

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on May 3, 2017, at 1:00 p.m., Lane Auditorium, Second Floor, County Office Building, McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. Norman G. Dill, Ms. Ann Mallek, Ms. Diantha H. McKeel, Ms. Liz A. Palmer, Mr. Rick Randolph (arrived at 1:25 p.m.), and Mr. Brad L. Sheffield.

ABSENT: None.

OFFICERS PRESENT: Interim County Executive, Doug Walker, County Attorney, Greg Kamptner, Clerk, Claudette Borgersen, and Senior Deputy Clerk, Travis O. Morris.

Agenda Item No. 1. Call to Order. The meeting was called to order at 1:02 p.m., by the Chair, Ms. McKeel.

Ms. McKeel also introduced staff present and the presiding security officer, Officer Chip Riley. She also announced that Mr. Randolph was running late, and would be arriving shortly.

Agenda Item No. 2. Pledge of Allegiance.
Agenda Item No. 3. Moment of Silence.

Agenda Item No. 4. Adoption of Final Agenda.

Ms. McKeel noted that there was an addition to the Consent Agenda, an action moving the June 7 meeting time from 1:00 p.m. to 9:00 a.m. so that Supervisors who want to participate in the Monticello High School graduation can attend.

Motion was then offered by Ms. Mallek to adopt the final agenda. Ms. Palmer **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Sheffield, Mr. Dill, Ms. Mallek, Ms. McKeel and Ms. Palmer.

NAYS: None.

ABSENT: Mr. Randolph.

Agenda Item No. 5. Brief Announcements by Board Members.

Mr. Sheffield reported that he would not be present at the May 10, 2017 Board meeting.

Ms. Mallek stated the Rivanna River Basin Commission had met on May 2nd, and she and Mr. Dill had attended as representatives for the County. Ms. Mallek reported that the Commission had adopted a resolution regarding budget cuts for Chesapeake Bay funding, with proposed reductions of \$53 million to \$7 million, which will eviscerate the work done over the past 40 years. She mentioned that a scientist named Bernie Fowler had developed a visibility measurement whereby a person could walk out and measure the distance at which they could see their feet, and 30 years ago it was only 6 inches, but now that distance is 30 inches. She noted that this is important because it means that photosynthesis can better occur.

Ms. Mallek said that bay scallops are returning, seal-watching trips are happening, and there is a new industry in raising oysters, native plant nurseries and other economic growth items around protecting pollinators and wildlife habitat. She said there are a lot of things to look forward to as they consider expanded possibilities for the future economy.

Ms. Mallek provided an update from the Crozet Community Advisory Council and Crozet Community Association, stating that a group of citizens has formed to assist County staff with pre-review of public engagement activities for the future adoption of the Crozet Area Master Plan. She said the master plan was to have been reviewed in 2015, but was behind schedule as a result of several factors. She stated that they are composing a survey to obtain feedback from citizens as to what items are most important. Ms. Mallek mentioned that they are in the process of raising funds and obtaining assistance from the Weldon Cooper Center to conduct a statistical analysis of the survey from a random sample of residents, and they will compare the answers from this sample with the answers from those community residents responding to the survey as a whole. She added that she is mentioning this initiative as it can be something other community advisory councils may wish to try.

Ms. Mallek announced a Memorial Day celebration in Earlysville at the post office at 10:00 a.m. and invited residents to attend, noting that the event is sponsored by VFW Post 2044.

Ms. Mallek announced the Crozet Arts and Crafts Festival will take place May 6 and 7 from 10:00–5:00, with proceeds raising operating funds for Claudius Crozet Park, and she invited all to attend the event.

Ms. Mallek invited Ms. Elaine Echols, Chief of Planning for Community Development, to speak about the community survey being conducted of Crozet residents.

Ms. Echols stated that they asked her to develop the survey document to seek input from Crozet residents. She cited examples of questions: What businesses would you like to have in Crozet? What are your ideas about different parts of the community? Ms. Echols commented that the County is looking forward to seeing the results.

Mr. Dill said he would like to speak with Ms. Echols about developing a community survey of Pantops area residents, as the master plan for this neighborhood is being adopted.

Ms. Echols pointed out that the Crozet survey was not funded by the County and has been a citizen effort, and suggested he work directly with them. However, she said she would help in any way she could.

Ms. Palmer announced the 42nd annual Batesville Day to be held May 6, which will include the Henley Middle School Band, Albemarle Morris Men, Charlottesville Municipal Band, and the Rivanna Winds. She said activities will include the Batesville Market grand opening, a parade starting at 11:00 a.m., a 10K race at 8:00 a.m., a cakewalk and more. She stated that dogs are welcome and invited all to attend.

Ms. Palmer announced that she and Supervisor Dill had attended a Planning Commission meeting on May 2 and learned the results of a GIS green infrastructure mapping study conducted with funds from a Forestry Department grant. She said she hopes a mini-presentation of the results can be made to the Board, as it will provide a big picture understanding of what is going on in the County.

Mr. Walker reminded the Board of a Proclamation approved in March that recognizes the first week in April as Local Government Education Week. He stated that this week conflicts with spring break in the schools so they are conducting some related activities this week, including attendance at today's Board meeting by 10 students and Professor Jim Honeycutt from Monticello High School. He said the students attended an Athenian Oath Program working lunch today and are learning about different aspects of county government, and he looks forward to increasing engagement with schools in future years.

Ms. McKeel praised the program and said the Board is impressed with the agenda and the work staff is doing with students.

Mr. Walker recognized County staff members Ms. Jody Saunders, Ms. Emily Kilroy, Ms. Kristy Shifflett, Ms. Ann McAndrews and others for their involvement.

Agenda Item No. 6. Recognitions.

Item No. 6a. Proclamation recognizing Public Service Recognition Week May 7 through 13, 2017.

Ms. Mallek read and **moved** to adopt the following proclamation in recognition of Public Service Week:

Public Service Recognition Week 2017

WHEREAS, Americans are served daily by public servants at the federal, state, county, and city levels. These unsung heroes do the work that keeps our nation working; and

WHEREAS, public service is among the most demanding and noble of professions; and

WHEREAS, Public Service Recognition Week is observed annually to celebrate and recognize the valuable service that public servants provide to the nation; and

WHEREAS, over 3,000 Albemarle County Local Government and Schools employees work tirelessly to serve our residents, businesses, and visitors, providing them with outstanding customer service while maintaining careful stewardship of the resources with which they have been entrusted; and

WHEREAS, we appreciate the many accomplishments and contributions made daily by these public servants;

NOW, THEREFORE, BE IT RESOLVED, that we, the Albemarle County Board of Supervisors, do hereby recognize

**Sunday, May 7 through Saturday, May13, 2017
as Public Service Recognition Week**

and call upon the citizens of Albemarle County to join their fellow citizens across the County to recognize the significant and important contribution that public employees make to our community.

Mr. Sheffield **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Sheffield, Mr. Dill, Ms. Mallek, Ms. McKeel and Ms. Palmer.

NAYS: None.

ABSENT: Mr. Randolph.

Ms. Mallek then presented to Mr. Walker.

Mr. Walker accepted the proclamation on behalf of all County employees. He recognized the unique relationship between the community and the public servants who work for them. He said Public Service Recognition Week has been celebrated since 1985, and he cited the County's mission to enhance the wellbeing and quality of life for all citizens through the provision of the highest level of public service consistent with the prudent use of public funds. Mr. Walker cited the organizational vision of being one organization committed to excellence and said they have developed an organizational culture in which the sense of the significance, importance and joy of public service drives beliefs and actions. He noted organizational efforts to engage employees around the idea of public service, such as an HR class about what it means to be a public servant that includes the Athenian Oath, which focuses on finding a meaning and higher purpose in citizenship. He listed other examples, such as the "Living Our Values and Leadership At All Levels" awards to employees, and a pancake breakfast for staff.

Item No. 6b. Proclamation recognizing May 7 through 13 as Municipal Clerks Recognition Week.

Ms. McKeel read and **moved** to adopt the following proclamation in recognition of Municipal Clerks Week:

PROCLAMATION
May 7 – 13, 2017 Municipal Clerks Week

WHEREAS, The Office of the Municipal Clerk, is the oldest among public servants and a time honored and vital part of local government; and

WHEREAS, The Office of the Municipal Clerk serves as principal liaison between Albemarle County's Board of Supervisors, staff, and public on correspondence, inquiries and requests for information; and is responsible for handling sensitive, confidential and sometimes controversial information; and

WHEREAS, Municipal Clerks are responsible for the Board of Supervisors' records management process and the permanent retention of all minutes, ordinances, and resolutions adopted by the Board; and coordinates digitizing of official records in conjunction with the State Library; and

WHEREAS, Albemarle County's Municipal Clerks coordinate research and compile information as requested by Board members, staff and citizens; and coordinate and oversee the streaming of audio and video for Board meetings and work sessions; and

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations;

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors proclaims that May 7 – 13, 2017 is hereby designated as Municipal Clerks Week; and further extend appreciation to our Municipal Clerks, Claudette Borgersen, Travis Morris and Sharon Taylor and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Signed and sealed this 3rd day of May 2017.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Randolph, Mr. Sheffield, Mr. Dill, Ms. Mallek, Ms. McKeel and Ms. Palmer.

NAYS: None.

Mr. Tim Keller of the Planning Commission and Mr. Fred Missel of the Architectural Review Board recognized Ms. Sharon Taylor for her service and gave her a copy of the proclamation.

Ms. McKeel recognized Ms. Claudette Borgersen for her service.

Mr. Dill recognized Mr. Travis Morris for his service.

(Note: Mr. Randolph arrived at the meeting at 1:25 p.m.)

Agenda Item No. 7. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Ms. Colleen Keller of the Charlottesville Free Clinic, addressed the Board. She noted that last June, the County had collaborated with the City to renovate the Health Department, which has been completed and will allow them to better serve the community. She noted that the walk-in clinic is now open three mornings per week allowing them to see 12-15 patients vs. 3-4 previously and noted there is a line every morning. She noted they now have a full-time dental hygienist which was really needed and they were just awarded \$90,000 by the Virginia Healthcare Foundation for hygiene and they will be featured in their Heroes for Healthcare next month. She thanked Supervisors for their financial support.

Ms. Taylor Ray, along with other students from Monticello High School, addressed the Board regarding the County courts relocation project. Ms. Ray said that, after closely reviewing all five options, they have come to the conclusion that relocation of the County General District and Circuit Courts to the County Office Building is the best option. She said Option 1, renovating the Levy Opera House, at a net cost of \$39.7 million, is not the best allocation of money because it is the most expensive option. She stated that after speaking with some of those in favor of this option, they concluded this was due to the building's historical context and proximity to the current courthouse. Ms. Ray said this option failed to address the problem of parking restraints, and the money spent on demolition could be better utilized. She added that a building's functionality is more important than its historical context.

Ms. Ray stated that Option 5, to relocate the courts to a County site, would not be practical for all County citizens and it would be best if County courts were to remain in the City, as it would be more convenient for all residents. She said Option 4, to add a three-story addition to the County Office Building to house both courts is the best option, as it will require minimal parking reconfiguration and is still convenient for attorneys who have offices near the current courthouse. Ms. Ray stated that this option provides space for future expansion and that, even though relocation of government offices would cost \$32.8 million, it provides the best option.

Mr. Jacob Gillespie, along with other students from Monticello High School, addressed the Board regarding House Bill 1410 and the topic of college affordability. Mr. Gillespie stated that they conducted research and found it was possible to obtain an associate's degree while in high school, though many students have not taken advantage of this because many schools do not offer the courses to obtain the degree. He said students must pay for dual credit courses, as college courses only count for one-half high school credit. Mr. Gillespie stated that they recommend that Albemarle High School create, implement and promote an early college high school program similar to those in North Carolina, as this would provide students with the resources necessary to pursue this venture. He said they propose the addition of financial aid to supplement a portion of the class, allowing all students to take advantage of this opportunity.

Ms. Dolly Joseph, resident of Samuel Miller District, addressed the Board regarding public access to the proposed Hedgerow Park on 29 South. She stated she is acting as the representative for Ms. Frances Joseph, her mother, and her siblings, the owners of the property. She said she attended the April 12 Board work session and will mention some issues brought up at that meeting. She said she voiced some of her concerns in a letter addressed to Ms. Palmer and the rest of the Board. Ms. Joseph thanked Mr. Randolph for coming out to the property, noting that their property is adjacent to Hedgerow and their driveway has been proposed as the public access to the new park. Ms. Joseph said she would clarify two points, the first being that Ms. Mallek had asked about the exact location of the proposed access. Ms. Joseph stated that the tour they took in January 2016 was through Shepherd's Hill, not the Joseph property. She said Ms. Mallek had also asked about the amount of frontage along Route 29, and the County frontage is about 685 feet while her family's frontage is only 155 feet.

Ms. Joseph stated that one issue is that a survey needs to be done to determine where the right of way for her property is located, as the access to the meadow where the proposed parking lot would be located is the path used to bush hog the field and does not follow the farm road bed, which was the basis for the right of way on the plat submitted in 1980. She said the farm roadbed, which was the likely right of way, went behind a large hill and did not cut over directly into the field. She stated that the confluence of Moores Creek and a feeder stream made the right of way subject to flooding in the surrounding area, including the County's field. She said access to northbound Route 29 from her driveway is dangerous due to a blind curve on Route 29 and the high rate of speed of drivers coming down a steep hill. Ms. Joseph expressed her belief that her driveway is being considered for the public access because it has always been that way, and said Ms. Heyward would park along the driveway and walk up into her property. She expressed concern that thousands of visitors each year would use her family's drive and said that over the years as the Hedgerow project has been discussed, they have had many unwelcome visitors excited at the prospect of having access to the naturalized and rustic property, including a group from The Nature Conservancy that was excited to have access to a log cabin for use as a visitor's center, which is on her property. Ms. Joseph stated that she fears visitors will stray off the property onto her family's property, and asked the Board to encourage staff to keep public access off of her family's property.

Agenda Item No. 8. Consent Agenda.

Motion was then offered by Ms. Palmer to approve Items 8.1 through 8.6a on the consent agenda. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following

recorded vote:

AYES: Mr. Randolph, Mr. Sheffield, Mr. Dill, Ms. Mallek, Ms. McKeel and Ms. Palmer.
NAYS: None.

Item No. 8.1. FY 2017 Appropriations.

The Executive Summary forwarded to the Board states that the Virginia Code §15.2-2507 provides that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget; provided, however, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The Code section applies to all County funds, i.e., General Fund, Capital Funds, E911, School Self-Sustaining, etc. The total increase to the FY 17 budget due to the appropriations itemized below is \$966,090.50. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

This request involves the approval of seven (7) appropriations as follows:

- One (1) Appropriation (#2017091) to appropriate \$142,526.00 to various departments for salary adjustments to address compression. The Reserve for Contingencies component of this appropriation, which is \$51,900.00, will not increase the total County Budget;
- One (1) Appropriation (#2017092) to appropriate \$91,000.00 to the Department of Finance to upgrade the Buy-Speed Online Purchasing (BSO) application;
- One (1) Appropriation (#2017093) to appropriate \$194,464.50 to support the Acquisition of Conservation Easements (ACE) program;
- One (1) Appropriation (#2017094) to appropriate \$90,000.00 in Fire Rescue Services Fund fund balance for the one-time start up costs for the system-wide fleet management position included in the FY 18 Proposed Budget scheduled to be adopted on May 15, 2017. In the event that this position is not approved in the FY 18

Adopted Budget, this funding will not be expended.

- One (1) Appropriation (#2017095) to appropriate \$300,000.00 for a sidewalk project;
- One (1) Appropriation (#2017096) to appropriate \$200,000.00 for School Division donations; and
- One (1) Appropriation (#2017097) to amend the capital Fire/Rescue Apparatus Replacement Program scope to include all contingency funding.

Staff recommends that the Board adopt the attached Resolution (Attachment B) to approve appropriations #2017091, #2017092, #2017093, #2017094, #2017095, #2017096, and #2017097 for local government and school division projects and programs as described in Attachment A.

By the above-recorded vote, the Board adopted the following Resolution to approve appropriations #2017091, #2017092, #2017093, #2017094, #2017095, #2017096, and #2017097 for local government and school division projects and programs:

**RESOLUTION TO APPROVE
ADDITIONAL FY 17 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2017091, #2017092, #2017093, #2017094, #2017095, #2017096, and #2017097 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, 2017.

**COUNTY OF ALBEMARLE
APPROPRIATION SUMMARY**

APP#	ACCOUNT	AMOUNT	DESCRIPTION
2017091	4-1000-12010-412010-110000-1001	1,530.00	SA2017091 Compression
2017091	4-1000-12010-412010-210000-1001	120.00	SA2017091 Compression
2017091	4-1000-12010-412010-221000-1001	190.00	SA2017091 Compression
2017091	4-1000-12010-412010-241000-1001	20.00	SA2017091 Compression
2017091	4-1000-12031-412030-110000-1001	590.00	SA2017091 Compression
2017091	4-1000-12031-412030-210000-1001	50.00	SA2017091 Compression
2017091	4-1000-12031-412030-221000-1001	80.00	SA2017091 Compression
2017091	4-1000-12031-412030-241000-1001	10.00	SA2017091 Compression
2017091	4-1000-12142-412140-110000-1001	710.00	SA2017091 Compression
2017091	4-1000-12142-412140-210000-1001	60.00	SA2017091 Compression
2017091	4-1000-12142-412140-221000-1001	90.00	SA2017091 Compression
2017091	4-1000-12142-412140-241000-1001	10.00	SA2017091 Compression
2017091	4-1000-12144-412140-110000-1001	190.00	SA2017091 Compression
2017091	4-1000-12144-412140-210000-1001	20.00	SA2017091 Compression
2017091	4-1000-12144-412140-221000-1001	30.00	SA2017091 Compression

2017091	4-1000-12144-412140-241000-1001	10.00	SA2017091 Compression
2017091	4-1000-12150-412150-110000-1001	410.00	SA2017091 Compression
2017091	4-1000-12150-412150-210000-1001	40.00	SA2017091 Compression
2017091	4-1000-12150-412150-221000-1001	50.00	SA2017091 Compression
2017091	4-1000-12150-412150-241000-1001	10.00	SA2017091 Compression
2017091	4-1000-12200-412200-110000-1001	1,310.00	SA2017091 Compression
2017091	4-1000-12200-412200-210000-1001	100.00	SA2017091 Compression
2017091	4-1000-12200-412200-221000-1001	170.00	SA2017091 Compression
2017091	4-1000-12200-412200-241000-1001	20.00	SA2017091 Compression
2017091	4-1000-13020-413020-210000-1001	1,240.00	SA2017091 Compression
2017091	4-1000-13020-413020-210000-1001	100.00	SA2017091 Compression
2017091	4-1000-13020-413020-221000-1001	160.00	SA2017091 Compression
2017091	4-1000-13020-413020-241000-1001	20.00	SA2017091 Compression
2017091	4-1000-21070-421070-110000-1002	1,470.00	SA2017091 Compression
2017091	4-1000-21070-421070-210000-1002	120.00	SA2017091 Compression
2017091	4-1000-21070-421070-221000-1002	190.00	SA2017091 Compression
2017091	4-1000-21070-421070-241000-1002	20.00	SA2017091 Compression
2017091	4-1000-31013-431010-110000-1003	16,320.00	SA2017091 Compression
2017091	4-1000-31013-431010-210000-1003	1,250.00	SA2017091 Compression
2017091	4-1000-31013-431010-221000-1003	2,010.00	SA2017091 Compression
2017091	4-1000-31013-431010-241000-1003	220.00	SA2017091 Compression
2017091	4-1000-34050-434050-110000-1003	890.00	SA2017091 Compression
2017091	4-1000-34050-434050-210000-1003	70.00	SA2017091 Compression
2017091	4-1000-34050-434050-221000-1003	110.00	SA2017091 Compression
2017091	4-1000-34050-434050-241000-1003	20.00	SA2017091 Compression
2017091	4-1000-43201-443200-110000-1004	30.00	SA2017091 Compression
2017091	4-1000-43201-443200-210000-1004	10.00	SA2017091 Compression
2017091	4-1000-43201-443200-221000-1004	10.00	SA2017091 Compression
2017091	4-1000-43201-443200-241000-1004	10.00	SA2017091 Compression
2017091	4-1000-43205-482040-110000-1004	30.00	SA2017091 Compression
2017091	4-1000-43205-482040-210000-1004	10.00	SA2017091 Compression
2017091	4-1000-43205-482040-221000-1004	10.00	SA2017091 Compression
2017091	4-1000-43205-482040-241000-1004	10.00	SA2017091 Compression
2017091	4-1000-43206-443200-110000-1004	680.00	SA2017091 Compression
2017091	4-1000-43206-443200-210000-1004	60.00	SA2017091 Compression
2017091	4-1000-43206-443200-221000-1004	90.00	SA2017091 Compression
2017091	4-1000-43206-443200-241000-1004	10.00	SA2017091 Compression
2017091	4-1000-43207-443200-110000-1004	120.00	SA2017091 Compression
2017091	4-1000-43207-443200-210000-1004	10.00	SA2017091 Compression
2017091	4-1000-43207-443200-221000-1004	20.00	SA2017091 Compression
2017091	4-1000-43207-443200-241000-1004	10.00	SA2017091 Compression
2017091	4-1000-53150-453010-110000-1005	7,140.00	SA2017091 Compression
2017091	4-1000-53150-453010-210000-1005	550.00	SA2017091 Compression
2017091	4-1000-53150-453010-221000-1005	880.00	SA2017091 Compression
2017091	4-1000-53150-453010-241000-1005	100.00	SA2017091 Compression
2017091	4-1000-71012-471010-110000-1007	1,760.00	SA2017091 Compression
2017091	4-1000-71012-471010-210000-1007	140.00	SA2017091 Compression
2017091	4-1000-71012-471010-221000-1007	220.00	SA2017091 Compression
2017091	4-1000-71012-471010-241000-1007	30.00	SA2017091 Compression
2017091	4-1000-81021-481020-110000-1008	6,030.00	SA2017091 Compression
2017091	4-1000-81021-481020-210000-1008	470.00	SA2017091 Compression
2017091	4-1000-81021-481020-221000-1008	750.00	SA2017091 Compression
2017091	4-1000-81021-481020-241000-1008	80.00	SA2017091 Compression
2017091	4-1000-81023-481020-110000-1008	260.00	SA2017091 Compression
2017091	4-1000-81023-481020-210000-1008	20.00	SA2017091 Compression
2017091	4-1000-81023-481020-221000-1008	40.00	SA2017091 Compression
2017091	4-1000-81023-481020-241000-1008	10.00	SA2017091 Compression
2017091	4-1000-31013-431010-930200-1003	730.00	SA2017091 Compression
2017091	4-1000-53010-453010-930208-1005	180.00	SA2017091 Compression
2017091	4-1000-43100-443100-312366-1004	290.00	SA2017091 Compression
2017091	4-1000-71002-471000-700007-1007	1,070.00	SA2017091 Compression
2017091	4-1000-99900-499000-999990-9999	-51,900.00	SA2017091 Compression
2017091	4-1225-31012-431010-110000-1003	590.00	SA2017091 Compression
2017091	4-1225-31012-431010-210000-1003	50.00	SA2017091 Compression
2017091	4-1225-31012-431010-221000-1003	80.00	SA2017091 Compression
2017091	4-1225-31012-431010-241000-1003	10.00	SA2017091 Compression
2017091	3-1225-51000-351000-512004-9999	730.00	SA2017091 Compression
2017091	4-1553-51153-453010-110000-1005	60.00	SA2017091 Compression
2017091	4-1553-51153-453010-210000-1005	10.00	SA2017091 Compression
2017091	4-1553-51153-453010-221000-1005	10.00	SA2017091 Compression
2017091	4-1553-51153-453010-241000-1005	10.00	SA2017091 Compression
2017091	4-1553-51156-453010-110000-1005	60.00	SA2017091 Compression
2017091	4-1553-51156-453010-210000-1005	10.00	SA2017091 Compression
2017091	4-1553-51156-453010-221000-1005	10.00	SA2017091 Compression
2017091	4-1553-51156-453010-241000-1005	10.00	SA2017091 Compression
2017091	3-1553-51000-351000-512004-9999	180.00	SA2017091 Compression
2017091	4-1805-32011-432010-110000-1003	140.00	SA2017091 Compression
2017091	4-1805-32011-432010-210000-1003	10.00	SA2017091 Compression
2017091	4-1805-32011-432010-221000-1003	20.00	SA2017091 Compression
2017091	4-1805-32011-432010-241000-1003	10.00	SA2017091 Compression
2017091	4-1805-32012-432010-110000-1003	180.00	SA2017091 Compression
2017091	4-1805-32012-432010-210000-1003	20.00	SA2017091 Compression
2017091	4-1805-32012-432010-221000-1003	30.00	SA2017091 Compression
2017091	4-1805-32012-432010-241000-1003	10.00	SA2017091 Compression
2017091	4-1805-32015-432010-110000-1003	13,790.00	SA2017091 Compression
2017091	4-1805-32015-432010-210000-1003	1,060.00	SA2017091 Compression
2017091	4-1805-32015-432010-221000-1003	1,700.00	SA2017091 Compression
2017091	4-1805-32015-432010-241000-1003	190.00	SA2017091 Compression

2017091	3-1805-51000-351000-510100-9999	17,160.00	SA2017091 Compression
2017091	4-1925-43100-443100-110000-1004	230.00	SA2017091 Compression
2017091	4-1925-43100-443100-210000-1004	20.00	SA2017091 Compression
2017091	4-1925-43100-443100-221000-1004	30.00	SA2017091 Compression
2017091	4-1925-43100-443100-241000-1004	10.00	SA2017091 Compression
2017091	3-1925-16000-316000-160560-1004	290.00	SA2017091 Compression
2017091	4-4200-71002-471010-110000-1007	870.00	SA2017091 Compression
2017091	4-4200-71002-471010-210000-1007	70.00	SA2017091 Compression
2017091	4-4200-71002-471010-221000-1007	110.00	SA2017091 Compression
2017091	4-4200-71002-471010-241000-1007	20.00	SA2017091 Compression
2017091	3-4200-16000-316000-160503-9999	1,070.00	SA2017091 Compression
2017091	4-2000-62100-461108-114100-6102	1,025.13	SA2017091 Compression
2017091	4-2000-62100-461108-114100-6110	232.68	SA2017091 Compression
2017091	4-2000-62100-461108-210000-6102	78.42	SA2017091 Compression
2017091	4-2000-62100-461108-210000-6110	17.80	SA2017091 Compression
2017091	4-2000-62100-461565-114100-6101	277.61	SA2017091 Compression
2017091	4-2000-62100-461565-114100-6102	601.06	SA2017091 Compression
2017091	4-2000-62100-461565-114100-6103	602.07	SA2017091 Compression
2017091	4-2000-62100-461565-114100-6104	1,147.40	SA2017091 Compression
2017091	4-2000-62100-461565-114100-6105	492.87	SA2017091 Compression
2017091	4-2000-62100-461565-114100-6106	276.76	SA2017091 Compression
2017091	4-2000-62100-461565-114100-6107	86.26	SA2017091 Compression
2017091	4-2000-62100-461565-114100-6109	357.52	SA2017091 Compression
2017091	4-2000-62100-461565-114100-6110	367.69	SA2017091 Compression
2017091	4-2000-62100-461565-114100-6111	242.98	SA2017091 Compression
2017091	4-2000-62100-461565-114100-6112	366.77	SA2017091 Compression
2017091	4-2000-62100-461565-114100-6113	324.81	SA2017091 Compression
2017091	4-2000-62100-461565-114100-6114	1,386.09	SA2017091 Compression
2017091	4-2000-62100-461565-114100-6115	378.56	SA2017091 Compression
2017091	4-2000-62100-461565-114100-6116	892.45	SA2017091 Compression
2017091	4-2000-62100-461565-114100-6117	705.85	SA2017091 Compression
2017091	4-2000-62100-461565-210000-6101	21.24	SA2017091 Compression
2017091	4-2000-62100-461565-210000-6102	45.99	SA2017091 Compression
2017091	4-2000-62100-461565-210000-6103	46.06	SA2017091 Compression
2017091	4-2000-62100-461565-210000-6104	87.78	SA2017091 Compression
2017091	4-2000-62100-461565-210000-6105	37.71	SA2017091 Compression
2017091	4-2000-62100-461565-210000-6106	21.18	SA2017091 Compression
2017091	4-2000-62100-461565-210000-6107	6.60	SA2017091 Compression
2017091	4-2000-62100-461565-210000-6109	27.35	SA2017091 Compression
2017091	4-2000-62100-461565-210000-6110	28.13	SA2017091 Compression
2017091	4-2000-62100-461565-210000-6111	18.59	SA2017091 Compression
2017091	4-2000-62100-461565-210000-6112	28.06	SA2017091 Compression
2017091	4-2000-62100-461565-210000-6113	24.85	SA2017091 Compression
2017091	4-2000-62100-461565-210000-6114	106.03	SA2017091 Compression
2017091	4-2000-62100-461565-210000-6115	28.96	SA2017091 Compression
2017091	4-2000-62100-461565-210000-6116	68.26	SA2017091 Compression
2017091	4-2000-62100-461565-210000-6117	53.99	SA2017091 Compression
2017091	4-2000-62100-461570-114100-6112	120.82	SA2017091 Compression
2017091	4-2000-62100-461570-114100-6114	29.94	SA2017091 Compression
2017091	4-2000-62100-461570-210000-6112	9.24	SA2017091 Compression
2017091	4-2000-62100-461570-210000-6114	2.29	SA2017091 Compression
2017091	4-2000-62100-461575-114100-6102	164.57	SA2017091 Compression
2017091	4-2000-62100-461575-210000-6102	12.59	SA2017091 Compression
2017091	4-2000-62100-461605-114100-6251	1.71	SA2017091 Compression
2017091	4-2000-62100-461605-114100-6253	226.44	SA2017091 Compression
2017091	4-2000-62100-461605-114100-6254	266.27	SA2017091 Compression
2017091	4-2000-62100-461605-114100-6255	111.82	SA2017091 Compression
2017091	4-2000-62100-461605-210000-6251	0.13	SA2017091 Compression
2017091	4-2000-62100-461605-210000-6253	17.32	SA2017091 Compression
2017091	4-2000-62100-461605-210000-6254	20.37	SA2017091 Compression
2017091	4-2000-62100-461605-210000-6255	8.55	SA2017091 Compression
2017091	4-2000-62100-461705-114100-6301	553.48	SA2017091 Compression
2017091	4-2000-62100-461705-210000-6301	42.35	SA2017091 Compression
2017091	4-2000-62100-461740-111400-6302	842.58	SA2017091 Compression
2017091	4-2000-62100-461740-210000-6302	64.47	SA2017091 Compression
2017091	4-2000-62100-461802-114100-6103	231.91	SA2017091 Compression
2017091	4-2000-62100-461802-114100-6104	0.97	SA2017091 Compression
2017091	4-2000-62100-461802-114100-6105	29.77	SA2017091 Compression
2017091	4-2000-62100-461802-114100-6112	165.81	SA2017091 Compression
2017091	4-2000-62100-461802-114100-6114	375.28	SA2017091 Compression
2017091	4-2000-62100-461802-114100-6115	224.26	SA2017091 Compression
2017091	4-2000-62100-461802-114100-6117	157.60	SA2017091 Compression
2017091	4-2000-62100-461802-210000-6103	17.74	SA2017091 Compression
2017091	4-2000-62100-461802-210000-6104	0.07	SA2017091 Compression
2017091	4-2000-62100-461802-210000-6105	2.28	SA2017091 Compression
2017091	4-2000-62100-461802-210000-6112	12.68	SA2017091 Compression
2017091	4-2000-62100-461802-210000-6114	28.71	SA2017091 Compression
2017091	4-2000-62100-461802-210000-6115	17.16	SA2017091 Compression
2017091	4-2000-62100-461802-210000-6117	12.06	SA2017091 Compression
2017091	4-2000-62100-461805-114100-6252	353.91	SA2017091 Compression
2017091	4-2000-62100-461805-114100-6254	19.80	SA2017091 Compression
2017091	4-2000-62100-461805-114100-6255	32.77	SA2017091 Compression
2017091	4-2000-62100-461805-114100-6280	3.74	SA2017091 Compression
2017091	4-2000-62100-461805-210000-6252	27.08	SA2017091 Compression
2017091	4-2000-62100-461805-210000-6254	1.51	SA2017091 Compression
2017091	4-2000-62100-461805-210000-6255	2.51	SA2017091 Compression
2017091	4-2000-62100-461805-210000-6280	0.29	SA2017091 Compression
2017091	4-2000-62100-461808-114100-6301	689.04	SA2017091 Compression

2017091	4-2000-62100-461808-210000-6301	52.72	SA2017091 Compression
2017091	4-2000-62100-461882-114100-6104	13.88	SA2017091 Compression
2017091	4-2000-62100-461882-114100-6112	172.43	SA2017091 Compression
2017091	4-2000-62100-461882-210000-6104	1.06	SA2017091 Compression
2017091	4-2000-62100-461882-210000-6112	13.19	SA2017091 Compression
2017091	4-2000-62100-461912-112600-6101	40.39	SA2017091 Compression
2017091	4-2000-62100-461912-112600-6103	114.88	SA2017091 Compression
2017091	4-2000-62100-461912-112600-6113	884.47	SA2017091 Compression
2017091	4-2000-62100-461912-112600-6115	114.22	SA2017091 Compression
2017091	4-2000-62100-461912-112700-6106	413.28	SA2017091 Compression
2017091	4-2000-62100-461912-112700-6110	170.74	SA2017091 Compression
2017091	4-2000-62100-461912-112700-6114	1,173.55	SA2017091 Compression
2017091	4-2000-62100-461912-112700-6116	377.83	SA2017091 Compression
2017091	4-2000-62100-461912-115000-6103	10.71	SA2017091 Compression
2017091	4-2000-62100-461912-115000-6113	162.96	SA2017091 Compression
2017091	4-2000-62100-461912-115000-6117	45.16	SA2017091 Compression
2017091	4-2000-62100-461912-210000-6101	3.09	SA2017091 Compression
2017091	4-2000-62100-461912-210000-6103	9.61	SA2017091 Compression
2017091	4-2000-62100-461912-210000-6106	31.62	SA2017091 Compression
2017091	4-2000-62100-461912-210000-6110	13.06	SA2017091 Compression
2017091	4-2000-62100-461912-210000-6113	80.13	SA2017091 Compression
2017091	4-2000-62100-461912-210000-6114	89.78	SA2017091 Compression
2017091	4-2000-62100-461912-210000-6115	8.74	SA2017091 Compression
2017091	4-2000-62100-461912-210000-6116	28.90	SA2017091 Compression
2017091	4-2000-62100-461912-210000-6117	3.45	SA2017091 Compression
2017091	4-2000-62100-461915-112700-6253	918.54	SA2017091 Compression
2017091	4-2000-62100-461915-112700-6254	268.44	SA2017091 Compression
2017091	4-2000-62100-461915-210000-6253	70.27	SA2017091 Compression
2017091	4-2000-62100-461915-210000-6254	20.54	SA2017091 Compression
2017091	4-2000-62100-461918-112700-6301	1,004.06	SA2017091 Compression
2017091	4-2000-62100-461918-210000-6301	76.81	SA2017091 Compression
2017091	4-2000-62100-462221-113100-6114	199.55	SA2017091 Compression
2017091	4-2000-62100-462221-210000-6114	15.27	SA2017091 Compression
2017091	4-2000-62100-462228-113100-6303	386.24	SA2017091 Compression
2017091	4-2000-62100-462228-210000-6303	29.55	SA2017091 Compression
2017091	4-2000-62111-461311-115000-6501	249.86	SA2017091 Compression
2017091	4-2000-62111-461311-210000-6501	19.11	SA2017091 Compression
2017091	4-2000-62111-461333-111400-6501	602.24	SA2017091 Compression
2017091	4-2000-62111-461333-210000-6501	46.07	SA2017091 Compression
2017091	4-2000-62111-461347-111400-6501	1,074.64	SA2017091 Compression
2017091	4-2000-62111-461347-210000-6501	82.21	SA2017091 Compression
2017091	4-2000-62112-461312-111400-6501	929.20	SA2017091 Compression
2017091	4-2000-62112-461312-210000-6501	71.08	SA2017091 Compression
2017091	4-2000-62114-461320-114300-6502	0.93	SA2017091 Compression
2017091	4-2000-62114-461320-210000-6502	0.07	SA2017091 Compression
2017091	4-2000-62115-468200-114300-6102	1,283.60	SA2017091 Compression
2017091	4-2000-62115-468200-114300-6104	807.29	SA2017091 Compression
2017091	4-2000-62115-468200-114300-6107	464.22	SA2017091 Compression
2017091	4-2000-62115-468200-114300-6110	808.55	SA2017091 Compression
2017091	4-2000-62115-468200-114300-6252	573.81	SA2017091 Compression
2017091	4-2000-62115-468200-114300-6301	807.29	SA2017091 Compression
2017091	4-2000-62115-468200-114300-6302	996.20	SA2017091 Compression
2017091	4-2000-62115-468200-114300-6503	679.21	SA2017091 Compression
2017091	4-2000-62115-468200-210000-6102	98.20	SA2017091 Compression
2017091	4-2000-62115-468200-210000-6104	61.76	SA2017091 Compression
2017091	4-2000-62115-468200-210000-6107	35.51	SA2017091 Compression
2017091	4-2000-62115-468200-210000-6110	61.85	SA2017091 Compression
2017091	4-2000-62115-468200-210000-6252	43.90	SA2017091 Compression
2017091	4-2000-62115-468200-210000-6301	61.76	SA2017091 Compression
2017091	4-2000-62115-468200-210000-6302	76.21	SA2017091 Compression
2017091	4-2000-62115-468200-210000-6503	51.96	SA2017091 Compression
2017091	4-2000-62118-461337-114300-6501	1,479.35	SA2017091 Compression
2017091	4-2000-62118-461337-210000-6501	113.17	SA2017091 Compression
2017091	4-2000-62420-462140-115000-6501	228.49	SA2017091 Compression
2017091	4-2000-62420-462140-210000-6501	17.48	SA2017091 Compression
2017091	4-2000-62430-462150-111400-6501	591.11	SA2017091 Compression
2017091	4-2000-62430-462150-210000-6501	45.22	SA2017091 Compression
2017091	4-2000-62431-462160-115000-6501	785.92	SA2017091 Compression
2017091	4-2000-62431-462160-210000-6501	60.12	SA2017091 Compression
2017091	4-2000-62432-462320-114200-6504	914.38	SA2017091 Compression
2017091	4-2000-62432-462320-117100-6504	17,392.08	SA2017091 Compression
2017091	4-2000-62432-462320-117200-6504	2,669.65	SA2017091 Compression
2017091	4-2000-62432-462320-117600-6504	3,582.74	SA2017091 Compression
2017091	4-2000-62432-462320-117700-6504	1,242.15	SA2017091 Compression
2017091	4-2000-62432-462320-210000-6504	1,973.77	SA2017091 Compression
2017091	4-2000-62432-462340-116500-6504	369.88	SA2017091 Compression
2017091	4-2000-62432-462340-210000-6504	28.30	SA2017091 Compression
2017091	4-2000-62433-462420-116000-6505	2,672.87	SA2017091 Compression
2017091	4-2000-62433-462420-119100-6102	303.27	SA2017091 Compression
2017091	4-2000-62433-462420-119100-6103	53.76	SA2017091 Compression
2017091	4-2000-62433-462420-119100-6104	161.24	SA2017091 Compression
2017091	4-2000-62433-462420-119100-6105	587.03	SA2017091 Compression
2017091	4-2000-62433-462420-119100-6109	175.02	SA2017091 Compression
2017091	4-2000-62433-462420-119100-6114	762.50	SA2017091 Compression
2017091	4-2000-62433-462420-119100-6116	740.63	SA2017091 Compression
2017091	4-2000-62433-462420-119100-6117	205.62	SA2017091 Compression
2017091	4-2000-62433-462420-119100-6251	60.20	SA2017091 Compression
2017091	4-2000-62433-462420-119100-6254	2.67	SA2017091 Compression

2017091	4-2000-62433-462420-119100-6301	1,053.13	SA2017091 Compression
2017091	4-2000-62433-462420-119100-6302	389.46	SA2017091 Compression
2017091	4-2000-62433-462420-119100-6304	1,256.88	SA2017091 Compression
2017091	4-2000-62433-462420-119100-6505	449.77	SA2017091 Compression
2017091	4-2000-62433-462420-210000-6102	23.20	SA2017091 Compression
2017091	4-2000-62433-462420-210000-6103	4.11	SA2017091 Compression
2017091	4-2000-62433-462420-210000-6104	12.33	SA2017091 Compression
2017091	4-2000-62433-462420-210000-6105	44.91	SA2017091 Compression
2017091	4-2000-62433-462420-210000-6109	13.39	SA2017091 Compression
2017091	4-2000-62433-462420-210000-6114	58.33	SA2017091 Compression
2017091	4-2000-62433-462420-210000-6116	56.66	SA2017091 Compression
2017091	4-2000-62433-462420-210000-6117	15.73	SA2017091 Compression
2017091	4-2000-62433-462420-210000-6251	4.61	SA2017091 Compression
2017091	4-2000-62433-462420-210000-6254	0.20	SA2017091 Compression
2017091	4-2000-62433-462420-210000-6301	80.56	SA2017091 Compression
2017091	4-2000-62433-462420-210000-6302	29.79	SA2017091 Compression
2017091	4-2000-62433-462420-210000-6304	96.15	SA2017091 Compression
2017091	4-2000-62433-462420-210000-6505	238.87	SA2017091 Compression
2017091	3-2000-62000-351000-510100-6599	73,466.00	SA2017091 Compression
2017092	4-1000-12141-412140-301210-1001	91,000.00	SA2017092 BSO Upgrade
2017092	3-1000-18000-318000-180301-1001	45,500.00	SA2017092 Pcard Revenue
2017092	3-1000-51000-351000-512001-9999	45,500.00	SA2017092 BSO Upgrade - Pcard Revenue
2017092	3-2000-62000-318000-180301-6599	45,500.00	SA2017092 Pcard Revenue
2017092	4-2000-62115-468200-301210-6503	45,500.00	SA2017092 BSO Upgrade
2017093	4-9010-81010-481020-580409-1240	194,464.50	SA2017093 ACE Program
2017093	3-9010-24000-324000-240766-1007	194,464.50	SA2017093 ACE Program
2017094	3-1805-51000-351000-510100-9999	90,000.00	SA2017094 For Fleet position equip and vehicle
2017094	4-1805-32015-432010-800100-1003	40,000.00	SA2017094 Fleet position - equipment
2017094	4-1805-32015-432010-800500-1003	50,000.00	SA2017094 Fleet position - vehicle
2017095	3-9010-24000-324000-240231-1004	300,000.00	SA2017095 VDOT Surpluses
2017095	4-9010-41350-441200-950509-9999	300,000.00	SA2017095 Sidewalk, Hydraulic & Barracks Rd
2017096	3-2000-62000-318100-181109-6599	200,000.00	SA2017096
2017096	4-2000-62101-461101-580240-6599	100,000.00	SA2017096
2017096	4-2000-62101-461101-580250-6599	100,000.00	SA2017096
TOTAL		2,027,721.00	

Item No. 8.2. Personnel Policy Amendments.

The Executive Summary forwarded to the Board states that the Albemarle County Code § 2-1102 authorizes the Board to amend personnel policies and procedures contained in the Albemarle County Personnel Policy Manual. The most recent major set of amendments to the Personnel Policy Manual occurred in 1993. The Human Resources Department and the County Attorney’s Office are conducting a systematic review of all personnel policies and making recommendations to the Board for revisions and updates to the policies.

Personnel Policy § P-22 is amended to establish administrative leave, establish demotion as a possible disciplinary action, clarify suspension as a disciplinary action, and establish a new process for Department heads to use when considering the demotion, suspension, or termination of an employee.

Personnel Policy § P-26 is amended to establish new requirements for employee resignations and to enact a process for an employee’s reinstatement to a position when the employee successfully grieves a termination.

Personnel Policy § P-60 is amended to establish a new procedure to determine entrance rate pay, to enact procedures for determining an employee’s rate of pay when an employee moves to a different position within the same pay grade, and to authorize a salary stipend for employees who attain a specific certification or license in a specific skill that is related to, but not required, for the employee’s position.

Personnel Policy § P-91 is a new policy that establishes a procedure for employees to request reasonable accommodations pursuant to the Americans with Disabilities Act, and it establishes definitions and exclusions that relate to a reasonable accommodation request.

There is no budget impact.

By the above-recorded vote, the Board adopted the adopted the following Resolutions to amend Personnel Policies §§ P-22, P-26, and P-60, and to add Personnel Policy § P-91:

RESOLUTION

WHEREAS, the Board of Supervisors has adopted County of Albemarle Personnel Policies pursuant to Albemarle County Code Section 2-1102; and

WHEREAS, the Board desires to amend Section P-22 regarding employee discipline.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of Albemarle County, Virginia, hereby amends Section P-22, Employee Discipline, of the County of Albemarle Personnel Policies, as follows:

Section P-22 Employee Discipline

The Board recognizes its continuing responsibility to develop and administer necessary policies and regulations in a fair and consistent manner. The Board also recognizes the obligations of all employees to conform to these policies and regulations.

The Board seeks to establish and maintain appropriate administrative policies which will provide the most efficient operation of the Albemarle County Local Government and to provide for proper disciplinary action whenever an employee fails to observe such policies and regulations.

PROCEDURE FOR ENFORCEMENT OF ADMINISTRATIVE REGULATIONS

- A. All employees shall comply with County and departmental expectations of behavior and performance. Employees who are non-compliant with these expectation may be subject to official disciplinary action up to and including discharge.
- B. Disciplinary action will be taken in private by the employee's supervisor(s) and will normally be progressive consistent with the severity of the infraction:

The normal course will be:

- 1. Oral reprimand
- 2. Written reprimand
- 3. Suspension with or without pay:

All pay and benefits may be suspended concurrently if suspension without pay is utilized.

- 4. Dismissal

Dismissal is also governed by Policy § P-26.

- C. Additionally, the County reserves the right to demote an employee as a disciplinary action.
- D. All official disciplinary action must be recorded and forwarded to the Human Resources Department for inclusion in the employee's personnel file, with a copy provided to the employee.
- E. The department head or designee has the right to utilize any or all of the steps in the disciplinary process. However, the department head must be consulted on all disciplinary actions that result in a written reprimand, suspension, demotion, or dismissal.
- F. All disciplinary complaints are subject to the approved grievance procedure. If an appeal is made of any disciplinary action, the appealing employee should recognize that at each level of the process, a new hearing on the matter will be held at each level of the process and the disciplinary action rendered at subsequent levels may be either more or less stringent.
- G. The department head or designee must consult with the Director of Human Resources and/or the County Attorney's Office prior to utilizing demotion, suspension, or dismissal.
- H. Administrative leave with or without pay may be utilized for purposes of conducting an investigation and pending a determination of guilt in a criminal case. Employees who are reinstated to their former position may be granted back pay. The department director may take whatever personnel actions are deemed necessary to protect the County and promote the objectives of the department, even if there is a finding made of not guilty in a criminal case or if the case is otherwise dismissed or nolle prossed or a finding of "not founded" occurs in a child abuse or neglect administrative proceeding.

Amended: August 7, 1996, May 3, 2017

RESOLUTION

WHEREAS, the Board of Supervisors has adopted County of Albemarle Personnel Policies pursuant to Albemarle County Code Section 2-1102; and

WHEREAS, the Board desires to amend Section P-26 regarding termination of employment.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of Albemarle County, Virginia, hereby amends Section P-26, Termination of Employment, of the County of Albemarle Personnel Policies, as follows:

Section P-26 Termination of Employment

The Board recognizes that termination of employment can be either voluntary or involuntary. In all cases, the procedures used will be of a fair and consistent nature, taking into consideration the reasons for separation. Except for excluded classes of employees as defined in Policy § P-03, Employee Grievance Procedure, an employee who is dismissed may appeal the decision under the approved grievance procedure.

The terminated employee's department shall initiate an employee action request (EAR). Department heads or designees have the responsibility of notifying the Human Resources Department as soon as they know an employee is leaving. This form will be the only official notification to remove an employee from the payroll.

Probationary employees may be released or may resign during their probationary periods without obligation on the part of the employer or employee.

Every employee who is separating from employment regardless of the length of service, their position, or the circumstances of their separation, will have the opportunity to participate in an exit interview. The employee may request an in-person exit interview from the Director of Human Resources or designee and/or their Department head or designee.

Procedure for Compliance for Termination of Employment

Resignation: Resignation is a voluntary termination of employment on the part of an employee for any reason. All employees are required to give written notice of resignation. The Department head or designee has the responsibility of notifying the Department of Human Resources as soon as the Department head or designee receives an employee's letter of resignation and submitting all required documentation for inclusion in the employee's personnel file and final payment processing in a timely manner.

An employee shall submit a letter of resignation in writing to the employee's immediate supervisor at least two (2) weeks prior to the effective resignation date. An employee may resign sooner than the two (2) week required period if agreed upon by the Department head or designee.

An employee who does not report to the employee's regularly scheduled work hours for three (3) consecutive days without notifying the employee's supervisor and/or failure to receive leave approval from the employee's immediate supervisor will be deemed to have voluntarily resigned from employment. The employee's pay and benefits will be calculated using the last day the employee reported to work as the effective date of resignation.

Layoff: Layoff is a reduction in the work force due to budgetary restrictions and/or reduced work load. In the case of a layoff, immediate supervisors will notify affected employees as far in advance as possible. See Policy § P-30, Employee Reduction in Force Procedures, for additional information and procedures.

Dismissal: Dismissal is an involuntary separation from employment due to a violation of County policy or state or federal law, disciplinary infractions, failure to satisfactorily perform the work required, or failure to meet the requirements of the position. Prior to the dismissal, it is expected that the Department head or designee has thoroughly investigated the incident(s) or circumstance(s) leading to the dismissal, has documented any action taken, and has applied discipline in a fair and consistent fashion. The Department head or designee shall keep the Director of Human Resources or designee informed of any disciplinary actions in progress. See Policy § P-22, Employee Discipline.

All salary payments and benefits will be calculated based upon the effective date of the employee's dismissal and all accrued annual leave payments up to the maximum allowed will be made to the employee. If the employee is reinstated as a result of the grievance procedure, all salary and benefits will be reinstated retroactively to the date on which payments ceased or as otherwise agreed upon. In addition, the reinstated employee shall be given the choice of repaying the annual leave payment and having the employee's annual leave balance restored or returning to work with a zero balance and beginning to accrue leave at the employee's previous applicable rate. The employee's hire date will also be reinstated to reflect the employee's status prior to the dismissal.

Amended: August 7, 1996, May 3, 2017

RESOLUTION

WHEREAS, the Board of Supervisors has adopted County of Albemarle Personnel Policies pursuant to Albemarle County Code Section 2-1102; and

WHEREAS, the Board desires to amend Section P-60 regarding salary administration and position classification.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of Albemarle County, Virginia, hereby amends Section P-60, Salary Administration and Position Classification, of the County of Albemarle Personnel Policies, as follows:

Section P-60 Salary Administration and Position Classification

The County Classification and Pay Plan governs the classification and compensation of positions in County employment, and is maintained by the Human Resources Department.

The Pay Plan adopted by the Board of Supervisors is directly linked to the Classification Plan and will be based on the principle of equal pay for equal work. The Board will maintain a salary administration program that provides for payment of salaries, recognizes achievements, and rewards individual ability and performance.

Procedure for Salary Administration and Position Classification

- A. Job descriptions are detailed specifications of each position classification, and include general statements of the duties, responsibilities, and qualifications necessary for that position. A job description will be developed for each position. Department heads will collaborate with the Department of Human Resources to ensure that it is an accurate reflection of that position.
- B. Like classifications will be grouped in terms of seven job factors:
1. Job Complexity
 2. Education and Experience
 3. Scope and Impact
 4. Supervision Received
 5. Working Relationships
 6. Working Environment
 7. Physical Demand

Each classification is determined by a system of point values developed during the analysis of each job.

- C. It is the responsibility of the Department head or designee to maintain equitable and properly evaluated positions within his/her department. Newly created positions or major changes in the functions or responsibilities of an existing position shall be reported to the Director of Human Resources or designee in order to initiate an evaluation study to establish a new position or to reclassify an existing position.
- D. All position classifications and reclassifications must be approved by the County Executive or designee prior to placement on a salary range.
- E. Salary ranges consisting of a minimum, midpoint, and maximum salary will be established for each class of positions based on the policies of the Board, as well as information about similar positions within the adopted market¹ and, where appropriate, compared with similar positions within the state.
- F. The Department of Human Resources will ensure that the plan is kept current through periodic reviews and comparative studies of pertinent factors affecting levels of pay. The Human Resources Department may recommend pilot programs designed to maintain comparable pay and classifications. The County Executive may authorize a pilot program for a period not to exceed one year.
- G. Entrance Pay Rate – The entrance pay rate shall normally be the minimum rate in the pay range prescribed for the pay grade. When a prospective employee has relevant experience, education, and/or skill sets beyond position requirements that would warrant placement above the minimum rate, the Department of Human Resources will use established guidelines, internal equity, and market considerations to determine the employee's entrance pay rate.

The County Executive is authorized to hire employees at any point within the salary range, based on market conditions and the qualifications of the individual.

- H. Pay Rate Adjustment – The following personnel actions shall affect the pay status of an employee in the manner described. All pay rate adjustments must be approved by the Department of Human Resources prior to taking effect.
1. Promotion – When an employee is selected and promoted to a position with a higher pay grade, the employee may receive a pay increase based upon consideration of established guidelines, internal equity considerations, market considerations, the level of variance from the employee's current pay grade, and where the employee's salary falls within the pay grade.

Promotions can only occur if
 - (a) There is a vacancy in the higher pay grade or
 - (b) A new position in the higher class is approved in the cycle for implementation in the next fiscal year; or,
 - (c) There is a duly approved career development program.
 2. Reassignment – Department heads may need to reassign staff to different positions to meet the needs of the department. When an employee is reassigned to a position with a

¹ The County's adopted market is Augusta County, Buckingham County, Chesterfield County, Fauquier County, Fluvanna County, Greene County, Hanover County, James City County, Loudoun County, Louisa County, Madison County, Montgomery County, Nelson County, Orange County, Prince William County, Roanoke County, Rockingham County, Spotsylvania County, Charlottesville, Chesapeake, Danville, Harrisonburg, Lynchburg, Roanoke, Staunton, Virginia Beach, Williamsburg, Martha Jefferson Hospital, U.Va. Health Systems, and the Albemarle County Service Authority.

lower pay grade for administrative purposes, the employee's rate of pay shall not be decreased. If the rate of pay exceeds the new pay grade maximum, the employee's pay shall remain the same until the range changes as a result of subsequent market studies and/or reclassifications.

When an employee is reassigned to a lower pay grade position and subsequently reassigned back to a higher pay grade position at or below the initial pay grade, the employee's pay rate increase shall be based upon consideration of established guidelines, internal equity considerations, market considerations, and other relevant factors.

3. **Reclassification** – When an employee is reclassified into a higher pay grade, the employee may receive a pay rate increase. The increased amount will be based upon consideration of established guidelines that include the level of variance from the employee's current pay grade and where the employee's salary falls within the pay range. Market considerations may also be taken into account.
4. **Demotion** – When an employee is demoted from one class to another having a lower pay grade, the employee shall be placed within the lower range with consideration given to established guidelines, internal equity considerations, market considerations, and other relevant factors.
5. **Voluntary Movement to a Position in a Lower Pay Grade** – When an employee chooses to apply for/move to a position in a lower pay grade, the employee may be subject to a reduction in pay rate, with consideration given to established guidelines, internal equity considerations, market considerations, and other relevant factors.
6. **Movement to a Different Position in the Same Pay Grade** – When an employee moves to a different position in the same pay grade, the employee's rate of pay generally will remain the same, exclusive of day and hour changes and participation in the Virginia Retirement System (VRS). Any adjustment in pay shall be based upon established guidelines, internal equity considerations, and other relevant factors.
7. **Completion of First Six Months for Classified Employees** – Upon successful completion of the first six (6) months of employment with the County, a regular employees will:
 - i. If hired on or before November 1st of a fiscal year, receive a calculated salary increase effective concurrently with the salary increase for all regular classified employees for the next fiscal year. This prorated increase will include a performance-based increase if applicable.
 - ii. If hired on or after November 2nd of a fiscal year, receive a calculated salary increase effective following the sixth (6th) month of employment or concurrently with the salary increase for all regular classified employees for the next fiscal year, whichever is later. This initial six (6) month salary increase will only be awarded for successful completion of the employee's initial employment period and would not be repeated for a change in position. However, if there is a break in service with the County, a re-hired employee would be eligible for another six (6) month increase.
8. **Shift Differential** – When an employee is assigned to work evening/midnight shifts, a pay differential will be paid as follows:

Evening:	4:00 p.m. – 12:00 a.m.:	4% of the pay grade's minimum salary for the position classification
Midnight:	12:00 a.m. – 8:00 a.m.:	5% of the pay grade's minimum salary for the position classification

Employees must be assigned to a shift to be eligible for the differential. If an employee works a shift that encompasses day, evening or midnight shifts, the differential will be paid based on the majority of hours worked in the respective shift. If an employee is part-time, the shift differential will be prorated.
9. **Certification Pay** – When an employee is certified or licensed in a specific designated skill related to, but not required for the employee's position, the employee may receive a salary stipend in an amount to be determined by the Department of Human Resources. This stipend would be in effect for the period of time that the licensure or certification is deemed compensable by the Department head, with the agreement of the Department of Human Resources.
10. **Temporary Work in a Higher Classification** - Temporary assignments with a higher pay rate occur when the work requires the designation of an employee to a position with a higher pay grade by the Department head or County Executive or designee and are not intended to apply to occasional assignments of supervisory or administrative responsibility. A regular employee assigned temporary work in a higher pay grade position shall be paid the minimum rate of the higher classification (but no less than 5% above the employee's regular rate) for all such time worked if the assignment will exceed 10 consecutive days.

11. In-Range Adjustment – When it can be substantiated that the salary of an employee is significantly below the average salary of the relevant market for the position, the relevant education/skill set of the employee has substantially increased, or the scope of the employee’s position has expanded considerably, an in-range equity adjustment may be granted. Requests for adjustments shall be submitted by the employee’s Department head to the Director of Human Resources or designee, who will review the request based on the following factors: (1) an identification of the position’s relevant market; (2) internal equity; (3) degree of position expansion; and (4) other considerations. The Director of Human Resources will use this information to make a recommendation to the County Executive or designee, who shall have the sole authority to approve any adjustment to an employee’s salary based on this process.

Adopted: July 1, 1993

Amended: September 13, 1993; June 19, 1995; July 8, 1996; December 8, 1997, September 3, 2008, May 3, 2017

RESOLUTION

WHEREAS, the Board of Supervisors has adopted County of Albemarle Personnel Policies pursuant to Albemarle County Code Section 2-1102; and

WHEREAS, the Board desires to add Section P-91 regarding the Americans with Disability Act.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of Albemarle County, Virginia, hereby adds Section P-91, Americans with Disability Act Policy, to the County of Albemarle Personnel Policies, as follows:

Section P-91 Americans with Disability Act Policy (ADA Policy)

I. Purpose

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA) are federal laws that prohibit disability discrimination in all employment practices including job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions and privileges of employment. It applies to recruitment, advertising, tenure, layoff, leave, fringe benefits, and all other employment-related activities. It is the policy of the Board to comply with all federal and state laws concerning the employment of persons with disabilities.

II. Disability Discrimination Protection

A. Who is Protected?

Job applicants and employees who are qualified individuals with a disability are protected.

B. Definitions

1. *Direct threat*: A significant risk to the health or safety of the individual or others that cannot be eliminated by reasonable accommodation.
2. *Disability*: means a physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment.
3. *Essential functions of the job*: refer to those job activities that are determined by the employer to be essential or core to performing the job; these functions cannot be modified.
4. *Major life activities*: include the following, but are not limited to: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. It also includes operation of major bodily functions such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. Also covered are any mental or psychological disorders, such as intellectual disability (formerly termed mental retardation), organic brain syndrome, emotional or mental illness, and specific learning disabilities.
5. *Qualified individual*: means an individual who satisfies the requisite skill, experience, education, and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual is applying for or holds.

6. *Reasonable accommodation*: means any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to enjoy an equal employment opportunity including but not limited to participating in the application process and/or performing essential job functions. Reasonable accommodation also includes adjustments to assure that a qualified individual with a disability has rights and privileges in employment equal to those of employees without disabilities. Reassignment of an essential job function to another employee is not a reasonable accommodation.
7. *Substantially limiting*: The determination of whether an impairment substantially limits a major life activity requires an individualized assessment, and an impairment that is episodic or in remission may also meet the definition of disability if it would substantially limit a major life activity when active. Some examples of these types of impairments may include, but are not limited to, epilepsy, hypertension, asthma, diabetes, major depressive disorder, bipolar disorder and schizophrenia. An impairment such as cancer that is in remission but that may possibly return in a substantially limiting form also is considered a disability.
8. *Undue hardship*: means an action requiring significant difficulty or expense by the employer. In determining whether an accommodation would impose an undue hardship on an employer, factors to be considered include, but are not limited to:
 - a. The nature and cost of the accommodation.
 - b. The overall financial resources of the department or departments involved in the provision of the reasonable accommodation; the number of persons employed by the department; the effect on expenses and resources; or the impact of such accommodation upon the operation of the department.
 - c. The overall financial resources of the employer; the size, number, type and location of facilities/departments.
 - d. The type of operations of the County, including the composition, structure and functions of the workforce; administrative or fiscal relationship of the particular department involved in making the accommodation to the employer.
 - e. The impact of the accommodation on the operation of the department.

III. Requesting a Reasonable Accommodation

A. Pre-employment Requests

1. Applicants with a disability who can be reasonably accommodated will be given the same consideration for employment as any other applicant.
2. Job applicants with a disability may request a reasonable accommodation by contacting Human Resources and completing the designated form.
3. Human Resources will engage in the interactive process with the applicant to determine if the County can provide a reasonable accommodation without creating an undue hardship or causing a direct threat to workplace safety.
4. Applicants who pose a direct threat to the health, safety or well-being of themselves or others in the workplace, and when the threat cannot be eliminated by reasonable accommodation, will not be hired.

B. Employment Requests

1. Employees with a disability may request a reasonable accommodation by contacting Human Resources or their supervisor and completing the designated form. Employees requesting a reasonable accommodation must provide appropriate documentation.
2. Supervisors who receive requests for reasonable accommodation or have reason to know that an employee may need a reasonable accommodation must contact Human Resources. Supervisors should not investigate medical conditions without guidance from Human Resources.
3. Human Resources will engage in the interactive process with employees with a disability to determine if the County can provide a reasonable accommodation without creating an undue hardship or causing a direct threat to workplace safety.
 - a. Generally, an accommodation meeting will be held with Human Resources, the employee, and the employee's department/school to

discuss the need for accommodation and reasonable accommodation options.

4. Albemarle County will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace. Albemarle County will attempt to eliminate the threat by developing a reasonable accommodation. However, if the accommodation creates an undue hardship to Albemarle County, the accommodation will not be utilized

C. Who to Contact

Contact Human Resources with any questions or requests for accommodation.

III. Excluded from Coverage

A. Direct Threat

Individuals who pose a significant risk to the health or safety of the individual or others that cannot be eliminated by reasonable accommodation are excluded from coverage under the County's ADA policy.

B. Illegal Drugs

Individuals who are currently using illegal drugs are excluded from coverage under the County's ADA policy.

Item No. 8.3. Parking Agreement for Parking Spaces at the Daily Progress.

The Executive Summary forwarded to the Board states that the Northside Library Branch of the Jefferson Madison Regional Library (JMRL), located at 705 Rio Road West, Charlottesville, VA opened on March 15, 2015. Co-located in the building are the County's warehouse and the Albemarle County Public Schools (ACPS) English as a Second or Other Language (ESOL) program and training room. Site constraints limit the number of parking spaces to 80.

Since the opening of the Northside Library Branch of the JMRL, the adequacy of patron parking has become an issue. This is attributed to two factors. First, the overall success of the branch's new location is evident in its annual door count. Prior to its relocation to Rio Road, the library's last annual door count was 205,347. Last year the count at the new location was 273,797 - a 33% increase. Second, the ACPS's ESOL program and training room and County Warehouse operations puts additional demand on available parking. Staff has explored redesign options of the parking area and traffic pattern and has concluded the net increase in parking spaces would be minimal. To help mitigate the issue staff approached The Daily Progress (an adjacent property owner) to explore renting some of their unused parking spaces. The Daily Progress is receptive to this and has prepared a parking agreement (Attachment A) allowing the County to rent 21 of their spaces at an annual cost of \$12,600.00 during the first term. These spaces will be used by County local government, ACPS, and JMRL staffs, freeing up a corresponding 21 spaces at the Library for patron use. The cost will be shared equally among the three entities.

The \$12,600.00 per year cost of the agreement will impact the operating budgets of the Local Government, Schools, and the JMRL. This cost was not anticipated nor planned for in the FY2018 budget. The Department of Facilities and Environmental Services will absorb in its existing budget the entire cost for the remainder of FY2017. County local government, ACPS, and the JMRL each will absorb their share of the FY2018 cost within the FY2018 budget. Specific funding for the cost associated with the agreement will be requested in the FY2019 budget submittal.

If the Board wishes to approve the parking agreement, staff recommends that the Board adopt the attached resolution (Attachment B) approving the rental of 21 parking spaces at The Daily Progress office building and authorizing the County Executive to execute the parking agreement once it has been approved as to substance and form by the County Attorney.

By the above-recorded vote, the Board adopted the following Resolution approving the rental of 21 parking spaces at The Daily Progress office building and authorizing the County Executive to execute the parking agreement once it has been approved as to substance and form by the County Attorney:

**RESOLUTION TO APPROVE
THE PARKING AGREEMENT
BETWEEN BH MEDIA GROUP, INC.
D/B/A THE DAILY PROGRESS AND
THE COUNTY OF ALBEMARLE, VIRGINIA**

WHEREAS, the Board finds that it is in the best interest of the County to enter into a Parking Agreement with BH Media Group, Inc. d/b/a The Daily Progress for the County's rental of 21 parking spaces located on the Daily Progress office building site located adjacent to the Northside Library property on Rio

Road for use by Local Government, School Division, and library staff to provide additional parking at the Library for library patrons.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia hereby approves the Agreement between BH Media Group, Inc. d/b/a The Daily Progress and the County of Albemarle, Virginia for the County's rental of 21 parking spaces on the Daily Progress office building site, and authorizes the County Executive to execute the Agreement on behalf of the County once it has been approved as to substance and form by the County Attorney.

**BH MEDIA GROUP
A Berkshire Hathaway Company**

PARKING AGREEMENT

THIS PARKING AGREEMENT (this "Agreement") is made effective as of the 1st day of May, 2017 (the "Effective Date"), by and between BH Media Group, Inc. d/b/a The Daily Progress, a Delaware corporation ("Licensor") and the County of Albemarle, Virginia, a political subdivision of the Commonwealth of Virginia (Licensee"). For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **PRIMARY TERM.** The initial term of this Agreement shall commence on the Effective Date and continue for one (1) year (the "Initial Term"), unless earlier terminated in accordance with the terms of this Agreement. Subject to the fee increases set forth in Section 4 below, Licensee shall have two (2) options of one (1) year each to extend the Initial Term of this Agreement (the "First Option Term" and "Second Option Term", respectively, and together with the Initial Term, the "Term") upon providing a minimum of sixty (60) days' written notice to Licensor prior to the expiration of the Initial Term or First Option Term as may be applicable; provided that at the time of exercise of each option: (i) this Agreement has been not previously cancelled or terminated by either party as provided for in this Agreement, by operation or law or otherwise; and (ii) Licensee is not in default at the time of Licensee's exercise of the option. In addition to any other termination rights set forth in this Agreement, Licensor may terminate this Agreement upon at least Sixty (60) days' prior written notice to Licensee at any time with or without cause.

2. **PARKING STALLS.** Subject to the terms and conditions hereof, Licensor hereby grants Licensee a license to use the twenty-one (21) parking stalls outlined in Exhibit A, attached to and incorporated into this Agreement by this reference, (each a "Parking Stall") in the parking lot located at 685 Rio Road West, Charlottesville, VA 22901, as depicted in Exhibit A (the "Parking Lot"), along with access easements to and from (a) Rio Road West and (b) the Licensee's adjacent property. Licensee may use the Parking Stalls solely for the purpose of the parking of vehicles by Licensee's employees. It shall be Licensee's responsibility to mark each Parking Stall with special lines and to install any signs desired by Licensee (provided the same have been approved by Licensor in advance) at Licensee's sole cost and expense to identify the Parking Stalls.

3. **PARKING AGREEMENT.** Each employee of Licensee that Licensee will allow to use a Parking Stall must sign a Parking Agreement substantially in the form attached hereto as Exhibit B, incorporated into this Agreement by this reference, as such form may be modified from time to time by Licensor (the "Parking Agreement") and submit such signed agreement to Licensor. Notwithstanding any other provision of this Agreement, Licensee is not allowed to permit any other person to park in the Parking Lot.

4. **PARKING FEE.** The parking fee to be paid by Licensee to Licensor during the Term of this Agreement is as follows (the "Fee"):

Initial Term: \$1,050 per month (\$50 per month per Parking Stall)

Option One Term (if exercised): \$1,155 per month (\$55 per month per Parking Stall)

Option Two Term (if exercised): \$1,260 per month (\$60 per month per Parking Stall)

Licensee agrees to pay the Fee to Licensor in advance on or before the first day of each month of the Term Licensor and Licensee understands and agrees that if the Effective Date or last day of the Term occurs on a date that is other than the first or last day (as applicable) of a month, the fee for that month shall be prorated on a per diem basis. Fees that are due and payable by Licensee under this Agreement shall be paid to the following address:

The Daily Progress
685 Rio Road West
Charlottesville, VA 22901
Attn: Accounts Receivable

or to such other place as Licensor may from time to time designate in writing. All payments due from Licensee hereunder which are not paid when due shall bear interest at a rate equal to one and one half percent (1.5%) per month from the date due until paid (the "Default Rate"). Such interest shall be compounded monthly. All Fees shall be paid by Licensee without notice or demand, and without any set off, counterclaim, abatement or deduction whatsoever, in lawful money of the United States by bank check or wire transfer of immediately available funds.

5. **PURPOSE.** The Parking Lot shall be used by Licensee solely for purposes of the parking of vehicles by Licensee's employees, in compliance with all applicable laws, ordinances and regulations.

6. **SAFETY REGULATIONS.** Licensee agrees to cause its employees to abide by the following:

- a. Drive slowly and use caution.
- b. Although pedestrians have the right-of-way, they must be alert to vehicles.
- c. Comply with all safety signs.
- d. No weapons, concealed or otherwise, including handguns with valid permits, are allowed in the Parking Lot except as permitted by applicable law.
- e. No smoking is allowed in the Parking Lot.
- f. No cell phone use while driving.

Additional reasonable rules and regulations may be adopted or modified from time to time by Licensor and Licensee hereby agrees to abide by such rules and regulations upon receipt of notice of the same from Licensor.

7. **ASSUMPTION OF RISK.** Licensee and its employees assume all risk and liability associated with any use of the Parking Lot (including but not limited to risk of personal injury, property damage or theft). Licensor, its parent and affiliated companies, shall not have any liability to Licensee or any other party for theft of any vehicle, its contents or other property from the Parking Lot, or damage of any kind or nature to any vehicle, its contents or other property in or on the Parking Lot except as a result of the gross negligence or intentional wrongful acts of Licensor. To the maximum extent permitted by law, Licensee hereby waives on behalf of Licensee, its employees, and any other party using, or parking a vehicle in, the Parking Lot with the permission of Licensee or one of its employees, all claims of any nature which may exist against, or may arise directly or indirectly out of use of the Parking Lot by any such person (the "Claims"), including but not limited to any claims for any personal injury, property damage or theft, or any rights of subrogation or contribution, and covenants not to sue Licensor, its parent or affiliated companies, based on any Claims except those which result from the gross negligence or intentional wrongful acts of Licensor. At no time shall Licensor, or any of its agents, contractors, employees, parent companies, subsidiaries or affiliates, be considered to have possession of or control over any vehicle, its contents or other property in or on the Parking Lot, and shall in no event have any obligation to protect, care for, or insure any such vehicle, its contents or other property. Licensor is not obligated to provide any staffing, security or monitoring of the Parking Lot and if Licensor in its discretion does provide any staffing, security or monitoring of the Parking Lot, Licensor shall not be deemed to have assumed any duties or obligations which are otherwise disclaimed herein or assumed by Licensee under this Agreement and Licensor may terminate or suspend such services at any time in its discretion.

8. **CONDITION.** Licensee has examined the Parking Lot and knows its condition. Licensee hereby accepts the condition of the Parking Lot in its AS-IS, WHERE-IS CONDITION, WITH ALL FAULTS. No representations or warranties have been made by or on behalf of Licensor or relied upon by Licensee as to the condition or repair of the Parking Lot, and no agreements have been made by or on behalf of Licensor or relied upon by Licensee with respect to any alterations, repairs or improvements to be made in or about the Parking Lot. Throughout the term of this Agreement, Licensor shall maintain the Parking Lot in good order and provide snow removal, to allow unimpeded access to and use of the subject Parking Stalls.

9. **SURRENDER OF STALLS.** Licensee agrees that upon termination of the Term, whether by expiration or otherwise, Licensee and its employees will peaceably quit and surrender to Licensor the Parking Stalls licensed for use within the Parking Lot. This Section shall survive the termination or expiration of this Agreement.

10. **INDEMNITY.** To the maximum extent permitted under law, Licensee agrees to protect, indemnify, defend (with counsel reasonably acceptable to Licensor) and hold harmless Licensor and its parents, affiliates and successors, and its officers, directors, shareholders, employees, representatives, agents, contractors, licensees, lessees, guests, invitees, successors and assigns (collectively, the "Indemnified Parties"), from and against any and all losses, costs, damages, liabilities, expenses and/or injuries (including, without limitation, damage to property and/or personal injuries) directly or indirectly suffered or incurred by any of the Indemnified Parties (collectively, "Losses"), and any and all claims, demands, suits and causes of action brought or raised against any of the Indemnified Parties (collectively, "Claims"), directly or indirectly arising out of, resulting from, relating to or in any way connected with: (i) any act or omission of Licensee or its officers, directors, shareholders, employees, representatives, agents, contractors, licensees, lessees, guests, invitees, successors and assigns (collectively, "Licensee Group") at, on or about the Parking Lot, and/or (ii) any breach or violation of this Agreement or any Parking Agreement on the part of Licensee or any of its employees, and notwithstanding anything to the contrary in this Agreement. This indemnification shall include, without limitation, claims made under any workman's compensation law or under any plan for employee's disability and death benefits (including, without limitation, claims and demands that may be asserted by employees, agents, contractors and subcontractors). Nothing herein shall be deemed a waiver of the Licensee's sovereign immunity.

11. **REMOVAL OF VEHICLES.** Licensor, or any contractor designated by Licensor, may require a parker to remove from the Parking Lot any vehicle which leaks fluids or which is in violation of this Agreement or any Parking Agreement, or may remove the vehicle at the parker's cost if the parker fails to timely move the vehicle. This Section shall survive the expiration or other termination or expiration of the Agreement.

12. **DEFAULT.**

- A. In the event that any of the following shall occur (each, a "Default"):
- (i) Licensee shall at any time fail to make any payment (or any portion thereof) required of Licensee hereunder by the date when due or within 15 days thereafter; or
 - (ii) Licensee shall breach or violate any of its duties or obligations set forth in this Agreement and such breach or violation continues for more than thirty (30) days after Licensee's receipt of written notice from Licensor of such breach or violation; or
 - (iii) this Agreement or Licensee's interest therein, or any interest in Licensee, shall be assigned, transferred, mortgaged or pledged, levied on or attempted to be taken by execution, attachment or other process of law, or if any execution or attachment shall be issued against Licensee, or any of Licensee's property in the Parking Lot shall be taken or occupied or attempted to be taken or occupied by someone other than Licensee; or
 - (iv) A receiver, assignee or trustee shall be appointed for Licensee or Licensee's property or if the Licensee shall file bankruptcy, or if involuntary bankruptcy proceedings shall be filed against Licensee which Licensee fails to cause to be dismissed within sixty (60) days after filing.

then in any of said cases, Licensor may do any or all of the following (all of which remedies shall be cumulative and not exclusive, and all of which remedies shall be in addition to, and not in lieu of, any other rights and remedies to which Licensor may be entitled under this Agreement, at law or in equity):

- (a) At its option, at once, with notice to Licensee, terminate this Agreement and at its option, require payment in full of the Fees due up to the date of termination;
- (b) Relet the Parking Stalls or any part or parts thereof, either in the name of or for the account of Licensor or Licensee, at fair market value, which term may at Licensor's option extend beyond the balance of the Term of this Agreement. Except to the extent required under applicable law, Licensor shall not be required to accept any new licensee offered by Licensee or to observe any instructions given by the Licensee about such reletting. Licensee shall pay Licensor any deficiency between the Fees to be paid under this Agreement and the net amount of the fees collected on such reletting, for the balance of the Term of this Agreement, as well as any expenses incurred by Licensor in such reletting.
- (c) Require that upon any termination of this Agreement, whether by lapse of time, the exercise of any option by Licensor to terminate the same, or in any other manner whatsoever, immediately vacate all Parking Stalls reserved to Licensee in the Parking Lot. If Licensee or its employees fails to do so, Licensor may, with or without process of law, tow any vehicles remaining thereon at Licensee's sole cost and expense without thereby waiving Licensor's rights to Fees or any other rights given Licensor under this Agreement or at law or in equity; and
- (d) Enjoin any such breach of this Agreement by Licensee.

B. Any and all rights and remedies which Licensor may have under this Agreement at law or in equity, shall be cumulative and shall not be deemed inconsistent with each other, and any two or more or all of said rights and remedies may be exercised at the same time or at different times and from time to time. The failure of Licensor to enforce rights under this Agreement on one or numerous occasions shall not affect Licensor's ability to enforce that right on any subsequent occasion or occasions.

C. In the event that a Default shall occur and Licensor elects to terminate this Agreement, or upon expiration of this Agreement, Licensee shall not be relieved of its duties or obligations under this Agreement so long as Licensee or any of Licensee's (or its employees') property remains in the Parking Lot. Additionally, any rights and obligations created under or by this Section shall survive termination or expiration of this Agreement.

13. **LIMITATION ON LIABILITY.** It is expressly understood and agreed by Licensee that none of Licensor's covenants, undertakings or agreements contained in this Agreement are made or intended as personal covenants, undertakings or agreements by Licensor or any entity which is affiliated with Licensor, its parent companies or affiliates. Licensee specifically agrees to look solely to Licensor's interest in the Parking Lot for the recovery of any sums, damages, awards or judgments from Licensor. It is agreed that neither Licensor, nor any entity which is affiliated with Licensor (nor any of their respective parents or subsidiaries, nor any of their respective shareholders, investors, officers, directors or employees) shall be personally liable for any such sums, damages, awards or judgments. This Section will survive termination or expiration of the Agreement. LANDLORD, ITS PARENT OR AFFILIATED COMPANIES SHALL NOT HAVE ANY LIABILITY FOR LOSS OF PROFITS, CONSEQUENTIAL, SPECIAL, INDIRECT, PUNITIVE, EXEMPLARY OR INCIDENTAL DAMAGES EVEN IF IT HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.

14. **ASSIGNMENT AND SUBLETTING.** Licensee and its employees shall not, directly or indirectly, assign, mortgage, pledge, encumber, or otherwise transfer this Agreement (or any interest of Licensee herein), whether by operation of law or otherwise, and shall not sublicense or sublet, or permit, or suffer the Parking Lot or any part thereof to be used or occupied by others, without Licensor's prior written consent in each instance, which consent may be granted or denied by Licensor in its sole and absolute discretion. Any assignment, sublease, mortgage, pledge, encumbrance or transfer by Licensee or any of its employees in

contravention of the provisions of this Section shall be void. For purposes of this Agreement any transfer, directly, indirectly or by operation of law, of a "controlling" interest in Licensee shall constitute an assignment of this Agreement, and shall be subject to the terms and provisions of this Section. For purposes hereof, a "controlling" interest in Licensee shall mean: (a) the ownership, directly or indirectly, of a majority of the outstanding voting stock or interests of Licensee, or (b) the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of Licensee, whether through the ownership of voting securities or other ownership interests, by statute, or by contract.

15. **LICENSOR'S RIGHT TO TRANSFER.** This Agreement shall not in any manner or to any extent limit or restrict the right of Licensor to use or dispose of the Parking Lot as Licensor may in its discretion desire. Licensor shall have the right, without consent from Licensee, to assign this Agreement to any person or entity who succeeds (directly, indirectly or by operation of law) to any of Licensor's right, title or interest in or to the Parking Lot.

16. **HOLDING OVER.** Licensee shall have no right to remain in possession of all or any part of the Parking Lot after the expiration of the Term. In the event that Licensee or any of its employees remains in possession of all or any part of the Parking Lot after the expiration or earlier termination of the Term with Licensor's consent such tenancy shall be deemed to be a periodic tenancy from month-to-month only, and such tenancy shall not constitute a renewal or extension of this Agreement for any further term; and such tenancy may be terminated by Licensor at any time. Any such month-to-month tenancy shall be subject to every other term, condition, and covenant contained in this Agreement.

17. **MISCELLANEOUS.**

A. **Notices.** Whenever notice is required to be given pursuant to this Agreement, the same shall be in writing, and either personally delivered, sent by a nationally recognized overnight delivery service, postage prepaid, or sent via United States certified mail, return receipt requested, postage prepaid, and addressed to the parties at their respective addresses set forth below, or sent by email to the email address set forth below, provided there is reply confirmation that the email has been received:

If to Licensor:

The Daily Progress
685 Rio Road West
Charlottesville, VA 22901
Attn: Publisher

If to Licensee:

County of Albemarle
Attn.: County Executive
401 McIntire Road
Charlottesville, Virginia 22901

or at such other addresses as any party, by written notice in the manner specified above to the other party hereto, may designate from time to time. Unless otherwise specified to the contrary in this Agreement, all notices shall be deemed to have been given upon receipt (or refusal of receipt) thereof.

B. **Waiver of Jury Trial.** Licensor and Licensee, by this Section, waive trial by jury in any action, proceeding, or counterclaim brought by either of the parties to this Agreement against the other on any matters whatsoever arising out of or in any way connected with this Agreement, the relationship of Licensor and Licensee, Licensee's use or occupancy of the Parking Lot, or any other claims, and any emergency statutory or any other statutory remedy.

C. **Captions.** The section headings appearing in this Agreement are for convenience of reference only and are not intended, to any extent and for any purpose, to limit or define the text of any section or any subsection hereof.

D. **Binding Effect.** The covenants, conditions, and agreements contained in this Agreement will bind and inure to the benefit of Licensor and Licensee and their respective heirs, distributees, executors, administrators, successors and permitted assigns. In the event that Licensee is comprised of more than one individual or entity, the obligations of such individuals or entities under this Agreement shall be joint and several.

E. **Entire Agreement.** This Agreement, the exhibits and addenda, if any, contain the entire agreement between Licensor and Licensee regarding the subject matter hereof, and fully supersede all prior written or oral agreements and understandings between the parties pertaining to such subject matter. No promises or representations, except as contained in this Agreement, have been made to Licensee respecting the condition or the manner of operating the Parking Lot.

F. **Further Assurances.** Each party agrees that it will execute and deliver such other documents and take such other action as may be reasonably requested by the other party to effectuate the purposes and intention of this Agreement.

G. **No Waiver.** The failure of either party to enforce at any time any provision of this Agreement shall not be construed to be a waiver of such provision, nor in any way to affect the validity of this Agreement

or any part hereof or the right of such party thereafter to enforce each and every such provision. No waiver of any breach of this Agreement shall be held to constitute a waiver of any other or subsequent breach.

H. No Third Party Beneficiaries. Licensors and Licensee agree and acknowledge that, except as expressly set forth herein with respect to Indemnified Parties, there are no intended third party beneficiaries of this Agreement nor any of the rights and privileges conferred herein.

I. Governing Law; Venue. The terms and provisions of this Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia. With respect to any suit, action or proceeding relating to this Agreement (each a "Proceeding"), the parties hereto each irrevocably: (a) agree that any such Proceeding shall be commenced, brought, tried, litigated and consummated in the state or federal courts for Albemarle County, Virginia, (b) submit to the exclusive jurisdiction of such courts, and (c) waive any objection which they may have at any time to the laying of venue of any Proceeding brought in any such court, waive any claim that any Proceeding brought in any such court has been brought in an inconvenient forum, and further waive the right to object, with respect to such Proceeding, that any such court does not have jurisdiction over such party.

J. Counterparts. This Agreement may be executed by the parties in counterparts. Each such counterpart shall be deemed an original and all such counterparts, taken together, shall constitute one and the same agreement.

K. Subordinate. This Agreement, and all of Licensee's rights and interests hereunder, are subject and subordinate to any and all recorded and unrecorded easements, licenses, leases and permits, and all other matters (whether recorded or unrecorded) affecting the Parking Lot (or title thereto) dated prior to the date of this Agreement.

L. Severability. If any term, provision or condition in this Agreement shall, to any extent, be invalid or unenforceable, the remainder of this Agreement (or the application of such term, provision or condition to persons or circumstances other than in respect of which it is invalid or unenforceable) shall not be affected thereby, and each term, provision and condition of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

M. Time of the Essence. Time is of the essence of this Agreement, and each and every term and provision hereof.

N. No Partnership. None of the terms or provisions of this Agreement shall be deemed to create a partnership between or among the parties hereto in their respective businesses or otherwise, nor shall any of the terms or provisions of this Agreement cause them to be considered joint venturers or members of any joint enterprise.

O. No Oral Change. This Agreement cannot be changed orally or by course of conduct, and no executory agreement, oral agreement or course of conduct shall be effective to waive, change, modify or discharge it in whole or in part unless the same is in writing and is signed by the party against whom enforcement of any waiver, change, modification or discharge is sought.

P. Licensee's Authority. Licensee represents and warrants that it has full right, power and authority to execute and deliver this Agreement, and to perform each and all of its duties and obligations hereunder.

Q. Negotiated. The parties acknowledge that the parties and their counsel have reviewed and revised this Agreement and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Agreement or any exhibits or amendments hereto.

R. Brokers. Licensee represents and warrants to Licensors that Licensee has dealt with no broker, finder or similar person or entity in connection with this Agreement, or Licensee's use or occupancy of any stalls in the Parking Lot. To the extent permitted under law, Licensee agrees to indemnify, defend (with counsel acceptable to Licensors) and hold Licensors harmless from and against any and all Claims and Losses brought against, sustained or incurred by Licensors by reason of Licensee's breach of the foregoing representation and warranty.

IN WITNESS WHEREOF, Licensors and Licensee have executed this Agreement on the date first written above.

Licensors:

**BH MEDIA GROUP, INC.
D/B/A THE DAILY PROGRESS**

By: _____
Its: _____

**Licensee:
COUNTY OF ALBEMARLE, VIRGINIA**

By: _____
Its: _____



EXHIBIT B

PARKING AGREEMENT

This agreement made this ____ day of _____, 20__ between BH Media Group, Inc. d/b/a The Daily Progress (hereinafter referred to as "BH") and _____ (hereinafter referred to as "Parker").

BH hereby grants Parker the right to park in a parking space designated by BH (the "Parking Space") in The Daily Press parking lot located at 685 Rio Road West, Charlottesville, VA (the "Parking Lot"). Parker expressly understands and agrees that (i) the use of the Parking Space will be solely at Parker's risk; (ii) BH will have no agent or attendant at the Parking Lot to safeguard Parker's automobile or its contents from the theft or damage of any kind; and (iii) BH shall not be liable for any injury to Parker or any loss or damage to Parker's automobile, the parts or contents thereof from any cause whatsoever.

BH shall not be liable for any incidental or consequential damages. PARKER HEREBY RELEASES BH, ITS PARENT COMPANIES AND ITS AFFILIATES, AND THE OFFICERS, DIRECTORS AND EMPLOYEES OF BH, ITS PARENT COMPANIES AND ITS AFFILIATES, FROM ANY AND ALL LIABILITY, CLAIMS, DEMANDS, ACTIONS, AND CAUSES OF ACTION, WHATSOEVER, ARISING OUT OF OR RELATED TO ANY LOSS, PROPERTY DAMAGE, PHYSICAL INJURY OR DEATH THAT MAY BE SUSTAINED BY PARKER WHILE, IN, ON OR AROUND THE PARKING DECK. THIS RELEASE SHALL BE BINDING UPON PARKER'S RELATIVES, SPOUSE, HEIRS, NEXT OF KIN, EXECUTORS, ADMINISTRATORS, AND ANY OTHER INTERESTED PARTIES.

The Parker may not transfer, trade or assign the Parking Space to any other person. Parker shall not park in any reserved stall which has not been assigned to the Parker. Unless earlier terminated by BH as provided in this Agreement, the license to park hereby created can be terminated by either party giving not less than fifteen (15) days' notice of such termination.

Parker agrees to abide by the rules and regulations with respect to the Parking Lot established by BH from time to time, including without limitation the following safety rules, (collectively, the "Rules and Regulations") at all times:

- a. **Drive slowly and use caution.**
- b. **Although pedestrians have the right-of-way, they must be alert to vehicles.**
- c. **Comply with all safety signs.**
- d. **No weapons, concealed or otherwise, including handguns with valid permits, are allowed in the Parking Facility except as permitted by applicable law.**
- e. **No smoking is allowed in the Parking Lot.**
- f. **No cell phone use while driving.**

BH shall have the right to terminate this Agreement immediately upon (i) the termination of the Parking Agreement between Parker's employer and BH, (ii) the termination of employment of the Parker with such employer, or (iii) the violation of the Rules and Regulations by the Parker.

Parker's Signature: _____

Parker's Printed Name: _____

Date: _____

Make and Model of Vehicle: _____

License Plate No. of Vehicle: _____

Item No. 8.4. Resolution of Intent to Amend the Zoning Ordinance Regulations Pertaining to Farmer's Markets.

The Executive Summary forwarded to the Board states that the Rural Area chapter of the Albemarle County Comprehensive Plan states that one of the objectives of the County is to "support a strong agricultural and forestal economy," and one of the strategies to achieve that objective is to "continue to assist Rural Area property owners to diversify agricultural activities, including helping to connect local farms with local consumers".

Farm Stands are permitted as a by-right use in the Rural Areas, but Farmers' Markets require a special use permit. Farm Stands are for a single vendor and Farmers' Markets are for two or more vendors. The County has reviewed two Farmers' Market requests in the Rural Areas and both have been approved. During the review process for Farmers' Markets, it has become apparent that the impacts of a Farmers' Market are relatively straightforward and can be addressed with appropriate regulations that would allow the use to be processed administratively. The existing regulations require a special use permit application which involves a significant fee, based on the size of the use, and a lengthy review process. Farmers' Markets are generally small in nature and may be proposed late in the winter or early spring for summer use. The lead time for a special use permit is not conducive to establishing a Farmers' Market during the farming season.

During the review of the Zoning Text Amendment, staff will attempt to identify those who may be interested in the use and request their comment. The Planning Commission has already been asked informally to comment on the proposed change in use. While Commission members are supportive of amendments to the site plan submittal requirements for Farmers' Markets, they did not express support of a change to allow the use by-right.

The cost of reviewing a special use permit application exceeds the application fee. Allowing Farmers' Market as a use by-right may have a slight positive impact on the budget.

Staff recommends that the Board adopt the attached Resolution of Intent (Attachment A).

By the above-recorded vote, the Board adopted the following Resolution of Intent:

**RESOLUTION TO APPROVE
THE PARKING AGREEMENT
BETWEEN BH MEDIA GROUP, INC.
D/B/A THE DAILY PROGRESS AND
THE COUNTY OF ALBEMARLE, VIRGINIA**

WHEREAS, the Board finds that it is in the best interest of the County to enter into a Parking Agreement with BH Media Group, Inc. d/b/a The Daily Progress for the County's rental of 21 parking spaces located on the Daily Progress office building site located adjacent to the Northside Library property on Rio Road for use by Local Government, School Division, and library staff to provide additional parking at the Library for library patrons.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia hereby approves the Agreement between BH Media Group, Inc. d/b/a The Daily Progress and the County of Albemarle, Virginia for the County's rental of 21 parking spaces on the Daily Progress office building site, and authorizes the County Executive to execute the Agreement on behalf of the County once it has been approved as to substance and form by the County Attorney.

Item No. 8.5. Small Area Plan Memorandum of Understanding.

The Executive Summary forwarded to the Board states that the Small Area Plan process targets the geographic area that includes the Route 29 Hydraulic, Route 250 Bypass, and Hillsdale Highway intersections and the surrounding areas. At its March 1, 2017 meeting, the Board endorsed the vision for Phase 1 of the Small Area Plan. This vision included a joint effort by the City of Charlottesville (the City), the County of Albemarle (the County), and the Charlottesville-Albemarle Metropolitan Planning Organization (MPO) for the development of a Transportation and Land Use Development Plan to be completed by a planning consultant.

The purpose of the attached proposed Route 29 Solutions Hydraulic Planning Study Memorandum of Understanding (MOU) (Attachment A) is to provide a mechanism to manage the delivery of the Small Area Plan. It outlines the respective responsibilities of the City, the County, and the MPO for their participation in Phase 1 of the Small Area Plan. The Route 29 Solutions Hydraulic Planning Study MOU presents both the proposed scope of these planning efforts as well as an outline of the responsibilities of the County associated with participation.

The proposed scope of the planning effort as set forth in the MOU is to develop a conceptual land use plan for the defined study area to reflect preferred models for growth and urban form in this area, and to inform transportation solutions to support this projected growth. The attached consulting scope of services (Attachment B) describes how these services will be provided by the consultant.

The attached MOU summarizes the responsibilities of the County in partnership with the City, the MPO, and the Virginia Department of Transportation (VDOT) in providing a Transportation and Land Use Development Plan for the "Small Area." Those responsibilities would include:

- Appropriate and contribute \$30,000 of County funding to be included as part of the VDOT Budgeted Funds for Small Area Plan.
- Provide Representatives, assistance, and guidance to the Hydraulic Planning Advisory Panel.
- Review and comment by the County Planning Commission of draft small area plan work.
- Review, comment, and consideration for recommendation to the Board of Supervisors by the County Planning Commission of the final small area plan.

The budget impact of this MOA is \$30,000, which is the County's share of the cost to contract small area planning services. The Board approved an appropriation for this amount and purpose on April 5, 2017 (Appropriation #2017085).

Staff recommends that the Board adopt the attached Resolution (Attachment C) approving the attached Memorandum of Understanding (Attachment A) between the County, the City, and the MPO.

By the above-recorded vote, the Board adopted the following Resolution approving the attached Memorandum of Understanding between the County, the City, and the MPO:

**RESOLUTION TO APPROVE
THE MEMORANDUM OF UNDERSTANDING
BETWEEN THE COUNTY OF ALBEMARLE,
THE CITY OF CHARLOTTESVILLE, AND
THE CHARLOTTESVILLE-ALBEMARLE
METROPOLITAN PLANNING ORGANIZATION FOR THE
ROUTE 29 SOLUTIONS HYDRAULIC PLANNING STUDY**

WHEREAS, the Board finds that it is in the best interest of the County to enter into a Memorandum of Understanding between the County of Albemarle, the City of Charlottesville, and the Charlottesville-Albemarle Metropolitan Planning Organization for the Route 29 Solutions Hydraulic Planning Study.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia hereby approves the Memorandum of Understanding between the County of Albemarle, the City of Charlottesville, and the Charlottesville-Albemarle Metropolitan Planning Organization for the Route 29 Solutions Hydraulic Planning Study, and authorizes the County Executive to execute the Memorandum of Understanding on behalf of the County once it has been approved as to substance and form by the County Attorney.

MEMORANDUM OF UNDERSTANDING

BETWEEN

COUNTY OF ALBEMARLE

CITY OF CHARLOTTESVILLE

CHARLOTTESVILLE-ALBEMARLE METROPOLITAN PLANNING ORGANIZATION

ROUTE 29 SOLUTIONS HYDRAULIC PLANNING STUDY

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is made and entered into this ____ day of _____, 2017 by and between the County of Albemarle, Virginia ("COUNTY"), the City of Charlottesville, Virginia ("CITY"), and the Charlottesville-Albemarle Metropolitan Planning Organization ("MPO").

Whereas, COUNTY, CITY and the MPO ("the Parties") in partnership with the Virginia Department of Transportation (VDOT), have expressed a mutual interest in establishing an agreeable framework for funding, coordinating and providing planning and engineering studies necessary to provide a Transportation and Land Use Development Plan for a small geographic area including the Route 29 Hydraulic, Route 250 By-pass and Hillsdale highway intersections and surrounding areas ("Small Area") that directly influence current and future traffic, bicycle and pedestrian travel patterns within this portion of the Route 29 Solutions Program (the "Project"); and

Whereas, the first two phases of the Project will consist of the development of a report addressing land use and preliminary engineering addressing transportation needs for the Project Area ("Small Area Plan"), and within this MOU the COUNTY, CITY and the MPO desire to establish a mechanism for funding and delivery of a Small Area Plan ("Phase I"); and

Whereas, the Parties acknowledge their intent to perform the requirements of Phase I Project planning in adherence to all applicable federal, state, and local laws, regulations, policies, and manuals, as they pertain to the purpose of this MOU;

Now therefore, in consideration of the mutual promises herein contained and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the Parties agree as follows:

I. SCOPE OF MOU

The CITY, the COUNTY, and the MPO hereby set forth their understanding as to their respective responsibilities for participation in Phase I of the Project.

The Virginia Department of Transportation (VDOT) will be contracting with a planning consultant Kimley Horn and Associates to perform small area planning for the project at an approximate Phase I cost of \$ 460,000.00 ("VDOT's Budgeted Funds"). Sixty-thousand dollars (\$60,000) of those VDOT Budgeted Funds must be contributed by the CITY AND COUNTY.

MPO will manage VDOT's Budgeted Funds, guided by the Route 29 Solutions Hydraulic Advisory Panel consisting of twelve elected officials, staff, citizen planners and community business representatives.

The scope of the planning effort is to develop a conceptual land use plan for the defined study area to reflect preferred models for growth and urban form in this area, and to inform transportation

solutions to support this projected growth. The Hydraulic Small Area Plan study area is experiencing steady growth, increased development intensity, and pressure to grow in a denser, mixed-use development pattern that is unique to this portion of the County and the City. Understanding the impact and interaction of new development on the US Route 29 corridor and primary collector streets within the area is critical to inform future land use plans, local codes and policy documents guiding development in this area. The study area is located within the jurisdictions of both the City of Charlottesville and Albemarle County. Both jurisdictions, together with the MPO, seek to develop a conceptual approach to guiding development in the area and to have the study inform goals and possible solutions for continued improvements to transportation facilities to support anticipated growth. The attached consulting scope of services describes the services that will be provided by VDOT's consultant to complete the study.

The Project study area consists of the general area anchored by the Hydraulic Road – US Route 29 development node. The study area is defined as an area of approximately 600 acres (approximately 300 acres in city and approximately 300 acres in the county) with boundaries generally located as follows:

- Northern boundary = Greenbrier Drive / Whitewood Road
- Eastern boundary = Meadow Creek
- Southern boundary = US 250 Bypass
- Western boundary = N. Berkshire Road

The final Project boundary will be defined by the Hydraulic Planning Advisory Panel but is not expected to be very different from the above-described boundary.

II. PURPOSE

The purpose of this MOU is to provide a mechanism to manage VDOT's Budgeted Funds for the delivery of the Small Area Plan directing a transportation plan to be used to apply for transportation funding by September, 2018. The MPO, City, County and VDOT will be advised throughout by the Hydraulic Planning Advisory Panel. The VDOT Budgeted Funds will be applied to management of the Small Area Planning contract and associated planning of transportation improvements of the Project, community engagement, and staffing for planning consulting services.

III. RESPONSIBILITIES OF THE PARTIES

To the best of their knowledge, the Parties represent that the execution and performance of this MOU does not contravene any law, governmental rule or regulation, or any provision of any other MOU or Agreements to which CITY, COUNTY and the MPO are a party.

The Parties agree to the responsibilities set forth below.

Responsibilities of the MPO

1. Work within the guidelines outlined within by the Scope of Work of the contract between VDOT and Kimley Horn and Associates for the Hydraulic Small Area Plan.
2. The MPO will manage all direct and consulting work for Phase I of the Project (the Route 29 Hydraulic Study, land-use element—Small Area Plan). Provide Phase I Small Area Plan project management as required for the deliverable of a Small Area Plan for the Route 29 - Hydraulic area.
3. Provide matching funds and staff assistance to VDOT and contractual consultants in development and completion of Phase I Hydraulic Small Area Plan.

4. Programmatic and financial communication between VDOT, the Hydraulic Planning Advisory Panel, City and County staff, elected officials and planning commissions.
5. Deliver final Small Area Plan document to CITY and COUNTY.
6. Manage all VDOT Budgeted Funds for expenditure in accordance with this MOU, and keep and maintain adequate records documenting expenditures of the VDOT Budgeted Funds, consisting of \$400,000 provided by VDOT, \$30,000 provided by the CITY, and \$30,000 provided by the COUNTY. Expenditure of CITY and COUNTY funds provided in accordance with this MOU will be expended in a manner that draws on such funds on an equal (50%/ 50%) basis whenever local contributions are used to cover Project costs and expenditures.

Responsibilities of COUNTY

1. Appropriate and contribute \$30,000 of COUNTY funding to be included as part of the VDOT Budgeted Funds for the Small Area Plan.
2. Provide representatives, assistance and guidance to the Hydraulic Planning Advisory Panel.
3. Review and comment by the County Planning Commission of draft small area plan work.
4. Review, comment and consideration for recommendation to the Board of Supervisors by the County Planning Commission of the final small area plan.

Responsibilities of CITY

1. Appropriate and contribute \$30,000 of CITY funding to be included as part of the VDOT Budgeted Funds for the Small Area Plan.
2. Provide representatives, assistance and guidance to the Hydraulic Planning Advisory Panel.
3. Review and comment by the City Planning Commission of draft small area plan work.
4. Review, comment and consideration for recommendation to the City Council by the City Planning Commission of the final small area plan.

IV. PAYMENTS

The MPO will invoice CITY and COUNTY on or after March 1, 2017 in the amount of \$30,000 each. Upon receipt of the MPO's invoice, the CITY and the COUNTY will each deliver payment to the MPO in the amount specified by the invoice.

Any CITY or COUNTY funds not expended by the MPO for the Project will be returned by the MPO to the CITY or COUNTY, respectively, within 30 days of the final completion of the Small Area Plan and accompanying Smart Scale Funding application.

By their signatures to this Memorandum of Understanding the authorized agents of the CITY and COUNTY and MPO confirm (i) their understanding of the terms herein stated, establishing a mechanism for funding and management of the Project (Phase I Small Area Plan), and (ii) their desire to participate in the planning Project in accordance with the terms herein stated.

PARTIES:

County of Albemarle, Virginia

By Its Authorized Agent:

Doug Walker
Interim County Executive

Date

Charlottesville-Albemarle Metropolitan Planning Organization

By Its Authorized Agent:

Charles P. Boyles, II
Executive Director

3/20/17
Date

City of Charlottesville, Virginia

By: Its Authorized Agent:

Maurice Jones
City Manager

Date

Item No. 8.6. Set public hearing for June 7, 2017, on an ordinance to amend Chapter 2, Administration, of the Albemarle County Code, **to amend Section 2-202, Compensation of board of supervisors**, to increase the compensation of the members of the Board of Supervisors by an inflation factor of 2% effective July 1, 2017.

By the above-recorded vote, the Board set the public hearing for June 7, 2017.

Item No. 8.6a. Change Start Time of June 7, 2017, Day Meeting from 1:00 p.m. to 9:00 a.m.

By the above-recorded vote, the Board changed the start on June 7, 2017 meeting to begin at 9:00 a.m.

Item No. 8.7. County Grant Application/Award Report, ***was received for information.***

The Executive Summary forwarded to the Board states that pursuant to the County's Grant Policy and associated procedures, staff provides periodic reports to the Board on the County's application for and use of grants.

The attached Grants Report provides a brief description of one grant application submitted and one grant award received during the time period of March 11, 2017 through April 14, 2017. This report also includes a comprehensive look at potential Five Year Financial Plan implications if projects and/or programs that are supported by grants are continued with local funding after the grants end. As grant funding ends, recommendations will be included in the County Executive's proposed annual budgets for the Board's consideration as to whether local funding should be used to continue those projects and programs. No County funds will be used to fund the continuation of those projects and programs without Board approval.

The budget impact is noted in the summary of each grant.

This report is to provide information only. No action is required.

GRANT REPORT ACTIVITY – March 11, 2017 through April 14, 2017

Applications made during this time.

Granting Entity	Grant Project	Type	Amount Requested	Match Required	Match Source	Department	Purpose
Virginia Commission for the Arts	Local Government Challenge Grant	State	\$5,000	\$5,000	County's Contribution to Piedmont Council for the Arts.	Office of Management and Budget	This grant will provide funding for local arts activities in Albemarle County. Specifically, the funding would be provided to Piedmont Council for the Arts.

Awards received during this time.

Granting Entity	Grant Project	Type	Amount Requested	Match Required	Match Sources	Department	Purpose
Department of Housing & Community Development	VA Telecommunications Initiative with Century Link	State	\$118,000	\$29,600	Century Link \$24,600 County's Grant Leveraging Fund \$5,000	Information Technology	This grant would provide for broadband expansion to the following projects: <ul style="list-style-type: none">• Emerald Ridge/Saddle Back Drive• Tilmans and Old Green Mt. Rd.• Yancey Mills

Comprehensive Look at Potential Five Year Financial Plan Grant Impacts:

The following chart includes grants that are expected to end within the next five years and an estimate of the County's cost over the next five years if the grant-supported position, project or program is continued after the grant ends. The continuation of those positions, projects and programs will be considered as part of the County's annual budget process.

Grant Entity	Grant Name	Summary	# of FTE	Designation of Current Budget Match	Expected End Date	FY17 Grant Amount*	Potential Financial Impact - Includes Five Year Plan salary assumptions				
							FY18	FY19	FY20	FY21	FY22
Virginia Department of Criminal Justice Service	FY16 Byrne/Justice Assistance Grant (JAG) Law Enforcement	This grant provides funding for a current police Sergeant position to form and lead the new Problem Oriented Policing (POP) Team and includes overtime/equipment/ supporting costs. This grant requires the local match to increase each year with the goal at the end of the grant to be for a full time employee to be hired and associated costs to be absorbed in the department.	1	Grants Leveraging Fund	6/30/2020	\$104,925.00	\$ 69,754.50	\$ 104,631.75	\$ 139,509.00	\$ 139,509.00	\$139,509.00
Virginia Department of Criminal Justice Service	FY16 Byrne/Justice Assistance Grant (JAG) Crime Analysis	This grant provides funding for the current Crime Analyst position. The grant requires the local match to increase each year with the goal at the end of the grant to be for a full time employee to be hired.	1	Police Department	6/30/2017	\$16,939.00	\$ 69,313.00	\$ 69,313.00	\$ 69,313.00	\$ 69,313.00	\$ 69,313.00
*does not include local match funds							\$139,067.50	\$ 173,944.75	\$ 208,822.00	\$ 208,822.00	\$208,822.00

The following chart includes an estimate of the County's cost over the next five years for the replacement of equipment that was purchased with grant funding. The replacement of such equipment will be considered as part of the County's annual budget process.

Grant Name	Summary	# of FTE	Designation of Current Budget Match	Actual End Date	Potential Financial Impact						
					FY18	FY19	FY20	FY21	FY22		
2006 Assistance to Firefighters	This grant provided funds for the purchase of turnout gear in 2006. The equipment life is now expiring and the estimated amount of approximately \$140,000, which is typically budgeted in a given year for this expense, is now estimated to be inadequate to replace the equipment over time. The additional funds listed in this chart reflects the additional costs estimated to replace this equipment each year. Costs in the out years is estimated to decrease due to the newly centralized management process and expected efficiencies.	0	Fire Rescue Fund	6/30/2006	\$ 236,700.00	\$191,800.00	\$ 147,090.00	TBD	TBD		
Equipment Grant	This grant provided funds for the purchase of fitness equipment. The equipment life span is expiring.	0	Fire Rescue Fund	6/30/2009	\$ 40,356.00	\$ 53,345.00	\$ 54,934.00	TBD	TBD		
					\$ 277,056.00	\$245,145.00	\$ 202,024.00	\$ -	\$ -		

Item No. 8.8. Q3 FY 17 Quarterly Financial Report, Q3 FY 17 General Fund Revised Financial Projections Report, and Q3 FY 17 Quarterly Economic Indicators Report, **was received for information.**

The Executive Summary forwarded to the Board states that the attached Unaudited Quarterly Financial Report (UQFR) (Attachment A) provides information regarding the County's FY 17 General Fund and School Fund performance as of March 31, 2017. The General Fund Revised Financial Projections Report (Attachments B and C) includes projected General Fund revenues and expenditures for FY 17. The Quarterly Economic Indicator Report (Attachments D and E) provides an overview of recent general economic conditions in the County.

Quarterly Financial Report

The Quarterly Financial Report (QFR) reflects year-to-date (YTD) data through March 31, 2017, the end of the third quarter (Q3) of FY 17. The data in the attached QFR is organized in a way that is consistent with Exhibit 12 of the County's Comprehensive Annual Financial Report (CAFR). Most line item titles in the QFR match the line item titles in the CAFR. Highlights from the QFR include:

- Revenues - YTD Actual* YTD total revenues in Q3 FY 17 were \$143,606,745 compared to \$136,241,227 in Q3 FY 16. In percentage terms, FY17 YTD actual revenues as a percentage of FY 17 Revised Budget revenues were 55.43%, compared to 54.37% in FY 16.
- Expenditures - YTD Actual* YTD total expenditures in Q3 FY 17 were \$192,208,415 compared to \$184,778,815 in Q3 FY 16. In percentage terms, FY 17 YTD actual expenditures as a percentage of FY 17 Revised Budget expenditures were 74.19%, compared to 73.74% in FY 16.

County Executive Authorized Transfers and Appropriations - A table listing the County Executive authorized transfer and appropriations made during the third quarter of FY 17 is included on page 8.

ACPS Quarterly Financial Report - As requested by the Board, the Albemarle County Public Schools Quarterly Financial Report as of March 31, 2017 is included as a table on page 11 of the QFR. An *Investment Activity Summary* for the Quarter Ended March 31, 2017 is included on page 12.

General Fund Revised Financial Projections Report

The General Fund Revised Financial Projections Report (GFRFPR) (Attachment B) provides a streamlined summary of forecasted revenues and expenditures. The GFRFPR indicates that by June 30, 2017, actual revenues, including transfers, are forecasted to be above appropriated revenues by \$6.654 million. This result reflects better-than-expected growth in most major revenue streams. Expenditures, including transfers, are projected to be \$4.831 million above March 31, 2017 appropriated expenditures. Note that the difference between the March 31, 2017 appropriated expenditures and forecasted FY 17 expenditures is due primarily to the FY 16 year-end surplus that the Board appropriated in April of 2017. For purposes of balancing the budget, supplemental appropriations made by the Board during FY17 have identified excess FY16 fund balance as the source of funding the additional expenditures, however, because of stronger than expected revenues, it is unlikely that use of fund balance will be necessary. As a result of better than expected revenue collections and better than expected expenditure savings, the County can expect to add \$1.8M to the existing excess fund balance at the end of FY17.

The result of the surplus in revenues plus the anticipated expenditures and transfers is a projected net increase of \$1.823 million additional fund balance by the end of FY 17.

Quarterly Economic Indicators Report

The Quarterly Economic Indicators Report (QEIR) (Attachment D) shows the state of the County's economy. The QEIR contains data taken from the most recently available quarter and compares this data with data from the same quarter of previous fiscal years. General economic activity, as measured by six select revenue streams, grew between Q2 FY 16 and Q2 FY 17 (the most recent quarter for which complete data is readily available for all of the revenue streams), although there was substantial variation in the performance of the revenue streams. The unemployment rate in Albemarle declined slightly between Q2 FY 16 and Q2 FY 17, dropping from 3.37% to 3.33%. This essentially flat year-over-year performance was consistent with the behavior of the national and state unemployment rates. Nominally, the County appears to have reached "full employment." The County's jobs base, meanwhile, appears to have experienced robust growth between Q1 FY 16 and Q1 FY 17, again the most recent quarter for which information is available. The total number of jobs increased from 51,873 to 53,394. This growth of 1,521 positions is consistent with a healthy local labor market. The revenue stream, unemployment rate, and jobs data suggest that the County's economy grew at a reasonably healthy pace in the most recent year, a situation that is consistent with the U.S. and state economies.

Revenues and expenditures data contained in the UQFR reflects the state of the County's FY 17 budget-to-actual financial performance as of March 31, 2017. Year-end projections contained in the GFRFPR are subject to change, based on the result of actual collections and expenditures through June 30, 2017. Data shown in the QEIR reflects economic variables that affect the County's current and future revenues and expenditures.

These reports are for information only. Staff welcomes the Board's feedback regarding the content and presentation of these reports.

Item No. 8.9. Capital Projects Status Report 1st Quarter CY 2017, ***was received for information.***

The report states that the Project Management Division (PMD) of the Facilities & Environmental Services Department (FES) is pleased to present the 1st quarter Capital Projects Status Report for calendar year 2017. This report provides summary level information on all projects managed by PMD, including both Capital Projects and Capital Maintenance Projects.

The PMD Team worked on thirty-eight (38) active projects in the 1st quarter of 2017.

Projects that reached final completion during the 1st Quarter include Jack Jouett Middle School Security Improvements, Greer E.S Interior Renovations, Ivy Creek School Interior Renovations and the Hollymead - Powell Creek Sidewalk Project.

Notable projects that are in the design or bidding stage: Woodbrook Elementary School Additions and Renovations, School Learning Space Modernization projects, four school roofing projects, Hydraulic - Barracks Road Sidewalk Project, Hollymead Dam Spillway Improvements, Sutherland Middle School Tennis Courts and several Parks & Recreation improvement projects.

Notable projects currently under construction include Pantops Station 16, Rescue 8, Preddy Creek Park Bridge, Fire Rescue Office Renovations, and the Finance Department Kiosk.

In order to accommodate the increase in the number and size of projects that PMD will be managing over the next two years, the Board approved hiring two temporary (2-year term) Project Managers, a Clerk of the Works for Woodbrook Elementary School Additions and a permanent Project Administrator. To date, the Project Manager positions have been filled, the Clerk of the Works is in final interviews and the Project Administrator position has been filled in the interim until FY2018 funding is available.

The FES Director and PMD Chief have teamed with Albemarle County Police to submit the Regional Firearms Training Center Project for a NACO (National Association of Counties) Achievement Award, which is an award program that honors innovative county government programs.

Item No. 8.10. Environmental Quarterly Report – 3rd Quarter FY 17, ***was received for information.***

Item No. 8.11. Board-to-Board, April 2017, A monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors, ***was received for information.***

Item No. 8.12. Citizens Advisory Committee for the Charlottesville-Albemarle Public Defender Office Annual Report, ***was received for information.***

Agenda Item No. 9. Residential Transient Lodging Work Session and Resolution of Intent.

The Executive Summary presented to the Board states that at its March 8, 2017 discussion of the Community Development Work Program, the Board expressed its desire to render all residential transient lodging a taxable activity in Albemarle County. With this objective in mind, the Board directed staff to accelerate the process of identifying and implementing any necessary changes to the County's Zoning Ordinance or tax code. While the tax component of this process is relatively straightforward, modification of the Zoning Ordinance would require additional steps outlined in Attachment C.

In order for all providers to be subject to transient occupancy taxes, an amendment to the County's tax code will be required. This Executive Summary and actions required by the Board on May 3rd will involve initiation of the process to amend our Zoning Ordinance. Subsequent action of the Board will address changes to our tax code.

Tax Code Amendment:

County Code § 8-616 subjects a number repair, personal, business and amusement services to the business, professions, and occupations licensing and tax ("BPOL") requirements. County Code § 8-619 subjects the renting of houses and other buildings and properties to the same requirements. In order to subject short-term rentals to BPOL, staff recommends that the Board consider amending County Code § 8-616(C) to add shortterm rentals to the class of businesses that include hotels and other similar transient lodging, and to amend County Code § 8-619 to clarify that that section does not apply to short-term rentals.

County Code §15-900 et seq. provides regulations related to transient occupancy taxation. These regulations provide that the County can only require that a lodging provider collect transient occupancy tax on rental of rooms in a ***hotel, motel, boarding house, or travel campground*** for fewer than thirty(30) consecutive days of continuous occupancy. These regulations do not include other types of lodging such as BnBs or guestrooms. Amending County Code §15-900 et seq. to include all applicable types of lodging would enable the County to impose taxes on residential transient lodging.

If the Board decides to amend County Code §15-900 et seq., the Finance Department will proactively work to bring all purveyors of residential transient lodging into compliance with the amended tax requirements. In order to facilitate the County's collection of these taxes, staff suggests the development of a registry, enabled by the new senate bill [SB1578 http://lis.virginia.gov/cgi-bin/legp604.exe?171+ful+SB1578ER+hil](http://lis.virginia.gov/cgi-bin/legp604.exe?171+ful+SB1578ER+hil) (Attachment A -the "Airbnb" bill). Staff further recommends that any County Code amendment should include other provisions enabled by SB1578, such as prohibiting an operator who has been found guilty of three or more violations of state and local short-term rental regulations from offering their property for rent. A zoning text amendment is not required to adopt amendments to the County's Tax Code or to require a registry of operators.

Zoning Text Amendment:

The Zoning Ordinance does currently provide for accessory tourist lodging (ATL) in the Development Areas and bed and breakfast (BnB) lodging in the Rural Area. (Attachment B provides more information on current regulations.) Assuming the Board desires to amend the County's BPOL and transient occupancy tax regulations to include short-term rentals, those current operators who are not now in compliance will have to come into compliance with applicable zoning regulations and secure the required permits. The exact number of transient lodging operators who potentially affected by these changes is unknown.

A review of 120 listings found during an online search of residential transient lodging facilities in the County revealed 33 ATLs in the Development Areas and 87 BnBs in the Rural Area. Two-thirds of the facilities listed appear to be able to meet County zoning requirements for the number of bedrooms and the location of those bedrooms, of the remaining one third of facilities, most would not be in compliance with the County's zoning regulations due to periodically renting the entire house or apartment for transient lodging.

Other identified issues of noncompliance:

- renting accessory units (in the Development Areas);
- lack of a resident manager (in both the Development Areas and Rural Area);
- regular hosting of special events; or exceeding the number of guest rooms allowed.

For ATLs and BnBs without a zoning permit, it is unknown how many meet fire safety and parking requirements.

While staff is not recommending wholesale changes to the ATL and BnB zoning regulations, potential changes to two areas may be advantageous to bring operators into conformity with relative ease. Staff proposes consideration of:

- Expanding zoning regulations to include allowance of transient lodging in attached dwellings such as townhomes and condominiums.
- Amendments to deal with periodic whole house/apartment rentals

Staff notes that amendments to County Code regulations regarding transient occupancy tax and the proposed registration requirement would require, at a minimum, a public hearing prior to adoption. Changes to the Zoning Ordinance would likely require more extensive public participation. Public engagement can take place at a Planning Commission work session, CAC meetings, or other venues prior to a Board public hearing on the ZTA. Attachment C contains a potential timeline for public input on both the tax regulations and the ZTA. For the ZTA, the schedule may be ambitious if proposed changes are contentious or if complex issues arise that staff has not anticipated

Amending the County Code to capture transient occupancy tax and to more broadly allow transient lodging use would result in increased revenue. Staff is unable to project at this time the amount of increased revenue and what resources would be required to collect the additional revenue and bring operators into conformity.

If the Board wishes to pursue a Zoning Text Amendment to amend the County's Residential Transient Lodging regulations at this time, staff recommends that the Board adopt the attached Resolution of Intent (Attachment D) and endorse the public process provided as Attachment C. If the Board wishes to pursue changes to County Code §§ 8-616(C), 8-619, and 15-900 et seq. to impose short-term rental license and taxation requirements, staff will schedule for further consideration at a meeting in June with possible action at that time to schedule a Public Hearing for July or other subsequent regular meeting.

Mr. Bill Letteri, Deputy County Executive, presented to the Board and stated that alternative terms for transient lodging include accessory tourist lodging, bed and breakfasts, AirBnB, Homestay, and short-term rentals. He said he will discuss tax and zoning amendments related to these activities, and recalled that the Board had a discussion in March during the Community Development Work Plan discussion and had asked staff to return with information on tax code and ordinance changes that may be necessary to implement taxation. Mr. Letteri stated that his presentation will focus on the tax issues, and then Ms. Rebecca Ragsdale will review potential ordinance amendments. He said the discussion is consistent with Comprehensive Plan Strategy 5E, under which they will study the nature and extent to which transient lodging is currently taking place in the community and whether or not policy and regulatory changes should occur to accommodate their use. Mr. Letteri noted that it is also consistent with the County's strategic plan as it relates to thriving development areas, rural areas, and economic prosperity.

Mr. Letteri stated there are four decisions staff will ask of the Board. He said the first area of consideration is whether to modify BPOL and transient occupancy tax requirements in the County code. He said the second is whether to set up a short-term rental registry, enabled by recent state legislation, which will aid in administration of this process. He said a third option is to consider modifying current residential transient occupancy regulations in the zoning ordinance, and fourth, he will ask for Board guidance as to how to schedule these changes. Mr. Letteri reviewed two potential tax code amendments as follows: 1) amend County Code 8-616 (BPOL) requirements by adding short-term rentals to the class of businesses that includes hotels and other similar transient lodging; 2) amend County Code 15-900 Transient Occupancy Tax to include all applicable types of lodging (AirBnB, etc.) in the same category as hotels, motels, boarding houses, or travel campgrounds.

Mr. Letteri next reviewed how Senate Bill 1278 allows for the creation of a registry for short-term rentals. He said it is not directly related to the zoning ordinance and is more of an administrative tool allowing them to develop and require operators to become part of the registry. Mr. Letteri stated that a fee may be charged, as well as penalties imposed for failure to register. He noted that if the Board agrees to these measures, staff can come back to the Board at a future meeting with specific language and then have the Board set a date for a public hearing.

Ms. Mallek recalled from the spring discussion that they needed to put them into a zoning ordinance in order to tax them, and asked if that is correct. She asked what benefits the establishment of a registry will provide besides collection of a fee, adding that she assumes a registry can be valuable to first responders so they will be aware of activities at a property.

Ms. Rebecca Ragsdale, Senior Permit Planner, continued the presentation and stated that the registry is an additional tool, although some things that are already in place provides somewhat of a

registry, with the zoning ordinance already allowing for a number of forms of transient lodging. Ms. Ragsdale stated that current practice among Community Development and Finance is that residents apply for zoning clearances, known as Accessory Tourist Lodging or Bed and Breakfast permits, and pay BPOL or transient occupancy taxes. She stated that current County zoning allows rental of up to five rooms in a single-family detached structure, with flexibility in rural areas to allow up to five guest rooms in either a detached or accessory structure. She said in the rural areas, a property can have two bed and breakfast uses. Ms. Ragsdale reviewed current restrictions, including that an entire house may not be rented and that single-family attached, townhouse or apartments may not be rented; additionally, rentals are not permitted in detached structures within the development areas. She said that special events, such as weddings, are not permitted. Ms. Ragsdale stated that in both the rural and development areas, the owner must have at least two parking spaces per house, with one additional space for each guest room. She said the fee charged for a zoning clearance is \$108, and a building inspection is conducted that include a requirement for an electrical permit if smoke detectors need to be brought up to code. Ms. Ragsdale stated a Fire Marshal inspection is required at a cost of \$50, as well as a Health Department inspection at a cost of \$40 or more per application.

Ms. Ragsdale stated that it is apparent that many property owners are not going through the registration steps, and a study of properties listed online shows that only 27% in the development areas and 73% in the rural area are compliant. She said their estimate of those not registered is that about two-thirds would likely meet current regulations and one-third would not. Ms. Ragsdale asked the Board for guidance as to how to approach the one-third of rentals that are not likely to be able to meet County requirements, adding that one option is to leave current regulations as is. She said there are two potential changes that can be made: to allow periodic whole house rentals, with limitations; and to allow rentals in townhouses, apartments, and condos. Ms. Ragsdale stated that other potential changes, which staff did not recommend, include allowing rental of accessory units in the development areas, to allow hosting of special events with a special permit; and to allow the number of permitted guest rooms to be exceeded. She stated that since they changed the zoning process for the rural area in 2012, they have seen 39 applications. Ms. Ragsdale said that staff is seeking direction as to whether to modify zoning regulations and to advise staff and adopt a resolution of intent and, second, to advise staff on the process.

Ms. McKeel noted that within the development area, there are some homes in neighborhoods, such as Belvedere, that have accessory units, and she asked for confirmation that they would not be making changes that would affect these. Ms. Ragsdale responded that the carriage houses approved for neighborhood model districts were designed to be permanent dwellings to meet housing affordability. She said that staff did not recommend allowing transient lodging in these structures, as these were intended primarily to provide affordable rental housing and not tourist lodging.

Ms. Palmer asked how the County's transient lodging regulations for urban areas compares with Charlottesville's. Ms. Ragsdale responded that Charlottesville has three tiers and recently added a periodic, whole house rental type of lodging.

Mr. Randolph commented that the idea of adding transient lodging to the code is wise. He said if they allow whole house and guest room rentals, they should not allow the County code to supersede homeowner association rules, so that they do not interfere with a homeowner's association's ability to decide on their own rules. Mr. Kamptner stated that County regulations would not supersede those of HOAs, to the extent the HOA rules are more restrictive.

Mr. Dill said it is not clear to him whether they are discussing these issues now or discussing when to have these discussions. He posed the question of whether there is a minimum level of activity allowed without having to register, such as renting out one's home once per year for graduation weekend. He noted that church and social groups allow guests to stay at one another's homes and wonders if they will have separate rules for this type of situation. Mr. Dill also expressed concern about the fairness of allowing detached homes to have an AirBnB, but not townhomes and condominiums. Ms. Ragsdale replied that those are excellent questions that can be further explored, but the question for today is to find out if next steps should be taken. She suggested that they hold a work session at which staff can provide more data and review some of these questions.

Ms. Palmer commented that they had to do this based on what they are currently observing in terms of noncompliance. She asked if there is a minimum revenue income amount required to obtain a permit. Ms. Ragsdale said there is not.

Mr. Kamptner stated that staff will look at whether the registry requirement would or would not be attached to the BPOL threshold, as they will not be able to determine if a homeowner is above or below the threshold if they are not registered.

Ms. Palmer commented that, if they do make changes, they should be mindful not to repeat what was done with the BPOL tax, whereby the County penalized people for noncompliance going back three years.

Ms. McKeel suggested that Supervisors send their questions about this issue to staff instead of asking them at today's meeting, due to time constraints.

Ms. Mallek expressed her view that they should not change the requirement that the owner or manager be onsite, in order to avoid encouragement of long-distance absentee landlords. She also stated that homeowner's insurance policies typically do not cover rentals, and people are putting themselves at risk. She said the engagement process on this item should be abbreviated, as they need to get going on

this.

Ms. Ragsdale commented that what she is hearing from the Board is they would like staff to continue studying the topic, and asked if they suggest involving the Planning Commission or holding a joint work session. She said tax code changes could move forward within several months, with ordinance changes and a public hearing to be conducted in the fall.

Mr. Letteri suggested that Supervisors submit questions and schedule a work session in June at which time they can address these questions, propose language for tax changes, and decide when and if to hold a public hearing.

Ms. Mallek said she would like to address the tax issue promptly, as those who have registered and are paying taxes are being penalized for following the rules.

Mr. Letteri said they can schedule a date for the public hearing today.

Mr. Randolph and Ms. Mallek expressed support for this.

Mr. Randolph said they will have the opportunity to provide adequate and prior notice about the new rules.

Mr. Dill commented that there are many layers of complexity with lodging rules, and they should try to make the rules simple and clear with a minimum of required forms. He said it is staff's responsibility to figure this out based upon what other communities have done.

Ms. McKeel said she would like it to be clean, simple, and not bureaucratic.

Ms. Palmer emphasized that there are many platforms besides AirBnB, and asked if they are expecting the platform provider to collect the taxes. Ms. Ragsdale responded that taxes are collected from the individuals renting their properties. She said staff would provide examples of what some other localities are doing.

Ms. Mallek asked for confirmation that safety structures for zoning clearance have been put in place and they will be put into this category, which requires pre-inspections. Ms. Ragsdale confirmed this.

Ms. Mallek asked that they avoid a situation of multiple tiers, which will be time consuming to administer for staff, and suggested that participants be "all in" or not at all. Mr. Letteri said two actions are required of the Board, with the first being to set the public hearing for the amendment tax rate, and the second to approve the resolution of intent as reflected in Attachment D.

Mr. Kamptner suggested a third action, which would be to endorse the public engagement plan as proposed in Attachment C, to include outreach to stakeholders such as rental hosting platforms and the transient lodging industry.

Ms. McKeel acknowledged what Mr. Randolph had said earlier, that the County has two tax bills going out this year and could include information about the changes with these.

Ms. Palmer **moved** that the Board adopt the proposed Resolution to amend the County's Residential Transient Lodging regulations. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Randolph, Mr. Sheffield, Mr. Dill, Ms. Mallek, Ms. McKeel and Ms. Palmer.

NAYS: None.

RESOLUTION OF INTENT

WHEREAS, the Albemarle County Zoning Ordinance includes regulations pertaining to transient lodging including those for short-term rentals within dwellings – accessory tourist lodging and bed and breakfast; and

WHEREAS, Senate Bill 1578 will add Virginia Code § 15.2-983 effective July 1, 2017 to enable localities to establish short-term rental registries and require that operators of short-term rentals register with the locality each year, and impose penalties on operators for failing to register, and it is desired to establish a registry program; and

WHEREAS, Virginia Code § 15.2-983 will also preserve local zoning authority over short-term rentals and it is desired to re-evaluate the accessory tourist lodging and bed and breakfast classifications and their associated requirements in light of Virginia Code § 15.2-983, as well as the trend in "whole house" short-term rentals where neither the owner nor a manager is residing on-site.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning and development practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending Albemarle County Code § 18-10 through 18-20B and any other sections of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein; and

BE IT FURTHER RESOLVED THAT the Planning Commission shall hold a public hearing on the zoning text amendment proposed by this resolution of intent, and make its recommendations to the Board of Supervisors, at the earliest possible date.

Ms. Palmer then **moved** that the Board endorse staff's recommendation for the proposed public engagement process. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Randolph, Mr. Sheffield, Mr. Dill, Ms. Mallek, Ms. McKeel and Ms. Palmer.
NAYS: None.

Tentative Public Process to Consider Amending Zoning Ordinance Provisions for Residential Transient Lodging

May	May 3 Board of Supervisors Work Session: Resolution of Intent to Consider Limited Zoning Ordinance Changes to Accessory Tourist Lodging Public Engagement begins once Board endorses proposed outline and concepts: <ul style="list-style-type: none">▪ Update County Website with Residential Transient Lodging Information▪ Send A-mail and Social Media updates on Transient Lodging Zoning Text Amendment Concepts▪ Update Community Advisory Councils▪ Reach out to Stakeholders in lodging industry, hosting platforms, future and past tourist lodging applicants
June	Request Board to schedule Public Hearing on a proposed ordinance amendment to impose short-term rental license and taxation requirements, including a short-term rental registry Planning Commission Work Session on Zoning Text Amendment Concepts with Public Comment and summary of Stakeholder input received to-date
July	Board of Supervisors Public Hearing to consider adoption of a proposed ordinance amendment to impose short-term rental license and taxation requirements, including a short-term rental registry
July	Planning Commission Public Hearing Zoning Text Amendments
August	Board of Supervisors Public Hearing-Zoning Text Amendment

Ms. Mallek **moved** to schedule a public hearing on the proposed amendment on June 14, 2017. Mr. Randolph **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Randolph, Mr. Sheffield, Mr. Dill, Ms. Mallek, Ms. McKeel and Ms. Palmer.
NAYS: None.

Ms. Palmer expressed concern that they are moving very quickly on this issue and said she would like as much public engagement regarding licensing as possible, since many residents are busy and not fully involved with what is going on.

Agenda Item No. 10. Strategic Plan for Natural Resources Program.

The Executive Summary presented to the Board states that during a January 4, 2017 work session, staff presented recommendations and draft priorities for the County's Natural Resources Program. The Board discussed and approved seven of the eight draft priorities that were presented. The Board directed staff to develop a plan for implementing the seven priorities.

Based on discussion and input from the Board during the January 4, 2017 work session, staff developed a three-year strategic plan for the Natural Resources Program. As shown in Attachment A, the strategic plan includes seven objectives, a timeline for implementing each of the objectives, and significant milestones for each objective.

The seven objectives are:

- (1) Conduct a thorough public review of the stream buffer requirements of the Water Protection Ordinance.
- (2) Work as staff liaison with the Natural Heritage Committee on biodiversity issues. Help complete a biodiversity action plan.
- (3) Promote, support, educate and assist landowners in conservation efforts and good stewardship of their land.

- (4) Strengthen conservation easement programs.
- (5) Conserve resources in Development Areas.
- (6) Strengthen landscaping regulations.
- (7) Develop and implement on-the-ground conservation/restoration projects.

The strategic plan anticipates the full-time commitment of the Natural Resources Manager and occasional time commitments from other staff. No additional budget impact is anticipated at this time.

Implementing the objectives may identify additional opportunities for protecting natural resources, which could have future budget impacts.

Staff recommends the Board endorse the strategic plan as provided in Attachment A.

Mr. David Hannah, Natural Resources Manager, presented to the Board and said this is a follow up to the January work session, at which the Board directed staff to develop a plan for implementing seven of the eight recommendations discussed. Mr. Hannah stated that after review and discussion, he hopes to receive Board endorsement of the program, and noted that Supervisors were provided with a spreadsheet of the presentation, including a timeline and objectives of the program.

Mr. Hannah indicated he would first review the seven objectives established by the Board, with the first objective being to conduct a thorough public review of the stream buffer requirements of the Water Protection Ordinance. He displayed a slide showing a timeline of projected milestones in 2017, with the most recent step taken of mailing a survey about stream buffers, for which they have received 280 responses. He stated that there will be three upcoming stakeholder meetings, the first scheduled for May 8 with agriculture and forest landowners; the following week's meeting will involve the development and business community, followed by a meeting with the conservation community. Mr. Hannah said these meetings will be followed by a series of public meetings during the fall and summer, with a report to the Board in December to present recommendations for a water protection ordinance.

Ms. Palmer asked if the County has done this before. Mr. Hannah said he is not aware of a public process for this, although he has only worked for the County for a year and a half.

Mr. Mark Graham, Director of Community Development, stated that they did something similar 10 years ago as part of rural area Comprehensive Plan strategies, but the current step is more aggressive, so they will want to be sure they are engaging the community and learning from past experience.

Ms. Palmer recalled when they set the buffer amounts and the Rural Area Protection Ordinance. Mr. Graham confirmed that this was done in 1997, and in 2007 was expanded to include intermittent streams in the rural areas.

Mr. Hannah continued with the second objective, to work as staff liaison with the Natural Heritage Committee on biodiversity issues and help complete a biodiversity action plan, which has been ongoing and will continue indefinitely. Mr. Hannah said they plan to complete the action plan by December and present findings to the Board by February 2018. He stated that the committee is composed of volunteers and County staff will become involved at some level to review the plan, provide GIS support, and help in some other areas.

Ms. Palmer asked for confirmation that the new GIS map presented on May 2, created with funding from a Department of Forestry grant, will be used by the Natural Heritage Committee or staff to assist in deciding which areas to consider for their biodiversity value. Mr. Hannah confirmed this and said staff hopes to have data by the end of the week, particularly on core area habitat patches. He said they also helped to develop some landscape physical characteristics such as slope, aspect, soil, etc., which will help determine the resilience of certain sites and assist them in determining priorities for long-term conservation protection, as well as areas that contain unusual plants. Mr. Hannah added that he expects that once the action plan is complete, there would be community education and outreach about the results.

Mr. Hannah reviewed the third objective: promote, support, educate and assist landowners in conservation efforts and good stewardship of their land. He said this will be an ongoing and core aspect of the natural resources program going forward.

Ms. Mallek emphasized the importance of local, state, and federal partner agencies, many of whom have connections with the owner population.

Mr. Hannah said that Ms. Mallek summed this up well and he sees this as a clearinghouse to identify gaps.

Mr. Hannah continued the presentation with objective 4: strengthen conservation easement programs. He stated that the timing of implementation of possible changes to ACE is largely dependent on the ACE and PRFA Committees, noting that he had introduced ideas to the ACE Committee, with work to begin in earnest in 2018.

Ms. Palmer said her understanding of the PRFA was that they were taking smaller conservation easements and already had several. She asked if they are responsible for checking in on easements every once in a while, who did this work, and how it is funded. Mr. Hannah responded that it is monitored

at least once per year by County staff, with the help of a paid intern.

Ms. Palmer asked if the number of easements has created a strain on staff. Mr. Letteri stated that they would like to conduct these reviews annually, but are only able to do them every other year due to staffing and workloads, noting that it is a continually growing program.

Mr. Hannah said if they were to expand ACE or PRFA, it would have implications on staff resources.

Mr. Graham said PRFA has its own funding source from real estate closing title fees, and this has been the funding source for interns who were doing this work. He said the County fronts the money but is then reimbursed by PRFA, adding that they are looking at the idea of using drones to survey properties quickly and easily.

Mr. Hannah continued with objective 5: to conserve resources in Development Areas. He said he and staff would work with Community Development to identify opportunities and develop and implement strategies to conserve resources in the development areas, while striving to make them attractive and desirable places to live, consistent with the growth management policy. He stated that native plants and non-native invasive species would be a major theme of this objective.

Ms. McKeel noticed that pending General Assembly House Bill 2154 would allow them to adopt an ordinance to address bamboo, and said she is excited by this. She told Mr. Hannah that he would have to begin addressing the issue of bamboo, as it is a huge problem. Mr. Hannah said he was not aware of the bill's details, though some members of the Natural Resources Heritage Committee were, and the list of species was ever changing.

Mr. Hannah next presented objective 6: to strengthen landscaping regulations. He said this was about making native plants more accessible and affordable, and he would be working with other County staff and departments to make sure the approved plant lists are current. Mr. Hannah noted that he would call on outside experts for assistance.

Mr. Hannah presented objective 7: develop and implement on-the-ground conservation and restoration projects. He said this is an ongoing goal, and they need to be aware of potential project opportunities and partners, such as agencies and nonprofits, as well as funding sources. He said this will be a community effort with collaboration among many partners.

Mr. Dill asked Mr. Hannah to send Supervisors a list of the dates of public engagement meetings. Mr. Hannah said they are building a webpage as a clearinghouse for information about the public engagement process, and would send information on meeting dates to Supervisors.

Mr. Randolph asked how changes implemented at the Environmental Protection Agency by the new EPA secretary, which relax protections on water and air quality, would impact the County. Mr. Hannah responded that he has not thought much about how it would affect things on a county level, but he has spoken with some state employees who expressed unease. He said they are braced for the worst, but are cautiously optimistic that Congress will intercede to lessen impacts on programs. Mr. Hannah added that they should prepare for less funding, but he will remain somewhat optimistic that the basic programs will stay in place.

Ms. Palmer referred to the May 2 green infrastructure discussion and said she was intrigued by Dan Mahon's presentation about a new way to look at green infrastructure in the urban area. She said that some time ago, she and Ms. Mallek had met with a group about this project, and there was supposed to be an accompanying report from the County. She asked if he had this report. Mr. Hannah said they did not have a report. He stated that the Natural Heritage Committee intended to use its data to create the Biodiversity Action Plan, which would be produced, in part, from Green Infrastructure Committee data.

Ms. McKeel said she hears from constituents in the Hydraulic area about how there is so much asphalt, and they want to see additional green infrastructure.

Mr. Hannah said a work session for County staff with GIC would be arranged.

Ms. McKeel noted that the Comprehensive Plan included a Community Resiliency Plan that addressed climate change, and wonders if they can come up with a regional plan.

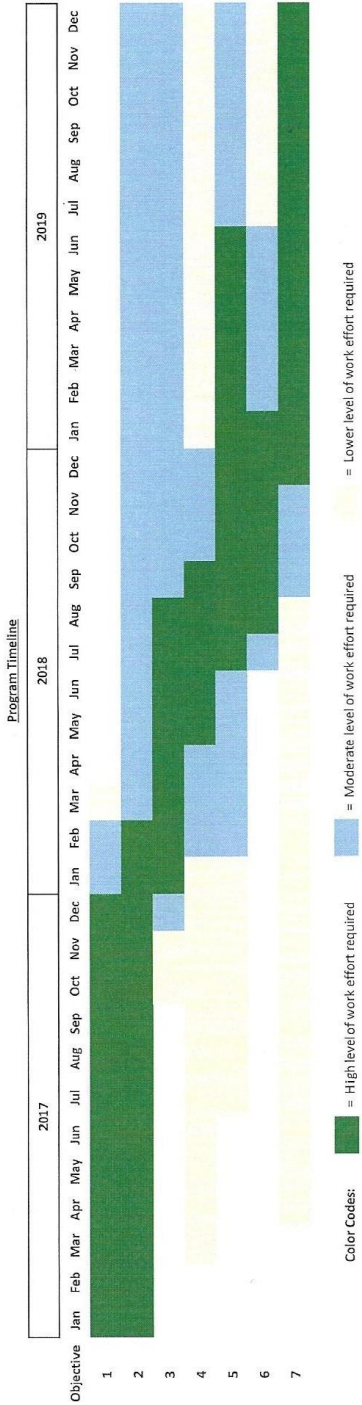
Ms. Palmer **moved** to endorse the Natural Resources Program Strategic Plan as presented. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Randolph, Mr. Sheffield, Mr. Dill, Ms. Mallek, Ms. McKeel and Ms. Palmer.
NAYS: None.

Strategic Plan for Implementing the Natural Resources Program of Albemarle County

The Seven Objectives of the Natural Resources Program

- 1) Conduct a thorough public review of the stream buffer requirements of the Water Protection Ordinance.
- 2) Work as staff liaison with the Natural Heritage Committee on biodiversity issues. Help complete a Biodiversity Action Plan.
- 3) Promote, support, educate and assist landowners in conservation efforts and good stewardship of their land.
- 4) Strengthen conservation easement programs.
- 5) Conserve resources in Development Areas.
- 6) Strengthen landscaping regulations.
- 7) Develop and implement on-the-ground conservation/restoration projects.



Significant Milestones

- Mar 2017 Develop and begin implementing a public engagement plan.
- Apr 2017 Send a survey about stream buffers through A-mail.
- May 2017 Complete the first three public meetings, each with a different stakeholder group.
- July 2017 Complete a public meeting (or more than one meeting if needed) among all stakeholder groups and general public.
- Oct 2017 Conduct a public meeting to present staff recommendations about stream buffers.
- Dec 2017 Conduct a work session with BOS to present recommendations about stream buffers.

NOTE: Actions needed after December 2017 will be dependent upon the outcome of BOS work session. Significant actions could be needed. Several county staff are necessary to implement this objective.

2	<p>Feb 2017 Complete an outline of the Biodiversity Action Plan (BAP) and begin drafting chapters.</p> <p>July 2017 Complete the review and rankings of Important Sites.</p> <p>July 2017 Complete GIS analysis for the BAP.</p> <p>Sept 2017 Complete a draft BAP and circulate among outside experts and county staff for thorough review.</p> <p>Dec 2017 Complete the BAP.</p> <p>Feb 2018 Present BAP and recommendations to BOS.</p> <p>NOTE: Actions needed after Feb. 2018 will be somewhat dependent upon BOS response to the BAP recommendations. Significant public outreach and education will take place after completion of the BAP. Supporting the NHC on biodiversity related issues will remain a core aspect of the Natural Resources Program. Completing the BAP relies primarily on outside people and resources, but county staff will be needed to review the plan.</p>
3	<p>Jan 2018 Begin focused outreach to community organizations to identify existing strengths, gaps, and needs for educating and supporting Albemarle County landowners.</p> <p>Mar 2018 Compile relevant information from organizations.</p> <p>Apr 2018 Work with NHC to develop educational material about biodiversity.</p> <p>June 2018 Develop outreach strategies and begin implementing education and assistance efforts.</p> <p>July 2018 Begin developing incentives for landowners to create and maintain areas of native habitat.</p> <p>NOTE: This objective will be an ongoing, core aspect of the Natural Resources Program. A small amount of additional county staff time will be needed, but most needed collaboration will be with county partners, resource agencies, and nonprofit organizations.</p>
4	<p>Mar 2017 Introduce ideas to ACE Committee about how to strengthen natural resource protection with their program.</p> <p>Feb 2018 Develop strategies for enhancing the easement programs.</p> <p>Mar 2018 Begin incorporating results of the WPO review and BAP recommendations into strategies for strengthening the ACE and PRFA programs.</p> <p>May 2018 Begin working with ACE and PRFA committees to strengthen the programs.</p> <p>Sept 2018 Finalize strategies for strengthening the ACE and PRFA programs.</p> <p>NOTE: The timing of introducing and implementing changes to ACE will be largely dependent upon the ACE Committee and BOS. The same is true of PRFA. Depending on the nature of strategies and recommendations developed, additional staff resources may be needed.</p>
5	<p>July 2018 Identify and assess urban forestry and related projects in the region.</p> <p>Oct 2018 Develop and implement outreach strategies to improve resource conservation in Development Areas.</p> <p>Note: Working with staff from the Community Development Department on this objective will be an ongoing aspect of the Natural Resources Program. We will identify and implement strategies to conserve resources in the Development Areas while striving to make them more attractive and desirable places to live and work.</p>
6	<p>Aug 2018 Identify all the approved list of plants used by all Albemarle County departments.</p> <p>Sept 2018 Begin reviewing the plant lists with NHC members and other experts.</p> <p>Feb 2019 Complete the revisions and formal approval of the plant lists.</p> <p>Apr 2019 Begin working to make native plants more available locally and less costly.</p>

<div></div>		NOTE: Working to make native plants more accessible will be an ongoing aspect of the Natural Resources Program. Some additional county staff time will be needed to revise plant lists and interact with nurseries about the availability of native plants. Most of the expertise required to revise the lists will come from outside experts, who will also contribute in working with nurseries.
	Apr 2017	Remain engaged with the "Heal This Stream" project in the Water Resources Program of the Facilities and Environmental Services Dept.
	Feb 2018	Review the analyses and conclusions of the BAP for habitat restoration possibilities and potential project areas.
	Sep 2018	Identify and cultivate potential project partners, including individual landowners and foundations and other funding sources.
	Jan 2019	Complete project planning and begin implementing the project.
<div>7</div>		NOTE: Identifying potential projects, project partners, and funding sources will be an ongoing aspect of the Natural Resources Program. Some additional county staff will be needed to develop and implement projects, including securing project funding. Many of the resources for projects will come from collaboration and partnerships with landowners, county partners, and other organizations.

Recess. The Board recessed their meeting at 3:00 p.m. and reconvened at 3:09 p.m.

Agenda Item No. 11. **Transportation Matters:** Transportation Priorities Work Session.

The Executive Summary as presented to the Board states that this workshop is intended to present information on transportation priorities and transportation funding mechanisms. This information can be used to assist the Board in providing direction on transportation priorities and preferred funding mechanisms. With the Board’s guidance provided at this work session, staff will return in July with a prioritized list of transportation projects and recommended grant applications for the fall application cycle or other appropriate funding sources. This work session will also serve to update the Board on recent applications for funding, including some lessons learned from those application cycles and the performance based prioritization process under Smart Scale. The Board will have an opportunity to determine if any projects should be added to or removed from the County Transportation Priorities List for the next cycle of grant applications as well as the Capital Needs submissions for the FY19 Capital Improvement Plan.

The focus of discussion at this meeting will be on transportation funding obtained through Virginia’s Six-Year Improvement Program (SYIP). The SYIP is the document through which Virginia allocates the majority of state transportation funding for primary roads. Virginia’s Smart Scale process, developed to achieve the goals described in House Bill 2 (HB2 signed into law in 2014), requires the Commonwealth Transportation Board (CTB) to develop and use a scoring process for transportation project funding selection as part of the annual review of the SYIP. The prioritization process evaluates

projects using the following criteria: congestion mitigation, economic development, accessibility, safety, environmental quality, and land use coordination.

In addition to the Smart Scale program, the state also makes funding available through Transportation Alternatives grants which focus on bicycle and pedestrian projects; the Highway Safety Improvement Program, which accepts applications for safety related improvements; and the Revenue Sharing program, which can fund any type of transportation project but requires a 50-50 match of funds between the State and the locality.

In April of 2016, the Board approved the attached County Transportation Priorities List (Attachment A) to help guide the application of funds through these State and Federal grant and funding mechanisms for Fiscal Year 2017. This resulted in applications for 11 projects under the Smart Scale program and 3 projects under the Revenue Sharing program.

The list of priorities was derived from the following sources:

- The Metropolitan Planning Organization's (MPO) 2040 Long Range Transportation Plan (LRTP);
- The Thomas Jefferson Planning District Commission's (TJPD) 2035 Rural Long Range Transportation Plan (RLRP), which includes the non-MPO area of Albemarle County;

The focus of discussion at this meeting will be on transportation funding obtained through Virginia's Six-Year Improvement Program (SYIP). The SYIP is the document through which Virginia allocates the majority of state transportation funding for primary roads. Virginia's Smart Scale process, developed to achieve the goals described in House Bill 2 (HB2 signed into law in 2014), requires the Commonwealth Transportation Board (CTB) to develop and use a scoring process for transportation project funding selection as part of the annual review of the SYIP. The prioritization process evaluates projects using the following criteria: congestion mitigation, economic development, accessibility, safety, environmental quality, and land use coordination.

In addition to the Smart Scale program, the state also makes funding available through Transportation Alternatives grants which focus on bicycle and pedestrian projects; the Highway Safety Improvement Program, which accepts applications for safety related improvements; and the Revenue Sharing program, which can fund any type of transportation project but requires a 50-50 match of funds between the State and the locality.

In April of 2016, the Board approved the attached County Transportation Priorities List (Attachment A) to help guide the application of funds through these State and Federal grant and funding mechanisms for Fiscal Year 2017. This resulted in applications for 11 projects under the Smart Scale program and 3 projects under the Revenue Sharing program.

The list of priorities was derived from the following sources:

- The Metropolitan Planning Organization's (MPO) 2040 Long Range Transportation Plan (LRTP);
- The Thomas Jefferson Planning District Commission's (TJPD) 2035 Rural Long Range Transportation Plan (RLRP), which includes the non-MPO area of Albemarle County;
- The County's Comprehensive Plan, associated Master Plans and other related transportation documents;
- Other projects and services identified by the public, VDOT, and/or County staff and other public agencies

The submitted grant applications resulted in funding for 5 projects under the Smart Scale process and an additional project under the HSIP program. None of the three applications under Revenue Sharing were approved.

The Commonwealth is currently reviewing the Revenue Sharing program for changes which will likely include some reductions in funding available, both overall and individually for a project. Smart Scale is now through its second funding cycle, and there is a greater understanding on how successful projects are developed. Further, House Bill 1887 established a new transportation funding formula for the Commonwealth focusing on the High-Priority Projects Program and District Grant Program which are subject to the Smart Scale program and the State of Good Repair Program. As a result of these changes, and chronically underfunded transportation needs, the County may want to reevaluate how it prioritizes and funds transportation improvements.

Staff's assessment of the transportation funding programs and processes can be summarized by the following:

- Funding for new or extended roadways is very limited and will likely require significant contributions from the County for which a funding source would need to be identified.
- The projects most likely to get funded under Smart Scale are those that address multiple benefits that the prioritization process evaluates.
- Low cost projects have a higher likelihood of receiving funding.
- Revenue Sharing as a program may offer less potential to Albemarle County for accomplishing transportation improvements.

- The County's current method of prioritizing projects by type (Highway, Secondary, Transit, et.) may need to be reconsidered now that most funding sources do not separate projects by project type.

Most state and federal grant programs are now on a two-year application cycle with Revenue Sharing and Transportation Alternatives coming up this fall (2017) and Smart Scale coming up in fall of 2018. In order to effectively plan and prepare for the application deadlines and strategically plan for funding, it would benefit staff to know which projects are the highest priorities for the Board and to hear the Board's thoughts on potential funding sources to move those projects forward. In order to do this, staff will provide updated information on the status of projects currently on the priority list and discuss additional projects that have been identified since the 2016 review.

This discussion will have no direct impact on the County budget. However, it will be used to identify potential uses for funding that have previously been earmarked for use on transportation projects through the CIP Revenue Sharing program, and may lead to projects being submitted as capital projects under the CIP program. The recommendations will also be used to identify projects to be funded through grants and other funding programs available for State and Federal funds. Specific budget impacts will be addressed in conjunction with any specific request to expend funds for one or more projects.

Staff recommendations on projects are listed in the attached County Transportation Priorities List. Staff is requesting that the Board provide direction on the priorities in order to evaluate the potential funding mechanisms available to each project. These which will be used to guide applications for funding through grants, CIP needs, or other identified funding sources.

Mr. Kevin McDermott, Principal Transportation Planner, stated that after his presentation, he would seek direction from the Board for actions to take this fall. He said that state transportation funding has been going through changes, and he would first address funding mechanisms. He first reviewed the Highway Safety Improvement Program, which was for safety-related highway, bicycle and pedestrian improvements, with funding awards determined by a data-driven approach that focuses on strategies and performance outcomes. He said the County received some awards this year, including recognition for the Route 250/151 interchange and the Route 250/240 interchange. He reviewed Smart Scale, which he said is the primary funding mechanism for projects submitted throughout the state. Mr. McDermott explained that projects are scored on five factors: congestion, safety, land use, accessibility, and economic development. He noted that applications are submitted every other year, with the next application cycle to occur in fall 2018. He reviewed a third funding source, Transportation Alternatives, a fund for projects that expand non-motorized travel, such as bicycle and pedestrian projects. He said the application deadline is in November and he would like to have discussions with the Board about applying for funding.

Ms. Mallek cited an example of this funding being three successful applications submitted by Nelson County for renovation of the Blue Ridge Tunnel, adding that it is a great pot of money to go after. Mr. McDermott mentioned Safe Routes to Schools, which falls under this category.

Mr. McDermott reviewed the next funding source, the Capital Improvement Program (CIP). He said the County could fund projects out of their own budget and suggested providing initial funding for some projects from the CIP, then seeking additional funding from grant programs, such as Smart Scale.

Mr. McDermott reviewed another funding source, VDOT's Revenue-Sharing Program, wherein the locality and state have a 50/50 match to complete a project. He said the program is undergoing revision, and last year only Tier 1 projects, those previously approved that required additional funds, were funded. Mr. McDermott stated that it appears the state will reduce the amount of funds available per project and per locality, and this could provide an opportunity to get some new projects in but also restrict project size. He said he recently attended the Six-Year Improvement Program public hearing and spoke with the Assistant Secretary of Transportation about revenue-sharing and Smart Scale projects that were not funded. He said the Assistant Secretary suggested they look at Smart Scale as a revenue-sharing project, and by indicating a portion of funding would be for Smart Scale, the scoring would be higher. Mr. McDermott pointed out that the Berkmar/Rio Hills Connection was funded mostly by secondary road money that helped them obtain funding, and this was the only new construction project that was funded.

Mr. McDermott next reviewed the State of Good Repair program, designated for bridge and road repair or replacement, stating that recent legislation enables transportation funds to be split among the State of Good Repair and Smart Scale programs.

Ms. Palmer asked with what jurisdictions they are competing against for this funding, and also asked if this fund is available for big projects. Mr. McDermott responded that he did not have an answer but offered to research this. He said funds could be available for large projects, and a lot of bridge projects could be funded through this program. He said the Ivy Road Bridge project, scheduled to commence in two years, was funded by this program.

Ms. McKeel asked if this program is primarily for maintenance projects. Mr. McDermott said they could be candidates, but the program tends to fund larger scale projects, such as reconstruction of bridges.

Mr. Randolph asked if funding from this program is being used to address the Hardware River Bridge on Blenheim Road. Mr. McDermott said he is not sure of this, but this type of project is the type that would fall under the State of Good Repair program.

Mr. McDermott said he would next review projects from the previously approved priority list, on which they have made some advancements. He said the Fontaine Avenue/Route 29 interchange improvements were priority one, which only funds the Fontaine Avenue section under a Smart Scale grant; the I-64/Route 250 interchange has been completely funded as priority two and includes an \$18M diverging diamond interchange. Mr. McDermott reviewed priority five, Route 250 West intersection improvements, Three Notch'd Road and Route 151, which he said were funded. Mr. McDermott noted that secondary priority one, Rio Mills Road Extension/Connection to Berkmar Drive Extended, was funded. He noted that secondary priority two, Route 20/Proffit Road intersection improvements, was partially funded with a longer stretch yet to be funded. He said that priority three, transit service to Hollymead, was funded and already running. He said pedestrian and bike priorities one and two, pedestrian crossings of Route 250 (State Farm Boulevard) and Route 29 North (Hollymead Drive), had been approved. He said construction is supposed to start this month but is not aware of a start date.

Mr. McDermott reported that primary and interstate priority six, Route 20 North widening and pedestrian improvements (sidewalks and turn lanes), has been partially approved. He said priority three, Sunset Road between Country Green Road and Old Lynchburg Road improvements (curb and gutter), were partially approved.

Ms. Palmer asked for confirmation of something Mr. McDermott had previously said regarding the possibility of breaking that project into several smaller projects, to increase the likelihood of obtaining funding. Mr. McDermott confirmed this, stating that two years ago the County had applied for Smart Scale funding for the Sunset Road project, which was rejected because the cost benefit was not great enough. He said the current project was for just a small section of improvements associated with new developments. He noted that he had broken up some projects into first and second tiers and suggested they break up the Sunset Road project into smaller pieces, which could increase the likelihood of obtaining funding.

Ms. Palmer asked if the Sunset Road project had already been broken up, and said she was confused with how these projects were delineated. Mr. McDermott responded that there are a lot of options for this and he could provide some information. He said part of the Sunset Road project, such as the intersection at 5th Street, could be an HSIP project because there is an existing safety issue. He said Smart Scale is another option for improvements, although they would have to be broken down into smaller segments.

Ms. Palmer asked if the HSIP application would be submitted this year. Mr. McDermott stated that he believes an application for HSIP is going in this year and that it is ranked high in terms by VDOT, and the Board could speak with VDOT about improvements that could score well.

Ms. Mallek said this project is really needed due to the number of pedestrians plus Region Ten patients. She asked if what he has described is pre-drainage work prior to sidewalk installation or the sidewalk itself. Mr. McDermott responded that the developer is installing the segment of sidewalk on Sunset Road between Old Lynchburg and Country Green.

Ms. Mallek said it is really important to have a place to walk out onto the road to cross 5th Street to the bus shelter in a 60-mile-per-hour section of roadway. Mr. McDermott said they could discuss installation of a pedestrian crossing at 5th Street. He continued with the remaining project updates, stating that secondary priority ten, Library Avenue, would be constructed as part of the Barnes Lumber redevelopment. He said transit priority one, to establish a regional transit authority, is currently under discussion. He said that for the Biscuit Run and Moore's Creek Trail, the PDC had been awarded a technical assistance grant this year, advancing some portions of the project. He stated they are conducting discussions with JAUNT about the Crozet transit link.

Mr. McDermott stated that he would make some suggestions and seek Board input. He emphasized that funding pots are now all the same as a result of House Bill 1887, and they no longer have primary and secondary funds or bridge funds, as they all compete for the same types of funding. He recommended merging priorities into one comprehensive list for interstate, primary, secondary, transit, bicycle, and pedestrian projects. Mr. McDermott stated that bridge projects can be completed under the State of Good Repair program and can be identified by VDOT's determination as to whether bridges are failing. He noted that he had done a qualitative assessment of listed projects and tiered them based on Smart Scale factors, public input and feedback, and Board of Supervisors discussions. He said he plans to return to the Board in late summer or early fall with a final priority list for Board approval to apply for grants.

Mr. McDermott presented a slide listing the priorities and reviewed Tier 1 priorities. He said the I-64 and Route 29 interchange could have Fontaine Avenue removed, but he saw this as having economic development potential between Fontaine Park and ultimate development that may occur south of 29. He said there are safety concerns, such as the weave onto I-64 and truck congestion. For Proffit Road improvements, he said, the segments away from the intersection that fall under secondary priority two should remain in the Tier 1. Mr. McDermott stated that Sunset Road and Country Green is secondary priority three and should stay in Tier 1. He said secondary priority four, Eastern Avenue construction, should remain in Tier 1. Mr. McDermott stated that they had applied for Smart Scale funding of the Route 29 North corridor western parallel road, and it is under priority fourteen; however, the growth of Hollymead and completion of Berkmar Extended has moved this up in priority, so he has moved it into Tier 1. He said the US 250 and Route 20 intersection remains one of the worst in the County, so the widening of Route 20 North and intersection improvements remain in Tier 1. He noted that there have

been many transit projects they have not been able to advance, such as bus service to Avon Street and Mill Creek, and Route 10 transit improvements to increase headways, so he has kept them in Tier 1. He said they are hoping to work with Charlottesville Area Transit on a transit development plan, which would be an opportunity to identify additional projects. He stated that under bike and pedestrian priorities, he has the Northbound Trail, which has some segments completed but has some key segments remaining, and he believes they fall into Tier 1. Mr. McDermott reviewed the list of neighborhood-level sidewalk improvement projects in the CIP, stating that most of them fall within Tier 1, and they could designate some to apply for technical assistance grants or revenue sharing. He said that last year, the County applied for Avon Street improvements under revenue sharing, and they have been discussing the possibility of adding a pedestrian crossing at Cale Elementary. He noted that adding sidewalks at Sunset Avenue and Country Green could be a “breakout” project.

Mr. McDermott presented a slide listing Tier 2 projects, noting that the 250 West intersection improvements are being evaluated for potential HSIP funding through VDOT. He said that Route 20 South improvements are strategic improvements to address safety, including the segment between I-64 and Mill Creek Drive. He added that pedestrian crossings of US 250 East and 29 North are additional projects.

Ms. Mallek stated the content of the list is reasonable, but she would like to see costs listed on the same charts.

Ms. Palmer said they are weighing the need, criteria, and other aspects of the project to get an idea of whether a project would receive funding, and asked how important the overall cost was in that group. Mr. McDermott responded that the costs would determine which pot of money to apply for and how projects are broken up. He said that next year, they could put County funds onto projects to get some project engineering done so overall costs could be reduced, then they could narrow the scope to what is needed and apply for Smart Scale, which he sees as the best option. He added that he typically keeps Tier 1 projects to a minimum.

Mr. Randolph stated that he is intrigued that 250 East from I-64 to Rivanna Village is on the list, and asked if VDOT would consider putting an additional new bridge across Buckingham Branch, where they replaced the bridge two years ago to make a four-lane road all the way to Rivanna Village. He said there also needs to be a dedicated turn lane for UPS going east and returning to UPS, stating that it would be dangerous to have trucks turning left in one of two dedicated eastbound lanes, and then turning into two westbound lanes. He said he would like for VDOT to think creatively about putting in an alternating three-lane road, with a turn lane that could be reversed between day and night, so that they could avoid having a five-lane road.

Mr. Dill said given that funding for new or extended roadways is very limited and the population continues to grow, he wonders how important bikes would be in terms of taking cars off roadways, and whether it is possible to make a significant difference with pedestrian/bike paths.

Mr. McDermott replied that they could make a difference, although he does not believe that adding paths would eliminate congestion. He said it could make a difference in some small area plans, such as Hydraulic.

Ms. McKeel stressed the importance of transit.

Mr. Dill said that once a bike enters Charlottesville, the City has good bike paths.

Ms. Palmer mentioned that the PDC has applied for a community outreach grant for the southern neighborhood bike paths, which could help them accelerate or plan these better. She said the north path is extremely important and noted that many young people live in the apartments in the southern neighborhood.

Mr. McDermott noted they are working with the PDC on the update of the Jefferson Area Bicycle/Pedestrian Plan, from which they could identify some priorities and funding opportunities.

Mr. Randolph pointed out that battery-powered bicycles are gaining in popularity.

Ms. Palmer said the priorities look good, but they should consider prioritizing the projects that are most likely to get funded.

Ms. McKeel suggested that Mr. McDermott return in July with funding information.

Ms. Mallek asked if Mr. McDermott could send her information as to where the gaps in the Northbound Trail are and if they are primarily at the river crossing. She said that if so, she would like to know the status of the idea proposed by Dan Mahon several years earlier to hang a bridge on the side of the railroad trestle, as this would be much less expensive.

Mr. Dill said the Brookhill developers indicated they were willing to install a bike path across the river on a structurally stable old trestle.

Mr. Mark Graham reported that Mr. Phillip Shucet had taken another job, and Mr. Craig Eddie from Michael Baker Engineering had been hired as his replacement. He also reported that the Route 29 Solutions project is less than 60 days from substantial completion and the opening of both the Route 29 widening and Berkmar Drive. He noted they had a charrette with the advisory panel on April 11, and a public meeting was held with the consultant on April 26. He said there was emphasis on bicycles and multi-modalism, as well as making sure there is more outreach to engage disadvantaged communities, and they will hold several small neighborhood meetings directed to those groups. Mr. Graham stated that the focus is now on the concept plan of developing the core area, with the intent to share concepts at an August public meeting, presentation to the City and County planning commissions in September, and to City Council and the Board of Supervisors in October. He said the first phase is development of a conceptual land use plan, and the second phase is creation of an accompanying transportation plan. He said the schedule to produce a transportation plan was largely driven by the Smart Scale application, which is due in August 2018.

Ms. Palmer noted that at last night's County Planning Commission meeting, Chip Boyles reviewed a timeline for the project, which she deemed to be very aggressive.

Ms. Mallek commented that this shows how important the project is to VDOT.

Agenda Item No. 13. 2017 Legislative Update.

This item was moved to later in the agenda.

Agenda Item No. 14. Changes to Route 11 Impact to Senior Center.

Mr. John Jones, Executive Director of Charlottesville Area Transit (CAT), addressed the Board. Mr. Jones stated that when planning for Route 11 in 2013, CAT knew the Senior Center was planning to move to Belvedere Drive, but were led to believe it was more imminent than it has been. He noted that he had provided Supervisors with a detailed map and bus schedule. Mr. Jones said the change would involve a two-minute deviation in the outbound route, from downtown to Rio Road, and a three-minute deviation inbound, and the changes would occur as soon as the Senior Center opens. He said buses will go up Belvedere Drive to the center, and there would be sufficient room in the parking lot to turn the bus around and exit the property, and a unique, curbless parking design is planned at the Senior Center. Mr. Jones stated that there were several transit projects on the priorities list, and it would be helpful if he were made aware of what these plans are so he could help with operations, as well as needing this information for future capital planning. He said the next funding cycle is for federal fiscal year 2019, and if federal assistance will be needed for any of the priorities, he should be informed about it soon.

Ms. Mallek responded that the Board would be discussing transit in July.

Mr. Sheffield said the CATS Transportation Development Plan will be developed starting in July.

Ms. Mallek asked for an explanation of the plan. Mr. Jones explained that it is a six-year development plan required of all transit providers in Virginia and will cover the period of 2019-2025. He added that CAT would like to make sure the priorities are part of this plan.

Ms. McKeel said this is the opportunity for the County to get transit and CAT routes to the level that citizens need them.

Mr. Sheffield said this document helps the state plan and predict where it needs to allocate money.

Ms. Palmer asked with whom she should speak to request a review of the Sunset Avenue and Country Green area. Mr. Jones responded that the consultant would be the best person to contact, and this would then appear in the planning document. He said the consultants determine the list of projects to be done now, and then establish a second tier for projects in three to five years, then another tier beyond the six-year period. He said this would be a guiding document the regional transit partnership could move forward with.

Ms. Palmer said she has heard from City Councilors that developments along 5th Street and Old Lynchburg Road are causing the area to become very congested, and asked if this issue is within his planning scope. Mr. Jones replied that it is not. He said the last study of that area indicated residents did not want transit, as there were some blind curves along Old Lynchburg Road so they did not want more large vehicles on the road. He stated that he feels the area south of I-64 will be a priority area for transit.

Ms. Mallek asked if Sunset Avenue could be bus only with a drop-down bollard. Mr. Jones said this is something usually found in a larger urban area, though it could be explored.

Ms. McKeel said this would be interesting to discuss, along with other issues, as part of the transit partnership.

Mr. Jones said he would like to schedule a time to come back to the Board, as he has some data, plans, and recommendations he would like to share.

Supervisors agreed that two of them would visit with Mr. Jones in his office to listen to the update, and he does not have to come before the entire Board.

Agenda Item No. 15. Charlottesville Albemarle Airport Update.

Ms. Melinda Crawford, Executive Director Charlottesville Albemarle Regional Airport, presented. She stated that one of the most important parts of her job is to explain to people how the airport operates and what a great asset it is to the community. She reviewed her career and education, stating that prior to coming to Charlottesville, she worked for 20 years in finance and assistant director's positions at Panama City/Bay County, Biloxi/Gulfport and Pensacola Airports. She said she was Director of Pensacola Airport for four years and earned an accreditation with American Association of Airport Directors. She said she earned a B.S. in Accounting and a M.B.A. from Florida State University.

Ms. Crawford described Charlottesville Airport as an asset in the community and said it serves as the first and last impression of people coming to the community. She said the airport was formed in 1950 and opened in 1955, with service provided by Piedmont Airlines to Washington and Richmond. She said CHO currently flies to six hubs: New York, Philadelphia, Chicago, Washington, Charlotte and Atlanta. She said those hubs have over 28,000 weekly flights to 663 domestic and 239 international destinations, and for a community of its size Charlottesville has outstanding service. She noted that service is provided by American Airlines, Delta, and United, with 140+ weekly flights and 7,000 seats per week, including 600 first class seats. Ms. Crawford stated that service has grown 60% over the last 10 years and is up 7% this year. She noted that CHO is the 162nd largest airport based on number of passengers and served nearly 600K passengers in 2016, with Charlottesville/Albemarle residents representing 70% of travelers and the remainder mostly coming from surrounding counties.

Ms. Crawford next reviewed the governance and operations of the airport, stating that the Board of Supervisors and City of Charlottesville appoint three members each to the Joint Airport Commission for four-year terms, with a seventh member recommended alternately by the City or County to serve who then also becomes the third member of the Airport Authority Board. She said current Board members include City Manager, Maurice Jones, and Lee Catlin from the County. Ms. Crawford said the airport has 37 full-time employees and provides its own policing, fire, maintenance, parking and administration. She next presented a pie chart of airport revenue sources and highlighted that no taxpayer dollars were used. She said the largest revenue source is parking, followed by rental cars, airlines and other entities, and the airport could not run without support from the Federal Aviation Administration and Virginia Department of Aviation.

Ms. Crawford reviewed recent airport improvements, including extension of the runway by 800 feet, at a cost of \$45M that was funded by federal and state sources; another project was a \$5M renovation of the terminal, with 90% of funding provided by the Virginia Department of Aviation. She said a new surface parking lot was added two years ago, and a future plan is to expand the size of the long-term lot and ramp. She said nine aircraft park on the ramp each morning, with 40% of passengers served between 4:00 and 7:00 a.m. She said that once Delta adds additional service at the end of May, the ramp space will be 100% of morning capacity. She said they are looking to expand the ramp to the north and to increase parking by 500 or more spaces.

Ms. Mallek commented she hopes that they can use the existing storm water facility with the new parking expansion. Ms. Crawford indicated she believes it will be sufficient.

Ms. Crawford said the entire runway pavement will be overlaid beginning June 13, with work taking place over 45 days, during which time the runway will be closed from 11:00 p.m.–5:00 a.m. She said there will be an airport open house coming up, and she will provide Supervisors with this information once a date has been set.

Agenda Item No. 16. Shenandoah National Park Update.

Ms. Jennifer Flynn, Superintendent of Shenandoah National Park, presented. She said she has worked in the park for seven years, for the park service for 26 years and was previously the Deputy Superintendent. She stated that 2016 was a very good year for the park, and they had special programming and activities to celebrate the 100th anniversary of the Park Service. She reviewed accomplishments, including reconstruction and rededication of the Hawksbill Peak platform, hosting of the first all-girls trail crew partnering with the Student Conservation Association and Girl Scouts of America, holding the park's first immigration naturalization ceremony, musical performances, special ranger programs, and provision of non-motorized vehicle access to the north district of the park. She said visitations in the centennial year increased by 8.3% to 1.45M visitors, who spent an estimated \$96.2M in surrounding communities. She said the National Park Service conducts an annual survey of spending in surrounding communities within 50 miles, and the spending related to Shenandoah supports over 1,300 jobs, 300 of which were with Delaware North, the parks concessionaire.

Ms. Flynn said the status of community relationships is very sound, citing Celebrate Shenandoah for its work in tying together piedmont and valley tourism opportunities. She said this group is composed mostly of representatives from the tourism industry, but also includes some elected officials. She said their current focus is on a Land Use Subcommittee that was putting together a toolbox for use by communities in the public planning process, fostering zoning and development consistent with the park. She said the Branding and Promotions Subcommittee was putting together a tourism website that all

surrounding communities could utilize to build customized tours. She said the Blue Ridge Committee on Park Relations was established by Congress in the 1990s and serves as a mechanism for communication with neighbors and to bring forth issues, and she described it as a great ally for the Parks Service. She said the Blue Ridge Heritage Project created a monument as a memorial to the families who were uprooted and relocated when the park was created.

Ms. Flynn said things are working well with Delaware North, which is in the fifth of a 10-year concession contract. She said the work the park has accomplished in five years is pretty astonishing, as they have rehabilitated all restrooms, the Skyland dining room, 46 guest rooms have been renovated, and food has improved. She said the Potomac Appalachian Trail Club has been an important partner for trail maintenance and maintaining trail standards they could not do on their own. Ms. Flynn stated that the Shenandoah National Park Trust has been in existence for 15 years, and in 2016 contributed over \$400K to the park for multiple projects, including trails maintenance, education, work on historic structures, staff training, and funding for a research grant. She noted that these funds allow the park to take an extra step that they could not do with government funds, and mentioned that the federal hiring freeze had tied up 24 positions, although it is now loosening to allow them to fill some of them. She said the hiring freeze did not affect seasonal staff, so things are opening on time but are not going as smoothly as normal. Ms. Flynn stated that the second phase of a fee increase occurred on January 1, 2017, with the entrance fee increasing to \$25 per vehicle for a seven-day pass. She anticipated fee revenue this year would be \$7.5M, with the park keeping 80%, and the entirety of these revenues must be used to support the visitor experience.

Ms. Palmer asked about the senior citizen pass fee. Ms. Flynn responded that the fee would increase nationally on October 1 from \$10 to \$80, with the fee set by Congress. She explained that the purpose of the fee increase was to fund a National Park Foundation until an endowment was established to support parks, and the fee is one time for a lifetime pass. She announced free days coming up August 25 (Birthday of the National Park Service), September 30 (National Public Lands Day), and November 11-12 (Veterans Day Weekend).

Ms. Flynn noted a change to the park summer program as Matthews Campground in the north district would not open until September 1, due to replacement of pipes, manholes, and updates to the service plant. She said that as she begins her tenure as Superintendent, one challenge the park faced was watershed protection, as development outside the park boundaries and air pollution could affect the visitor experience, and they needed to cooperate with surrounding communities on these issues. Ms. Flynn stated that she worried about energy development and whether it would be compatible with the park, and also had concerns about invasive plants, insects, animals and diseases that were happening with increasing rapidity. As an example, she cited Emerald Ashbore, which was discovered in the north district of the park three years ago and is now pervasive and traveling 100 miles through the park. Ms. Flynn stated that they work with the state on things such as chronic wasting disease, wild boars and other issues. She said water quality data indicated that water quality has been improving, and she noted that the park contains the headwater for almost every water system that flows down below the park. She said they are a Type 1 Air Shed through the Clean Air Act, which provided them a seat at the table when looking at surrounding development that could impact air quality. She said air quality has been improving.

Ms. Mallek asked her to explain how this works. Ms. Flynn said they have an opportunity to engage in the permitting process for any situation where the effluent might reach the park, noting that a proposed gas fired plant in Front Royal that arose seven years ago included the park as part of the discussion about mitigation and offsets to the impacts. She said that light pollution is something they have just begun looking at, and two years ago the park hosted two night sky programs that had many participants, including 400 people for a moonlight hike to Hawksbill. She said they have had discussions with some surrounding communities about how to dim lights surrounding the park. Ms. Flynn stated that her final concern on her list is climate change, stating that the Shenandoah Salamander was only found among the highest peaks in the north facing slopes and is at risk, so the park is considering ways to perpetuate the species. She commented that the park is a perpetual organization and every day tries to strike a balance between allowing access and enjoyment of the park, while honoring the mission to leave the land better than they found it and maintaining it for future generations. She said she looks forward to working with the Board and thanked them for allowing her to speak.

Ms. Mallek noted they have had the dark skies ordinance for over 30 years, and offered to have Albemarle share its experience with other communities. Ms. Flynn replied that Ms. Susan Sherman, President of the Shenandoah National Park Trust, is on the Land-Use Preservation Committee, which is developing light skies as part of its toolbox, and she will make sure Ms. Sherman reaches out.

Ms. Palmer noted they have a group of citizens that want to take a look at the dark skies policies and strengthen them, including some individuals at University of Virginia. She offered to provide her with some names of interested parties.

Agenda Item No. 17. Closed Meeting.

At 4:56 p.m., Mr. Randolph **moved** that the Board go into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (1) to: 1. Discuss and consider appointments to boards, committees, and commissions in which there are pending vacancies or requests for reappointments; and 2. Discuss and consider the resignation of an employee of the Board of Supervisors; and 3. Discuss and consider the annual performance evaluations of the County Attorney and the Clerk of the Board of Supervisors; under Subsection (7), to consult with and be briefed by legal counsel and staff

regarding specific legal matters requiring legal advice about: 1. The Belvedere development; and 2. Litigation related to a real estate assessment appeal because a public discussion would adversely affect the negotiating or litigating posture of the County. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Randolph, Mr. Sheffield, Mr. Dill, Ms. Mallek, Ms. McKeel and Ms. Palmer.
NAYS: None.

Note: Mr. Sheffield filed a Transactional Disclosure Statement stating that, as a resident of Belvedere and part of a group of three or more persons owning property in Belvedere and although the interest in the property may receive a benefit or detriment of more than \$5,000, he was able to participate in the transaction fairly and objectively in the public interest as further explained in the disclosure statement he was filing with the County Attorney's office.

Note: Mr. Dill read a Transactional Disclosure Statement stating that he was disqualifying himself from participating in the Closed Meeting discussion regarding an appeal of a real estate assessment because the business entity in which he has a personal interest, Seminole Auctions, LLC, has a relationship with affiliated business entity of the plaintiff. The property owned by Seminole Auctions, LLC is located at 2109 India Road, Charlottesville, VA 22901. He stated that he could realize a reasonably foreseeable indirect benefit or detriment as a result of the action even though the property in which his business entity has an interest is not the subject of the closed meeting discussion described above. He requested that this statement be recorded in the appropriate public records for a period of five years.

Agenda Item No. 18. Certify Closed Meeting.

At 6:10 p.m., the Board reconvened into open meeting and Mr. Randolph **moved** that the Board certify by a recorded vote that to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing in the closed meeting were heard, discussed, or considered in the closed meeting. The motion was **seconded** by Ms. Mallek. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Randolph, Mr. Sheffield, Mr. Dill, Ms. Mallek, Ms. McKeel and Ms. Palmer.
NAYS: None.

Agenda Item No. 19. Boards and Commissions: Vacancies and Appointments.

This item was moved to later in the meeting.

Agenda Item No. 23. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Walker announced that he had received a letter of retirement this week from Ms. Lee Catlin and will read some excerpts from the letter: "It was with decidedly mixed emotions that I write to inform you of my plan to retire from my position with Albemarle County effective November 1, 2017. While I look forward to this transition to the next phase of my life, I also reflect very fondly on my 25 year tenure with the County beginning as Community Resources Specialist in the Police Department and moving through various roles in the County Executive's office. I sincerely appreciate the many opportunities provided to me and I have found my public service career to be inspiring, stimulating, and personally and professionally meaningful on many levels. So appreciative of the very talented and dedicated colleagues, including County staff and elected and appointed officials that I have had the privilege of working with who exemplify the highest level of service to our community. I've truly enjoyed working in Albemarle County and would miss my coworkers and our workplace a great deal. I've been blessed beyond measure that I got to be part of such a great team and I wish you nothing but the best for the future."

Mr. Walker said he feels compelled to accept her resignation in honor of her retirement after 25 years of service to the County.

Ms. Catlin came to the podium and explained that she has provided such advance notice so they will have time to first hire a new County Executive who can then select the team to work with.

Agenda Item No. 20. From the Public: Matters Not Listed for Public Hearing on the Agenda.

There were none.

Agenda Item No. 21. **Public Hearing: Resolution Adopting the Fourth Restated Articles for the Rivanna Water and Sewer Authority.** To receive comments regarding a proposed amendment to the Articles of Incorporation for the Rivanna Water and Sewer Authority, by Concurrent Resolution of the City of Charlottesville and the County of Albemarle. The amendment will place the Director of Public Utilities of the City of Charlottesville, or another City of Charlottesville department head as the Charlottesville City Council may appoint, on the Board of

Directors of the Rivanna Water and Sewer Authority, in lieu of the Director of Public Works of the City of Charlottesville. (*Advertised in the Daily Progress on April 3, 2017.*)

The Executive Summary presented to the Board states that the Rivanna Water and Sewer Authority ("RWSA") was created by the City and the County in 1972. Under the Virginia Water and Waste Authorities Act (*Virginia Code § 15.2-5100 et seq.*), the articles of incorporation for the RWSA establish the membership of the RWSA's board of directors. The City's representatives on the RWSA Board of Directors are a City Councilor, the City Manager, and the City's Director of Public Works. The County's representatives on the RWSA Board of Directors are a member of the Board of Supervisors, the County Executive, and the Director of the Albemarle County Service Authority.

The City Manager's reorganization of the City's Department of Public Works into three City departments has created the need to amend the RWSA's articles of incorporation. One of the new City departments is the Department of Utilities, and the City has determined that the City's Director of Utilities, rather than the Director of Public Works, is the most appropriate City staff person to represent the City on the RWSA's Board of Directors.

The attached concurrent resolution (Attachment A) will amend the RWSA articles of incorporation to replace the City's Director of Public Works with the City's Director of Utilities on the RWSA Board. The amended articles will also give the City Council the ability to replace the Director of Utilities with any other City department head. The Board of Supervisors currently has similar authority to appoint a County department head in lieu of the seat currently held by the Executive Director of the Albemarle County Service Authority.

To be effective, the concurrent resolution must be adopted by both the City Council and the Board of Supervisors. The concurrent resolution was adopted by the City Council on March 20, 2017.

The adoption of the concurrent resolution will have no impact on the County budget.

Staff recommends that the Board adopt the attached Resolution (Attachment A).

Mr. Kamptner reported that state law requires a public hearing for an authority to amend its articles of incorporation, and the need for the amendment is triggered by a reorganization by the Charlottesville City Manager of their Department of Public Works and their desire to have one of their seats on the Authority board filled by the Director of Public Utilities. He noted that City Council adopted the resolution in late March.

Mr. Dill asked for an explanation of its significance. Mr. Kamptner replied that the resolution is part of the paperwork that would be filed with the State Corporation Commission.

Ms. Palmer responded to Mr. Dill's question. She said Judy Mueller had been the City's representative for many years on both the solid waste and water and sewer authorities and now, with the reorganization, Lauren Hildebrand represents the City on the RWSA Board and Peter Oberdorfer represents the City on the RSWA Board; thus, the position will be split into two positions.

Ms. Kamptner stated that the City determined the Director of Public Utilities is the individual most appropriate to sit on this authority board.

Ms. McKeel opened the public hearing. As nobody came forth to speak, Ms. McKeel closed the public hearing.

Mr. Randolph **moved** that the Board adopt the proposed resolution to amend the RWSA articles of incorporation to replace the City's Director of Public Works with the City's Director of Utilities on the RWSA Board and give the City Council the ability to replace the Director of Utilities with any other City department head. The motion was **seconded** by Ms. Palmer. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Randolph, Mr. Sheffield, Mr. Dill, Ms. Mallek, Ms. McKeel and Ms. Palmer.

NAYS: None.

**CONCURRENT RESOLUTION OF
THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA AND
THE BOARD OF SUPERVISORS OF THE COUNTY OF ALBEMARLE, VIRGINIA
TO AMEND AND RESTATE THE ARTICLES OF INCORPORATION OF THE
RIVANNA WATER AND SEWER AUTHORITY**

WHEREAS, by concurrent resolution of the City Council of the City of Charlottesville, Virginia (the City) and the Board of Supervisors of the County of Albemarle, Virginia (the County) and a certificate of incorporation issued by the State Corporation Commission pursuant to the Virginia Water and Sewer Authorities Act (currently enacted as the Virginia Water and Waste Authorities Act, Virginia Code Section 15.2-5100 *et seq.*), the Rivanna Water and Sewer Authority (the Authority) was incorporated as a public body politic and corporate in 1972; and,

WHEREAS, the City and the County amended and restated the Articles of Incorporation of the Authority in December 1985 to limit its powers regarding the treatment and transmission of potable water and the treatment and disposal of sewage; and,

WHEREAS, the City and the County further amended and restated the Articles of Incorporation of the Authority in August 1986 to place the Executive Director of the Albemarle County Service Authority, or such Albemarle County Department head as the Board of Supervisors of Albemarle County may appoint, on the Board of the Rivanna Water and Sewer Authority in lieu of the County Engineer of Albemarle County; and,

WHEREAS, the City and the County further amended and restated the Articles of Incorporation of the Authority in April 2009 to increase the number of members of the Board of the Authority from five (5) to seven (7) through the addition of one (1) member of the Charlottesville City Council, to be appointed by the City Council and to serve as an *ex*

officio member of the Board, and one (1) member of the Albemarle County Board of Supervisors, to be appointed by the Board of Supervisors and to serve as an *ex officio* member of the Board; and,

WHEREAS, the City and the County desire to further amend and restate the Articles of Incorporation of the Authority to place the Director of Utilities of the City of Charlottesville, or such City of Charlottesville Department head as the Charlottesville City Council may appoint, on the Board of the Rivanna Water and Sewer Authority in lieu of the Director of Public Works of the City of Charlottesville; and,

WHEREAS, pursuant to Virginia Code Section 15.2-5104 the City and the County caused to be advertised in a newspaper of general circulation in the City and the County a descriptive summary of this Concurrent Resolution and the proposed change to the Authority's Articles of Incorporation with a reference to the location in the City and the County where a copy of the Resolution could be obtained, and giving notice of the date on which public hearings would be held on the proposed Concurrent Resolution; and,

WHEREAS, public hearings on the proposed Concurrent Resolution were held by the Charlottesville City Council on March 20, 2017 and by the Albemarle County Board of Supervisors on May 3, 2017.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia and the Board of Supervisors of Albemarle County, Virginia that:

(1) The proposed amendment to the Articles of Incorporation for the Rivanna Water and Sewer Authority which places the Director of Utilities of the City of Charlottesville, or such City of Charlottesville Department head as the Charlottesville City Council may appoint, on the Board of the Rivanna Water and Sewer Authority in lieu of the Director of Public Works of the

City of Charlottesville, is hereby approved.

(2) Pursuant to Virginia Code Section 15.2-5107, the City Council and the Board of Supervisors shall cause a certified copy of this Concurrent Resolution to be filed with the State Corporation Commission.

(3) The Articles of Incorporation of the Rivanna Water and Sewer Authority as amended and restated shall be as follows:

**FOURTH RESTATED ARTICLES OF INCORPORATION OF
RIVANNA WATER AND SEWER AUTHORITY**

The Council of the City of Charlottesville and the Board of Supervisors of the County of Albemarle having created an Authority pursuant to the Virginia Water and Sewer Authorities Act (Chapter 28, Title 15.1, Code of Virginia of 1950, as amended) as a public body politic and corporate, and having signified their intention to amend and restate its Articles of Incorporation pursuant to the Virginia Water and Waste Authorities Act (Chapter 51 of Title 15.2 of the Code of Virginia, 1950, as amended), hereby certify:

(a) The name of the Authority is "Rivanna Water and Sewer Authority" and the address of its principal office shall be Charlottesville, Virginia.

(b) The names of the incorporating political subdivisions are the City of Charlottesville and the County of Albemarle.

(c) The powers of the Authority shall be exercised by a Board of Directors of seven members consisting of the four persons holding the offices, from time to time, of City Manager and Director of Utilities of the City of Charlottesville, or such City of Charlottesville Department head as the City Council may appoint in the Director of Utilities' place, County Executive of the County of Albemarle and Executive Director of the Albemarle County

Service Authority, or such Albemarle County Department head as the Board of Supervisors of Albemarle County may appoint in the Executive Director's place; one member of the Charlottesville City Council to be appointed by the City Council; one member of the Albemarle County Board of Supervisors to be appointed by the Board of Supervisors; and a seventh person appointed by the concurrent action of the Charlottesville City Council and the Albemarle County Board of Supervisors. The names and addresses of the current members of the Authority Board are as follows:

Name	Address
Lizbeth A. Palmer (Albemarle County Board of Supervisors)	401 McIntire Road Charlottesville, VA 22902
Doug Walker (Albemarle County Interim Executive)	401 McIntire Road Charlottesville, VA 22902
Gary B. O'Connell (Executive Director, Albemarle County Service Authority)	168 Spotnap Road Charlottesville, VA 22911
Kathleen M. Galvin (Charlottesville City Council)	605 East Main Street Charlottesville, VA 22902
Maurice Jones (Charlottesville City Manager)	605 East Main Street Charlottesville, VA 22902
Paul Oberdorfer (Charlottesville Director of Public Works)	305 4th Street, N.W. Charlottesville, VA 22903
Michael A. Gaffney (Concurrent City/County Appointee)	112 Reynard Drive Charlottesville, VA 22901

The terms of the members of the Board serving as such by virtue of their appointed offices with the City, the County and the Albemarle County Service Authority shall expire

upon the earlier of their ceasing to hold such appointed offices, or after four years from the recordation of these Restated Articles of Incorporation by the State Corporation Commission; provided that such members shall be eligible for reappointment for terms not in excess of four years for so long as they hold their appointed offices. The terms of the City Councilor appointed by the City Council and the Supervisor appointed by the Albemarle County Board of Supervisors shall expire upon the earlier of their ceasing to hold such offices or expiration of their term of office as a Councilor or Supervisor; however, if they are re-elected to those offices they may be reappointed to the Board. Any person hereafter holding the office of Albemarle County Executive or Charlottesville City Manager shall automatically succeed to the membership of his predecessor in such office on the Board of the Authority. The term of the member of the Board serving as such by virtue of his office with the Albemarle County Service Authority shall also expire upon the decision of the Albemarle County Board of Supervisors that a County Department head shall serve on the Board in the Executive Director's place. Any person hereafter holding the office of Director of Utilities of the City of Charlottesville (or, if a City Department head has been appointed by the Charlottesville City Council to serve in the place of the Director of Utilities of the City of Charlottesville, any person holding the office of such Department head) shall automatically succeed to the membership of his predecessor in such office on the Board of the Authority. Any person hereafter holding the office of Executive Director of the Albemarle County Service Authority (or, if a County Department head has been appointed by the Albemarle County Board of Supervisors to serve in the place of the Executive Director of the Albemarle County Service Authority, any person holding the office of such Department head) shall automatically succeed to the membership of his predecessor in such office on the Board of the Authority.

The current term of the member of the Board appointed by the concurrent action of the Charlottesville City Council and the Albemarle County Board of Supervisors shall expire on December 31, 2018, and his successor shall be appointed for a term of two years, except that a vacancy shall be filled only for the unexpired term. The appointed member shall hold office until his successor has been appointed and qualifies and he shall be eligible for reappointment to succeed himself. The appointed member shall receive such compensation not to exceed \$1,800.00 per year as the Board of the Authority may determine, but those members who are employees or officials of the City or the County or the Albemarle County Service Authority shall serve without compensation. Each member shall be reimbursed the amount of his actual expenses necessarily incurred in the performance of his duties.

(d) The purpose for which the Authority is formed is to acquire, finance, construct, operate and maintain facilities for developing a supply of potable water for the City of Charlottesville and Albemarle County and for the abatement of pollution resulting from sewage in the Rivanna River Basin, by the impoundment, treatment and transmission of potable water and the interception, treatment and discharge of wastewater, together with all appurtenant equipment and appliances necessary or suitable therefore and all properties, rights, easements or franchises relating thereto and deemed necessary or convenient by the Authority for their operation. Except to the extent of providing incidental services and the sale of excess products, the Authority's powers are limited to providing wholesale services to the City and the County.

The Authority may contract with the City, the County, any sanitary district thereof or any authority therein created pursuant to the Virginia Water and Waste Authorities Act (or its predecessor, the Virginia Water and Sewer Authorities Act) to furnish water and to treat

6

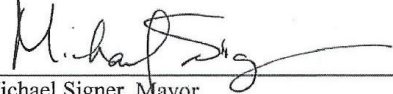
sewage delivered to its facilities upon such terms as the Authority shall determine; provided, however, that any such contract shall include as parties thereto the City and the County (or any agency of the County designated for that purpose by its Board of Supervisors). The Authority is expressly prohibited from contracting with any other party desiring service in the City or the County, except upon the written consent of the City or County (or any agency of the County designated for that purpose by the Board of Supervisors), respectively.

(e) The Authority shall cause an annual audit of its books and records to be made by the State Auditor of Public Accounts or an independent certified public accountant at the end of each fiscal year and a certified copy therefore to be filed promptly with the City Council of the City of Charlottesville and the Board of Supervisors of the County of Albemarle.


IN WITNESS WHEREOF, the City Council of the City of Charlottesville and the Board of Supervisors of the County of Albemarle have caused these Fourth Restated Articles of Incorporation to be executed in the name of the City of Charlottesville and the County of Albemarle, respectively, by their presiding officers and attested by their Clerks this _____ day of _____, 2017.

CITY OF CHARLOTTESVILLE, VIRGINIA

By:


Michael Signer, Mayor

Attest:


Acting Clerk of Council

COUNTY OF ALBEMARLE, VIRGINIA

By:

Diantha McKeel, Chair, Board of Supervisors

Attest:

Clerk, County Board of Supervisors

86509741_3

Note: The Board then returned to Agenda Item No. 13.

Agenda Item No. 13. 2017 Legislative Update.

The Executive Summary presented to the Board states that each year the Board of Supervisors considers and approves its legislative priorities and submits them to the Thomas Jefferson Planning District Commission (TJPDC), the Virginia Association of Counties (VACo), and the Virginia Municipal League (VML). Generally, the TJPDC's legislative program incorporates the County's legislative priorities. Other initiatives are sometimes added prior to the General Assembly session. This executive summary will provide a review of the Board's 2017 Legislative Priorities (Attachment A).

A review of the County's 2017 Legislative Priorities is provided as Attachment A. The report includes details regarding action taken on the priorities.

On August 3, 2016, the Board adopted its three legislative priorities for the 2017 Virginia General Assembly. The three priorities were to: (1) give counties the authority to establish economic revitalization zones; (2) amend Virginia Code § 15.2-2303.4, the new proffer statute, to clarify certain language in the law; and (3) initiate or support legislation granting urban counties taxing powers equal to those granted to cities. These priorities are set out below, with summaries of various bills provide in the attached update.

Economic Revitalization Zones

Economic Revitalization Zones The County initiated legislation to amend Virginia Code § 15.2-1129.2 to enable counties to create economic revitalization zones. HB 1970, which was introduced by Delegate Landes on behalf of Albemarle County, was adopted by the General Assembly this year. This legislation grants counties the authority to create economic revitalization zones. This enabling authority had previously only been granted to cities.

Land Use and Growth Management

Proffers The County supported legislation to amend Virginia Code § 15.2-2303.4 to strengthen localities' authority by enabling them to utilize adequate public facilities ordinances and establish proffer systems that are workable and meaningful for various parties. The General Assembly failed to pass any legislation on this matter.

Equalized Taxation

The County supported legislation granting counties taxing powers equal to those granted cities and towns, without decreasing, limiting or changing city and town taxing authority. The General Assembly failed to pass any legislation on this matter.

The May 3, 2017 discussion will review additional legislation of interest to the County considered by the General Assembly during its 2017 session.

There is no budget impact.

No action is required at this time, however, staff welcomes any feedback from the Board. Staff will return in June to begin discussing the Board's proposed 2018 Legislative Priorities.

Mr. Kamptner noted that Supervisors have summaries from Mr. David Blount, Thomas Jefferson

Planning District Commission, Legislative Liaison, and VACO regarding the recent legislative session, and stated that he had selected eight or nine bills he thought were of interest to the County. Mr. Kamptner reported that HB 1970, the Economic Revitalization Zones, sponsored by Delegate Steve Landes, was a Board priority and would provide counties with new authority to provide incentives and allow regulatory flexibility. He noted that this bill did not face any opposition.

Mr. Kamptner next reviewed HB 2313, sponsored by Delegate Margaret Ransone, concerning county courthouse removal pertaining to a situation in King George County. He said that the bill grants counties authority to relocate a county courthouse from one location within the county to another site within the county, without a petition or approval by voters. He said the Albemarle courthouse is located on County property on land that was not annexed by Charlottesville, and so the new law would apply to Albemarle.

Mr. Kamptner reported that the next legislation was SB 1578, sponsored by Senator Thomas Norment, concerning short-term rentals and preserving local zoning authority. He said he had attended a conference and spoke with some insiders who were involved in the legislative process, and learned that lobbyists for hosting platforms were working on legislation to undo what this bill accomplishes. Mr. Kamptner stated that a bill was introduced last year to gut local zoning authority, then the hotel and bed and breakfast industries became involved and delayed the legislation to this year. He noted there was a divide in the legislature along generational lines, with younger members recognizing the sharing economy and taking advantage of it. He said that in the long term, the legislature may return to this and eliminate local zoning authority for this type of activity.

Mr. Kamptner reported that SB 1282, sponsored by Senator Ryan McDougale, preempted local zoning authority and created an accelerated administrative process for small cell facilities, which are pieces of equipment needed for 5G wireless service. Mr. Kamptner stated that these devices may be mounted on existing structures without the need for wireless towers, and commented that the FCC was beginning the rule-making process to adopt standards for 5G technology. He said this legislation was promoted by Verizon and AT&T. Mr. Kamptner said he spoke with VACO counsel, who informed him a committee would likely be reconstituted to review steps to promote wireless and broadband in agricultural areas, but it appeared this committee would be focusing on a draft bill promoted by Verizon and AT&T to give the industry what they did not get this year with SB 1282.

Mr. Kamptner reported that HB 1854, sponsored by Delegate Todd Gilbert, concerned conflicts of interest. Mr. Kamptner reviewed highlights, including changing the date disclosure forms must be submitted, clarifying that an annual report covers the preceding calendar year, permitting food that was consumed while standing does not have to be disclosed but sit-down meals must be disclosed as gifts, reducing the threshold for prohibited interest in a contract from \$10K to \$5K, and redacting residential addresses and phone numbers when a clerk releases a disclosure form to the public.

Mr. Kamptner stated that HB 1539, sponsored by Delegate James LeMunyon, concerned the Freedom of Information Act (FOIA) and clarified the definition of "public record" by deleting what is not a public record, defining personal contact information that was excluded from FOIA's mandatory disclosure provisions, clarifying that the name of a public employee was public information, and limiting the application of county executive working papers exception under FOIA. Mr. Kamptner stated that they could expect further FOIA changes, including a complete reorganization of the act itself. He said that another change he expected was to prohibit the use by members of public bodies of technologies, specifically cell phones, during open meetings. He said another concern he has heard discussion about was that closed meeting discussions sometimes veer off to other matters, so there may be future consideration to require that minutes be kept or the meetings recorded or to have a member of the media sit in. He said he anticipates that eventually the County will be required to put all public records online, and personnel records will be made public under the theory that the public has the right to know how public employees are performing.

Mr. Randolph asked if this is mainly to obtain information on teachers, or if it is more general. Mr. Kamptner replied that he perceives it as being more general.

Mr. Kamptner said they can also expect a re-examination of exemptions of records dealing with law enforcement, such as investigations and criminal records.

Mr. Kamptner reviewed HB 1540, sponsored by Delegate LeMunyon, which also pertains to the Freedom of Information Act. He said it will require every public body to give notice of the date, time, and location of its meetings, through specific actions and online. He said it also formalizes the requirement that any notice of a regular meeting, including those that were adjourned and continued, have to provide reasonable notice. Mr. Kamptner offered to provide information regarding these new requirements to the clerk's office.

Mr. Kamptner reported that HB 1565, sponsored by Delegate Michael Weibert, concerns establishment of green development zones. Mr. Kamptner said a locality may establish these zones and provide regulatory flexibility and other incentives to promote development of green businesses.

Ms. Mallek asked if zones such as green, economic, and tourism could overlap.

Mr. Kamptner responded that they could and serve slightly different purposes, although a point could be reached at which a locality was over-incentivizing. He said they could look at all the different incentives and build something and tailor them to work together.

Mr. Kamptner reported on HB 1941, sponsored by Delegate Terry Kilgore, which amended Virginia Code 8.01-223.2 to add “defamation” to the list of exemptions for immunity from liability for speaking at public hearings. Mr. Kamptner noted that a lot of public employees were using social media to discuss what was going on in their department or locality, and there has been litigation with employees disciplined, terminated or demoted. He indicated that this legislation would allow employees to speak at public meetings regarding the operations of a department under First Amendment protection.

Mr. Kamptner stated that HB 1597, sponsored by Delegate Webert, provided that a new waiver must be approved for a person approved for a storm water management plan. Mr. Kamptner stated the plan must show that storm water produced onsite was retained and treated. He said that for three consecutive years, there have been bills that have attempted carve-outs, which has caused those who were paying the full price to pay more.

Mr. Kamptner reported that the next bill was SB 964, sponsored by Senator Emmett Hanger and regulating bamboo. Mr. Kamptner said the owner who has this species of plant has to maintain it and not allow it to spread, and the legislation enables a locality to impose civil penalties to a maximum of \$3K over a 12-month period.

Ms. Palmer asked how people would know about this when buying bamboo from a nursery. Mr. Kamptner replied that it applies to a specific species of bamboo.

Ms. Mallek commented that at Blue Ridge Prism meetings, they have discussed how to obtain legislative approval to restrict what could be sold at nurseries as well as by mail order. She said it is still possible to order kudzu plants. She said legislation passed last year created an advisory board, which was supported by the Nurserymen’s Association, to create a list of species. Mr. Kamptner said the type of bamboo identified by the legislation was any that was characterized by aggressive spreading behavior, including species in the genus phyllostachys.

Ms. Palmer asked if it would be appropriate to have staff contact local nurseries about this law change. Ms. Kamptner said they could do this if the Board were to adopt an ordinance.

Ms. McKeel said she receives a lot of calls from residents frustrated by bamboo and said that one could drive around and see the kudzu issues.

Mr. Kamptner stated there were two other studies underway, one dealing with noise and traffic issues related to farm wineries, and the other being a two-year joint subcommittee to review taxing authority of local government, local government responsibilities for service delivery, and fiscal stress among localities. He said he asked VACO counsel what would come out of this and the reply was that “nothing would,” so he did not expect legislation to come out of this study.

Ms. Mallek noted this was in response to the City of Petersburg “about to go belly up,” with the legislature seeking a way to prevent this behavior from spreading.

Mr. Kamptner concluded his presentation and invited Supervisors to contact him with questions about any of the bills he reviewed. He said he would come back to the Board in June or July to begin discussing legislative priorities and suggested the Board start thinking about its priorities.

Agenda Item No. 22. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Mr. Dill reported that the national Sierra Club was sponsoring a program known as “Ready for 100,” which referred to its goal of having 100% clean energy by the year 2050. He asked the Board for approval to invite a Sierra Club representative to give a presentation about this program and answer questions that could assist the County with formulating a plan. He said the City of Richmond recently committed to have 80% clean energy by 2050.

Mr. Sheffield suggested they have more than a Sierra Club presentation and hold a larger discussion about this topic.

Mr. Randolph suggested they invite representatives from the solar and wind industry and engage the entire community on this topic.

Ms. Palmer noted that the University of Virginia is taking many measures to support sustainability.

Ms. McKeel suggested they invite representatives from UVA to educate the Board on their sustainability efforts.

Mr. Walker said that what he is hearing is a symposium around energy issues, and offered to work with Mr. Dill and staff to host a fall symposium.

Ms. Palmer said she want an update from staff on solid waste issues, as there were some changes underway, including the opening of a new transfer station next year. She said they would probably develop a master plan for development of the old Ivy transfer station site, and the Rivanna Solid

Waste Authority Board would soon develop a strategic plan. Ms. Palmer stated that she will keep everyone up to date, and invited feedback from Supervisors so she could accurately represent the Board in the RSWA's strategic planning. She said County staff had been coming to her with ideas about solid waste and she suggested that, instead of using her as a conduit, they give a presentation as an agenda item to the Board of Supervisors in July. She asked for Board approval of this.

Ms. Borgersen indicated there is room in the July meeting agenda to fit this in.

Mr. Randolph recognized County Sheriff, Chip Harding, for asking the Governor to review the conviction and incarceration of Jens Soering.

Ms. McKeel agreed, stating that she recently had an interesting conversation about this with Mr. Harding at the jail board meeting, and it was shocking at how many innocent people have been incarcerated or executed.

Ms. Mallek said she has had contact with foresters representing clients who have received pushback from the Public Recreation Facilities Authority (PRFA), and noted that forestry did not have a representative on this board. She said the County forester works part time and for the ACE Committee, and that person did not have professional forestry training. Ms. Mallek said she would share Scott Clark's email to explain the process, and said the PRFA has not delegated any decision-making on easements or their updates to staff. She said many easement holders are donating easements to the County, and they need to have a better process.

Ms. Mallek said she had received some recent emails about people driving and parking on Mint Spring's beaches, with one such person carrying a gun. She said a resident took a photograph that included the vehicle license plate and the Police Department has followed up. She stated that Bob Crickenberger has informed her that guns are permitted by state law in parks, though they may not be discharged. Ms. Mallek said it did create some anxiety for people when they see someone carrying a gun on their hip, and the County should consider putting better signage in the parks about parking rules, as the individual cited said he did not know he was not permitted to park on the sand. She noted that Mr. Crickenberger is exploring this idea.

Mr. Mallek said another concern is of people using low-flying drones, particularly at Chris Greene Lake, photographing hikers and making them feel uncomfortable. She said her response to a concerned resident was that they are not allowed to restrict commercial or personal use of drones, although she said she may be wrong. She asked Mr. Kamptner to provide an update on drone regulations when he has time.

Mr. Kamptner agreed to take a look at this.

Agenda Item No. 24. Closed Session. *(if needed)*

At 7:12 p.m., Mr. Randolph moved that the Board to into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia Under Subsection (1), to discuss and consider appointments to boards, committees, and commissions in which there are pending vacancies or requests for reappointments. The motion was **seconded** by Ms. Mallek. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Randolph, Mr. Sheffield, Mr. Dill, Ms. Mallek, Ms. McKeel and Ms. Palmer.
NAYS: None.

At 7:59 p.m., the Board reconvened into open meeting, and Mr. Randolph **moved** that the Board certify by a recorded vote that to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing in the closed meeting were heard, discussed, or considered in the closed meeting. The motion was **seconded** by Ms. Mallek. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Randolph, Mr. Sheffield, Mr. Dill, Ms. Mallek, Ms. McKeel and Ms. Palmer.
NAYS: None.

Agenda Item No. 19. Boards and Commissions: Vacancies and Appointments.

Mr. Dill **moved** the following appointments/reappointments:

- **appoint** Ms. Sara Bishop to the Charlottesville-Albemarle Convention and Visitors Bureau (CACVB) Management Board to fill an unexpired term ending June 30, 2018.
- **appoint** Mr. Eric Walden to the Charlottesville-Albemarle Joint Airport Commission to fill an unexpired term ending December 1, 2017.
- **appoint** Mr. Stuart Rifkin to the Public Defender's Office Citizens Advisory Committee with said term to expire December 31, 2019.
- **appoint** Mr. John K. (Jack) Brown to the Public Recreational Facilities Authority with

- said term to expire December 31, 2019.
- **appoint** Ms. Jennie More to the Social Services Advisory Board as the White Hall Magisterial District representative to fill an unexpired term ending December 31, 2019.
 - **appoint** Ms. Margaret Eldridge to the Solid Waste Alternatives Advisory Committee (SWAAC) to fill an unexpired term ending May 31, 2019

The motion was **seconded** by Ms. Mallek. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Randolph, Mr. Sheffield, Mr. Dill, Ms. Mallek, Ms. McKeel and Ms. Palmer.
NAYS: None.

Agenda Item No. 25. Adjourn to May 10, 2017, 2:30 p.m. Lane Auditorium.

At 8:01 p.m., Ms. Palmer **moved** to adjourn until May 10, 2017 at 2:30 p.m. in Lane Auditorium. The motion was **seconded** by Ms. Mallek. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Randolph, Mr. Sheffield, Mr. Dill, Ms. Mallek, Ms. McKeel and Ms. Palmer.
NAYS: None.

Chairman

Approved by Board
Date 09/13/2017
Initials CKB