

An adjourned meeting of the Board of Supervisors of Albemarle County, Virginia, was held on June 14, 2017, at 4:00 p.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia. This meeting was adjourned from June 7, 2017. The regular night meeting was held at 6:00 p.m.

PRESENT: Mr. Norman G. Dill, Ms. Ann Mallek, Ms. Diantha H. McKeel, Ms. Liz A. Palmer, Mr. Rick Randolph, and Mr. Brad 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 4:01 p.m., by the Chair, Ms. McKeel.

Agenda Item No. 2. **Work Session:** Neighborhood Improvements Funding Initiative.

The Executive Summary as presented to the Board states that during the Two Year Financial Plan process, the Board directed staff to allocate \$1.4 million in one-time funding to support neighborhood level improvement projects prioritized with community feedback and leadership from the County's Community Advisory Committees (CACs). In February, the Board directed staff to proceed with the first several steps in the proposed process and in March, the Board directed an additional \$200,000 be allocated for support costs associated with implementing the program, including a Neighborhood Planner position in Community Development. In May, staff presented the prioritized list of projects by each CAC area and was directed by the Board to return in June with options for funding allocation to each CAC area and a proposed community process to move toward final project approval by the Board this fall.

Staff has taken guidance provided by the Board during the May 10, 2017 work session to develop two options for allocating the \$1.4 million Neighborhood Improvement Funding Initiative (NIFI) funding among the CAC-areas (Attachment A). Option 1 divides the funds equally among the 7 CAC areas (\$200,000 each) and Option 2 provides a minimum of \$75,000 to each CAC area and allocates the remaining funds by population (\$113,500-\$257,000). The Board also directed staff to outline a draft community process for moving NIFI forward (Attachment B). The proposed process runs from July through October and entails formal scoping of priority projects and a final project approval by the Board. Staff reviewed the prioritized project list by area and provided remarks regarding next steps and project estimates as available (Attachment C).

The Board further requested that all of the transit-related project ideas put forth during the NIFI process be aggregated and included in the materials for the regional transit partnership being considered this summer (Attachment D).

The Board has directed that \$1.4 million in one-time funding be allocated to this program, as well as \$200,000 in support costs allocated from on-going funding.

Staff recommends the Board endorse its preferred funding allocation option and approve the process moving forward in which the community selects their overall top projects and project champions work with staff and consultant services on scoping in order to inform a final project selection by the CACs in late summer leading to final Board of Supervisors consideration in the fall.

Ms. Emily Kilroy, Community Engagement Specialist, and Mr. Trevor Henry, Director of Facilities and Environmental Services, presented. Ms. Kilroy presented an agenda to include NIFI Discussion to Date, Prioritized Lists, Funding Allocation Options, Proposed Process and Responsibilities, and Board Discussion.

Ms. Kilroy stated that the desired outcome is for the Board to endorse the funding allocation and approve the process to move forward. She reviewed Board actions on Neighborhood Improvements Funding Initiatives to date, beginning in December 2016, when the Board directed staff to create a community-driven process to identify funding for small scale capital improvements and planning design efforts to improve quality of life in the urban core areas. She stated that the Board approved a process in February 2017 for what they are calling "NIFI" and directed staff to proceed with orientation, a community brainstorm, and a prioritization process. Ms. Kilroy said that staff had identified \$1.4 million for project implementation, of which the Board allocated \$200,000. She stated that in May, the Board received the priority lists from each Community Advisory Council and directed staff to return with funding allocation options and a process to move forward.

Ms. Kilroy referred to Attachment C in the packet distributed to the Board, which included an update to the prioritized project lists. She noted a format change from a list to a table, though the projects are the same, with remarks added. She noted that transit projects were scattered throughout the project areas, and Attachment D aggregated them together so they could be discussed at the transit meeting scheduled for later in the summer.

Mr. Sheffield reminded the Board that Charlottesville Area Transit (CAT) would go through the transit development planning process and that many of these items should make their way in there,

enabling them to notify the state of their wants and needs.

Ms. Mallek asked if the slide presenting transit projects included those from all over. Ms. Kilroy replied that the slide shows Places 29 projects while Attachment C has projects for all the CACs. She stated that the Board had directed staff to propose a funding allocation for all CACs and displayed a slide that offered two funding options, with the first allocating \$200,000 for each CAC and the second allocating dollars to each of the seven CACs, based on its percentage of total County population, with a \$75,000 base minimum to each CAC. She turned the presentation over to Trevor Henry to review Phase II of the proposed process.

Mr. Trevor Henry continued with the presentation, stating that the next phase would transition from the high level, investigative work conducted by CACs to narrow the list of projects to the top two or three, and to work on scoping and implementation. He stated that the Project Management Division would become involved and work with CACs, with likely due diligence assistance from a consultant. Mr. Henry said this would be followed by delivery of a project report to be reviewed for final approval, including assessment of constraints and risks that could affect the scope and schedule of projects. He stated that they would need Board support to obtain some landscape architecture and engineering assistance to conduct due diligence. He stated that the Project Management Division was fully occupied with projects for schools and local government and could use a bit of assistance from consultants. He stated that the CACs would identify their top project priorities in July, as well as identify champions or points of contact that could work with staff and consultants to further define and vet the projects.

Ms. Kilroy interjected and pointed out the role of the CACs and the community in the next phase of this process would be to narrow down their lists of four to six projects depending on how the Board allocates funding. She stated that the project champions mentioned by Mr. Henry would be selected by the community and would work with the consultants.

Mr. Dill commented that this seems to be a really good plan, and he expressed support for the second funding option to grant more dollars to CACs with larger populations. He asked Mr. Henry if they had already eliminated "impossible dream" type projects so that they did not waste time, and also asked if new bus stops should be pushed at the transportation discussion level rather than through this initiative.

Mr. Henry replied that they had not eliminated projects and that some would be at a higher cost for full implementation, exceeding the \$1.4 million allocated, but they may wish to still allocate some funding to get projects shovel ready and fully designed, so they are potentially eligible for funding from other sources.

Ms. McKeel asked him to address transit, noting that the transit partnership discussions with Charlottesville were a good place to initiate transit issues.

Ms. Kilroy stated that they did not remove any transit items from discussion, though making shelter improvements at this stage may be premature and they could delete them from the lists.

Mr. Kevin McDermott, County Transportation Planner, addressed Ms. McKeel's comments. He stated that the transit development plan and the potential transit partnership discussions would occur soon. He stated that he sees opportunities to address bus stop upgrades outside of this process and noted that he had recent discussions with CAT officials in this regard. He proposed to have this clarified by the next Board meeting.

Ms. Mallek noted that there was often uncertainty as to how projects would be funded and various ways to get them funded, adding that there would be a lot to learn over the next month. She noted that some constituents had contacted her after the packet came out to express concern over the proposal to allocate project funding according to CAC population, when the original idea had been to equally allocate funding to all the CACs. She expressed support for staying with the original proposal to allocate funding equally, and stated that in fast growing areas they did not have accurate population counts.

Ms. Palmer expressed support for equal allocation of funding, as this was what they originally told CACs. She stated that her vision of this was that it would be centered more on planning and preparing plans for obtaining grants and funding. She stated that the CACs were interested in identifying things they would like to have done, but were not always aware of multiple grant funding sources.

Mr. Doug Walker interjected that it was staff's understanding that the County had not presented a specific funding mechanism to CACs and had presented the Board with a couple of options. He stated that the Board had not yet selected an option, as they wanted to see how things would play out.

Ms. Palmer stated that she preferred the equal division, as her vision of the intent for this money was as a planning grant to get people involved in their community and figure out what they really want. She stated that if they allocate funding according to population, it would parallel how they allocate funding in the CIP and for roads, while this is really more of a neighborhood initiative.

Mr. Randolph stated it is essential that any funding allocation be used for the highest and best use of taxpayer dollars. He stated his second point is that not all of the items identified by CACs were equally compelling, essential, necessary, or proper, whereas the Board is taking an egalitarian approach that all projects are created equally. He stated that it is the Board's obligation to determine how the money is spent rather than leaving this decision to CACs. Mr. Randolph said he believes some CACs already believe this money is rightfully theirs to spend. He suggested a third funding option based on past

and recurring unmet CIP projects and/or strategic priorities and used transportation as an example, as it is one of the Board's strategic priorities and thus would be an appropriate recipient of the NIFI funds. He noted that some projects had already been scoped during the CIP process, and reminded them that they hired an urban planner by using part of the \$200,000 in NIFI funds with an understanding that this planner could achieve some efficiencies. He stated that the projects generated by the CACs were not all planning related, with some being implementation and project related.

Ms. Mallek stated that she believed each of the CACs were in a different place, with some projects having been in their master plan for a long time.

Ms. Kilroy stated that the process outlines having CACs provide a resolution with requests for projects, which the Board would approve in the fall.

Ms. McKeel asked for clarification from Mr. Randolph or Mr. Henry that they were speaking to the urban planner piece. Mr. Walker stated that the \$200,000 was identified as ongoing support for a one-time NIFI program with hiring of an urban planner to provide technical expertise. He stated that the \$200,000 was reduced for other soft costs associated with the program.

Ms. Lee Catlin, Assistant County Executive, stated that the original idea was to give neighborhoods the opportunity to identify quality of life projects that improve livability. She stated that there had been distinct interest in projects defined as small scale projects with immediate impact, as well as projects that were the first step of a larger planning process. She stated staff's understanding was that the Board would allow both of these tracks to move forward and allow the community to assume ownership, in an effort to improve quality of life in urban neighborhoods. She stated that they envisioned the use of an urban planner as offsetting the costs of facilitators, and had not seen the neighborhood planner as someone who would help with the scoping type of work associated with an architect or engineer.

Ms. Kilroy stated that they saw the neighborhood planner as part of the staff team who could be a resource towards project scoping and planning.

Ms. McKeel stated that there was nothing that said one CAC could not do design work or planning and others not do any.

Ms. Palmer emphasized she wants to make sure CACs understand there are different options for funding.

Ms. McKeel noted they have two proposals before them.

Mr. Dill stated that this is an example of conducting due diligence on how to use money, stating that they typically do a lot to involve citizens in the process, such as participation in budget meetings, surveys, etc. He noted that the amounts being discussed involve less than one percent of the County budget and got people involved to set priorities for their own communities. He stated the Board is not giving up its responsibility, but rather is facilitating the involvement of people in the community.

Mr. Sheffield stated that Mr. Randolph's comments summarized his own thoughts, with the only point of disagreement being that he feels CACs are not as well informed about options since they are not professional planners. He stated he is frustrated that they are not tackling some CIP projects that need to be better planned, although he stated he does not know what the best approach would be to plan for these projects. Mr. Sheffield said the sidewalk project for Rio Road was not well planned and asked for feedback about this. He stated that they typically jump into CIP projects and do the planning once the money has been allocated and is hoping to get ahead of this by planning before the money had been allocated.

Mr. Walker noted that he and Mr. Sheffield had discussed the process several weeks earlier. He stated that staff recognized this was the first iteration of the program and expected to learn from it and make adjustments, returning with a revised plan for Board review. He stated that the question of planning ahead prior to making a decision about CIP projects was more complicated because it would require the CIP to separately identify funding for preliminary engineering or planning, without knowing if resources would be available to pursue the project. He stated that they would not want to plan for a project they could not pursue and complete. Mr. Walker said they had made some recent progress with improvements but still have significant work ahead. He stated that conversations among both boards and preparation for the upcoming CIP process, including consideration of a bond referendum with the schools, provided an opportunity and even an obligation to think differently about how projects are packaged. He expressed his agreement with Mr. Sheffield's comments regarding not having all the information they might want or need in order to more fully provide information about project costs in the CIP. He stated that they have work to do in developing CIP projects in a way that provides better clarity as to what investment levels are on the front end, in order to understand the implications and consequences on the back end.

Ms. McKeel stated that in the last iteration, the County had obtained matching grants they provided to the neighborhoods, including her own neighborhood, and this spurred community engagement and participation towards improving their quality of life. She expressed understanding of the concerns raised by Mr. Sheffield and Mr. Randolph, but stated that she fully supports these projects.

Mr. Sheffield stated that he would vote in favor of the proposal out of respect for the work that staff and citizens had conducted, although he has concerns about the process.

Ms. Palmer stated that she sees a lot of these projects as being compatible with the CIP, and it is up to the Board to assure the money is spent appropriately. She stated that she had obtained thoughtful feedback from her CAC as to their intent and desires.

Ms. Palmer **moved** that the Board endorse Option 1 (\$1.4 million divided by seven CACs provides \$200,000 for each area) to allow for equal funding distribution among Community Advisory Councils (CACs). The motion was **seconded** by Ms. Mallek. 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: Mr. Randolph.

Mr. Dill **moved** that the Board approve staff recommendations for the process moving forward in which the community selects their overall top projects and project champions work with staff and consultant services on scoping in order to inform a final project selection by the CACs in late summer leading to final Board of Supervisors consideration in the fall. The motion was **seconded** by Ms. Mallek. 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: Mr. Randolph.

Ms. Mallek commented that this process could be messy and people do not always agree, but it is a wonderful community-building effort.

Agenda Item No. 3. **Presentation:** Development Advisor Update.

Mr. Walker introduced Mr. Jeffrey Simon of Stantec and his team. He stated that Stantec is a development advisor procured after an extensive process and would focus on a public-private partnership opportunity related to Option 5 of the courthouse project, which would relocate the courts and administration functions outside of Charlottesville. He stated that the scope had been expanded to also consider County administration facilities. He stated that part of Stantec's presentation would include a primer on these partnerships, as well as a schedule and scope, while recognizing that County staff had not yet finalized the details of the work scope. Mr. Walker said the presentation includes high level economic analysis necessary to support the Rio/Route 29 Small Area Plan. He stated that it is important to test the assumptions in the draft plan at this stage in the priority planning process.

Mr. Walker reported that the Rio/Route 29 Small Area Plan would come back to the Board in October, and it is essential that a market analysis be conducted to make sure the project is viable. He noted a logical connection between a public-private partnership in the Rio/29 area and the Rio/29 Small Area Plan. He stated that regardless of the outcome of the disposition of the courts and the County Office Building, the due diligence they had conducted in this area put them in a strong position to consider these partnerships in the future. He noted that there was other work being conducted regarding Option 1 to remain downtown and the most specific issue related to the work Stantec is doing with Option 5 is the adjacency's work which considers the relationships between City and County Courts and associated Court functions as related to current operations and how this was impactful to any decision to relocate. He stated that the work being reviewed today would have to have a confluence in order for the Board to make an informed decision.

Ms. Palmer asked if Stantec is involved with the adjacency study. Mr. Walker stated that they are from a procurement standpoint, although Moseley Architects and the National Center for State Courts would conduct the actual work as subcontractors through Stantec.

Mr. Jeffrey Simon, Senior Principal of Stantec, addressed the Board and stated that he would first discuss what his firm offers, review the agenda, and offer closing remarks at the end. He stated that Stantec is a global design, engineering, project management, and real estate firm with 22,000 employees on four continents and several offices in Virginia, including one in Charlottesville. He stated they are very fortunate to partner with Greystone, which has extensive experience in asset management, real estate analysis, and property management. He stated that Greystone has 14 offices and 7,000 employees. He listed an agenda with the following four themes: Team Introductions and Experience, Introduction to Public Private Partnerships, P3 Case Studies, Milestone Schedule and Tasks. He stated that going forward, he would refer to public private partnerships as P3s. He stated that a lot of work has been done with Options 1 and 5, with particular focus on Option 5. He invited members of his team to briefly introduce themselves.

Mr. Drew Leff introduced himself as the principal of the project. He stated that he has quite a bit of experience working with municipalities as well as with private developers.

Ms. Maixuan Phan introduced herself as Project Director. She stated that she has over 20 years of experience in real estate finance and development and investment banking.

Mr. Matthew Hunt introduced himself as Project Executive and stated that he is employed with Greystone. He stated that his background is in public sector real estate advising and asset management.

Mr. Charles DiMaggio introduced himself as Founder and Chief Operating Officer of Greystone

Management Solutions. He stated that his background includes law and construction management, and he currently teaches public dispositions and transportation policy as a Professor at the University of Massachusetts.

Mr. Simon stated that his experience is primarily in real estate development including employment in government, most recently as Assistant Secretary of Transportation for the State of Massachusetts. He stated that he is in charge of transportation real estate and currently works with several public-private partnerships. He reviewed an organizational chart of the project team that would work with the County, which included the staff who had just introduced themselves. Mr. Simon said an additional project staff member is Carolyn Shears from CBRE, who has experience with the local market. He invited Mr. Leff to continue the presentation.

Mr. Leff presented a slide that included photos of five public-private partnerships that had involved Stantec. He explained that Kneeland Street and Danvers State Hospital were examples of dispositions of public property, adding that Stantec has expertise in both real estate development and an understanding of government. He said a third project was Brooklyn Village, for which they were representing the developer and doing the planning and development services. He stated that a fourth example is 419 Town Center in Roanoke, which he said is similar to the Rio/29 project, with a large shopping center and surrounding area that they are turning into a dense, walkable community. Finally, he stated that they are working with Piedmont Housing Alliance to develop a master plan for development of Friendship Court in Charlottesville.

Mr. DiMaggio reviewed some of his firm's projects, stating that the firm is a division of Greystone and Company, formed in Georgia in 1986 and now located in New York. He stated that their offices are located in Warrenton, Virginia, New York and Boston. He stated that they had teamed up with Stantec on some projects and reviewed the unique qualifications offered by members of the Greystone and Stantec teams. He stated that they provide financial analysis and modeling so clients can understand the true costs and internal rates of the return of P3s. He reminded them that a P3 is a mechanism and not a funding source. He presented a slide with photos of four projects, including MBTA Wonderland in Revere, Massachusetts, MBTA North Quincy Red Line in Quincy, Massachusetts, Baltimore City Community College in Baltimore, Maryland, and a Queensland, Australia government building. He introduced Matthew Hunt to continue the presentation.

Mr. Matthew Hunt stated that P3 means different things to different people and he will attempt to clarify. He stated that P3 is a transaction structure having both a public sector and private sector partner involved. He stated that there are typically tradeoffs for a public entity to become involved in a partnership, such as level of control, financial benefit, and risk shifting between parties. Mr. Hunt explained that the public entity's goals and site conditions often determines the transaction structures. He reviewed potential goals the County might wish to set, such as level of quality, whether it would be self-sustaining, incorporation of social programs such as affordable housing, and promotion of private investment either in the partnership or in surrounding or nearby developments. He reviewed considerations for site selection including whether there are barriers to market delivery, quality of existing infrastructure, who controls and owns the property, and the state of the real estate market surrounding the site, as well as environmental considerations.

Mr. Hunt reviewed typical P3 organizational structures with the first option being to have the County as the master developer that owns the land; a second to form a joint venture partnership; a third option being establishment of a ground or air rights lease, governing passively through that document with the developer building on top; and a fourth option to dispose of the land and allow the developer to take full responsibility. He stated that each option had pros and cons. He stated the first option would entail the highest capital costs to the County while the fourth option would entail the lowest. He stated that the second and third options were in between in terms of costs. Mr. Hunt next reviewed potential equity returns of the four options, with the first option offering the highest potential return. He stated that with a joint venture, they would have to structure something that is attractive enough to the partner. He stated that with a ground lease they could structure an income stream that is sufficient enough for the County's needs while also allowing the private partner a reasonable return. He stated that with the fourth option, they would receive cash upfront but then all the upside would go to the developer.

Mr. Hunt next reviewed key elements of P3 structures. He stated that as a master developer, the County would have the most yield potential, but all the responsibilities of delivery. He stated that the County would have the option of maximizing return or reducing return in exchange for promotion of social programs. He stated that joint ventures come in various sorts and sizes with the County contributing something of value which could be capital, infrastructure, or land with the developer being the active player in project delivery. He emphasized the importance of establishing clear agreements between the partners, and clear decision making authority. He stated a benefit is that both parties participate. He next reviewed the ground lease option under which the County would create a lease for development of land and govern the development under the agreed to terms. He stated that this option allows the County to be mostly hands off except for some key decisions. He stated that typical lease terms are 50-99 years. He stated that the land disposition or sale is the cleanest option for the County, but they would relinquish control with potential negatives that could arise, such as the developer going bankrupt. He stated that deed restrictions or restrictive covenants in the sales contract could allow the County to exercise some control.

The next slide presented by Mr. Hunt was entitled "P3 Tradeoffs" and he compared the four structural options in terms of time and level of control. He showed how the land disposition option is the quickest but leaves the County with the least amount of control, while in the role of master developer the

County would have the most control but with a much longer time horizon and higher risk. He said the ground lease and joint venture options fall in between the other two options on the graph.

Mr. Leff stated that he would review cases where P3s are used to deliver facilities or infrastructure. He stated that the private developer could design, build and operate the public facility in return for an income stream that could consist of rent or a bond payment. He stated that early P3s were for toll roads whereby the private entity would design and build under specifications of a government agency and collect tolls to cover the development, maintenance and ongoing operating costs. He stated that in some cases the developer simply constructed the road and then turned it over to the government entity to operate. He stated that in the case of a public building or courthouse, the developer could construct the facility and receive payment in the form of a lease or a bond issue. He used an example of an existing development his firm was involved with in Boynton Beach, Florida, where the city had 16 acres of land that included a city hall, police headquarters, a fire station, public library and other facilities. He stated that the existing buildings were in poor shape and new facilities were needed and that city wanted a mixed-use, walkable development, and the developer would provide adjacent land and would build several hundred housing units, retail and office space. Mr. Leff stated that the value of the housing, retail and office construction would not completely cover costs of the entire development, so the city issued bonds.

Mr. Simon reviewed a project in Boston known as Back Bay Station, which he worked on while with the Massachusetts Department of Transportation. He stated that the train station had not been revamped since its construction in 1982 and was deteriorating, and the only retail at the station consisted of two Dunkin Donuts shops. He explained that next door to the station, Boston Properties held a lease on a Massachusetts Department of Transportation garage. He stated that the state wanted to change the garage, and they were able to work out a public-private partnership that redrew the lease boundary on the garage to include the train station. He stated that a 99-year lease was signed with the developer for the entire property, with payments that would have been made by the developer for rent on the garage to fund \$32M in train station improvements. He stated that they also signed an agreement with the developer that gave them future air rights over the station, a bus turnaround behind the station, and property to either end of the garage. He stated that the transaction was long and complicated, but one that would bring lasting benefits for 99 years, and public funding sources could not have provided for this.

Ms. McKeel asked when the Back Bay project had been completed. Mr. Simon replied that it occurred 18 months ago. He stated that they would next take a look at some tasks at hand, such as time frame and upcoming discussions with County staff. He invited Ms. Phan to continue the presentation.

Ms. Phan presented a slide with a schedule of milestones. She stated that they were in the assessment phase, and she would steer the team towards each of the milestones and the end goal. She said they would first conduct some database studies and try to understand the demographics and trends of the County. She stated they would also review real estate and development trends and obtain up-to-date supply and demand data. She said that Moseley Architects would concurrently conduct a program analysis in order to determine costs and operational efficiencies and potential savings from a relocation of administrative buildings and the courts. She stated the bulk of their work would revolve around analysis of Option 5, with a key goal to determine to what extent facility relocation would induce or compel private development within the context of the Rio/29 Small Area Plan. She stated that the answers to these questions would help them with development of P3 structuring and financing options. She said the next milestone would be a cost benefit analysis followed by a presentation of findings and a recommendation to the Board.

Ms. Phan next presented a slide with a proposed task schedule timeline that they were in the process of finalizing with County staff. She stated that it would need to be coordinated with the adjacency study and the Rio/29 Small Area Plan phase two schedule. She said if they could get started within the next couple of weeks, they should have the first two phases completed by the end of July so they could then delve into analysis of Option 5. She stated that they hope to have the cost benefit analysis completed toward the end of the year.

Mr. Dill asked what the adjacency study is about. Mr. Walker offered to respond and stated that they would research how City and County Courts relate to each other in their current configuration together at the courthouse, as well as the affiliated court related agencies. He said they are seeking better than anecdotal information about the impact of these relationships in the event they are to move the County courts.

Ms. Phan clarified that they would look at the operational efficiencies and cost savings of a potential relocation to understand what current efficiencies are and cost savings of relocation.

Mr. Sheffield stated that they need to also consider efficiencies to residents, although he doubts there is a way to grapple with this.

Ms. Phan stated that they would try to grapple with the questions the County presented. She reviewed the tasks they would perform and presented slides outlining what would be covered under each task: Task 1 would include a kickoff and data-based studies; Task 2 would be a program analysis of the courts and administrative building and analysis of findings and opportunities; Task 3 would consist mainly of an analysis of Option 5 and would include analysis of available sites, testing of assumptions on stakeholders and property owners, legal due diligence, and development of three concept plans for Option 5. She stated the three concepts include a courthouse, an administrative building, and a joint complex. She said they would also gather operating cost estimates for these three options, budget

development, valuations of surplus County owned properties, and an analysis of the Rio/29 Small Area Plan infrastructure cost assessment and return on investment. She stated that an economic impact analysis would be conducted. She said that Task 4 would include P3 structuring and financial analysis, with structure determined by the County's objectives and goals as well as site specific characteristics. She stated that Task 5 would conclude with a cost-benefit analysis.

Mr. Simon concluded the presentation, stating their goal is to provide the Board with the information needed to make a decision. He stated that recommendations and options would be based on data-driven analysis rather than stories, and said they would need to include the public and put forth a professional, rational, well-structured discussion of options and facilities. He stated that his team is focused on plan execution once the Board makes a decision, and looks forward to working with the Board and staff as a trusted real estate advisor.

Mr. Randolph stated that he was looking at the 419 project in Roanoke and noticed they would have retail including JC Penney, Kroger, Belk, SteinMart, Staples, and TJ Maxx. He asked that when they look at Rio/29, they be mindful of the changing retail market resulting from the rise of internet purchasing and consider assumptions that 20 years from now those buildings would not be there.

Mr. Simon acknowledged that this is an excellent point and confirmed that they look at a long-term time horizon and even consider the impact of autonomous vehicles.

Mr. Dill noted that some projects Mr. Simon's team presented have open acreage around them, whereas the Rio/29 area is developed and includes hundreds of leases and private owners. He asked if Mr. Simon's group had worked on this type of project. Mr. Simon responded that most of their work had been in cities where these conditions were always in existence, and he invited Mr. Leff to address Mr. Dill's comments.

Mr. Leff stated that they are working on a project in Somerville, Massachusetts, in a dense urban area that includes multiple owners and tenants. He said the project involves conversion of older industrial land and an automotive facility into a walkable area. He noted that the Rio/29 area includes a number of strip shopping centers, a mall and parking lot. He stated that it would be possible for existing property owners to propose to the County to develop a facility on its land as an anchor for redevelopment of a shopping center, etc. He agreed with Mr. Randolph's assessment of the changing retail climate.

Ms. Mallek commented on the assumption of risk, which she stated she did not know much about in this context, and commented that the concept of "socialization of risk and privatization of profit" is a problem to her. Mr. Leff responded that he had not been familiar with that term, but likes it very much.

Agenda Item No. 4. Closed Meeting.

At 5:40 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): 1. To discuss and consider appointments to boards, committees, and commissions in which there are pending vacancies or requests for reappointments; and 2. To discuss and consider the annual performance appraisal of the County Attorney.
- Under Subsection (29), to discuss the terms and scope of a possible public contract involving the expenditure of public funds pertaining to an economic development incentive program where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the Board of Supervisors

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

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

Agenda Item No. 5. Certify Closed Meeting.

At 6:08 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. Sheffield, Mr. Dill, Ms. Mallek, Ms. McKeel, Ms. Palmer and Mr. Randolph.
NAYS: None.

MOTION: NonAgenda. Mr. Dill **moved** that the Board authorize the Chair to sign the first addendum to the County Attorney Employment Agreement on behalf of the Board of Supervisors. The motion was **seconded** by Ms. Mallek. Roll was called and the motion carried by the following recorded vote:

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

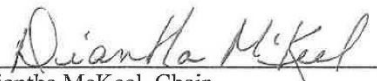
FIRST ADDENDUM TO THE COUNTY ATTORNEY EMPLOYMENT AGREEMENT

This First Addendum to the County Attorney Employment Agreement, the latter of which is dated April 13, 2016 (the "Agreement"), is made and entered by and between the Albemarle County Board of Supervisors (the "Employer") and Gustav Gregory Kamptner (the "Employee").

The parties agree to the following amendments to the Agreement:

1. The first sentence of Section Four ("Terms of Employment"), paragraph (A), is amended to state: "This Agreement shall be for a term beginning July 1, 2017 and ending on June 30, 2020, subject to annual appropriation and the other terms and conditions of this Agreement."
2. The first sentence of Section Five ("Compensation"), paragraph (A) ("Salary"), is amended to state: "The Employer shall pay the Employee, and the Employee shall accept from the Employer, an annual salary of \$166,464 effective July 1, 2017 payable in installments as provided for County employees generally."
3. The third sentence of Section Five ("Compensation"), paragraph (A) ("Salary"), is amended to state: "The Employee may annually provide the Employer a survey of the market for his comparable position in similar localities to aid the Employer's review of whether the Employee should be considered for a market adjustment of the Employee's annual compensation."
4. Except as amended above, the Agreement shall remain in full force and effect and the Employer and Employee hereby ratify and confirm all provisions, terms, and conditions set forth in the Agreement and any amendments thereto, including this Addendum.

IN WITNESS THEREOF, the Albemarle County Board of Supervisors has caused this Agreement to be signed and executed in its behalf by its Chair and the Employee has signed and executed this Agreement, both in duplicate, the day and year first above written.


Diantha McKeel, Chair
Albemarle County Board of Supervisors

Agenda Item No. 6a. Boards and Commissions: Vacancies and Appointments.

This item was moved to later in the meeting.

Agenda Item No. 7. Call back to Order. The meeting was called to order at 6:10 p.m., by the Chair, Ms. McKeel.

Ms. McKeel introduced staff present and the presiding security officer, Officer Curtis Kenney. Ms. McKeel also commented that today is Flag Day.

Agenda Item No. 8. Pledge of Allegiance.
Agenda Item No. 9. Moment of Silence.

Agenda Item No. 10. Adoption of Final Agenda.

Motion was offered by Ms. Mallek to adopt the final agenda. 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, Ms. Palmer and Mr. Randolph.
NAYS: None.

Agenda Item No. 11. Brief Announcements by Board Members.

Ms. Palmer announced that the Yancey community meeting to discuss future use of the Yancey Elementary School facility is scheduled for Thursday, June 29, 2017 at Yancey Elementary School from 6:30 p.m. to 8:00 p.m.

Ms. Mallek announced that she had recently attended a VAMPO training conference held at the Research Council and she learned a lot. She stated that representatives of Virginia Department of Transportation and Virginia Department of Rail and Public Transportation talked about issues of great importance, such as at-grade railroad crossings. She stated that Peter Ohlms had provided an update on a study he was conducting about agri-tourism land uses and traffic and how different models could be used to evaluate the types of infrastructure that should be anticipated. Ms. Mallek said they also discussed how highways can sometimes function as main streets, so speed limits should be reduced.

Ms. Mallek announced that there would be three Fourth of July parades in her district: one at 5 p.m. in Crozet, followed by activities at Crozet Park and fireworks at 9:30; the Free Union parade to be held Sunday afternoon at 4 p.m.; and the Earlysville parade July 4th at 3 p.m. She noted that roads would be closed in these areas.

Mr. Randolph reminded Board members that the Scottsville Volunteer Fire Department would host the Scottsville Fourth of July parade.

Mr. Randolph stated that the old Scottsville High School held a very successful reunion last Saturday at Scottsville Community Center, which used to serve as the high school.

Mr. Dill noted that today is Flag Day and he was inspired by Ms. Borgersen to research the history of it, noting that the Elks' Lodge mandates an annual Flag Day ceremony. He stated that on June 14, 1777, Congress made the stars and bars the official flag. Mr. Dill said that Wisconsin teacher, Bernard Siegrand, assigned his students to write reports on the flag, and many years later he convinced President Woodrow Wilson to issue a proclamation creating Flag Day.

Mr. Dill stated that it is the 50th anniversary of Charlottesville Area Community Foundation. He praised their work of investing in and donating to nonprofit organizations. He stated that they do a lot of good, had increased their endowment significantly, and continue to maintain low operating costs.

Mr. Sheffield announced that he held a well-attended town hall type meeting the previous evening to discuss traffic and transportation issues. He stated that he was accompanied by a VDOT and a Police Department representative who fielded many questions. He stated that he hopes it had created some momentum in cataloging and formalizing how they tackle small things.

Ms. McKeel noted she attended Mr. Sheffield's community meeting and counted 22 attendees, not including speakers. She noted that this afternoon she and Mr. Sheffield made a presentation about the Rio/29 Small Area Plan to the Senior Statesmen. She stated that a recurring theme of attendees was to develop pedestrian and bicycle-friendly areas, green spaces and access for both the aging and young people.

Mr. Randolph recognized the violent incident this morning in Alexandria and extended the Board's best wishes and thoughts to members of Congress and their families, their staffs and Capitol Police.

Agenda Item No. 12. Proclamations and Recognitions.

Item No. 12a. Proclamation of Support for the Albemarle Amateur Radio Club's Field Day Exercises.

Ms. McKeel invited Mr. Michael Rein of the Albemarle Amateur Radio Club to come forward and accept the proclamation.

Ms. Palmer read and **moved** adoption of the following Proclamation

**Proclamation
Albemarle Amateur Radio Club Field Day Exercises
June 2017**

WHEREAS, Amateur Radio Operators have provided countless hours of community services to our many Emergency Response organizations and to other local organizations; and

WHEREAS, these Amateur Radio services are provided wholly uncompensated; and

WHEREAS, these same individuals have further demonstrated their value in public assistance by providing free radio communications for local parades, bike-a-thons, walk-a-thons, fairs, and other charitable public events; and

WHEREAS, the state of Virginia recognizes and appreciates the diligence of these "hams" who also serve as weather spotters in the Skywarn program of the US Government Weather Bureau; and

WHEREAS, the ARRL Amateur Radio Field Day exercise will take place on **June 24-25, 2017** and is a 24 hour emergency preparedness exercise and demonstration of the Radio Amateurs' skills and readiness to provide self-supporting communications without further infrastructure being required;

NOW, THEREFORE, BE IT RESOLVED that we, the Albemarle County Board of Supervisors, do hereby recognize the Albemarle Amateur Radio Club for its Field Day activities and its service to the community.

Signed this 14th day of June, 2017

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

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

NAYS: None.

Mr. Rein thanked the Board on behalf of his organization. He noted that amateur radio was given frequencies in order to serve the community, and had done research and experimentation in communication. He mentioned the club's enthusiasm for public service.

Agenda Item No. 13. From the Public: Matters Not Listed for Public Hearing on the Agenda.

There were none.

Agenda Item No. 14. Consent Agenda.

Motion was offered by Mr. Randolph to approve Item 14.1 on the Consent Agenda. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

Item No. 14.1. Darden Towe Park Operating Agreement.

The Executive Summary forwarded to the Board states that in June of 2007, the City and County entered into an agreement that delineated City and County responsibilities for the administration, maintenance and operations of the Darden Towe Park property as a park and recreation area. The June 2007 agreement expires on June 30, 2017, and the Directors of the County and City Parks and Recreation Departments developed a new agreement (Attachment A), which has been reviewed and approved by the County and City Attorneys. On October 25, 2016, the Darden Towe Park Committee approved the agreement and recommends that it be forwarded to the County Board of Supervisors and City Council for their consideration. City Council is tentatively scheduled to consider this matter on June 19, 2017.

The operating and capital costs for the park will be divided between the City and County based on the relative population of the two localities according to the Weldon Cooper Center for Public Service Annual Population Report. Based on that data, the Darden Towe FY 18 adopted budget divides the responsibilities for the park at 68.54% for the County and 31.46% for the City. All expenditures, whether capital or operating, are contingent upon the appropriation of funds by the Albemarle County Board of Supervisors and Charlottesville City Council. The proposed agreement establishes a new ten year term effective July 1, 2017 through June 30, 2027.

The FY 18 adopted budget for Darden Towe Park is \$313,278.00 and the FY18 adopted revenues is \$21,878.00. Park revenues are deducted from the operating expenses prior to calculating the City and County annual share. After revenues are deducted, the County's share of funding is \$199,726.00 and the City's share is \$91,674.00. The approval of the proposed Darden Towe Park operating agreement has no additional budget impact for FY 18.

Staff recommends that the Board adopt the attached Resolution (Attachment B) approving the proposed Darden Towe Park Agreement and authorizing its Chairman to sign the proposed agreement, after approval as to form and substance by the County Attorney.

By the above-recorded vote, the Board adopted the following Resolution approving the proposed Darden Towe Park Agreement and authorized its Chairman to sign the proposed agreement, after approval as to form and substance by the County Attorney:

**RESOLUTION TO APPROVE
THE DARDEN TOWE PARK AGREEMENT
BETWEEN THE COUNTY OF ALBEMARLE
AND THE CITY OF CHARLOTTESVILLE**

WHEREAS, the Board finds that it is in the best interest of the County to enter into an Agreement with the City of Charlottesville for the joint operation of Darden Towe Park.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia hereby approves the Darden Towe Park Agreement between the County of Albemarle and the City of Charlottesville, and authorizes the Chairman of the Board of Supervisors to execute the Darden Towe Park Agreement on behalf of the County once it has been approved as to substance and form by the County Attorney.

**DARDEN TOWE PARK AGREEMENT
BETWEEN THE COUNTY OF ALBEMARLE AND THE CITY OF
CHARLOTTESVILLE, VIRGINIA**

This agreement, dated this 25th day of July, 2017, is between the COUNTY OF ALBEMARLE (County) acting through its Board of Supervisors, and the CITY OF CHARLOTTESVILLE (City), acting through its City Council.

SECTION I. PURPOSE

Darden Towe Park is jointly owned by the City of Charlottesville and Albemarle County. The purpose of this agreement is to provide a fair and equitable allocation of responsibility between the two localities for the planning, development, operation and maintenance of the park.

SECTION II. PARK OWNERSHIP

The park is jointly owned by the City and the County. Each locality shall hold an undivided interest in the property and all improvements. In the event that the park or any part thereof is conveyed by the two localities to any other entity, whether public or private, any proceeds received for such conveyance shall be divided between the localities on the basis of the cumulative capital investments of each locality in the entirety of the park property. Neither the City nor the County shall make such a conveyance of its interest without the consent of the other party.

SECTION III. ADMINISTRATION, MAINTENANCE AND OPERATIONS

The Park shall be administered as a County park under the Albemarle County Code. The county shall provide fiscal and legal services for the operation of the park for an administrative fee of two percent (2%) of the park's total operating budget. The County shall be responsible for the general administration, maintenance, supervision and security of the park. Persons employed for such purposes will be County employees. The County will bill quarterly for the City's share of expenses.

The City will be responsible for the operation, supervision and scheduling of City adult softball programs at the park. County residents shall be treated as City residents in terms of fees and access to those programs. The operation, supervision and scheduling of all recreational and other facilities in the park shall be the responsibility of the County.

SECTION IV. PARK SUPERVISION

The Directors of Parks and Recreation in the City and the County, together with appropriate staff members from those Departments will work in close consultation in the ongoing operation and maintenance of the park. Together, they will develop five-year projected operating and capital budgets, which will be updated annually. City and County staff will meet when requested by either Director to resolve issues or to rule on special problems or requests that cannot be routinely handled by staff. In the event the City and County Park and Recreation Directors cannot agree to resolve an issue, the City Manager (or designee) and the County Executive (or designee) will meet together with the Directors to resolve the issue.

SECTION V. ALLOCATION OF COSTS

Operating and capital costs for the park will be divided between the City and County based on the relative populations of the two localities according to the Weldon Cooper Center for Public Service Annual Population Report. All expenditures, whether capital or operating costs, are contingent upon the appropriation of funds by the Albemarle County Board of Supervisors and the Charlottesville City Council in the year of expenditure, and the failure to appropriate by either governing body shall not be deemed a breach of this agreement. Nothing in this agreement would prohibit either the City or the County from making improvements to the property at its sole expense pending the approval of those improvements by both the City and the County.

SECTION VI. REVENUE GENERATION

Park revenues shall be deducted from operating expenses prior to calculating the City and County share for each quarterly billing period.

SECTION VII. DARDEN TOWE PARK COMMITTEE

The Darden Towe Park Committee shall consist of two members of the Albemarle County Board of Supervisors and two members of the Charlottesville City Council, appointed by their respective governing bodies. The Committee will minimally meet annually in September of each year prior to the submission of the annual budget. The Committee may meet more frequently, at its own discretion. The Committee will perform the following functions:

1. Approve new capital development plans for inclusion in the Park's annual operating and five-year capital budgets;
2. Resolve any differences on policy issues between the governing bodies as they may pertain to the park;
3. Provide direction to City and County Parks and Recreation Directors as requested;
4. Meet as directed by the Board of Supervisors or City Council to resolve issues, make recommendations, etc.;
5. Make recommendations to the governing bodies for alterations and/or amendments to this agreement;
6. To initiate and conduct Master Planning of the Park.

SECTION VIII. LIGHTING

In the original agreement entered into in 1986, the City and the County agreed that night lighting would not be included in any of the three development stages for any competitive sport facility. In recognition of the history and intent of not having lighted facilities in the park, no lighting of competitive sport or other recreational facilities in the park will occur without the mutual agreement of the City and the County.

SECTION IX. APPROVAL, DURATION AND RENEWAL

This agreement shall be for a period of ten (10) years, commencing on July 1, 2017 and ending on June 30, 2027. Prior to the expiration of the ten (10) year period, both the City and County shall reach mutual agreement to revise, renew or otherwise alter the agreement.

SECTION X. AMENDMENT OF AGREEMENT

This agreement can be amended with the mutual consent of the City Council and the County Board of Supervisors at any time during the duration of this agreement.

IN WITNESS WHEREOF the City Council has authorized the Mayor to sign this agreement by a resolution adopted June 19, 2017, and the Board of Supervisors has authorized its Chairman to sign it by resolution adopted June 14, 2017.

Attest:


Clerk of Council

CITY OF CHARLOTTESVILLE

By 
Mayor

Attest:


Clerk of the Board


COUNTY OF ALBEMARLE

By 
Chairman, Board of Supervisors

Approved as to form:


City Attorney

Approved as to form:


County Attorney

Item No. 14.2. VDOT Monthly Report (June), **was received for information.**

(Note: The Board heard Agenda Item No. 15 and No. 16 concurrently.)

Agenda Item No. 15. **Public Hearing: Transient Lodging Tax Ordinance Amendment.** An ordinance to amend Chapter 15 (Taxation) of the Albemarle County Code, by amending Article IX (Transient Occupancy Tax), Sections 15-900 (Definitions) and 15-901 (Imposed; amount of tax). The proposed ordinance would amend the definition of "lodging provider" to include any facility offering guest rooms rented out for continuous occupancy for fewer than 30 consecutive days in the county, and would impose the five percent (5%) transient occupancy tax on the occupancy of all rooms or spaces in "other facilities offering guest rooms rented out for continuous occupancy for fewer than 30 consecutive days within the county."
(Advertised in the Daily Progress on May 29 and June 5, 2017.)

The Executive Summary as presented to the Board states that at its March 8, 2017 meeting, the Board expressed its desire to render all residential transient lodging a taxable activity in Albemarle County, and directed staff to accelerate the process of identifying and implementing any necessary changes to the County's tax code and Zoning Ordinance.

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 bed and breakfasts or guestrooms.

In order to impose the transient occupancy taxes on residential transient lodging, staff recommended to the Board at its May 3, 2017 meeting that it consider amending County Code §15-900 et seq. to include all applicable types of lodging. The Board set the proposed ordinance amendment for a public hearing.

If the Board adopts the attached proposed ordinance (Attachment A), the Finance Department will proactively work to bring all purveyors of residential transient lodging into compliance with the amended tax requirements.

Staff's attached proposals would revise two sections of Chapter 15 (Taxation) of the County Code:

* **Sec. 15-900** -Definition - To add "other facility" to the definition of "lodging provider" for transient occupancy tax purposes as enabled by Virginia Code § 58.1-3819.

Purpose of this proposed change: To align County Code with Virginia Code.

Consequence of this change: By adding the term “other facility” to the definition of lodging provider, the County will be able to expand the imposition of the transient occupancy tax to all properly zoned businesses that offer transient lodging.

*** Sec. 15-901** - Addition of “other [lodging] facilities” - To impose the transient occupancy tax on “other [lodging] facilities” as enabled by Virginia Code § 58.1-3819.

Purpose of this proposed change: To make the transient occupancy taxes fair and equitable for all businesses that provide short-term lodging.

Consequence of this change: Other lodging facilities that provide transient lodging not included in the current ordinance will be required to collect and remit to the County monthly transient occupancy taxes. This change may generate additional revenue for the County although staff cannot estimate the amount of increase revenue at this time.

Staff is unable to project the budget impacts of these amendments at this time.

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

Agenda Item No. 16. **Public Hearing: Short-Term Rental License Ordinance Amendment.**

An ordinance to amend Chapter 8 (Licenses) of the Albemarle County Code, by amending Article VI (Schedule of Taxes), Division 4 (Personal, Professional, Business or Repair Service Business, Occupations and Professions), Sections 8-616 (Repair, personal, business, amusement and other services) and 8-619 (Renting of houses, apartments or commercial property). The proposed ordinance would add “other facilities offering guest rooms rented out for continuous occupancy for fewer than 30 consecutive days” among the “repair, personal, business, amusement and other services” subject to business licensure, and would exclude such facilities from the definition of “business of renting houses and apartments” in Section 8-619.

(Advertised in the Daily Progress on May 29 and June 5, 2017.)

The Executive Summary as presented to the Board states that at its March 8, 2017 meeting, the Board expressed its desire to render all residential transient lodging a taxable activity in Albemarle County, and directed staff to accelerate the process of identifying and implementing any necessary changes to the County’s tax code and Zoning Ordinance.

County Code § 8-616 subjects a number of 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 lodging rentals to BPOL, staff recommended to the Board at its May 3, 2017 meeting that it consider amending County Code § 8-616(C) to add short-term lodging rentals to the class of businesses that include hotels and other similar transient lodging, and County Code § 8-619 to clarify that that section does not apply to short-term lodging rentals. The Board set the proposed ordinance amendments for a public hearing.

Staff’s attached proposals would revise two sections of Chapter 8 (Licenses) of the County Code:

*** Sec. 8-616 (C)** - BPOL classification for “other lodging facilities” - To add “other [lodging] facilities offering guest rooms rented out for continuous occupancy for fewer than 30 consecutive days” to the “Repair, Personal, and Business service” license class that include hotels and other similar transient lodging, in conformance with Virginia Code § 58.1-3706.

Purpose of this proposed change: To require all applicable providers of transient lodging to obtain a business license and to pay the applicable license fees/taxes.

Consequence of this change: License taxes will be collected from all applicable transient lodging providers. This change will result in increased revenue although the amount of revenue cannot be estimated at this point.

*** Sec. 8-619** - BPOL - Rental by Owner license clarification - “other [lodging] facilities” are excluded from the rental by owner business license class.

Purpose of this proposed change: To clarify that Sec. 8-619 applies to rental by owner businesses (one or more rooms in a dwelling house or apartment designed for occupancy by one family for living purposes) and it does not apply to transient lodging providers (hotels, boardinghouses, rooming houses, or other facilities offering guest rooms rented out for continuous occupancy for fewer than 30 consecutive days).

Consequence of this change: County staff does not expect any negative fiscal impact from this change.

BPOL classification for “other lodging facilities” - 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 business operators into conformity. (§ 8-616 (C)).

Ms. Betty Burrell, Director of Finance, stated that her presentation would be about both topics, and the background and purpose of the recommended changes were identified in the Executive

Summary. She stated that the Board had given direction regarding Air BnB transient occupancy type establishments. She stated the transient occupancy tax (TOT) collection and remittance requirements already exist for hotels and motels and it is the customer, not the owner, who pay the tax. She stated that property owners who rent through Air BnB, Home Away and other online services are not currently required to collect the TOT, though there are some users who are voluntarily remitting the tax.

Ms. Palmer asked for confirmation that bed and breakfasts are not required to collect this tax. Ms. Burrell confirmed this, but she stated that many do collect the tax. However, they would be required to collect and remit the tax effective August 1 when the TOT is adopted.

Ms. Palmer stated it is a good thing that some establishments are remitting the tax despite not being required to.

Ms. Mallek said her understanding is that bed and breakfasts are in a separate ordinance and that is why they are not included.

Mr. Kamptner explained that the class of short-term rentals currently covered are hotels, motels, boarding houses, and campgrounds. He stated that "boarding house" is not defined in the TOT regulations but is defined in the zoning regulations, where it is defined as "lodging for 30 consecutive days or more," and he stated that this ordinance would take care of any ambiguity.

Ms. Burrell stated that the tax amendments would create equitable treatment among transient lodging providers with a caveat that property owners must meet zoning requirements before operating a transient lodging facility. She stated that zoning representatives will appear before the Board on July 5, but she will now address how the ordinance change would affect property owners. She said that owners of Air BnB-type businesses would collect and remit the transient occupancy tax on a monthly basis, and pointed out that it is the guest who pays the tax. She stated that the business owner will report gross receipts annually and pay applicable BPOL fees. Ms. Burrell stated the current code requires businesses with gross receipts of \$5,000 or more to report, and the annual fee is \$50 for receipts under \$100,000. She stated that she will appear before the Board in August to request that the minimum threshold be increased to \$25,000. She stated that the business is also responsible for annual reporting of business personal property, including beds, night stands, televisions, etc.

Ms. Burrell stated that she will address the question of how the proposed ordinance would affect property owners with long-term tenants, known as rental-by-owner (RBO). She stated that the only recommended change is to include clarifying language indicating the changes in transient occupancy are not applicable to them since the rentals are for more than 30 days.

Ms. Burrell next reviewed requirements for businesses before they can host paying guests. She stated that they must obtain a zoning clearance before they can rent rooms in their property, and a business license can be obtained once zoning clearance has been granted. She reviewed next steps, stating that the Finance Department would create a taxation brochure for registered property owners about TOT and remittance requirements. She stated that Finance and Community Development will prepare a targeted communication to stakeholders and residents, and then staff in the Finance Department, Office of Economic Development, and Community Development will be trained in the new regulations. She stated that proposed changes to Chapters 8 and 15 of the County code will come before the Board in August.

Ms. Mallek asked for confirmation that they are currently considering the taxation part and not zoning, which they will deal with at another time. Mr. Kamptner confirmed this.

Mr. Dill asked if the idea is that zoning requirements would be done by August 1. Mr. Kamptner stated that it is not. He explained that the zoning ordinance already allows short-term rentals, and the key distinction between what the zoning ordinance allows and what staff has been tasked to study with the Air BnB type of rental is that Air BnB whole house rentals that are allowed under the zoning ordinance requires that a manager reside or be present onsite. He stated that these proposed amendments would come before the Board in October or November, with a work session to be held in July.

Mr. Dill asked why a property owner would have to have a zoning review by Community Development if the ordinance permits everyone to be zoned for it. Mr. Kamptner stated that it is not everybody and the use is a bit different within a rural area versus a residential district, so they need to check in with Community Development to see what they are allowed to do in terms of permissible number of rooms and owner onsite requirements.

Ms. Mallek added that safety considerations of the property are also reviewed.

Mr. Randolph added that within a residential district, the property owner would have to make sure the homeowner's association allows it, and this is not up to the County.

Ms. Palmer asked when they would have the opportunity to review the proposal to raise the threshold from \$5,000 to \$25,000. Ms. Burrell responded that a public hearing has been requested for August 2.

Ms. Palmer asked when the threshold raise would be effective, assuming the Board were to approve it on August 2. Ms. Burrell stated that her assumption is that it would be effective immediately and asked Mr. Kamptner for comment.

Mr. Kamptner stated that it would be effective immediately.

Ms. Mallek commented that the worst case scenario for an existing operator is a \$50 fee for the first year. Mr. Kamptner emphasized that it would not be retroactive.

Ms. McKeel opened the public hearing on both agenda items.

Ms. Cathy Kildea of the Rio District addressed the Board and referenced an email she had sent the night before to all Supervisors, and thanked them for their careful consideration of these regulations. Ms. Kildea stated that she is an Air BnB host and invited questions from Supervisors. She acknowledged that some operators are flying under the radar and they are trying to bring them into compliance, noting that she is a responsible member of the lodging community, following the rules and paying her fair share.

Mr. Dill asked her to comment on an association of Air BnB operators. Ms. Kildea confirmed she is an active member of a regional group.

Mr. William Napier addressed the Board and asked that State Road 712 in Scottsville, between Keene and Blenheim Road, be restricted as it is not capable of accommodating tractor trailers and logging trucks and is a danger to pedestrians and joggers. He commented that it is a dirt road and trucks are not able to stop for joggers coming around a curve, asking that farm vehicles and tractor trailers be prohibited from using the road.

Mr. Scott Stinson, a resident of the White Hall District, addressed the Board and stated that he owns a few Air BnB properties. He acknowledged that the short-term lodging issue is fairly complicated and encouraged them not to address it in a piecemeal fashion. He stated they should not have too many fees and licenses in an attempt to raise more revenue, because some people are renting a room in their house to be able to pay taxes and continue to live in Albemarle County. He encouraged them to table the amendment until they are further down the road and work sessions have been held, so they can approach this in its totality.

Mr. Jeff Robbins of the White Hall District addressed the Board and referenced an email defining an Air BnB, which he had sent to Supervisors the previous week. He agreed with comments made by Mr. Stinson and stated they should take a long-term view as to the effects a change would have. He used an example of farmers who house temporary migrants during harvest season and asked how this would be regulated. He stated that Air BnB is one room and one car and is not a hotel or bed and breakfast, and offers a unique one-on-one personal experience. He stated that fees and regulations would take away entrepreneurship and this unique arrangement.

Mr. Davis Boisvert of the White Hall District addressed the Board. He expressed agreement with Mr. Robbins's comments about addressing this issue in a piecemeal fashion and commended the Board for trying to sort out the issues. He stated that many people use temporary lodging to supplement their income, put kids through college, and to pay taxes.

Hearing no other comments from the public, Ms. McKeel closed the public hearings.

Ms. Palmer asked what the threshold is for collecting the TOT and if it is required when a room is rented just once. Ms. Burrell replied that the tax would be assessed with as few as one guest.

Ms. Mallek asked Ms. Burrell to explain how the annual fee would work and if there is a license fee. Ms. Burrell stated that once zoning clearance has been granted and the owner has registered with the Finance Department, the owner would estimate gross revenue and obtain a business license. She stated that a fee is only charged if receipts are \$5,000 and said the business is responsible for collecting the tax from patrons and remitting it to the County.

Ms. Palmer asked for confirmation that a license does not have to be applied for until the \$5,000 threshold has been reached. Ms. Burrell stated the Finance Department asked that a business be registered for licensing purposes so they would have a record of the business and contact them the following year.

Ms. Palmer asked if they could legally set a threshold for collection of the TOT, as they did with the business license fee. Mr. Kamptner replied that the TOT enabling statute did not have enabling authority to allow for creation of a threshold. He stated that staff could take a look at this, but he believes the answer is no.

Ms. Palmer asked if there is a penalty for not collecting the tax. Ms. Burrell confirmed there would be a penalty and stated that the tax is due by the 20th day of the following month.

Mr. Dill wondered if they have the same rules for Uber and Lyft drivers. He also provided some examples of acquaintances who occasionally sell used items online and wonders if the County is overregulating. Mr. Kamptner responded that those things fall under different BPOL classifications.

Ms. Mallek responded to Mr. Dill's comments and stated that she sees this as an issue of fairness and safety. She stated that it is important to know where short-term rentals are located in case of an emergency, such as a fire, so they would know how many people might need to be evacuated. She pointed out that many rentals are in the \$100–\$500 per night range, which is not insignificant. She asked

people to consider a situation where a house is rented out in a neighborhood with an absentee landlord, noting that this situation is very different from one where the owner resides in the home.

Mr. Kamptner pointed out that 60% of the TOT is applied to promote tourism in the County.

Ms. McKeel asked if Charlottesville has been collecting this tax. Mr. Randolph replied that Charlottesville has been collecting the tax for two years.

Ms. McKeel noted that the Virginia Municipal League magazine cover for May was entitled "Time to Act, Short-Term Rentals," and she encouraged Supervisors to read the article about this issue.

Ms. Palmer stated she had read the article and is on board with the fairness issue, but wished there would be a minimum threshold for people who just try it out once or twice, so they are not caught up in the regulations.

Ms. McKeel acknowledged Ms. Palmer's concerns, but emphasized that most operators are not hosting visitors just once.

Mr. Randolph thanked Ms. Kildea for her excellent letter. He acknowledged the concerns of Mr. Dill and stated that technology causes disruption, with Air BnB posing a clear and present threat to the taxpaying ability of motels and bed and breakfasts. He stated that these operators also have families and responsibilities, and Air BnB operators should pay their fair share towards maintaining the infrastructure that benefits the County. He said if they are to raise the revenue threshold for paying a business license, they would be granting a competitive advantage to Air BnB operators and indirectly subsidizing this new technology.

Mr. Dill stated that he is not against charging a tax and emphasized that Air BnB collects it and pays the County. However, he stated that they are nitpicking and could discourage people.

Mr. Kamptner commented that he has been reviewing the state statute that enables the transit occupancy tax. He stated that there is a sentence that says, "The tax shall be in such amount and on such terms as the governing body may by ordinance prescribe." He stated they would have to do a search to see if the state's Attorney General had expressed an opinion as to whether a floor or threshold could be set. He offered to come back next year after they have had time to review this.

Ms. McKeel and Ms. Palmer expressed support of Mr. Kamptner's suggestion that they review this and return to the issue of a minimum threshold next year.

Motion was then offered by Ms. Mallek to adopt the proposed ordinance. Mr. Randolph **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: Mr. Sheffield and Mr. Dill.

ORDINANCE NO. 17-15(1)

AN ORDINANCE TO AMEND CHAPTER 15, TAXATION, ARTICLE IX, TRANSIENT OCCUPANCY TAX, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 15, Taxation, Article IX, Transient Occupancy Tax, is hereby amended as follows:

By Amending:

Sec. 15-900 Definitions

Sec. 15-901 Imposed; amount of tax

CHAPTER 15. TAXATION

ARTICLE IX. TRANSIENT OCCUPANCY TAX

Sec. 15-900 Definitions.

The following definitions shall apply to this article:

(1) *Lodging provider*. The term "lodging provider" means any person who operates a hotel, motel, boarding house, travel campground, or other facility offering guest rooms rented out for continuous occupancy for fewer than thirty (30) consecutive days in the county.

(2) *Purchaser*. The term "purchaser" means any person who rents a room or space in a hotel, motel, boarding house, travel campground, or other facility offering guest rooms rented out for fewer than thirty (30) consecutive days of continuous occupancy.

(Code 1988, § 8-41; Ord. No. 98-8(2), 6-10-98; Ord. 98-A(1), 8-5-98)

State law reference--Authority to adopt this article Va. Code § 58.1-3819.

Sec. 15-901 Imposed; amount of tax.

A. There is hereby imposed a tax on the occupancy of all rooms or spaces in hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms rented out for continuous occupancy for fewer than thirty (30) consecutive days within the county. Such tax shall be assessed at the rate of five percent (5%) of the amount charged for such occupancy; provided, however, that nothing herein shall be construed as imposing any tax upon rooms or spaces rented for continuous occupancy to the same person or group of persons for thirty (30) or more days in hotels, motels, boarding houses, travel campgrounds, or other facilities offering guest rooms.

B. The revenues collected from that portion of the tax over two percent (2%) shall be designated and spent solely for tourism and travel, marketing of tourism or initiatives that, as determined after consultation with the local tourism industry organizations, attract travelers to the county and generate tourism revenues in the county.

(11-28-73; 8-15-74; 4-13-88; 3-19-97; § 8-41; Code 1988, § 8-42, Ord. No. 98-8(2), 6-10-98; Ord. 98-A(1), 8-5-98; Ord. 08-15(1), 10-1-08)

State law reference--Va. Code § 58.1-3819.

This ordinance shall be effective on and after August 1, 2017.

Motion was offered by Ms. Mallek to adopt the proposed short-term rental business license ordinance. Mr. Randolph **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: Mr. Sheffield and Mr. Dill.

ORDINANCE NO. 17-8(1)

AN ORDINANCE TO AMEND CHAPTER 8, LICENSES, ARTICLE VI, SCHEDULE OF TAXES, DIVISION 4, PERSONAL, PROFESSIONAL, BUSINESS OR REPAIR SERVICE BUSINESS, OCCUPATIONS AND PROFESSIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 8, Article VI, Schedule of Taxes, Division 4, Personal, Professional, Business or Repair Service Business, Occupations and Professions, is hereby amended as follows:

By Amending:

Sec. 8-616 Repair, personal, business and other services

Sec. 8-619 Renting of houses, apartments or commercial property

CHAPTER 8. LICENSES

ARTICLE VI. SCHEDULE OF TAXES

**DIVISION 4. PERSONAL, PROFESSIONAL, BUSINESS OR REPAIR
SERVICE BUSINESS, OCCUPATIONS AND PROFESSIONS**

Sec. 8-616 Repair, personal, business, amusement and other services.

Each person engaged in a repair, personal, amusement or business service shall be subject to the license tax, and other provisions, set forth herein:

A. Each person engaged in a repair, personal, amusement or business service shall be subject to a license tax of thirty-six cents (\$0.36) for each one hundred dollars (\$100.00) of gross receipts.

B. For purposes of this chapter, the following definitions shall apply:

1. *Repair service.* The term "repair service" means repairing, renovating, cleaning or servicing of some article or item of personal property for compensation, unless the service is specifically provided for under another section of this chapter.

2. *Personal service.* The term "personal service" means rendering for compensation any repair, personal, business, amusement or other services not specifically classified as "financial, real estate or professional service" in section 8-615, or rendered in any other business or occupation not specifically classified in this chapter unless exempted from local license tax by Title 58.1 of the Code of Virginia.

3. *Business service.* The term "business service" means rendering for compensation any service to any business, trade, occupation or governmental agency, unless the service is specifically provided for under another section of this chapter.

- C. Repair, personal, business, and amusement services include, but are not limited to, the following:
- Addressing letters or envelopes.
 - Advertising agencies.
 - Airline passenger carrier.
 - Airplane repair.
 - Airports, private.
 - Ambulance services.
 - Amusement park.
 - Animal hospitals, grooming services, kennels or stables.
 - Arcade or building devoted to general amusement or entertaining.
 - Auctioneers and common criers.
 - Auditorium, arena or coliseum with a maximum seating capacity less than 10,000 persons and open to the public.
 - Auto repair, engine repair of any type.
 - Automobile driving schools.
 - Barbershops, beauty parlors and hairdressing establishments, schools and services.
 - Bicycle repair.
 - Bid or building reporting service.
 - Billiards or pool.
 - Bill poster or distributor.
 - Blacksmith or wheelwright.
 - Booking agents or concert managers.
 - Bookkeeper, public.
 - Bottle exchanges.
 - Bowling alley.
 - Brokers and commission merchants other than real estate or financial brokers.
 - Business and office machine repair.
 - Business research and consulting services.
 - Buyers, gold and silver.
 - Cable television.
 - Chartered clubs. Licensee hereunder may without additional license operate service of retail merchant and restaurant. The term "chartered club" means any nonprofit corporation or association which is the owner, lessee or occupant of an establishment operated solely for objects of a national, social, patriotic, political or athletic nature or the like, but not for pecuniary gain, the advantages of which belong to all the members; the term shall also mean the establishment so operated.
 - Child care attendants or schools.
 - Cleaning chimneys, furnaces.
 - Clinical laboratories.
 - Clothes, hats, carpets or rugs, repair of.
 - Collection agents or agencies.
 - Commercial photography, art or graphics.
 - Commercial sports.
 - Computer service operated for compensation.
 - Correspondence establishments or bureaus.
 - Dance halls, except restaurants licensed to serve food and beverages having a dance floor with an area not exceeding ten percent (10%) of the total floor area of the establishment and for which no admission is charged.
 - Dance studios and schools.
 - Data processing, computer and systems development services.
 - Day nursery (other than foster homes).
 - Detectives and watchmen. Each person shall be registered by name and service with the county chief of police.
 - Developing or enlarging photographs.
 - Dog or water raceway.
 - Drafting services.
 - Drive-in theaters.
 - Engraving.
 - Eradication or extermination of rats, mice, termites, vermin or bugs.
 - Erecting, installing, removing or storing awnings.
 - Freight traffic bureau or agency.
 - Fumigating or disinfecting.
 - Funeral services and crematories.
 - Furnishing clean diapers.
 - Furnishing closed circuit musical entertainment.
 - Furnishing closed circuit television entertainment.
 - Furnishing house cleaning service.
 - Furnishing janitor service.
 - Furnishing labor service.
 - Furnishing statistical service.
 - Furniture, upholstering, repair of.
 - Gardens.
 - Golf driving range.
 - Gunsmith, gun repairing.

Hauling of sand, gravel or dirt.
Hauling or transfer, not in connection with taxicab business.
Holding companies, including holding company for mass media communications.
Hotels, motels, tourist courts, boarding and rooming houses, trailer parks, ~~and~~ campsites, and other facilities offering guest rooms rented out for continuous occupancy for fewer than thirty (30) consecutive days.
Information bureaus.
Instructors, tutors, schools and studios of music, ceramics, art, sewing, sports and the like.
Interior decorating.
Job printer, printing shop, bookbinding, duplicating processes.
Laundry, cleaning and garment services including laundries, dry cleaners, linen supply, diaper service, coin-operated laundries and carpet and upholstery cleaning.
Locksmith.
Machine shop, boiler shop.
Mailing, messenger and correspondent services.
Marinas and boat landings.
Mattresses, repair of.
Miniature golf.
Motor vehicle transportation of passengers.
Movie theaters.
Music teacher.
Newspaper delivery service.
Nickel plating, chromizing and electroplating.
Nurses and physicians registries.
Nursing and personal care facilities including nursing homes, convalescent homes, homes for the retarded, old age homes and rest homes.
Operating a scalp treating establishment.
Packing, crating, shipping, hauling or moving goods or chattels for others.
Paint shop, other than contractor.
Parcel delivery services.
Parking lots, public garages and valet parking.
Parks, athletic fields.
Personnel services, labor agents and employment bureaus.
Photographers and photographic services; the license tax on photographers with no regularly established place of business in the state shall not exceed thirty dollars (\$30.00).
Piano tuning.
Picture framing and gilding.
Porter services.
Press clipping services.
Private hospitals.
Private schools (other than religious and nonprofit).
Promotional agents or agencies.
Protective agent or agency.
Public relations counselor.
Publicity service, furnisher of; booking agent, concert manager.
Radio engineer.
Radios, televisions, refrigerators, electrical appliances, home appliances, repair of.
Realty multiple listing services.
Recorder of proceedings in any court, commission or other organization.
Refrigeration engineer.
Renting airplanes.
Renting or leasing any items of tangible personal property.
Renting bicycles.
Renting or furnishing automatic washing machines.
Renting wall signs or billboards.
Reproduction services.
Reweaving.
Riding academy.
Rifle ranges or shooting galleries, except those operated by private or nonprofit gun clubs.
Road machines, farm machinery, repair of.
Rug cleaning.
Sales agent or agency.
Saws, tools, repair of.
Scales, repair of.
Scientific research and development service.
Sculptor.
Secretarial service.
Septic tank cleaning.
Shades, repair of.
Shoe repair, shoe shine and hat repair shops.
Sightseeing carriers.
Sign painting.
Skating rink.
Stenographer, public.
Storage, all types.
Supplying clean linen, coats, aprons, towels.

Swimming pools open to the public.
Tabulating service.
Tax consultant.
Taxicabs.
Taxidermist.
Telephone answering service.
Theaters.
Theatrical performances.
Theatrical performers, bands and orchestras.
Tire repair.
Title abstract company.
Title insurance company.
Towing services.
Translator of foreign languages.
Transportation consultant.
Transportation services including buses and taxis.
Travel bureaus or tour agents.
Tree surgeons, trimmers and removal services.
Turkish, Roman or other like baths or parlors.
U-drive-it firm or business.
Umbrellas, harnesses, leather goods, repair of.
Undertaker, embalmer.
Vehicle title service.
Vehicular advertising, electric advertising, bus advertising, commercial advertising.
Wake-up services.
Washing, waxing, auto; cleaning of automobiles.
Watches, clocks, repair of.
Welding shop.

Persons accepting or offering to accept or place orders, which such person will deliver at a later date, for the sale of medicines, perfumes, salves, liniments, cosmetics, cookware, plastic wares, brushes, books, magazines, vacuum cleaners or any other merchandise and not having a regular place of business in the county but who sell or offer to sell from house to house, or at parties or meetings arranged for that purpose.

All other similar personal service, business service, amusement service or repair service, occupations, trades or businesses not included herein and not otherwise taxed by this chapter.

(3-15-73, §§ 39.1, 53; 4-21-76; 3-10-82; 11-14-84; 4-13-88; Ord. 96-11(1), 11-13-96, § 11-66; Code 1988, § 11-66; Ord. 98-A(1), 8-5-98; Ord. 00-8(1), 10-11-00)

State law reference--Va. Code §§ 58.1-3706, 58.1-3727.

Sec. 8-619 Renting of houses, apartments or commercial property.

Each person, as principal, engaged in the business of renting houses, apartments or commercial property in the county shall be subject to the license tax, and other provisions, set forth herein:

A. Each person engaged in the business of renting houses, apartments or commercial property in the county shall be subject to a license tax of twenty cents (\$0.20) for each one hundred dollars (\$100.00) of gross receipts from the rental of all commercial establishments, apartment units or dwelling units.

B. For purposes of this chapter, the following definitions shall apply:

1. The term "business of renting houses and apartments" means the rental of a building, or portion thereof, designed exclusively for residential occupancy, including one-family, two-family and multiple-family dwellings, but not including hotels, boardinghouses, and rooming houses, or other facilities offering guest rooms rented out for continuous occupancy for fewer than thirty (30) consecutive days.

2. The term "dwelling units" means one or more rooms in a dwelling house or apartment designed for occupancy by one family for living purposes and having cooking facilities.

(3-15-73, § 61; 5-15-75; Ord. 96-11(1), 11-13-96, § 11-71; Code 1988, § 11-71; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 58.1-3700.

This ordinance shall be effective on and after August 1, 2017.

Agenda Item No. 17. **Public Hearing: VDOT Six-Year Secondary Road Construction Program.** (Advertised in the Daily Progress on May 29 and June 5, 2017.)

The Executive Summary as presented to the Board states that the purpose of this public hearing is to receive input on the proposed Virginia Department of Transportation (VDOT) Secondary Six Year Program (SSYP), FY 18-23 (Attachment A). The SSYP is the funding program for the maintenance and construction of secondary roads based on the County's Transportation Priority List and the Albemarle

County Priority List for Secondary Road Improvements, Unpaved Roads and reflects available State road funding allocated to the County. The Board held a work session on the SSYP and the Albemarle County Priority List for Secondary Road Improvements, Unpaved Roads on April 5, 2017 (Attachment B - Executive Summary) and on Albemarle County's Transportation Priorities on May 3, 2017 (Attachment C - Executive Summary). Based on the recommendations and discussion at the April 5th work session, the following changes to the Albemarle County Priority List for Secondary Road Improvements, Unpaved Roads were made and are reflected in the List as Attachment D:

- Continue to move forward on the four top priorities which are either under construction or have had notifications sent to property owners announcing the upcoming paving. These are: Bunker Hill Road, Keswick Road, Preddy Creek Road, and Patterson Mill Lane.
- Add Hammocks Gap Road to the List.
- Reordered the List according to the previously approved prioritization process based on updated traffic and crash data. The criteria used for prioritization include: a) whether road is located within and/or is serving a Development Area; b) traffic volume of road; c) crash data for road; d) surface condition/unique maintenance issues of road; and e) whether road is a through road or a dead-end road.
- Advance Dick Woods Road in priority in order to take advantage of recent maintenance improvements that will reduce the cost of the paving.
- Remove Ballards Mill Road, Sugar Ridge Road, Wesley Chapel Road, and Decca Lane from the List.

At the May 3rd work session the board expressed support for the draft list of first tier priority projects. These included the following:

- Proffit Road Improvements
- Sunset Road and County Green Rd. Improvements
- Eastern Ave. Construction
- Rt 29 North Corridor Western Parallel Road (Berkmar Drive Extended to Lewis & Clark Drive)
- Rt 20 North Widening and Intersection Improvement of US 250 and Rt 20
- New Transit Service to Avon St/Mill Creek
- Route 10 Transit Improvements
- Transit Focused US 29 and BRT
- North Town Trail
- Neighborhood Level Sidewalk Improvements

VDOT staff has provided a draft of the FY 18-23 SSYP (Attachment A) that is based on the direction provided by the Board at its previous work sessions. The available funding for the FY 18-23 SSYP would be used to address the priority projects the Board has supported. The Rio Mills Connector remains the top priority and Telefee funding dedicated to this project over the next two years will make up the balance to complete this project after Smart Scale funding is awarded. The described limits of this project have been corrected to match the intent of the project.

In addition to the top five paving projects derived from the Albemarle County Priority List for Secondary Road Improvements, Unpaved Roads funded over the next two fiscal years, a plan to study the Connector Road between Berkmar Drive Extended and Lewis & Clark has been funded through the SSYP. As one of the top County priority projects, the addition of this study in the SSYP makes use of available funds to advance a project that was previously denied funding through Smart Scale. This study will be used to improve the potential for funding in future grant applications. Additionally the project has been added to the SSYP for construction in the out years of the plan with additional funding to help reduce the cost for future grant applications.

The Final FY2018 Albemarle County Priority List for Secondary Road Improvements, Unpaved Roads has also been attached for the Board's approval. This reflects all changes recommended at the April 5th Work Session.

The SSYP is for the expenditure of State/VDOT secondary road construction funds allocated to the County and does not require the expenditure of County funds except to the extent that any project may also utilize revenue sharing funds or otherwise necessitate County resources in support of the project.

After the public hearing, staff recommends that the Board adopt the attached Resolution (Attachment E) approving the FY18-23 Secondary Six Year Program (SSYP) and authorizing the County Executive to sign the SSYP.

Staff also recommends that the Board vote to approve the Final FY2018 Albemarle County Priority List for Secondary Road Improvements, Unpaved Roads for the record.

Mr. Kevin McDermott addressed the Board and acknowledged Mr. Darryl Shifflett of VDOT, whom he stated had helped with development of the plan. Mr. McDermott said the plan allocates funding for the construction, maintenance and improvement of roads in the state secondary system and is annually updated and approved by the Board of Supervisors. He stated that they have approximately \$500,000 available in FY18 that must be appropriated to hard surfacing of unpaved roads. He said that

an additional \$360,000 is available in FY18 tele-fee funds, collected by the state from telecommunications companies for use of easements within their right-of-way, and that money could be used for a broad array of projects. He stated that VDOT has moved surplus funds left over from previous projects funded out of the old secondary road fund and is encouraging localities to allocate these to a project or risk losing the funds. He stated the County had allocated these funds to the Secondary Six-Year Plan. He reminded the Supervisors that they had discussed the six-year plan at two prior meetings, including an April 5 work session, during which the Board directed staff to move forward with the draft list of priority paving projects, including Bunker Hill Road, Keswick Road, Preddy Creek Road and Patterson Mill Lane, and had added Hammocks Gap Road to the priority list.

Ms. Mallek stated that she recently obtained a photo of Hammocks Gap Road and it is no wider than a school bus, so she speculated it may not qualify and suggested they make sure a road would qualify before placing it on the list.

Mr. McDermott acknowledged that VDOT had some concern about the width of the road and realized the road narrows for a portion and would present right-of-way issues. He stated that they recommended paving from Route 20 to the point of narrowing. He said the Rural Rustic Road program does not permit them to purchase any right-of-way and must be within the existing road bed.

Ms. Mallek commented that paving encourages people to drive faster, and when the road narrows there is no place to go if there is a school bus on the other side. She stated that it puts people in jeopardy when they make a road too improved at places where it is not wide enough to pass.

Mr. McDermott stated that VDOT does an assessment and installs signage for things like blind curves. He said the priority list is based on daily traffic, number of crashes, and whether it is a through or dead-end road. He stated that at the April 5 meeting, they also agreed to move Dick Woods Road up in priority as it would save money to coordinate with VDOT, which was already doing maintenance on the road.

Ms. Palmer pointed out that it is just a section of Dick Woods Road at the Nelson County line.

Ms. Mallek commented that it covers just the section west of Route 151.

Mr. Randolph stated that when the Board approved the extension of Charlottesville Area Transit (CAT) service to Avon Street last year, it was done with the proviso that there would be a beta test and CAT was to report back to the Board regarding ridership. He said they planned to have a follow-up discussion after obtaining feedback from CAT about the possibility of extending this route to the end of Avon Street Extended and connecting to Route 20, then turning left and coming back up.

Mr. McDermott stated that he would speak with CAT officials about this.

Mr. Sheffield stated this is an example of why they need a regional transit board so that everyone is on the same page with expectations and planning.

Mr. Randolph emphasized he does not have an opinion one way or the other on this bus route, but it is important that they obtain the report from CAT and hold a discussion.

Mr. McDermott stated that the other item discussed at the April 5 meeting was the removal of some roads from the paving list as follows: Ballards Mill Road, Sugar Ridge Road, Wesley Chapel Road, and Decca Lane.

Mr. McDermott reviewed the outcome of the May 3 transportation priorities work session, at which he had presented top-tier transportation priority projects that would be narrowed down at the August meeting. He noted that the Route 29 North corridor western parallel road at Berkmar Drive Extended to Lewis and Clark Drive was also a topic at the meeting and came up last week in a discussion about Meeting Street.

Mr. McDermott presented a slide that listed FY18-23 secondary six-year plan projects to be discussed at today's public hearing, and said he is seeking a resolution of approval. He stated the top project is the Rio Mills Connector, which will connect Rio Mills and the new Berkmar Drive Extended. He said their Smart Scale grant request had been approved, but the County would also contribute some funds through the Tele-fee program. Mr. McDermott stated the next project is Bunker Hill, which was finished but has not been closed out. He said that Keswick Road and Preddy Creek Road are paving projects that are fully funded in FY18 and would begin this summer and finish by next spring.

Mr. McDermott returned to the Berkmar Extended to Lewis and Clark Drive subject. He presented a slide of a map showing the proposed road and surrounding area. He stated that Berkmar Extended would go up to the southern end of Hollymead and touch Meeting Street. He said this piece has been constructed up to Town Center Drive, but then stubbed out into an open space up to Airport Road where Innovation Drive begins, but then stubbed out to University of Virginia Foundation property up to Lewis and Clark Drive. He stated the project would connect Meeting Street up to Lewis and Clark Drive and has been moved into the Secondary Six-Year Plan so they can hire a consultant to do an alignment study and some design work in order to apply for Smart Scale funding in fall 2018. He said they allocated \$800,000 for a connector road study out of approximately \$2.4 million left over from the old secondary program, with these funds parked and available for use to offset Smart Scale application costs.

Mr. McDermott reviewed the remaining projects. Patterson Mill Lane and Dick Woods Road have enough funding to get development started this summer, and the County can approve the next plan to do construction. He noted that out-year paving projects are in priority order as directed by the Board on April 5.

Ms. Palmer referenced Patterson Mill Lane in Attachment D, which calls for a through connector route to Route 29 from the I-64 interchange. She said she is concerned that paving would exacerbate traffic in Batesville, although she stated that she had been assured this was not the case. Ms. Palmer mentioned that she had also been told by residents that this is really a morning and afternoon cut-through to get around traffic on Miller School Road to Western Albemarle High School. She said she would like to have this removed from Attachment D. Mr. McDermott responded that he could make this change, stating that he did not think paving would cause cut-through traffic.

Ms. McKeel then opened the public hearing.

Mr. Ray Hamric addressed the Board. He stated that the road needs to be paved and a VDOT employee told him the road was widened to be paved 20 years ago. He stated that the road is a straight 2.5 miles and intersects with Blenheim Road. He said people use it as a cross-over, as the next cross-over is in Scottsville and the one after that is at Carter's Bridge. He stated that the road is clay and people drive 100 miles per hour on it.

Mr. William Napier addressed the Board. He stated that he had been a truck driver for over 20 years and would not go over the road, and that no truck driver in his right mind would do so. He said that a pedestrian is going to get killed on the road. He stated that Department of Transportation regulations require oversized trucks to have an escort, but this is rarely complied with. He said the road has blind curves and is popular with joggers.

Mr. Ronny Hahn addressed the Board. He stated that he lives at 736 White Mountain Road, which he described as the most dangerous in the County. He said he moved there in 1975 and it has been on the six-year plan since then. He stated that the Fire Department sent him a letter in 2006 saying they were not able to get up the road. He stated that the road is in poor condition year round and had large ditches for several weeks before the road was finally scraped today. He stated that school buses have been stuck in the road. He said there are 23 families along the road and 20 of them support paving.

Mr. Larry Sutker, resident of White Mountain Road, addressed the Board. He stated that he would represent himself as well as Michael Boggs, a neighbor who is out of town. He read a letter from Mr. Boggs. In the letter Mr. Boggs wrote that he owns four properties along the road and has had a career in surveying and road construction. He wrote that problems at White Mountain Road include it being narrow without a shoulder, horizontal and vertical alignment deficiencies, inadequate drainage leading to erosion problems, and a surface that is long overdue for an upgrade. He wrote that the inadequate drainage leads to tons and tons of gravel erosion, which is deposited in fields of adjacent properties. He wrote that the most serious area runs from along Mr. Hahn's property to Batesville Road. Mr. Sutker stated that the money appropriated for it seems to get re-designated for use in other areas and they wonder if this would ever get done.

Mr. Jeff Werner of the Piedmont Environmental Council addressed the Board. He stated there appears to be disconnect in Albemarle between historic bridges and what is on these plans. He said in 1975 there were 16 metal truss bridges and by the end of this year only two would remain: Dickerson Road and Plunkett Road. He stated that he believes both of these are programmed to be replaced.

Mr. Randolph confirmed they are to be replaced.

Mr. Werner stated that VDOT is not interested in preserving or maintaining bridges, so the County needs to replace them. He urged the Board to be more proactive about identifying and maintaining historic bridges.

Hearing no other public comments, Ms. McKeel closed the public hearing.

Mr. Randolph stated that he had a long discussion with Mr. Napier and then sent an email to Joel DeNunzio. Mr. Randolph read Mr. DeNunzio's letter as follows: "The Albemarle Secondary Six-Year Plan, Coles Rolling Road from Route 713 to Route 795 was being hard surfaced and was to be divided into two segments of 1.35 miles to make the construction more manageable. The western section was funded in FY19 and the second section in FY20. I would expect to start construction in the fall of 2018 and replace the surface in the spring to summer of 2019. If funding and schedule allow we may be able to complete both sections in that time frame. Otherwise, the second section would be started in the fall of 2019 and completed in spring to summer 2020." Mr. Randolph stated that he passed this information on to Mr. Napier. He commented that surfacing the road would likely increase the likelihood that drivers would speed.

Ms. Palmer stated that she had a lot of discussions about White Mountain Road and that she contacted Joel DeNunzio in May after Mr. Hahn had contacted her following a storm. She said she was told that a crew had cleared the road, ditches and culverts and apologized if they did not come. She stated that there are several reasons why the road has not been paved, including the fact that a traffic count showed just 80 cars using the road. She said in past years, some individuals had requested that the road not be paved. She pointed out the road is long, and thus the expense of paving it had been a consideration. Ms. Palmer noted that people had complained about the road being dangerous for school

buses, and she suggested they inquire with the schools as to whether this road is worse than others and if it is a serious problem for school buses. She stated that she would also like comment from the Department of Fire and Rescue. She asked Mr. McDermott to comment on how they are trying to prioritize all of these problem roads in the County.

Mr. McDermott reminded them that last year the Board decided to reprioritize projects every year. He reviewed the criteria, which considers the traffic count, then accident history, then consideration of whether it serves a development area or is a through or dead-end road. He stated that White's Mountain Road is listed 16th on the list because it only has 80 cars per day and has not had any crashes.

Ms. Palmer asked him to obtain information about school buses and Fire and Rescue, and provide it to the Board so they can determine whether it needs to be reprioritized.

Mr. Randolph noted that the County does not pave roads and is dependent on VDOT, and every year state funding has been decreasing, so they have been trying to prioritize in a triage manner every year. He stated that all the roads should be paved, but they are not able to do this and so must make choices.

Ms. Mallek noted that in 2008 they received \$5 million in funding for secondary roads, while last year they only received \$300,000.

Ms. McKeel attributed the lack of funding to reluctance to raise the gasoline tax.

Motion was then offered by Mr. Randolph to adopt the proposed Resolution approving the FY18-23 Secondary Six Year Program (SSYP) and to authorize the County Executive to sign the SSYP. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

**RESOLUTION TO APPROVE
THE SECONDARY SYSTEM SIX-YEAR PROGRAM (FY 18-23)**

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

WHEREAS, the Board has previously agreed to assist in the preparation of this Program, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Program (FY 18-23), after being duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Program and Priority List; and

WHEREAS, local and regional representatives of the Virginia Department of Transportation recommend approval of the Secondary System Six Year Program (FY18-23); and

WHEREAS, the Secondary System Six Year Program (FY18-23) is in the best interest of the County and of the citizens of the County

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors hereby approves the Secondary System Six-Year Program (FY18-23) and authorizes the County Executive to sign the Secondary System Six-Year Program (FY 18-23); and

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

Secondary System
Albemarle County
Construction Program
Estimated Allocations

Fund	FY2018	FY2019	FY2020	FY2021	FY2022	FY2023	Total
CTB Formula - Unpaved State	\$498,289	\$573,201	\$550,892	\$0	\$0	\$0	\$1,622,382
TeleFee	\$359,072	\$359,072	\$359,072	\$359,072	\$359,072	\$359,072	\$2,154,432
District Grant Unpaved	\$0	\$0	\$0	\$773,496	\$522,580	\$694,463	\$1,990,539
Total	\$857,361	\$932,273	\$909,964	\$1,132,568	\$881,652	\$1,053,535	\$5,767,353

Board Approval Date:

Resident Engineer

Date

 6-15-17

County Executive

Date

SECONDARY SYSTEM CONSTRUCTION PROGRAM (in dollars)

District: Culpeper
County: Albemarle County
Board Approval Date: June 14, 2017

Board Approval Date: June 14, 2017		2017-18 through 2022-23														
Route	Road Name	Estimated Cost		Previous Funding	Additional Funding Required	PROJECTED FISCAL YEAR ALLOCATIONS						Balance to complete	Traffic Count			
						2017-18	2018-19	2019-20	2020-21	2021-22	2022-23					
Project #	Description	PE	RW	CON	SSYP Funding	Other Funding	Total							Scope of Work	FHWA #	Comments
FROM	TO	Length	Ad Data													
RL9899	RIO MILLS CONNECTOR		PE \$850,000													
9999-002-641, C-501	CONNECTOR ROAD BETWEEN		RW \$500,000													
CONTRACT	RIO MILLS ROAD AND BERKMAR		CON \$2,450,000													
S	DRIVE EXTENDED		Total \$3,800,000													
	ROUTE 643			\$2,015,763	\$1,784,237	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,315,911	TELEFEE FUNDS	
Single Hearing	BERKMAR DRIVE EXTENDED															
0001.00	0.20		PE \$15,000													
RL0685	BUNKER HILL ROAD		RW \$0													
107525	0685-002-P12, N-501		CON \$175,000													
S/IF HIRED EQUIP.	RTE. 685 - RURAL RUSTIC RD															
S	(SURFACE TREAT															
	NONHARDSURFACE RD)		Total \$190,000	\$190,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
NO PLAN, SECONDARY	ROUTE 616															
	END STATE MAINTENANCE															
0002.00	0.70		PE \$30,000													
RL0731	KESWICK DRIVE		RW \$0													
104649	0731-002-P86, N-501		CON \$331,433													
S/IF HIRED EQUIP.	RTE. 731 - RURAL RUSTIC RD															
S	(SURFACE TREAT															
	NONHARDSURFACE RD)		Total \$361,433	\$328,518	\$32,915	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
NO PLAN, SECONDARY	ROUTE 744															
	ROUTE 22															
0003.00	0.70		PE \$20,000													
RL0747	PREDDY CREEK ROAD		RW \$0													
107526	0747-002-P13, N-501		CON \$400,000													
S/IF HIRED EQUIP.	RTE. 747 - RURAL RUSTIC RD															
S	(SURFACE TREAT															
	NONHARDSURFACE RD)		Total \$420,000	\$20,000	\$400,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
NO PLAN, SECONDARY	ROUTE 800															
	ROUTE 640															
0004.00	1.60		PE \$900,000													
RL9999	CONNECTOR ROAD STUDY		RW \$0													
T20261	9999-002-267		CON \$0													
LOCAL ADMIN	STUDY ONLY - CONNECTOR															
	ROAD		Total \$900,000	\$900,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
NO PLAN, SECONDARY	BERKMAR DRIVE EXTENDED															
	LEWIS & CLARK DRIVE															
0005.00																

SECONDARY SYSTEM CONSTRUCTION PROGRAM (in dollars)

District: Culpeper

County: Stafford County

Board Approval Date: June 14, 2017

2017-18 through 2022-23

Route	Road Name	Estimated Cost	Previous Funding	Additional Funding Required	PROJECTED FISCAL YEAR ALLOCATIONS						Balance to complete	
						2017-18	2018-19	2019-20	2020-21	2021-22		2022-23
RL0324 T18156 S/F HIRED EQUIP. S NO PLAN, SECONDARY	PATTERSON MILL LANE 0824-002-P34, N-501 RTE. 824 - RURAL RUSTIC RD (SURFACE TREAT NONHARDSURFACE RD) ROUTE 688 1.04 MI. N. ROUTE 688 1.04	PE \$10,000 RW \$0 CON \$280,000 Total \$270,000	\$10,000	\$260,000	\$224,526	\$0	\$0	\$0	\$0	\$0	250 VPD 06/06/2012 CTB FORMULA UNPAVED >50 VPD RURAL RUSTIC RESOLUTION RECEIVED 04/06/2017	
RL0337 T18323 S/F HIRED EQUIP. S NO PLAN, SECONDARY	DICK WOODS ROAD 0837-002-P44, N-501 RTE. 637 - RURAL RUSTIC RD (SURFACE TREAT NONHARDSURFACE RD) ROUTE 151 NELSON COUNTY LINE 0.83	PE \$15,000 RW \$0 CON \$310,000 Total \$325,000	\$0	\$325,000	\$295,000	\$0	\$0	\$0	\$0	\$0	130 VPD 07/19/2012 CTB FORMULA UNPAVED >50 VPD RURAL RUSTIC PROJECT RESOLUTION NEEDED	
RL0712 T18143 S/F HIRED EQUIP. S NO PLAN, SECONDARY	NORTH GARDEN LANE 0712-002-P36, N-501 RTE. 712 - RURAL RUSTIC RD (SURFACE TREAT NONHARDSURFACE RD) ROUTE 25 ROUTE 692 0.87	PE \$10,000 RW \$0 CON \$225,000 Total \$235,000	\$0	\$235,000	\$53,575	\$181,425	\$0	\$0	\$0	\$0	290 VPD 03/29/2012 CTB FORMULA UNPAVED >50 VPD RURAL RUSTIC PROJECT RESOLUTION NEEDED	
RL0712 T18159 S/F HIRED EQUIP. S NO PLAN, SECONDARY	COLES ROLLING ROAD 0712-002-P37, N-501 RTE. 712 - RURAL RUSTIC RD (SURFACE TREAT NONHARDSURFACE RD) ROUTE 713 1.40 MI. E. ROUTE 713 1.40	PE \$15,000 RW \$0 CON \$383,000 Total \$378,000	\$0	\$378,000	\$0	\$369,467	\$8,533	\$0	\$0	\$0	280 VPD 09/11/2012 CTB FORMULA UNPAVED >50 VPD/ DISTRICT GRANT UNPAVED >50 VPD RURAL RUSTIC PROJECT RESOLUTION NEEDED	
RL0712 T18160 S/F HIRED EQUIP. S NO PLAN, SECONDARY	COLES ROLLING ROAD 0712-002-P38, N-501 RTE. 712 - RURAL RUSTIC RD (SURFACE TREAT NONHARDSURFACE RD) 1.40 MI. E. ROUTE 713 2.75 MI. E. ROUTE 713 1.35	PE \$75,000 RW \$0 CON \$348,500 Total \$364,500	\$0	\$364,500	\$0	\$0	\$364,500	\$0	\$0	\$0	250 VPD 09/11/2012 DISTRICT GRANT UNPAVED >50 VPD RURAL RUSTIC PROJECT RESOLUTION NEEDED	

SECONDARY SYSTEM CONSTRUCTION PROGRAM (in dollars)

2017-18 through 2022-23

Route	Read Name		Estimated Cost	Previous Funding	Additional Funding Required	PROJECTED FISCAL YEAR ALLOCATIONS						Balance to complete	Traffic Count				
	Project #	Description				2017-18	2018-19	2019-20	2020-21	2021-22	2022-23						
														FROM	TO	Length	Priority #
R0355 T20145 S/F HIRED EQUIP. S NO PLAN, SECONDARY	BURTON LANE		PE \$10,000										130 VPD 03/29/2012				
	RTE. 858 - RURAL RUSTIC RD (SURFACE TREAT NONHARDSURFACE RD)		RW \$0									\$0	DISTRICT GRANT UNPAVED >50 VPD				
			CON \$80,000														
	Total		\$70,000	\$0	\$0	\$0	\$0	\$0	\$70,000	\$0	\$0		RURAL RUSTIC PROJECT RESOLUTION NEEDED				
ROUTE 711																	
END OF STATE MAINTENANCE																	
0.40																	
R0353 T20150 S/F HIRED EQUIP. S NO PLAN, SECONDARY	COVE GARDEN ROAD		PE \$20,000										190 VPD 08/18/2012				
	RTE. 633 - RURAL RUSTIC RD (SURFACE TREAT NONHARDSURFACE RD)		RW \$0									\$0	DISTRICT GRANT UNPAVED >50 VPD				
			CON \$242,500														
	Total		\$262,500	\$0	\$0	\$0	\$0	\$0	\$65,773	\$192,727	\$0		RURAL RUSTIC PROJECT RESOLUTION NEEDED				
ROUTE 29																	
1.50 MI. E. RTE 29																	
1.50																	
R0333 T20151 S/F HIRED EQUIP. S NO PLAN, SECONDARY	COVE GARDEN ROAD		PE \$20,000										90 VPD 04/01/2015				
	RTE. 633 - RURAL RUSTIC RD (SURFACE TREAT NONHARDSURFACE RD)		RW \$0									\$0	DISTRICT GRANT UNPAVED >50 VPD				
			CON \$242,500														
	Total		\$262,500	\$0	\$0	\$0	\$0	\$0	\$0	\$262,500	\$0	\$0	RURAL RUSTIC PROJECT RESOLUTION NEEDED				
1.50 MI. E. RTE 29																	
3.00 MI. E. RTE 29																	
1.50																	
R0633 T20152 S/F HIRED EQUIP. S NO PLAN, SECONDARY	COVE GARDEN ROAD		PE \$20,000										90 VPD 03/29/2012				
	RTE. 633 - RURAL RUSTIC RD (SURFACE TREAT NONHARDSURFACE RD)		RW \$0									\$23,264	DISTRICT GRANT UNPAVED >50 VPD				
			CON \$242,500														
	Total		\$262,500	\$0	\$0	\$0	\$0	\$0	\$0	\$239,236	\$0	\$0	RURAL RUSTIC PROJECT RESOLUTION NEEDED				
3.00 MI. E. RTE 29																	
ROUTE 712																	
1.50																	
R03999 T20280 CONTRACT	CONNECTOR ROAD		PE \$1,125,000														
	9999-002-966 C-501 NEW ALIGNMENT		RW \$3,850,000														
			CON \$13,175,000														
	Total		\$18,150,000	\$356,743	\$17,793,257	\$249,716	\$359,072	\$359,072	\$389,072	\$595,072	\$16,107,251		CONSTRUCTION ON NEW ALIGNMENT				
RAAF, SECONDARY																	
Single Hearing																	
0020.00																	

SECONDARY SYSTEM CONSTRUCTION PROGRAM (in dollars)																		
2017-18 through 2022-23																		
Route		Road Name		Estimated Cost		Previous Funding		Additional Funding Required		PROJECTED FISCAL YEAR ALLOCATIONS					Balance to complete		Traffic Count	
PPWS ID	Project #	Accomplishment Description	FROM	TO	Length	Priority #	Ad Date	SSYF Funding	Other Funding	Total	2017-18	2018-19	2020-21	2021-22	2022-23	Scopes of Work	FHWA #	Comments
99923	1204005	COUNTYWIDE ENGINEERING & SURVEY					PE	\$0		\$0								
							RW	\$0		\$0								
							CON	\$19,568		\$0								
							Total	\$19,568		\$19,568	\$0	\$0	\$0	\$0	\$0			
9999.99		VARIOUS LOCATIONS IN COUNTY																MINOR SURVEY & PRELIMINARY ENGINEERING FOR BUDGET ITEMS AND INCIDENTAL TYPE WORK.

ALBEMARLE COUNTY PRIORITY LIST FOR SECONDARY ROAD IMPROVEMENTS, UNPAVED ROADS - APPROVED, 06/2017											
RURAL RUSTIC ROAD PAVING PROJECTS IN PRIORITY ORDER (HIGH TO LOW)											
Current Priority (Recommended)	Route Number, Road Name Priority	Location From - To	Length (mi.)	Current Funding Status	Most Current Traffic Count	Year of Count	Crash Data 2010-2016	thru or dead end	Description/Comments	Year Project placed on Priority List	Cost
1	685 Bunker Hill Road	Rt. 616 - Dead End	0.7	Under Construction	70	2008	0	dead end	Public request.		\$122,500
2	731 Keswick Road	Rt. 744 - Rt. 22	0.7	in VDOT SSYP - FY18	300	2012	3	thru	Public request. Provides thru road connection to primary road (Rt. 22). Serves Keswick Club.	2005	\$122,500
3	747 Preddy Creek Road	Rt. 600 - Rt. 640	1.6	in VDOT SSYP - FY18	120	2012	0	thru	School request.		\$280,000
4	824 Patterson Mill Lane	Rt. 688 - paved section	0.73	in VDOT SSYP - FY18	250	2012	1	thru	Public request. Provides thru road connection to Rt. 29 and 144 interchange.	2011	\$127,750
5	637 Dick Woods Road	Rt. 151 - Nels on County Line	0.7	in VDOT SSYP - FY21	130	2015	1	thru	Public request. Provides thru road connection to primary route (Rt. 151) was going to be partially completed on a separate project, we would like to move.	2007	\$122,500
6	712 North Garden Lane	Rt. 692 - Rt. 29	0.87	in VDOT SSYP - FY18	290	2012	4	thru	Public request. Serves former DA Village/VR zoning. Access to primary road. (Rt. 29).		\$152,250
7	712 Coles Rolling Road	Rt. 713 - Rt. 795	2.75	in VDOT SSYP - FY21	300	2012	3	thru	Public request. Provides thru road connection to primary route (Rt. 29).		\$481,250
8	720 Harris Creek Road	Rt. 20 - Dead End	0.38	in VDOT SSYP - FY18	190	2012	0	dead end	Provides thru road connection.	2007	\$66,500
9	707 Blair Park Road	Rt. 681 - Dead End	0.28	in VDOT SSYP - FY21	180	2012	0	dead end	Public request. Serves large orchard operation.		\$49,000
10	812 Hammocks Gap Road	Rt. 29 - Dead End	1.65	Not Funded	170	2015	0	dead end	Public Request - Need VDOT Review for eligibility.	2016	\$288,750
11	760 Red Hill School Road	Rt. 29 - Rt. 712	1.53	Not Funded	140	2012	1	thru	Public request. Provides access to school. Serves former DA Village/VR zoning. Provides thru road connection to primary road (Rt. 29), previously killed by residents and Lisa Palmer.	2011	\$267,750
12	721 Old Dominion Road	Rt. 6 - Rt. 630	1.21	Not Funded	130	2012	0	thru	Public request. Serves active quarry site (zoningstone).	2006	\$211,750
13	856 Burton Lane	Rt. 711 - Dead End	0.4	Not Funded	120	2012	0	dead end	Public request. Rt 711 also unpaved (10/100 add).	2007	\$70,000
14	633 Cove Garden	Rt. 29 - Rt. 712	4.5	Not Funded	120	2015	1	thru	Public request. Provides thru road connection to primary road (Rt. 29).	2004	\$787,500
15	600 Stony Point Pass	Rt. 231 - 2.5 miles east of Rt. 231	2.5	Not Funded	70	2015	3	thru	Public request. Provides thru road connection between Rt. 20 to Rt. 231 over Southwest Mtns.		\$437,500
16	736 Whites Mountain Road	Rt. 635 Craig Shore Road - Rt. 636 Batesville Rd.	2.6	Not Funded	80	2012	0	thru	Public request. Opposition to the project has been noted.		\$455,000
17	723 Sharon Road	Rt. 6 - Rt. 722	1.85	Not Funded	70	2012	0	thru	Public request.		\$323,750
18	813 Starlight Road	Rt. 712 - Dead End	0.5	Not Funded	70	2012	0	dead end	Public request.	2004	\$87,500
19	769 Beam Road	Rt. 1484 - Dead End	0.27	Not Funded	50	2012	0	dead end	Public request.		\$47,250
20	629624 Browns Gap-TPV/Headlight Lane	Rt. 810 - end of Rt. 624	1.5	Not Funded	30	2015	1	dead end	Public request. May not be eligible for paving due to traffic counts below 50.	2010	\$262,500
NOTES: VDOT makes the determination on whether a road is eligible for RRP paving. All projects are placed on the regular paving list until the determination is made by VDOT. [Some projects may not be completed as prioritized due to project complexity and/or available funding] View print » updated traffic counts											

REGULAR PAVING PROJECTS IN PRIORITY ORDER (HIGH TO LOW)									
Current Priority	Route Number, Road Name	Location From - To	Length (mi.)	Funding Status	Most Current Traffic Count	Year of Count	crash data	Year Project placed on Priority List	Description/Comments
21	643 Rio Mills Road	Rt. 29 - Rt. 743		in VDOT SSYP	700	2012	4	2003	Staff request. Serves Devel. Area, provides access to quarry; provides thru road connection to primary road (Rt. 29). Recommended in Comp. Plan and LRTP.
22	829 Horseshoe Bend Road	Rt. 601 - Dead End		Not Funded	210	2006		2004	Public request. At current ranking due to traffic count.
23	761 Briery Creek Road	Rt. 622 - County Line		Not Funded	160	2006		2005	Public request. At current ranking due to traffic count.
24	682 Broad Ace Road	Rt. 637 - current paved sections		Not Funded	160	2006			Public request. At current ranking due to traffic count.
25	809 Burdch's Creek Road	Rt. 260 - Rt. 635		Not Funded	140	2006			Public request. At current ranking due to traffic count. (previously Pounding Creek Rd)
26	640 Gilbert Station Road	Ashtleigh Way Dr - paved section		Not Funded	120	2006			Public request. At current ranking due to traffic count.
27	898 Hungtown Road	Rt. 633 - Dead End		Not Funded	90	2006		2006	School transportation request
28	800 Stony Point Pass	2.5 miles west - Rt. 20		Not Funded	80	2006			Public request. At current ranking due to traffic count.
29	634 Spring Valley Road	Rt. 633 - Rt. 635		Not Funded	80	2006		2007	Public request. At current ranking due to traffic count.
30	683 Shelton Mill Road	Rt. 751 - Dead End		Not Funded	70	2009		2007	Public request. At current ranking due to traffic count.

UNPAVED ROADS SECTIONS REMOVED BY BOARD OF SUPERVISORS									
	Road Name/No.	Location from - to	Length	year removed	Most Current Traffic Count	Year of Count	Crash Data	Year Placed on Priority List	Description/Comments
	667 Catterton Road	Rt. 601 to east of Rt. 676							
	662 Bleak House Road	Rt. 665 to Rt. 660		2010					
	637 Dick Woods Road	Rt. 691 to Rt. 758		2014					
	795 Blenheim Road	north and south of Rt. 713		2012					

Recess. The Board recessed its meeting at 8:11 p.m. and reconvened at 8:17 p.m.

Agenda Item No. 18. **Public Hearing: ZTA2016-07: Utility-Scale Photovoltaic Generation Facilities.** An ordinance amending Sections 18-3.1, Definitions, and 18-10.2.2, By Special Use Permit of the Albemarle County Code. The ordinance would amend Section 18-3.1 by adding a definition of solar energy systems. The ordinance would amend Section 18-10.2.2 to allow solar energy systems by special use permit in the Rural Areas (RA) zoning district. *(Advertised in the Daily Progress on May 29 and June 5, 2017.)*

The Executive Summary as presented to the Board states that at its meeting on May 23, 2017, the Planning Commission voted 7:0 to recommend approval of ZTA201600007.

Attachments A, B, and C contain the action letter, staff report, and minutes from the May 23rd Planning Commission meeting.

Staff recommends that the Board adopt the proposed ordinance (Attachment D).

Mr. Scott Clark, Senior Planner, reported that on April 5, the Board had adopted resolution of intent to pursue this zoning text amendment with the understanding at the time that there would be two changes to the ordinance. He stated that one change would be to add additional solar energy systems and the other was to include solar energy systems in the list of uses by special use permit in the rural area zoning district. He presented a slide that listed a definition of “solar energy systems” and defined the uses by special use permit. He stated the Comprehensive Plan for the rural areas contained a list of criteria for consideration of new land uses and reviewed the list of criteria. He stated that first, the uses should relate directly to the rural area and need the rural area location in order to be successful. He said that large scale solar facilities need areas of land typically found only in rural areas, and the facilities should be compatible with and have a negligible impact on natural, cultural and historic resources. He stated that these kinds of impacts are highly dependent on location and the character of any given use, and the County considers those during the analysis of a special use permit or a particular application. He stated that they should not conflict with nearby agricultural and forestal uses. Mr. Clark said that staff did not find any inherent conflicts, and if there were any that come up during a special use permit review they would deal with that.

Mr. Clark stated that the facilities should reflect a size and scale that complements the character of the area in which they are located. He said they should be reversible so the land could easily return to farming, forestry, conservation or other preferred uses. He stated that the special use conditions typically require removal of facilities once they go out of use, and this is known as “decommissioning.” He stated

that uses should be suitable for existing rural roads and result in little discernible difference in traffic patterns. Mr. Clark said the only traffic impact of solar facilities occurs during initial construction and occasionally during maintenance, as there is no office facility. He stated that they should generate little demand for fire and police service, they should be able to operate without the need for public water and sewer and be sustainable with available ground water. He said that ground water needs are expected to be minimal and only used for occasional cleaning. He stated that they should be consistent with other rural area policies, which are site dependent and something considered during review.

Mr. Clark stated that when staff first reported to the Planning Commission, they included several items they believed they would include in the review of the special use permit. He stated that the applicant would have to submit information on these matters which would be included in what they take to the Planning Commission to make a recommendation. He read the list as follows: consistency with the Comprehensive Plan, impacts to natural, cultural, and historic resources, impacts to agricultural forestall uses, visibility and screening, glare and reflectivity, reversibility and decommissioning, storm water runoff, time and habitat loss, noise, setbacks, security fencing.

Mr. Clark stated that Planning Commissioners added some other items during the hearing they encourage the Board to consider. He said these include views and view sheds, meaning screening from the road and neighboring properties, impact to views from the surrounding rural area, GIS analysis of the visual impacts, photo simulations of the facilities to be submitted by the applicants, information on vegetation dispersion, extent of grading and other ground manipulation, impact on agricultural soils, minimization of impervious surfaces, and glare analysis. Mr. Clark stated that there had been discussion of how the zoning text amendment would impact accessory uses, and accessory use is when solar panels are installed on a building to provide use onsite. He stated that solar panels are already permitted as an accessory to a primary use, by right, in all zoning districts, and must remain subordinate in scale to the main use of the building. He said the zoning text amendment would not affect this.

Mr. Clark stated that the Planning Commission recommended adoption of the proposed changes to the zoning ordinance, provided the additional items are considered during later special use permit reviews.

Ms. Mallek encouraged them to include more detail so they could have performance standards that staff can rely on when reviewing the proposal.

Mr. Clark stated that they had the option of making the use by special use permit with an understanding of key issues to be addressed or setting down predetermined requirements for use before adoption. He said the latter option would ensure they do not fall in the holes, but would take much longer.

Ms. Palmer stated that the Planning Commission mentioned agricultural soils, but she did not see anything in the amendment about this. Mr. Clark replied that it was a concern, but the panels on these facilities have limited contact points as they are mounted on posts. He stated that the lands should be able to revert to agricultural use once the facilities are no longer in use.

Ms. Palmer noted that the solar company representative had stated that they would plant grasses to impede weed growth. She asked if the County would suggest to the developer that they use native grasses. Mr. Clark replied that around the panels there would be pasture grass that could be mowed often.

Mr. Dill indicated that some other solar companies had expressed concern that the new language may require a special use permit when it had not been required in the past.

Ms. Margaret Maliszewski, Principal Planner, addressed Mr. Dill's comment and stated that they would have the opportunity to speak with representatives of two solar companies this afternoon to clarify what is being proposed.

Ms. Palmer asked what would happen if there is a primary use on less than one-half acre. Ms. Maliszewski stated that it would be unlikely to do something that small for the purpose of power generation.

Ms. Mallek stated that a potential large accessory use would be if a big farm used solar for its own production process.

Mr. Dill stated that any accessory use is allowed by-right. He said the wording is important so that they could obtain certification in the SolSmart program. Ms. Maliszewski responded that she spoke with the SolSmart representative and it is her understanding that this accomplishes what is necessary.

Ms. Mallek stated that it says "utility-scale generation facility," which to her conveys "big and selling to the grid."

Ms. McKeel opened the public hearing.

Mr. Seth Mohn addressed the Board on behalf of SolUnesco. He stated that this amendment is of interest to them as they have a project they hope to develop in the County. He said they are based in Reston, Virginia and focus on utility-scale solar. He stated that the solar industry is booming, providing many jobs, and competing with traditional forms of energy generation. He said that utility-scale signified ground based arrays and no use onsite. He stated that they are safe, with no audible noise, and are no

higher than a corn row. He stated that they would work with the County to develop screening. Mr. Mohn said the primary buyers of solar-generated energy are utilities and private firms. He next reviewed benefits to the County, which include revenues for land owners, an economic boost from local hiring and purchasing, and potential tax and permitting fee revenues. He stated that it is consistent with the Comprehensive Plan and would help in attaining the SolSmart status for the County. He acknowledged that some environmental and cultural concerns had been raised, and he presented a slide depicting the various permits they must obtain and extensive reviews within the process. He emphasized that even with passage of the zoning text amendment, they would still have to undergo a lengthy approval process.

Mr. Jeff Werner stated that his organization supports the intent of the amendment, which would allow for projects throughout the County, but this cannot be viewed solely through the lens of SolUnesco. He said the PEC is concerned that there are no corresponding supplemental regulations being considered. He stated that of the 48 uses allowed by special use permit in the rural area, 33 had supplemental regulations. He stated that it is not a stretch to expect stringent guidelines and application requirements for energy systems. Mr. Werner said they see the SolUnesco special use permit process as an opportunity to guide the development of supplemental regulations, and the PEC's support for the zoning text amendment is conditioned on the premise that the supplemental regulations would ultimately be developed. He stated that special use permits should always be required for these systems rather than approved by-right, as each case is unique and needs to be evaluated. He said the applicant has to provide information on how to avoid impacts to agricultural soils, avoidance of grading, minimization of impervious surfaces, and to avoid impact to historic, cultural and scenic resources. He stated that they need a comprehensive view shed analysis and should limit the height and visibility of any required towers and structures. He stated that they should avoid anything that would require construction of new transmission lines. He said they should evaluate and amend the special use permit if anything changes and make sure the facility is decommissioned when no longer in use.

Mr. Morgan Butler of the Southern Environmental Law Center addressed the Board. He mentioned the SELC's Charlottesville-Albemarle project, which promotes sustainable land development patterns and transportation solutions aiming to ensure a thriving community that respects the natural, historic and community resources that define the region. He stated that they also work to promote the use of clean and renewable energy sources, such as solar, and they wish to promote solar energy in a way that prevents adverse impacts to the rural area resources and the values the Comprehensive Plan supports. He said they support the development of solar farms by allowing special use permits in the rural areas. He stated that there are risks involved to allow a new use in the rural area without also adopting supplementary regulations that would provide a baseline level of protection required for any future solar proposal. He stated that some important issues would arise during the SolUnesco review which would demonstrate the need for these supplemental regulations. He stated that staff and Mr. Werner brought up these issues and he would add two more. He said that one consideration is if solar facilities should be permitted to be built on critical slopes and whether they should be required to have a certificate of appropriateness when located along an entrance corridor. He stated that they look forward to working with the County and the industry to ensure that solar is implemented in harmony with other rural area uses and values promoted in the Comprehensive Plan, which may mean the development of supplemental regulations.

Mr. Mohn stated that he believes he is on the same page with Mr. Werner and Mr. Butler. He said they plan to prepare to look into and study to ensure there would not be any negative impacts and to come up with a mitigation plan. He addressed Ms. Palmer's inquiry about the planting of native grass vegetation. He stated that he does not think they oppose this idea and invited questions.

Mr. Dill asked how far off the ground the solar panels are. Mr. Mohn noted that they tilt from 3 to 4 feet off the ground.

Ms. McKeel closed the public hearing.

Motion was offered by Mr. Randolph to adopt the proposed ordinance for ZTA 2016-07 Utility-Scale Photovoltaic Generation Facilities. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

ORDINANCE NO. 17-18(2)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, AND ARTICLE III, DISTRICT REGULATIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article I, General Provisions, and Article III, District Regulations, are hereby amended and reordained as follows:

By Amending:

Sec 3.1 Definitions
Sec. 10.2.2 By special use permit

Chapter 18. Zoning

Article I. General Provisions

3.1 Definitions.

...

Solar energy system: An energy conversion system consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware occupying one-half acre or more of total land area.

...

Article III. District Regulations

10.2.2 By special use permit.

The following uses shall be permitted by special use permit in the RA district, subject to the applicable requirements of this chapter:

...

58. Solar energy systems.

Agenda Item No. 19. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Item No. 19a. Letter of Support - Darkening of Cunningham Dooks Transmission Towers.

Ms. Mallek stated that people in Rockingham County had reached an accommodation with Dominion to have darkened towers on their property, and some Crozet residents would like darkened towers on theirs. She said they are trying to figure out the best way to get this message across without a lawsuit, and she would like to send a letter to the FERC and asked for Board consensus.

Ms. Palmer asked if this would refer to those towers being replaced or to new towers. Ms. Mallek replied that they have not yet built the towers.

Mr. Dill asked if a judge had ruled on this request. Ms. Mallek stated that a judge ruled that the towers did not have to be darkened.

Mr. Kamptner offered to circulate the letter to Supervisors via email once it has been drafted.

Agenda Item No. 20. From the County Executive: Report on Matters Not Listed on the Agenda.

There were none.

Agenda Item No. 21. Closed Meeting.

At 8:58 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 discuss and consider appointments to boards, committees, and commissions in which there are pending vacancies or requests for reappointments; and
- Under Subsection (29), to discuss the terms and scope of possible public contract involving the expenditure of public funds pertaining to an economic development incentive program where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the Board of Supervisors.

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

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

NAYS: None.

Certify Closed Meeting.

At 9:24 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. Sheffield, Mr. Dill, Ms. Mallek, Ms. McKeel, Ms. Palmer and Mr. Randolph.

NAYS: None.

At this time, the Board took up Agenda Item No. 6a. Boards and Commissions: Vacancies and Appointments.

Board and Committee Appointments

Mr. Dill offered **motion** to approve the following appointments/reappointments:

- **reappoint** Ms. Cynthia Chiles to the Charlottesville-Albemarle Convention and Visitors Bureau (CACVB) Management Board, with said term to expire June 30, 2019.
- **appoint** Mr. Travis Wilburn to the Charlottesville-Albemarle Convention and Visitors Bureau (CACVB) Management Board, with said term to expire June 30, 2019.
- **appoint** Ms. Annette Couch-Jareb to the Village of Rivanna Community Advisory Committee, with said term to expire March 31, 2019.

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

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

Agenda Item No. 22. Adjourn to June 15, 2017, 3:00 p.m., Lane Auditorium.

At 9:30 p.m., **motion** was offered by Ms. Palmer, **seconded** by Ms. Mallek, to adjourn to June 15, 2017, 3:00 p.m. Roll was called and the motion carried by the following recorded vote:

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

Chairman

Approved by Board
Date 09/13/2017
Initials CKB