisors, as follows:

**Chapter 2. Administration****Article 2. Board Of Supervisors****Sec. 2-202 Compensation of the Board of Supervisors.**

The Board of Supervisors' compensation is as follows:

- A. *Salary*. The salary of each member is \$16,590 per year, effective July 1, 2018.
- B. *Stipend for the chairman*. In addition to the salary, the chairman shall receive an annual stipend of \$1,800.
- C. *Stipend for the vice-chairman*. In addition to the salary, the vice-chairman shall receive a stipend \$35 for each Board meeting chaired.

(6-13-84; 5-8-85; 5-14-86; 7-1-87; 7-6-88; 6-7-89; Ord. of 6-13-90; Ord. of 8-1-90; Ord. of 8-7-91; Ord. of 7-1-92; Ord. No. 95-2(1), 6-14-95; Ord. No. 98-2(1), 6-17-98; Code 1988, § 2-2.1; § 2-202, Ord. 98-A(1), 8-5-98; Ord. No. 99-2(1), 5-5-99; Ord. No. 00-2(1), 6-7-00; Ord. 01-2(2), 6-6-01; Ord. 02-2(2), 5-1-02; Ord. 03-2(1), 6-4-03; Ord. 04-2(1), 6-2-04; Ord. 05-2(1), 6-1-05; Ord. 06-2(1), 6-7-06; Ord. 07-2(1), 6-6-07; Ord. 08-2(2), 6-4-08; Ord. 11-2(1), 5-4-11; Ord. 12-2(1), 5-2-12; Ord. 13-2(1), 5-1-13; Ord. 14-2(1), 6-4-14; Ord. 15-2(1), 6-3-15; Ord. 16-2(1), 6-1-16; Ord. 17-2(2), 6-7-17; Ord. 18-2(2), 4-11-18)

**State law reference** -- Va. Code §§ 15.2-1414.1, 15.2-1414.3.

**This ordinance shall be effective on and after July 1, 2018.**