

An adjourned meeting of the Board of Supervisors of Albemarle County, Virginia, was held on September 13, 2017, at 3:30 p.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia. This meeting was adjourned from September 8, 2017. The 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 3:31 p.m., by the Chair, Ms. McKeel.

Ms. McKeel reminded everyone that the first part of tonight's meeting is a work session, which does not allow for public comment; however, the opportunity for public comment will be available during the second part of the meeting.

Ms. McKeel introduced the Board to "Robug," a robot created by Burley Middle School student members of the National Society of African-American Engineers. She said they worked with the University of Virginia School of Engineering to create many robots, and she commented that the robotics program is absolutely wonderful.

Agenda Item No. 2. Proposed 2018 Legislative Priorities.

The Executive Summary forwarded to the Board states that each year the Board considers and approves its legislative priorities and submits them to the Thomas Jefferson Planning District Commission (TJPD), the Virginia Association of Counties (VACo), and the Virginia Municipal League (VML). Generally, the TJPD's legislative program incorporates the County's legislative priorities. Other initiatives are sometimes added prior to the General Assembly session. This executive summary provides an overview of the Board's proposed 2018 Legislative Priorities (Attachment A).

Two legislative priorities are proposed, discussed below. The State statutes that would be amended are provided in Attachment A.

On-street Parking

Priority: Initiate legislation to amend Virginia Code § 46.2-1222 to add Albemarle County to the list of those counties enabled to regulate on-street parking public streets in the State's secondary system of highways.

Virginia Code § 46.2-1222 currently enables Fairfax, James City, Loudoun, Montgomery, Prince George, Prince William, and York Counties to adopt ordinances that may (i) restrict or prohibit parking on any part of the state secondary system of highways within their respective boundaries, (ii) create vehicle classifications that would or would not be subject to these restrictions and prohibitions, and (iii) provide that the violation of the ordinance would be a traffic infraction and prescribe penalties. On-street parking regulations would apply only on those street segments that are signed or marked to prohibit or restrict on-street parking. An on-street parking ordinance would allow the County to address some existing on-street parking issues in certain neighborhoods.

Appropriations

Priority: Initiate or support legislation to amend Virginia Code §§ 15.2-520 and 15.2-2506 to enable county's under the county executive form of government to allow funds appropriated for multi-year capital projects to be carried over for one year without being reappropriated. Both Virginia Code §§ 15.2-520 and 15.2-2506 require that appropriation resolutions be adopted in order for money to be drawn or an obligation to spend money be incurred. The statutes also provide that for a county under the county executive form of government, funds that are appropriated for outstanding grants may be carried over for one year without being reappropriated. The authority to carryover grants implies that no other types of appropriations may be carried over under the county executive form of government. Staff is aware that other Virginia localities not under the county executive form of government carry over appropriations for multi-year capital improvement projects from one year to the next.

The County's legislative priorities seek to ensure that the State adequately funds its mandated responsibilities and does not jeopardize the County's ability to effectively and efficiently implement the policies (including fiscal) and programs that it deems necessary. There are no specific, identifiable budget impacts.

Staff recommends that the Board review the 2018 proposed legislative priorities and recommend any changes it feels are appropriate, which will be brought back at a later date as desired by the Board for submission to the TJPD, VACo and VML. If there are no further changes, staff recommends that the Board approve the legislative priorities.

Mr. Kamptner stated that Mr. David Blount will assist him with presenting legislative priorities for the upcoming General Assembly session, noting that he has provided a paper copy of his slide presentation to the Board, as well as information in the Executive Summary. He reviewed the first bill for consideration, which is to amend Virginia Code 46.2-1222 to add Albemarle to those counties that may regulate on-street parking on secondary roads. He said the bill would simply add Albemarle to the list of counties already included and he has spoken with police officials about their ability to handle this potential new responsibility.

Ms. Mallek asked if they would have the authority to tow a vehicle that has many infractions as a means of enforcement. Mr. Kamptner replied that other statutes deal with towing, and he offered to come back with this information.

Mr. Kamptner reviewed the next bill, to amend Virginia Code 15.3-520, which will enable counties under the county executive form of government to allow funds appropriated for multi-year capital projects to be carried over without having to be re-appropriated. He said this is being proposed as a result of the schools asking for the process for multi-year capital projects to be simplified by having a single appropriation that could carry over to the next year. He said Prince William is another county that has a county executive form of government, and they have this process. He said he checked in Robert Bland's book *Budgeting for Local Governments*, which indicates that carrying over budgets for capital projects is a fairly standard practice.

Mr. Kamptner next reviewed a proposal to amend Virginia Code 46.2-844 to authorize third-party vendors to access DMV records under a stop-arm camera program as part of the enforcement process. He said that while this authorization exists for the red light camera program, it does not exist for the stop-arm camera program. He said that while the Chair of the Transportation Committee thought localities did have this authority, his office's analysis of rules of statutory interpretation is that a court would conclude they do not have this authority. He said a bill that deals with this issue in a broader way failed in the legislature this year.

Ms. McKeel asked if this is at the request of the school division. She said she has heard that there are 6,000 incidents of vehicles going around school buses occurring each year in the County. Mr. Kamptner confirmed this.

Mr. Kamptner reviewed the next proposal, which is to amend Virginia Code 15.2-2025 to enable Northern Virginia counties in Planning District 8 to adopt an ordinance to require that landowners remove snow and ice from sidewalks in front of their properties. He said cities already have this authority, and they need to consider the elderly and disabled residents who are not physically able to clear their properties and who do not have the means to pay someone to do it for them.

Ms. McKeel commented that once they have this enabling authority, the Board could consider the specifics of an ordinance.

Mr. Kamptner next reviewed a budget bill amendment to fund Biscuit Run State Park.

Ms. McKeel expressed her opinion that the Board supports this.

Mr. Randolph suggested they have Delegate Steve Landes join on this to show bipartisan support. He said Senator Emmet Hangar first showed interest in this and suggested that the Senator, along with Senator Creigh Deeds, be involved, as well as local delegates.

Mr. Kamptner next reviewed proposals to support broadband legislation, which had been brought up by Ms. Jane Dittmar, former Board member. He presented a slide that listed several proposals.

Ms. Palmer indicated it is likely many other communities are doing this, and asked if they are able to coordinate with them as a group.

Mr. David Blount of the Thomas Jefferson Planning District Commission, addressed Ms. Palmer's question. He explained that the Virginia Association of Counties (VACO) is developing its list of priorities and the VACO Steering Committee has proposed reform to the communication sales and use tax. He noted that it has been about 10 years since a number of communications services were lumped together and taxed at the general sales tax rate of 5%, which is now 5.3%. Mr. Blount said they are looking to expand the tax to cover some services, such as streaming, which were not envisioned at the time. He said a portion of the additional revenue captured would be diverted to broadband, which Bill Lerch of VACO has informed him would be around \$24 million. He explained that broadband is a priority for the planning district, adding that they should be on the lookout for bad broadband legislation.

Ms. Palmer read the following statement: "Ensure coverage maps used to determine underserved and unserved areas on census blocks are accurate." She asked if Mr. Blount believes that broadband companies would provide this information. Mr. Blount replied that he does not think a solution has been found.

Ms. Mallek commented that one solution is to do testing themselves rather than waiting. She said all of their grant requests have failed due to the perception that the County is well served, and they will not obtain funding until they deal with the four proposals listed on the slide.

Mr. Randolph suggested they have the County develop this capability or have an entrepreneur step in and create an organization, which could potentially be a non-profit, to do this type of evaluation in a fair and reasonable way. He said that in her research, Ms. Dittmar had discovered that internet providers with just one customer in a census tract would lock in the entire tract, which he described as manipulating and gaming the system. Mr. Randolph stated this blocked out other companies that could make a commitment to meet the needs of the majority in a census tract.

Ms. Mallek clarified that she did not intend to have staff do this work, but to have a third party do it.

Mr. Kamptner introduced the next proposal, which is to amend Title 18.2 of the Virginia Code to provide that a person who engages in reckless driving resulting in a fatality be charged with involuntary manslaughter. He said the proposal arose as a result of a fatal accident at Stonefield. He noted that the County is involved with criminal matters up to Class 1 misdemeanors for violations of local ordinances, and this is not an area where the County or Board typically weigh in. He said they support having the Commonwealth's Attorney, Robert Tracci, as well as the Virginia Association of Commonwealth's Attorneys, work with Delegate Bell to initiate the legislation. He said that under case law, the courts are requiring something above and beyond what meets the definition of reckless driving under the traffic laws.

Ms. McKeel commented that Mr. Tracci had said that Virginia is one of the few, if not the only state, that lacks enabling law.

Mr. Randolph said high speed incidents tend to occur more in rural settings and expressed hope they could form a coalition of rural counties.

Mr. Kamptner reviewed the next proposal, which would provide enabling authority to urban counties to tax cigarettes, admissions, transient room rentals, and meals. He said this was on their program last year.

Mr. Randolph indicated this proposal could also fill the needs of high-growth counties and not just urban counties.

Mr. Kamptner said his guess is that to pass legislation like this would require a broad coalition.

Ms. Palmer said Senator Creigh Deeds had suggested the formation of a coalition of high-growth counties in order to obtain support.

Mr. Blount indicated a push to advance legislation was made three years ago, which quickly went nowhere, and the political reality is that this legislation would not go anywhere. He said Senator Hanger introduced budget language that would create a state level study committee. Mr. Blount said the committee is dealing with some pressing issues, but that eventually Senator Hangar would like to look at state and local communities' service level responsibilities.

Mr. Randolph pointed out that many of these counties recently met in Culpeper to discuss proffers, and a loss of budget revenues was a source of concern.

Ms. McKeel commented that in her travels outside of Virginia, she has noticed that communities are able to raise more revenues from taxing authority, and these are not causing the loss of jobs or businesses.

Mr. Kamptner next reviewed a proposal to enable localities to impose impact fees on new development. He said a potential consequence could be the end of proffers. He stated that they had recently observed the shutdown of residential rezonings as some localities were not accepting proffers, and this has also occurred in Albemarle.

Ms. Mallek said the more successful localities have the ability to have transit districts, which allow for proffers.

Mr. Kamptner said they will return before the Board in November.

Agenda Item No. 3. FY 17 Annual Grant Report.

The Executive Summary forwarded to the Board states that pursuant to the County's Grant Policy and associated procedures, staff provides monthly reports to the Board on the County's application for and use of grants. Beginning in FY 15, staff has also provided an overview highlighting the County's annual grant obtainment efforts.

The presentation will provide highlights of grants that received in FY 17, including a financial summary.

The County's grant obtainment efforts provide additional resources to achieve County priorities.

This presentation is for information only.

Ms. Lori Allshouse, Director of the Office of Management and Budget, and Ms. Holly Bittle, Budget and Special Program Analyst, presented.

Ms. Allshouse introduced Ms. Bittle, who she said works in the Fire/Rescue Department, but is temporarily assisting while Ms. Kristy Shifflett works on the strategic plan. She praised Ms. Bittle for her work including the putting together of the annual grant report.

Ms. Bittle provided a presentation outline consisting of FY17 Overview, FY17 Comparison to Prior Years, Future Directions, and Questions/Suggestions. She reviewed FY17 Highlights including \$4.1 million in grant funded projects consisting of \$3.3 million in grant awards and \$.75 million of County matching funds. She presented a pie chart of grant projects spending categories, with Community Development and Housing representing the largest category. She said this category includes the Alberene development and the ACE Program. Another category was Environmental Services, which includes the Hollymead Dam Spillway, consisting of an \$85.2 thousand award from Virginia Department of Conservation and Recreation and a County matching contribution of the same amount. Under the category of Public Safety, two projects include Policing in the 21st Century, which received an \$18,000 award from Department of Criminal Justice Services to increase community engagement and to increase the recruitment of minority officers as well as women; and the Victim Witness Program, which was awarded \$131,692, also from DCJS. She emphasized that the County contributes to the witness program at approximately \$38,000 per year, although the grant did not require this.

Mr. Randolph asked how the award for the Victim Witness Program is spent. Ms. Bittle responded that it funds two full-time positions.

The next public safety grant reviewed by Ms. Bittle was a \$401,823 grant for assistance with recruitment and retention of volunteer firefighters and EMS personnel. She said the grant award would be spent over several years through 2020. Under the category of Community Development/Housing she reviewed two projects: the Alberene Housing Rehabilitation partnership with AHIP and Southwood Planning Grant. She said the Alberene project was for \$855,000 from the Virginia Department of Housing and Community Development, does not require a County match, and would be used to rehabilitate 29 homes. She said the Southwood award was \$10,000 and did not require County matching. Under the category of Information Technology, she reviewed the Virginia Telecommunications Initiative with CenturyLink consisting of \$153,000, of which \$118,000 was awarded from Virginia Department of Housing and Community Development Community Development block grant, \$10,000 is a required County match, and \$24,600 is from CenturyLink. She said the award would be used to expand broadband in three communities: Emerald Ridge/Saddleback Drive, Tillman's and Old Green Mountain Road, and Yancey Mills.

Mr. Randolph asked if there would be an effort to facilitate additional funding to the \$10,000 Southwood grant this year. Ms. Bittle offered to consult with Mr. Ron White, Director of Housing, to obtain this information. Mr. Walker responded that typically these programs value the results of a planning grant as a prelude to an application for a CDBG.

Mr. Randolph asked if there is a prospect for additional funding of the victim witness program to assist with underwriting the creation of two additional police officer positions in the future. Ms. Bittle replied that they have received the grant for three consecutive years, and she offered to check with the grants manager.

Ms. Bittle next compared FY17 grant awards to other years and used the ratio of required County matching to the amount awarded as a measuring standard. She said that in FY17, the ratio was \$4.41 grant awards to \$1 of required County match, while in 2015 the ratio was \$3.06 and in 2016 it was \$2.36.

The next slide showed grant awards and County contributions for FY15, FY16, and FY17. Ms. Bittle commented that the amounts had been fairly steady for the three years. The next slide listed the names of County staff contributors and organizations including grant writers and managers, support staff, and grant partners. She next reviewed key concepts for future direction of the grants program, which are to be strategic, strengthen tools and policies, and to consider partnerships. Ms. Bittle stated that they should start with a goal in mind when identifying grants, and they should educate departments on how to apply for and administer grants, update processes for improvements of efficiency, and update grant policy to support these efforts. She said they should seek to establish partnerships with other departments and private enterprises and nonprofits. She concluded and invited questions and feedback.

Mr. Dill said that he and Ms. Palmer had attended the Go Virginia program earlier that day at Piedmont Virginia Community College and learned that applications for matching grants for regional economic development will be accepted next month, to be awarded by December, which he feels is a rapid process. He asked if County grant making is separate from the economic development.

Ms. Lee Catlin, Assistant County Executive, replied to Mr. Dill's inquiry. She said the program is rolling out very rapidly and she does not believe they have all the criteria in place to help them understand how that money is going to go forward. She said that since the grants are supposed to be regional, they require that two or more jurisdictions be together and that Region 9 goals would be to establish the criteria and to look at combinations of jurisdictions to come forward with grants. She said the County and Economic Development have a pot of matching grant money, which could be matched if they partner with another jurisdiction.

Mr. Dill expressed surprise at the modest amounts of funds requested in the grants. Ms. Catlin replied that a fair amount of work must be done to make it feel like it would benefit more than one jurisdiction, so people are looking at workforce and other things that are not geographically focused but will benefit multiple jurisdictions. She added that Helen Cauthen and the Central Virginia Partnership for Economic Development have been working closely to get some momentum behind that, and the Board should be hearing soon about what these may be.

Ms. Palmer asked if training would be one of the items and speculated that Yancey School could potentially serve as a workforce training center for Nelson, Buckingham, and Fluvanna counties. Ms. Catlin replied that training had been part of the conversation as it could benefit many jurisdictions.

Mr. Dill added that they are looking for programs that will train for higher-than-average income jobs.

Ms. Catlin said that PVCC President, Mr. Frank Friedman, has been very involved in the discussions.

Ms. Mallek stated that her dream for future years is they attract private businesses to participate and contribute matching funds.

Mr. Randolph offered kudos to Kristy Shifflett and Lieutenant Terry Walls for their successful grant writing.

Agenda Item No. 4. Website Presentation.

The Executive Summary forwarded to the Board states that Albemarle County is in the process of restructuring our web presence, going away from a website that only posts information to be read, moving towards a website that is:

- Responsive - performs well for all visitors on all devices
- Personalized - connects users quickly and intuitively to what they need
- Transparent - financial and performance data are readily available and easy to understand
- Data-driven - site development is driven in large part by user behavior
- Engaged - offers a variety of ways to connect with citizens as well as proof that we're listening
- Evolving - able to adapt as trends, technology, and user behaviors change

On June 7, 2017, the Board of Supervisors received an initial overview on this project as part of the transformational initiatives presentation. At this time, staff would like to share with the Board feedback received so far, and to hear their thoughts regarding features or improvements they would like to see.

Major milestones to date:

- October 2016: Project kick-off
- November 2016: Website survey launches
- January 2017: Departments conduct comprehensive audit and inventory
- March 2017: Civica selected as vendor
- May 2017: Departments convene teams to make recommendations on the structure and needs to improve customer experience

As part of this process, staff has solicited feedback from a variety of sources including:

- an external survey to gather input on the usefulness of our existing website;
- existing website editors to provide thoughts and ideas about the current website and how it might be improved;
- a staff work group to work collaboratively to help determine the best approach to engage customers in a meaningful way; and
- employees at large for general feedback and ideas.

The feedback received will inform decisions for the new website's navigation and content structure. At the meeting, staff will provide the Board a summary of the feedback received so far, and solicit feedback on the following questions:

- What do you think people are looking to accomplish online with regard to a local government website?
- What barriers have you encountered that prevent us from living up to our customers' expectations?
- How might we engage the most citizens with a new website?

No budget impact.

Staff recommends that the Board provide feedback regarding website restructuring.

Ms. Jody Saunders, Communications Coordinator, presented. She introduced Mr. Bryan Betts, Manager of Applications Software and Digital Records, as a co-presenter.

Mr. Betts listed six project goals to be 1) data-driven, 2) responsive, 3) engaged, 4) evolving, 5) transparent, and 6) personalized. He said that by data-driven he means the website development should be driven by user behavior. He said that by responsive he means it would perform well on all devices including phone, tablet, and laptop. Mr. Betts stated that by engaged he means it should offer a variety of ways to connect and provide proof they are listening as a community and provide two-way communication. He said that by evolving he means it would adapt to trends in technology and user requirements. He said that transparency means having financial and performance data readily available and easy to understand. He said a personalized website would provide tools to allow the user to easily navigate and cultivate a positive user experience. He emphasized that redesigning the website involves a tremendous amount of re-engineering and would involve staff in a creative thought process in order to exceed customer expectations.

Ms. Saunders provided a project timeline with Phase 1 involving research and discovery. She said they began the project in October 2016 and signed a contract with a vendor, Civica, in April 2017. She said they are now in Phase 2, which involves development and delivery. She said the vendor's in-house design team is working to help define and establish the new website look, feel, and layout. She said feedback from the Board today will be used to design the site. She said Civica has a great proposal, is competitively priced, and specializes in local governments. She said that after the design phase, content will be developed and migrated with a goal to have a new website in December. She reviewed Phase 3, which involves continuous improvement through an on-going process of listening, gathering feedback, and making improvements and revisions. Ms. Saunders noted that the timeline is fluid as they want to have a quality website and will not sacrifice this goal in the interest of making a deadline.

Ms. Saunders reviewed sources of feedback, which included a pop-up survey on the website that had 521 respondents. Additional sources of feedback she reviewed were local government staff, current website analytics, and external stakeholders. She said that engagement with external stakeholders is difficult, and they are still working on this aspect.

Mr. Betts reviewed who the respondents to the website survey were, as well as some of their comments. He said the majority of respondents self-identified as County or local residents, with other categories being business professionals, County employees, and prospective new residents and employees. Mr. Betts stated that they asked respondents what brought them to the site, with responses including obtaining of GIS and real estate data, forms, applications, licenses, and permits. He said that the largest category of response was to provide feedback, get engaged, to learn about County resources, capital projects and current events. He next reviewed the frequency of visitors to the website and found that many people access the site daily or weekly. He stated he would review themes they had discovered from user comments: one finding was that users felt too many clicks were required to access information, with an overwhelming number of lists and menus, with suggestions to organize menus by how-to-do something rather than by department or division; it was suggested that a prominent search bar be added.

Mr. Betts said another theme involves visual appeal, and they had received comments indicating the home page contains too much information, with a preference expressed for a less busy and more intuitive design, as well as the use of photography and icons instead of text. Another theme he reviewed involved ease of use, with a common feedback element being that the site works poorly on mobile devices. He said they did receive positive feedback regarding the ease of paying taxes, and they received feedback asking for more organizational information regarding services provided by different departments.

Mr. Randolph asked if County announcements that are made on the website are also made on the Facebook page. Ms. Saunders replied that they are.

Mr. Randolph said it has been his experience that some people are not obtaining the information they need from the website, which includes information from Board meetings. He suggested that any information, including pictures, automatically transfer to other social media, which could then lead users to access the County website to follow up. Ms. Saunders agreed with his suggestion.

Mr. Betts continued with the next theme involving the value of content. He said feedback received was that the site contains a lot of information, but it could be simplified and have more plain language. Additional feedback was that information should be short, sweet, and relevant, and that department websites should have clearer information about the services they provide. He said they also received comments that content was repeated in multiple areas and organized illogically.

Ms. Saunders summarized their findings for the Board. She said they would look to simplify navigation with sections such as, "I Want To" or "How Do I," versus making people figure out departmental structures. She said they would look to add a search bar; create a simplified, clean, home page design, with the use of white space for the eye to rest and to bring important content into focus. Ms. Saunders stated that they would look to create icons as visual cues, photography, mobile phone ease of use, prominent display of headlines and news releases. She said they would also include a calendar of events; rewrite some sections and use plain language; highlight departmental services instead of mission and vision; and incorporate essential security systems to protect the site, data, and infrastructure. She emphasized they would be mindful of the difference between making information available versus accessible.

Ms. Palmer said she hears from parents of children with disabilities that they have trouble figuring out the different services and would like this information to be in one place and include links to agencies.

Ms. Palmer said a second suggestion was to keep departmental pages consistent, and a third suggestion was to have a page or link that indicates change is coming when the Board has acted to make a change.

Mr. Dill noted the potential complexity of a search bar and asked if there would have to be a decision made by the Board as to how much to dedicate to one depending on its complexity.

Ms. Saunders replied that the website contains a lot of data that had not been cleaned up and they would not migrate this information to the new site, which she said would be clean, fresh, and easy to navigate. She said this alone should help people connect better with the search function.

Ms. McKeel pointed out that when conducting a search on the site, a lot of extraneous information appears that has nothing to do with the County website.

Ms. Mallek said it would pull up committee meetings from 1988 at the top of the page, and there must be capabilities they could add to have a better search function. She added that side bars on both sides of the site leave a minimal portion of the screen available, resulting in text that is very small. She suggested they not try to use one system to do everything and may have to use different systems for mobile and tablet use.

Mr. Randolph praised the current website for its transparency and the ability to obtain contact information about County officials. He asked that they conduct a beta test and allow the Board and County employees to use the site for a week or two to get the bugs out. He said they are on the right path, and he is delighted with the work they have done.

Mr. Dill pointed out that readily available contact information on the site could lead users to expect prompt responses, and he is concerned that expectations might be too high, resulting in disappointment with government response.

Mr. Betts replied that Mr. Dill has a good point. He said they have a tremendous amount of behind-the-scenes work in individual departments to ensure they can respond to users for things such as payment of taxes, dog licenses, etc. He said they had been going from department to department to gain an understanding of the business processes, capacities, and what changes need to be made to support this.

Ms. Saunders said one of the outcomes they hope to achieve from the website redesign is that users will be able to self-serve more frequently and not have to call the County for assistance.

Mr. Walker said it can be difficult to limit unintended consequences and they will do whatever they can to anticipate and minimize these. He said beta testing is a good thing.

Ms. Saunders said the next step is to review the feedback with individual departments, share the proposed navigational framework, obtain feedback, and share this information with the vendor. She stated that the vendor would then begin to migrate content, then they would begin training and beta testing. She noted that after launch, they will continue to obtain feedback and make changes as necessary.

Ms. McKeel stated the school division's website is crisp, clear, and easy to use and noted that the recent redesign was created by high school students at a very reasonable cost. She said it would be interesting to have young people test the website to receive a different viewpoint.

Ms. Saunders said this is a very good idea.

Mr. Dill asked if they would have an on-going relationship with Civica for upgrades. Ms. Saunders responded that there is a fee for annual maintenance and the vendor would take care of upgrades and updates as needed. She said daily updates would be performed by County staff.

Agenda Item No. 5. Closed Meeting.

At 5:05 p.m., Mr. Randolph **moved** that the Board go into a 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 reappointment; under Subsection (8), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice about: 1) a response to a Freedom of Information Act request pertaining to the Unite the Right rally and related events the same weekend; and 2) historical assets on County-owned property within the County; and Under Subsection (29), to discuss the terms and scope of a possible public contract involving the expenditure of public funds pertaining to the design and construction of a facility, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Board of Supervisors. Ms. Mallek **seconded** the motion.

Mr. Sheffield noted that as one of the actions during the Closed Meeting would be to appoint two members to the JAUNT Board of Directors, he is required to file a transactional disclosure statement with

the County Attorney indicating he will exit the meeting during consideration of, and voting for, these appointments. He said his personal interest in this public service corporation exceeds \$5,000, which is the reason for the required disclosure.

Roll was then called and the motion carried by the following recorded vote:

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

Agenda Item No. 6. Certify Closed Meeting.

At 6:15 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 Supervisor'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 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: Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Sheffield, Mr. Dill and Ms. Mallek.
NAYS: None.

Agenda Item No. 7. Boards and Commissions: Vacancies and Appointments.

Mr. Dill **moved** that the Board make the following appoints/reappointments:

- **reappoint** Ms. Cyndra Van Clief to the Jail Authority Board with said term to expire August 6, 2020.
- **appoint** Mr. Joseph Schinstock to the Local Board of Building Code Appeals/ Fire Prevention Code Appeals Board with said term to expire November 21, 2021.
- **appoint** Leslie Deane to the Monticello Area Community Action Agency (MACAA) with said term to expire October 31, 2018.
- **reappoint** Mr. John Lewis, Ms. Yolanda Speed, Ms. Cynthia Neff and Ms. Kimberly Swanson to the Places 29 (Hydraulic) Community Advisory Committee with said terms to expire August 5, 2019.
- **appoint** Mr. Steven Ward to the Places 29 (Hydraulic) Community Advisory Committee with said term to expire August 5, 2019.
- **reappoint** Mr. Benjamin Ledford and Ms. Heather Stokes to the Places 29 (North) Community Advisory Committee with said terms to expire August 5, 2019.
- **appoint** Mr. Scott Landman to the Places 29 (North) Community Advisory Committee with said term to expire August 5, 2019.
- **reappoint** Ms. Michelle Busby and Ms. Nancy Hunt to the Places 29 (Rio) Community Advisory Committee with said terms to expire September 30, 2019.
- **appoint** Mr. Craig Kotarski, Mr. Martin Meth, Mr. Tom Paoletti and Mr. Rick Seaman to the Places 29 (Rio) Community Advisory Committee with said terms to expire September 30, 2019.

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

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

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

- **reappoint** Mr. Juandiego Wade and Mr. William Wuensch to the JAUNT Board with said terms to expire September 30, 2020.

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

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

Agenda Item No. 8. Call Back to Order. At 6:20 p.m., Ms. McKeel called the regular night meeting back to order.

Ms. McKeel then introduced County staff and the presiding security officer, Officer Jay Morris.

Agenda Item No. 9. Pledge of Allegiance.
Agenda Item No. 10. Moment of Silence.

Agenda Item No. 11. Adoption of Final Agenda.

Ms. Mallek **moved** that the Board adopt the final agenda. The motion was **seconded** by Ms. Palmer.

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

NAYS: None.

Agenda Item No. 12. Brief Announcements by Board Members.

Mr. Sheffield said that he notified the Chair he would not attend the October 4 Board meeting due to a scheduling conflict.

Ms. Palmer announced that the first meeting of the Albemarle County Broadband Authority will be held on September 20, 2017 at 5 p.m. in the County Office Building. She said the Authority has been working with the state to try to get grants for project startups.

Ms. Mallek said the first Accessory Tourist Lodging Neighborhood meeting was held Monday at the Whitehall Community Center and was attended by 15 very engaged people. She said that Elaine Echols from staff presented and obtained feedback. She expressed hope that people would attend future meetings and help the project be successful.

Ms. Mallek reminded Board members that the Second Annual Rivanna River Conference will be held in the County Office Building on September 29, 2017, followed by paddling and a boat parade as well as music on September 30. She invited people to come out and enjoy the river.

Mr. Randolph said he had been invited by Nancy Hicks of Monticello Media to have dinner and speak with members of the Monticello Ruritan Club. He stated that there was very strong interest and frustration with the 4,200 acres of logging deforestation that has occurred in southern Albemarle on the property of a farmer. He said they understood why the County was not able to take legal action or environmental protection action as state law provides leeway in terms of logging. He said they also discussed storm water management and there was concern about this additional form of taxation. Mr. Randolph stated that they had also discussed memorials and expressed that they favor the status quo. He said they suggested a poll be conducted and feel they are in the majority, though he said there were people in various areas of the County that do not favor the status quo. He expressed support for the conducting of a poll as a way to gain another perspective on this topic, and expressed appreciation for their invitation and hospitality.

Ms. McKeel announced that CATEC is having a back-to-school community bash on Saturday, September 23 from 7:00 a.m. – 1 p.m., rain or shine, and will have an antique car show sponsored by Charlottesville-Piedmont Antique Auto Club of America. She said the Mighty Joshua Band will provide entertainment and the event will feature a bouncy house, face painting, popcorn, and snow cones.

Ms. McKeel announced the passing of Mr. Gordon Lee Wheeler last night at the age of 97. She said he was elected as the Rivanna District representative to the Board of Supervisors in 1967 and served as Chair for several years. She said that while reading the obituary, she found it interesting to learn that the Rivanna Water and Sewer Authority was initiated in 1972 and the Jefferson Board for Aging was initiated in 1975. She expressed interest in sending a sympathy card to his widow and will pass it around to Supervisors for their signatures. Ms. McKeel noted that about three years ago, they had held a reunion of former Supervisors and County Executives which Mr. Wheeler attended. She noted that he had been sharp, alert, and telling stories, and said she has fond memories of the reunion.

Ms. Mallek added that Mr. Wheeler and her two-time predecessor Walter Perkins were very strong conservationists, and Mr. Wheeler had worked to get easements put into the Keswick area for historic districts.

Ms. McKeel said they had received a call inquiring as to whether the County provides police escorts for funerals. She said that Police Chief Ron Lantz replied that they do as long as there is staffing, and sometimes he has to refuse them while other times he can accommodate them. She indicated that they had a police escort for Mr. Wheeler's funeral.

Mr. Randolph stated that it would be nice if the County could memorialize the Chairs of the Board and have a chronological listing engraved. Mr. Morris said they do have this available and it is located at the door.

Ms. Palmer announced that a public meeting to allow community input on Airbnb and transient lodging will be held at Red Hill Elementary School the following night at 6 p.m.

Ms. McKeel introduced “Robug,” the robot constructed by students in the robotics class of Ms. Pearl Early at Burley Middle School. She added that the students are participants in the National Society for Black Engineers and worked with The University of Virginia School of Engineering.

Agenda Item No. 13. Proclamations and Recognitions.

There were none.

Agenda Item No. 14. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Mr. Oliver Daniel, resident of the Baha’i community in Albemarle County, addressed the Board. He announced that Baha’i communities worldwide, including the Albemarle community, will celebrate the 200th birthday of Baha’u’llah, the prophet founder of their faith. He said the prophet’s teaching includes the oneness of all humanity, regardless of nationality, ethnicity, or other man made distinctions. He said that after the events of August 12, they are all seeking unity more than ever, and he invited Supervisors to attend the Light of Unity Festival, October 22 at 3:00 p.m. at Piedmont Virginia Community College Dickinson Theater, in observance of the bicentenary of the Baha’u’llah’s birth. He presented Supervisors with a copy of “The Vision for Race Unity,” which he defined as America’s most challenging issue.

Ms. Cecilia Zhang, member of the Still Meadow Homeowners Association, addressed the Board. She said she had heard the County may construct a Preddy Stream bridge over the creek in their community as part of the riverside greenway. She said their meadow is not connected to the other part of the Rivanna Trail as the trail’s entrance is at the other side of the creek. She said she likes to use the trail, but this trail would go away from the river. Ms. Zhang expressed interest in knowing the County’s long-term plan for building the trail, stating that she hopes the County can reach an agreement with the Dunlora neighborhood to have the trail run along the river to Pen Park. She expressed the concern of some residents that there would be potential misuse of parking, as well as safety issues.

Ms. McKeel asked Ms. Zhang to leave her name and contact information with the Clerk so they can respond to her questions.

Agenda Item No. 15. Consent Agenda.

Mr. Randolph **moved** that the Board approve the consent agenda. Mr. Dill **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

(Discussion: Ms. Mallek reminded Board members that several years ago the Board authorized \$1M in the CIP for adaptive signals and posed the question to Mr. Walker as to where this money went, as it was not used for adaptive signals.)

Item No. 15.1. Approval of Minutes: April 12, April 18, May 3, June 7, June 14, June 19, July 18, August 4, and August 16, 2017.

Ms. Palmer had read her assigned minutes of April 12, May 3, pages 1-20 (end Item #8.9), and August 4, 2017, and found them to be in order.

Ms. McKeel had read her assigned minutes of April 18, June 19, July 18, and August 16, 2017, and found them to be in order.

Mr. Dill had read the minutes of June 7, 2017, and found them to be in order.

Ms. Mallek had read the minutes of June 14, 2017, and found them to be in order.

By the above-recorded vote, the Board approved the minutes as read.

Item No. 15.2. Piedmont Council of the Arts Closure and Redirection of County FY 18 Contribution.

The Executive Summary forwarded to the Board states that the County’s FY 18 Budget included a \$5,000 contribution to the Piedmont Council for the Arts (PCA). The County paid the contribution to PCA on July 14, 2017.

On August 17, 2017, the PCA’s board of directors announced that, after months of discussions with stakeholders and others, the best way for it to serve the community was to close its doors. PCA’s press release stated it was appreciative of those who have provided contributions to the organization over

the years including the County of Albemarle.

On August 30, 2017, the President of the PCA’s board of directors stated PCA would be returning the County’s \$5,000 contribution to the County.

Staff recommends that the Board redirect the returned contribution to the Rivanna Conservation Alliance in support of an inaugural river-focused arts event entitled “FLOW.” This event, along with other future activities, will increase residents’ access to and appreciation of the Rivanna River throughout the urban ring. The FLOW event will be held on September 30 in conjunction with the annual Rivanna River Renaissance Conference, and as part of a larger event supported by both the City and the County’s Parks and Recreation Departments called “Rockn’ the Rivanna River Festival.” This collaborative event, which includes a 5K run and other activities, is also supported by Chroma Projects and other private sponsors.

FLOW is a river-centric arts festival that will engage the community along the banks of the Rivanna River starting at Darden Towe Park. Throughout the event, visual and performing artists will use the river as both their inspiration and their canvas to inspire festival attendees to connect with the river in unique ways.

The festival, as envisioned, will include interactive, environmentally inspired sculpture activities, underwater photography, and dance and music performers along the banks of the river. The funding would be used to support the arts event and would help fund related expenses such as advertising and artist gratuities. Staff anticipates that County support for this event will enhance the community’s appreciation for and use of the river and will serve as a catalyst for future events.

If the Board approves the redirection of the returned contribution to the Rivanna Conservation Alliance, there would be no impact to the FY 18 total County Budget.

Staff recommends that the Board of Supervisors redirect the returned \$5,000 contribution to the Rivanna Conservation Alliance by approving the appropriation in Attachment A and the Resolution in Attachment B.

By the above-recorded vote, the Board adopted the following resolution to approve redirecting the returned \$5,000 contribution to the Rivanna Conservation Alliance:

**RESOLUTION TO APPROVE
ADDITIONAL FY 18 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriation #2018033 is approved; and
- 2) That the appropriation referenced in Paragraph #1, above is subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2018.

**COUNTY OF ALBEMARLE
APPROPRIATION SUMMARY**

APP#	ACCOUNT	AMOUNT	DESCRIPTION
2018033	4-1000-89000-489000-560414-1008	5,000.000	Contribution to Rivanna Conservation Alliance for FLOW Arts Festival
2018033	4-1000-79000-479000-560410-1007	-5,000.000	Contribution to Pied.Council of the Arts
TOTAL		0.000	

Item No. 15.3. Donation of Unmanned Aerial Device.

The Executive Summary forwarded to the Board states that Albemarle County Fire Rescue (ACFR) began researching the viability of the establishment of an Unmanned Aerial Systems (UAS) Program last fiscal year. During this process, Crutchfield learned of our research through conversations with Virginia Department of Emergency Management (VDEM) and the UAS Education program at Piedmont Virginia Community College (PVCC). Crutchfield expressed a desire to donate a UAS to ACFR. The donation will include the UAS and a flight-training simulator. The total value of the donation is estimated to be one thousand five hundred thirty-nine dollars (\$1,539).

A growing number of fire rescue organizations are establishing UAS programs to overcome specific challenges with providing fire rescue services. Challenges include limitations on initial response staffing, scenes requiring rapid assessment of a widespread area, disaster assessments, and safety and efficiency of personnel and the public.

Listed below are some specific areas where a UAS program provides benefits to the organization:

- Structural Firefighting
 - Rapid 360 degree scene survey
 - Imagery in large structures such as industrial buildings and malls

- Rapid roof assessment
 - Record incidents for investigation, documents and training
 - Pre-planning and training events
- Wildland Firefighting
 - Assessment of smoke sightings
 - Assess fire movement
 - Triage of scene
 - Track crews and progress
 - Record incidents for investigation, documents, and training
- Rescue
 - Rapid survey of search area, despite the terrain, to focus resources - for example, searching a section of the Rivanna River for a missing Kayaker. Once found, quickly deploying all resources directly to that spot.
 - Survey with video/thermal imagery use without placing personnel in danger
 - Motor vehicle collision - assessment in difficult terrain or over a large area.
- Hazardous Materials
 - Scene size up without endangering personnel
 - Atmospheric monitoring safely, rapidly and with one person
 - Monitor “hot-zone” activity
 - Document scene
- Disaster Response
 - Rapid damage assessments
 - Assess dams, levees, flood walls and other mitigation efforts
 - Rapid notification of people
 - Evaluate roads and evacuation routes
 - Document response, damage and effects of disaster for FEMA

Based on an analysis of historical emergency response data over the past year, staff conservatively estimates that a UAS would have proven useful about 150 times. Recent examples where a UAS would have provided value include the Walnut Creek brush fire, several rescues on Preddy Creek Trail and the Rivanna River, several hazmat incidents (overturned tanker/cargo trucks), and several missing person searches.

Staff is developing an operating policy for the use of the unmanned aerial system (UAS) and will ensure that the policy complies with federal and state codes, regulations and rules. Before the drone may be used, the County will be required to register the drone with the Federal Aviation Administration and obtain a Certificate of Authorization from that agency. Use of the drone will also comply with Virginia Code §19.2-601, which restricts the use of drones for criminal law enforcement or regulatory violations. Special attention will be given to ensure compliance with individual privacy rights.

PVCC offers a UAS training program that meets FAA requirements to operate a UAS in the public safety realm. To adequately provide support for the ACFR UAS program, staff identified the need to train (6) UAS pilots at a total cost of four thousand five hundred six dollars (\$4,506). Funding to support staff training can be covered in ACFR’s current operating budget.

Annual operating costs include repair and maintenance of the UAS and associated equipment (replacement rotors and batteries) and are estimated to be one thousand dollars (\$1,000). These costs can be covered within ACFR’s current repair and maintenance budget.

The estimated life expectancy of the UAS is five (5) to seven (7) years and replacement costs are estimated to be one thousand six hundred dollars (\$1,600). The replacement will be planned and budgeted within ACFR’s small capital items replacement plan and operating budget.

Staff recommends that the Board adopt the attached Resolution (Attachment A) to accept the donation of the Unmanned Aerial System (UAS) and associated equipment from Crutchfield.

By the above-recorded vote, the Board adopted the following Resolution to accept the donation of the Unmanned Aerial System (UAS) and associated equipment from Crutchfield:

**RESOLUTION TO AUTHORIZE
ACCEPTANCE OF PROPERTY**

WHEREAS, Crutchfield is offering to donate a Yuneec Typhoon H Hexicopter unmanned aircraft system (“UAS”), as well as associated accessories, to the County of Albemarle for use by the Albemarle County Fire Rescue Department; and

WHEREAS, Virginia Code § 15.2-951 authorizes counties to accept gifts of personal property.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby authorizes the County’s acceptance of Crutchfield’s donation of the Yuneec Typhoon H Hexicopter unmanned aircraft system and its accessories for use by the Albemarle County Fire Rescue Department.

Item No. 15.4. Special Exception: UVA Squash at Boar’s Head.

The Executive Summary forwarded to the Board states that the University of Virginia Foundation

(UVAF) has submitted SDP201700028, which is a Major Amendment to approved Site Development Plans for "Boar's Head Inn & Sports Club Expansion." The current proposal is to expand the existing McArthur Squash Center at Boar's Head Sports Club through the construction of an approximately 10,000 SF addition, approximately 50 additional parking spaces, and associated infrastructure. Because construction of the parking lot expansion (as shown on the attached proposed plans dated July 10, 2017; see Attachment A) would involve land disturbance and grading within 20 (twenty) feet of the abutting residential district, this proposed project requires a special exception.

More specifically, because the adjoining Tax Map Parcel 75-63 (which is the Birdwood property, which is also owned by UVAF) is zoned Residential R-1, any construction activity, grading, or clearing of vegetation within twenty (20) feet of the R-1 district boundary is not permissible unless a special exception is requested from, and approved by, the Albemarle County Board of Supervisors in accordance with the provisions and requirements of Albemarle County Code § 18-21.7(c).

With regards to the findings contained in the Summary of Staff Analysis (Attachment B), inclusive of the criteria to be considered pursuant to Albemarle County Code §18-21.7(c) (i), (ii), and (iii), staff recommends approval of this request for a special exception with conditions.

Specifically, staff recommends that the Board adopt the attached Resolution (Attachment C) to approve the special exception to waive the buffer zone requirements as depicted on the attached proposed Grading Plan (dated July 10, 2017 and identified as "Page 5 of 7"), and as described in the attached staff analysis, subject to the conditions attached thereto.

By the above-recorded vote, the Board adopted the following Resolution to approve the special exception to waive the buffer zone requirements as depicted on the proposed Grading Plan (dated July 10, 2017 and identified as "Page 5 of 7"), and as described in the staff analysis, subject to the conditions attached thereto:

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR SDP201700028: UVA SQUASH FACILITY – MAJOR AMENDMENT**

WHEREAS, the Owner of Tax Map Parcel Number 059D2-01-00-01500 (the "Property") filed a request for a special exception in conjunction with SDP201700028: UVA Squash Facility – Major Amendment to waive the buffer zone requirement to allow land disturbance and grading.

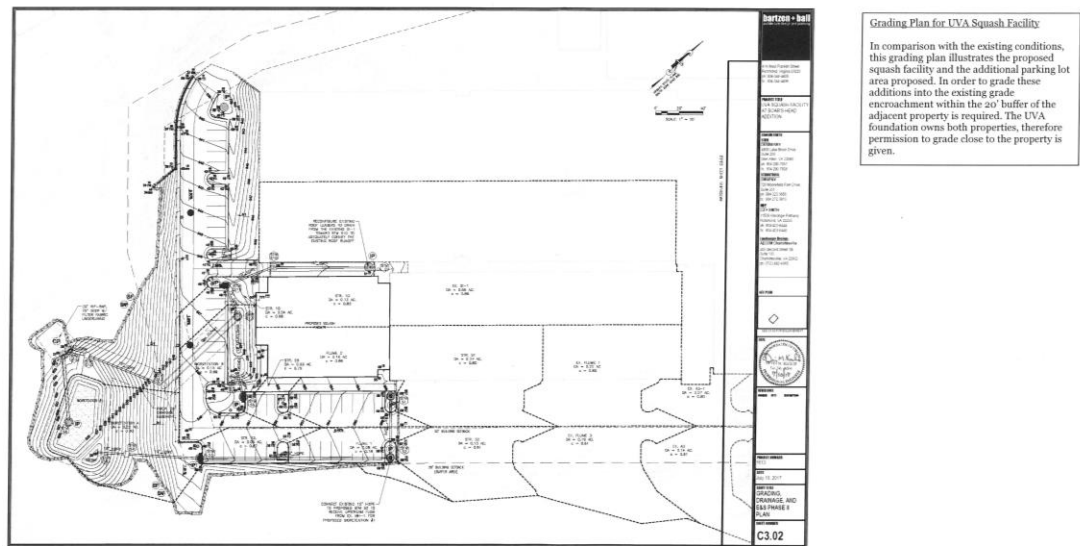
NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the Memorandum prepared in conjunction with the special exception request and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-21.7, 18-33.5, and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to waive the buffer zone requirement for the development of the Property, subject to the condition(s) attached hereto.

* * *

**SDP201700028: UVA Squash Facility – Major Amendment
Special Exception Condition(s)**

1. The proposed land disturbance within the required twenty (20) foot buffer zone along the abutting residential district shall be for the general purpose of the expansion of the Boar's Head Sports Club / McArthur Squash Center, and for the specific purposes of grading and landscape implementation as shown on pages 5 and 6 of the plan entitled "UVA Squash Facility at Boar's Head Addition" prepared by Dewberry Engineers dated July 10, 2017.
2. Grading and construction of proposed improvements is subject to approval of SDP201700028 and all other applicable plan approval(s) and/or permit(s).

Tim Padalino
UVA Squash Facility
SDP2017000248
July 10, 2017
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Dewberry

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Item No. 15.5. VDOT Monthly Report (September), **was received for information.**

Agenda Item No. 15a. B.F. Yancey Transition Team Letter Presentation.

Ms. Peggy Scott, resident of Esmont and member of the transition team, presented. She listed additional individuals that serve on the team, including Mr. Bernard Hairston, Mr. Tim O'Shea, and Ms. Emily Kilroy. She said it was the understanding of the transition committee that as of October, the School Board would transfer ownership of the school. On behalf of the team, she asked the Board to transfer management of the school so that existing community educational programs and social services could be moved into the building. She said the programs include after-school tutoring, Little Learners Pre-School, Boy Scouts and Girl Scouts, as well as other children's activities. Additional programs she listed were ESOL, GED, literacy classes, PVCC classes, Senior Center intergenerational learning, polling place, Region 10, programs for the disabled, social services to aid families with children, Health Department clinics, JABA, and satellite police services. She requested that the new management be structured quickly so citizens and the transition committee could have access to how certain things would occur. She also requested that they provide initial funding for staffing of the community-based structure. In addition to existing and suggested additional programs to be offered at the school she requested the addition of a satellite library, food kitchen, school memorial and exhibit, new business incubation center, and a location for annual Esmont Day events. She said their ultimate objective was to reopen the building as an elementary school if there was enough growth in the area. She concluded and invited questions.

Ms. McKeel recognized the attendance at tonight's meeting of Samuel Miller School Board representative Mr. Graham Paige, as well as Mr. Bernard Hairston, and welcomed them.

Ms. Palmer said she has attended the transition committee meetings and there was a lot of great ideas and enthusiasm. She said she looks forward to next month's Board discussion about the school.

Agenda Item No. 16. **Public Hearing: Alternative Use of Belvedere Greenway Proffer Funds.**

To receive comments on a resolution to authorize alternative uses of cash proffer funds received from ZMA 2004-07 Belvedere Proffers 3.2 Greenway and 3.3 Greenway Bridge. Pursuant to Virginia Code §15.2-2303.2 a locality may utilize any cash payments proffered for capital improvements for alternative improvements of the same category within the locality in the vicinity of the improvements for which the cash payments were originally made. Cash Payments from Proffer 3.2 are to be used towards construction of a greenway trail within the Belvedere greenway property (a portion of Tax Map Parcel (TMP) 062A3-00-00-00100, and a portion of TMP 06200-00-00-002C0) to be dedicated to Albemarle County. Cash payments received from Proffer 3.3 are to be used towards "construction of a pedestrian bridge linking the Rivanna River Greenway in Dunlora (TMP 062F0-00-00-000A3) to River Run (TMP 062D1-00-00-001A0)." An alternative use of funds for greenway construction is proposed on a property (TMP 046C0-00-00-000A1) owned by the Albemarle County because the Belvedere greenway dedication to the County has not yet occurred. An alternative use of greenway bridge funds is proposed to be used on the same property (TMP 046C0-00-00-000A1) because the County has not yet received the easements or dedication from the owner of (TMP 062F0-00-00-000A3) in order to construct the bridge at the location proposed in Proffer 3.3. (Advertised in the Daily Progress on August 28 and September 4, 2017.)

The Executive Summary forwarded to the Board states that Belvedere was rezoned on October

22, 2005 (ZMA2004-07) with proffers that included both a greenway land dedication and cash proffers for greenway improvements. (Attachment A-Proffers) Cash payments totaling \$20,000 were received by the County on November 4, 2015 pursuant to Proffers 3.2 and 3.3. According to the proffers, funds received must be used within two years from the date they were received or shall be returned to the owner. Staff requested the greenway land dedication in January 2015, but it has not yet been dedicated to the County. (Attachment A-Belvedere Proffers)

Pursuant to Virginia Code §15.2-2303.2 <<http://law.lis.virginia.gov/vacode/title15.2/chapter22/section15.2-2303.2/>>, a locality may utilize any cash payments proffered for capital improvements for alternative improvements of the same category within the locality in the vicinity of the improvements for which the cash payments were originally made after conducting an advertised public hearing on the proposal. The governing body of the locality prior to the use of such cash payments for alternative improvements shall find: (a) the improvements for which the cash payments were proffered cannot occur in a timely manner or the functional purpose for which the cash payment was made no longer exists; (b) the alternative improvements are within the vicinity of the proposed improvements for which the cash payments were proffered; and (c) the alternative improvements are in the public interest. Please see Attachment B for staff's analysis of these required findings.

Cash payments from Proffer 3.2 (Greenway) were intended to be used for construction of a greenway trail within the Belvedere greenway property (a portion of Tax Map Parcel (TMP) 062A3-00-00-00100 and a portion of TMP 06200-00-00-002C0) to be dedicated to Albemarle County. Cash payments received from Proffer 3.3 were to be used towards "construction of a pedestrian bridge off-site linking the Rivanna River Greenway in Dunlora.

Staff proposes that the proffer funds be redirected from the project areas that are not yet ready for greenway development and instead be used on County-owned property behind Still Meadows (TMP 046C0-00-00-000A1) that abuts the future Belvedere greenway parcel. An alternative use of greenway bridge funds is proposed to be used on the property owned by the County because the County has not yet received the easements or dedication from the owner of TMP 062F0-00-00-000A3 in order to construct the bridge at the location proposed in Proffer 3.3.

Upon approval of this request, a subsequent request will be submitted to the Board in October to appropriate the funds received from Belvedere and The Lofts at Meadowcreek proffers to complete the greenway and bridge construction on TMP 046C0-00-00-000A1 behind Still Meadows as described in staffs proposal.

Staff recommends that the Board adopt the attached Resolution to authorize the proposed alternative use of these funds (Attachment D).

Ms. Rebecca Ragsdale, Senior Permit Planner, presented. She said she tracks proffers and makes sure that proffer funds are used appropriately. Ms. Ragsdale announced that Mr. Dan Mahon of County Parks and Recreation is in the audience to respond to greenway questions. She said that Belvedere had been rezoned in 2005 with proffers, of which three were related to the greenway. She presented a slide listing the three proffers under ZMA 2004-2007 as follows: Proffer 3.2: Dedication of no less than 100' of land to accommodate a 10 feet wide pedestrian trail along the Rivanna River. The final location of this dedication must be mutually agreed upon by the Owner and the County; Proffer 3.2: \$10,000 cash payment to be used by the County towards trail construction; and Proffer 3.3: \$10,000 cash payment to be used towards the cost of a pedestrian bridge.

Ms. Ragsdale next presented a slide with a timeline of events from October 2005 – November 2017 relating to the proffers. She said that a preservation easement was placed on the property as part of a Department of Environmental Quality Army Corps of Engineers permit associated with the property and there had been some complications along the way. She said that in relation to that, they have been working with the applicant and asking him to submit things in a timely way. She said they are now at a point where they do not have the greenway land dedication, and a new Belvedere representative is working diligently to complete the items associated with the plat and deed the County would need to approve, as well as some associated violations, so that it is clear for the County to accept. She said they do not believe this will happen by the deadline and had specified in the proffers they would use the funds within two years of receipt of the cash payments. She said the state code allows them to choose an alternate plan.

Ms. Ragsdale presented a map of the area showing where the pedestrian bridge was originally intended to be constructed at Dunlora and River Run. She said the County owns the River Run piece on one side of the bridge, but do not have an easement or dedication for the Dunlora side, nor for the area between Dunlora and Belvedere, which has led to the proposed alternative use of the bridge funds. She showed the new proposed location, which was land dedicated to the County by Still Meadows Association through proffers they made in 1997 when it was originally rezoned. She said they would have 12 acres from the Still Meadows parcel plus 30 acres of contiguous linear park once they have the Belvedere greenway dedication.

Ms. Ragsdale presented a slide showing the plat of the Still Meadow dedicated land, noting that staff plans to keep the Still Meadow HOA updated as to what they plan to do with the funds. She next showed a map of the greenway plan within the Comprehensive Plan with color coded sections depicting areas of full public access and neighborhood access. She said the packet presented to Supervisors contains more detail and background and emphasized that the alternative improvements would be within

the vicinity of where they were originally proffered and within the same category. She indicated that provided the Board approves the recommendation, they will come back in October with an appropriation. She said they have proffer funds from other developments they could use towards the greenway which would be necessary to fund surveying and engineering of the bridges. She said they would also propose to set aside \$10,000 from proffers towards construction of the Belvedere Greenway once they have the dedication. She said staff recommends that the Board adopt the attached resolution to authorize the proposed alternative use of funds in Attachment D.

Mr. Dan Mahon, County Greenway Park Planner, addressed the Board. He said that staff carefully looked to save these funds from being lost and for the most strategic way to use them. He said the location of the bridge is consistent with and compliments the North Trail, and once the Belvedere trail is complete there would be neighborhood access to the river, incorporating another section of river. He said the Comprehensive Plan shows connectivity across Route 29, which may take a long time, and this will provide a nice section of riverfront access in a beautiful area. He stated that a second benefit of the bridge would be to take pressure off the neighborhood of having only one point of entry into this area and spreads it out.

Mr. Randolph asked for an estimate of the total cost to get the assured crossing. Ms. Ragsdale replied they have \$20,000 from Belvedere, \$52,000 from other proffers, and \$10,000 from the greenway program for a total of \$82,000 in the appropriation to come before the Board in October.

Ms. McKeel opened the public hearing.

Mr. Jeff Werner of the Piedmont Environmental Council addressed the Board. He expressed disappointment that the County was not able to secure the greenway dedication for the original purpose of the proffer. Mr. Werner said that the PEC is glad staff has recommended a way to shift funds to a nearby component of the overall greenway system. He said that when the original proffer was negotiated, the River Run Bridge and that segment of Belvedere Greenway were identified as community needs as they would facilitate a bicycle/pedestrian connection to Pen Park. He urged that the County vocalize to the community a commitment to honor the original proffer by committing to the funding and resources necessary to coordinate, engineer, and construct the Dunlora/River Run Greenway Bridge and acquire and improve the associated segment of the Belvedere Greenway Corridor.

There being no other public comments, Ms. McKeel closed the public hearing.

Ms. Palmer asked for the cost of the Dunlora/River Run Bridge, if they decide to do this later. Mr. Mahon replied that it will be well above the original \$10,000 as the cost of engineering, studies, and permits has risen. He pointed out that the Rivanna Trails Foundation has installed a foot bridge a little bit upriver, though the proposed bridge would be wider, accommodate bicycles and pedestrians, and cost more than the original amount proffered.

Ms. Palmer asked if the proffer money must be used for a bridge. She asked if there is a cheaper type of bridge they could consider. Mr. Mahon confirmed this. He said there is not another nearby location to put the bridge that would have such a strategic value.

Mr. Randolph asked Mr. Mahon for his expectation of the cost of the bridge in the Dunlora area. Mr. Mahon replied that the bridge will span 70 – 80 feet and will be similar to the one on Preddy Creek, which cost \$70,000. He said the area has a sandy loam which can be unstable, and there is also critical trail work to be done to the approach to the bridge, particularly to leveling out the transition from a railroad trestle.

Mr. Sheffield **moved** that the Board adopt the proposed resolution to authorize an alternative use of cash proffers for ZMA-2004-07 Belvedere for the construction of a greenway bridge, as presented. The motion was **seconded** by Mr. Randolph. Roll was called and the motion carried by the following recorded vote:

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

**RESOLUTION TO AUTHORIZE AN ALTERNATIVE USE
OF CASH PROFFERS RECEIVED FOR ZMA 2004-00007 BELVEDERE
FOR THE CONSTRUCTION OF A GREENWAY AND A GREENWAY BRIDGE**

WHEREAS, on October 12, 2005, the Board of Supervisors approved ZMA 2004-00007 Belvedere, which included proffers dated October 12, 2005; and

WHEREAS, the proffers included conditions that the owner contribute ten thousand dollars (\$10,000.00) toward the construction of a greenway trail in Belvedere and ten thousand dollars (\$10,000.00) toward the construction of a greenway bridge linking the trail along the Rivanna River Greenway in Dunlora to River Run, which funds would be refunded to the owner if not expended for the stated purpose within two (2) years of the owner's contribution of the funds; and

WHEREAS, the County received twenty thousand dollars (\$20,000.00) in cash payments from the owner on November 4, 2015; and

WHEREAS, Virginia Code § 15.2-2303.2 allows a locality to utilize cash payments proffered for

capital improvements for alternative improvements of the same category within the locality if certain findings are made by the locality's governing body; and

WHEREAS, on September 13, 2017, the Albemarle County Board of Supervisors held a duly noticed public hearing on this matter.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for this request and all of its attachments, and the information presented to the Board of Supervisors, the Albemarle County Board of Supervisors hereby makes the findings required by Virginia Code § 15.2-2303.2 as fully set forth in Attachment B to the staff report which is incorporated herein by reference and approves the alternative use of cash proffers received for ZMA 2004-00007 Belvedere for the construction of a greenway trail on County-owned property behind Still Meadows (TMP 046C0-00-00-000A1) that abuts the future Belvedere greenway parcel and the construction of a greenway bridge linking adjacent neighborhoods to the Rivanna River Greenway.

Agenda Item No. 17. **Public Hearing: SP201700009 UVa Indoor Golf Practice Facility Amendment.**

PROJECT: SP201700009 UVa Indoor Golf Practice Facility – Amendment.

MAGISTERIAL DISTRICT: Samuel Miller.

PROPOSAL: Amend SP2015-19 to construct a 2 story, up to 14,000 sq. ft. building addition, use three existing smaller structures, and provide associated parking and infrastructure for an indoor/outdoor golf practice facility for use by University of Virginia golf teams, Birdwood members, and Boar's Head Resort guests. The proposed location of this facility is approximately 400 feet to the west of the previously approved location and is adjacent to the existing Birdwood Golf Course.

TAX MAP/PARCEL(S): 07500-00-00-06300 LOCATION: 480 Birdwood Dr., Charlottesville, VA 22903.

PETITION: Swim, golf, tennis, or similar athletic facilities under Section 13.2.2.4 of the zoning ordinance. No new dwellings proposed on this 544-acre parcel.

ZONING: R1 Residential, which allows residential use by right (1 unit per acre).

OVERLAY DISTRICT(S): ENTRANCE CORRIDOR, AIRPORT IMPACT AREA, and STEEP SLOPES – MANAGED and – PRESERVED.

COMPREHENSIVE PLAN: Institutional use which allows for schools, libraries, parks, major utilities, hospitals, universities, colleges, ancillary facilities, and undeveloped publicly owned property; and Parks and Green Systems which allows for parks, playgrounds, play fields, greenways, trails, paths, recreational facilities and equipment, plazas, outdoor sitting areas, natural areas, and preservation of stream buffers, floodplains, and steep slopes adjacent to rivers and streams in Neighborhood 6 of the Southern and Western Urban Neighborhoods.

(Advertised in the Daily Progress on August 28 and September 4, 2017.)

The Executive Summary forwarded to the Board states that at its meeting on July 25, 2017, the Planning Commission held a work session on SP201700009 to receive information from staff and the applicants, and to provide guidance to the applicants and staff regarding preservation of the historic site associated with the Special Use Permit. Attachments A and B are the staff report and minutes from this work session. On August 8, 2017 the Commission conducted a public hearing and voted 7:0 to recommend approval of SP201700009 with conditions. Attachments C, D, and E are the staff report, action memo, and minutes from the August 8, 2017 meeting. Supplemental materials provided by the applicant in conjunction with the August 8 meeting include: an email dated August 7 from Mr. Marc C. Wagner, Architectural Historian with the Virginia Department of Historic Resources (Attachment F1); and correspondence dated August 7 from Ms. Rachel Lloyd, Associate Principal with AECOM (Attachment F2).

As indicated in the staff reports for July 25 and August 8, part way through the review process the applicant asked staff to consider additional changes to the existing special use permit conditions to allow for greater flexibility in future golf course design and reconstruction. To aid in staff's analysis, the applicant submitted a concept plan for the Birdwood Golf Course on August 1 that shows proposed changes and improvements. Despite its best efforts, staff was unable to complete the research, analysis, and discussion with the Zoning Administrator necessary to provide any recommended modifications to conditions by the time of the Commission's hearing on August 8. After discussion of this issue during the hearing, the Commission generally agreed that the applicants and staff could continue to work on limited modifications for the existing golf course prior to advertisement for the Board of Supervisors' public hearing. However, they advised that any substantive changes to the recommended conditions of approval should be brought back to them for review and public comment.

Since the August 8 PC hearing, staff has had extensive review and discussion with the applicants, the Zoning Administrator, and the County Attorney's office. Staff has concluded that the applicants' proposed future changes – addition of a 9-hole short course, and realignment or relocation of most of the existing 18 holes – could not be administratively approved, and therefore the applicants' request for more flexible SP conditions cannot be accommodated at this time. In addition, despite the Comprehensive Plan recommendation for a new vehicular connection between the Birdwood and Boar's Head properties, the Zoning Administrator has said that the resulting changes to the traffic circulation patterns for residential and commercial properties in this area would be significant enough to require a legislative review process prior to making the change. Staff has since advised the applicant that it is necessary and appropriate to address the proposed redesign and reconstruction of the existing Birdwood Golf Course through a separate, future special use permit amendment request.

Attachment G shows the Commission's recommended conditions, as reworded by the County Attorney to clearly reflect the expectations for site plan design and details and to accurately reference the existing plans and previous conditional approvals which govern development of the subject property. Attachment H is the Illustrative Site Plan for this application.

Staff recommends that the Board adopt the attached Resolution to approve the special use permit amendment (Attachment I), subject to the conditions attached thereto.

Mr. Andrew Gast-Bray, Director of Planning, and Mr. Tim Paladino, Senior Planner, introduced themselves to the Board. Mr. Paladino said he will identify the subject property, highlight the public review process to date, and present Planning Commission recommendations and motions for the Board to consider. He said the proposal is to amend SP-2015-00019 in order to construct a two-story, 14,000-square-foot building addition that will reuse and incorporate three existing smaller historic structures, as well as associated infrastructure, for an indoor/outdoor golf practice facility. He said the facility will primarily be used by the University of Virginia golf team members, members of Birdwood, and guests of The Boar's Head. He said the proposal was to relocate the previously approved facility 400 feet to the west, adjacent to Birdwood Golf Course, and the property consists of 544 acres west of Charlottesville and is within the Samuel Miller Magisterial District. He presented an aerial photo of the site, which is located between Ivy Road/Route 250 and Ragged Mountain Reservoir and Natural Area within the development area. He noted that it is located in Area B, where university-related planning and development were reviewed by the Planning and Coordination Council (PACC), a three-party joint entity of the City, County, and University. He stated that the property was zoned R1 with entrance corridor overlay as well as airport impact overlay.

Mr. Paladino stated that it was subject to existing conditions of approval established by SP1996-53 and which were carried forward with slight updates to SP21015-19, which this seeks to amend. He noted that existing conditions of approval are included as Attachment A4 in the report to the Board. He next presented an aerial view of the site and surrounding properties and identified adjacent developments and buildings. He said the existing uses of the property include Birdwood Pavilion and golf course and clubhouse. The next slide had a close-up aerial view of the project site, and Mr. Paladino pointed out existing buildings as well as the proposed building and parking lot. The next slide presented a photo simulation of the proposed building. He presented a timeline of the review process as follows: April 17: Application Submitted, June 24: Historic Preservation Committee, July 10: Community Meeting at Boar's Head, July 18: Planning Commission and Board of Supervisors field trip to Birdwood, July 25: Planning Commission work session, August 8: Planning Commission public hearing, September 23: Board of Supervisors public hearing.

Mr. Paladino said the UVA Foundation had informally presented ideas for future projects at Birdwood and discussions had been held to consider the required permitting, recognizing that the existing condition of approval was fairly narrow and would require special use permits approved by the Board for virtually all projects on the property. He said they feel they can resolve these issues in the near future. Mr. Paladino presented the illustrative site plan. He presented a suggested motion for approval as well as a suggested motion for denial and noted the Planning Commission voted unanimously to recommend approval, with conditions. He stated the conditions are contained in the report as Attachment G.

Ms. Valerie Long of the Williams Mullen law firm presented on behalf of the applicant, University of Virginia Foundation. She expressed thanks for the wonderful relationship they have with Mr. Paladino and Mr. Gast-Bray in reviewing the current application, as well as some others. She said Mr. Paladino had covered all the issues very well, and emphasized that this is an amendment to a previously approved application for the indoor facility that was submitted two years ago for a slightly different location. She said the proposed new location is an improvement that helps to achieve the foundation's goals and is more sensitive to the Birdwood Mansion and outlying areas. Ms. Long stated that concerns over the original plan were about the view shed between the mansion and historic outbuildings. She said the Planning Commission had suggested they make sure they have the best location, which led them to identify a new location that is more sensitive to the landscape and views from the mansion, as well as from the entrance at Golf Course Drive, which is slated to become the main entrance to the Boar's Head Resort.

Ms. Long presented an architectural rendering and pointed out the entrance road and its view of the golf course, with the parking lot location to include proposed vegetation and natural landscaping and slight topographic modifications in the form of gentle berms as a screening for the facility from the Golf Course Drive entrance corridor and the historic mansion. She pointed out various trees, berms and other features on the site plan. She said they have worked closely with staff on conditions of approval, and the UVA Foundation has found the changes to be acceptable. She asked the Board for support and invited questions or comments.

Mr. Randolph pointed out that in the plan submitted two years ago, the parking lot was closer to the slave quarters, and the new plan moves the parking lot away. He asked how the slave quarters are intended to be used in the future.

Ms. Long said she does not know if there are immediate plans to use them, but they will be preserved and maintained.

Mr. Dill asked what one does inside an indoor golf facility. Ms. Long replied that the outside portion is a driving range while the inside will have coaches' offices, locker rooms, and meeting rooms. She speculated that it will likely include video analysis facilities, but cannot confirm their inclusion.

Mr. Randolph said he thought they would be able to drive golf balls off the facility 12 months a year from an indoor canopy with heaters. Ms. Long confirmed this.

Ms. McKeel opened the public hearing.

As there were no public speakers, Ms. McKeel closed the public hearing.

Ms. Palmer thanked staff for their work and for coming up with a better outcome.

Mr. Randolph complimented Mr. Paladino for coming up with Option C.

Ms. Palmer pointed out that the pipe connecting the South Fork Rivanna Reservoir with Ragged Mountain Reservoir would go through this property and is scheduled to begin this year with a three-year completion schedule. She said a big sewer will also be coming through.

Ms. Palmer **moved** that the Board adopt the proposed resolution to approve SP-2017-00009. The motion was **seconded** by Ms. Mallek. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

Ms. Mallek emphasized that the Historic Preservation Committee weighed in very early and was concerned that there had been no outreach to the HR. She said the extra effort on the part of the University to get true interaction with the state historic group was important. She added that the site visit was spectacular and achieved success.

RESOLUTION TO APPROVE SP 2017-09 UVA GOLF INDOOR PRACTICE FACILITY - AMENDMENT

WHEREAS, the University of Virginia Foundation filed an application to amend a previously-approved special use permit (SP 201500019) for Tax Map Parcel 07500-00-00-06300 to move the previously approved indoor golf practice facility and associated parking and infrastructure on the site, and the application is identified as Special Use Permit 2017-00009 UVA Golf Indoor Practice Facility - Amendment (SP 2017-09); and

WHEREAS, on August 8, 2017, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2017-09 with conditions; and

WHEREAS, on September 13, 2017, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2017-09.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2017-09 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code § 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2017-09, subject to the conditions attached hereto.

* * * *

SP-2017-00009 UVA Indoor Golf Practice Facility - Amendment Conditions

1. Development of the indoor golf course facility shall be in general accord with the plan entitled, "Illustrative Site Plan – UVA Indoor Golf Parking Option C" prepared by the University of Virginia Foundation, dated August 21, 2017, and labeled by staff, as determined by the Director of Planning and the Zoning Administrator. To be in general accord, development and use shall reflect the following major elements as shown on the plan:
 - a. Building location, orientation, and mass;
 - b. Parking lot location;
 - c. Installation of new landscaping for screening purposes;
 - d. Retention of trees shown for preservation; and
 - e. Earthen berms adjacent to the new parking lot.

Minor modifications to the plan that do not otherwise conflict with the elements listed above may be made to ensure compliance with the Zoning Ordinance, as determined by the Zoning Administrator.
2. Design and development of the improvements shown on the Illustrative Site Plan for the indoor golf facility shall be subject to the following, as determined by the Planning Director or designee:
 - a. Placement of the parking lot within the "bowl" created by the existing terrain in a way that minimizes grading of the slope to the north of the new parking lot, which is to be preserved for its screening effect;
 - b. Construction of earthen berms adjacent to the parking lot which are compatible with

- existing topographic variation and which further reduce the visibility of the parking lot and parked cars from Golf Course Drive;
 - c. Approved planting plan and planting schedule which, at minimum, include:
 - i. New landscaping materials planted in naturalistic or informal arrangements which are consistent and compatible with the existing landscape in terms of character, density, and species;
 - ii. A meadow or similar grass landscape along Golf Course Drive; and
 - iii. The use of native plant materials; and
 - d. Submittal of a conservation plan prepared by a certified arborist to preserve trees identified for preservation, including the treatment of all ash trees (species *Fraxinus*) that are to be preserved for protection against the emerald ash borer (*Agrilus planipennis*), to be used in conjunction with the conservation checklist described in Condition 6. If all reasonable alternatives for preservation have been explored, and such trees cannot be retained due to the health of the tree as determined by the certified arborist, removal may occur.
3. Ingress and egress along Birdwood Drive shall be restricted, to the satisfaction of the Zoning Administrator, to only those residences served by Birdwood Drive and shall not be used as an access to the indoor golf practice facility.
4. Any new construction at the existing golf course facility and site other than the site improvements shown on the Illustrative Site Plan referenced in Condition #1 or on the Preliminary Plan for Birdwood Golf Course approved with SP199600053, except for minor changes (such as additional practice tees, modifications of greens and other changes that do not require a site plan), shall require an amended special use permit.
5. The owner shall continue to implement an Integrated Pest Management/Nutrient Management Plan to reduce adverse water quality impacts.
6. Prior to any land disturbing activity on the site, the conservation plan and checklist, the landscape plan, and the grading plan shall be approved by the County Engineer and the Director of Planning or their designees.

Agenda Item No. 18. **Public Hearing: ZMA201500006 – Shadwell Estates.**

PROJECT: ZMA201500006 Shadwell Estates.

MAGISTERIAL DISTRICT: Scottsville.

TAX MAP/PARCEL: 079000000023F0.

LOCATION: Located on North Milton Road (Route 729) across from Stone Robinson Elementary School.

PROPOSAL: To amend the proffers for approved ZMA1977-24 to allow up to 7 residential lots and private street. The following special exceptions are requested: Disturbance to critical slopes, modification of requirement for rectangular building site, modification of maximum setback requirement.

PETITION: Request to amend proffers for ZMA1977-24 on property zoned Planned Residential Development (PRD) which allows residential (3-34 units/acre) with limited commercial uses.

OVERLAY DISTRICT: Entrance Corridor (EC); Flood Hazard (FH).

PROFFERS: Yes.

COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots).

(Advertised in the Daily Progress on August 28 and September 4, 2017.)

The Executive Summary forwarded to the Board states that at its meeting on June 20, 2017, the Planning Commission voted 5:1 (Keller nay; Firehock absent) to recommend approval of ZMA201500006 conditioned on the applicant making the revisions noted in the staff report (Attachment J). In addition to the rezoning request, the applicant requested special exceptions for the disturbance of critical slopes, a modification of the rectangular building site requirement and modification of the maximum front setback requirement. (Resolutions for the special exceptions can be found in Attachments B, C, and D)

The applicant made all revisions to the proffers (Attachment E) and application plan (Attachment F) as recommended by the Planning Commission.

Although the Planning Commission recommended approval with changes outlined in the staff report, they cautioned the Board that:

- 1. Alternative septic systems may be needed for the proposed lots and the systems could pose maintenance issues for future homeowners.
- 2. The tree conservation easement offered by the applicant may not be sufficient to prevent homeowners from removing trees from environmentally sensitive areas such as critical slopes and the stream buffer.
- 3. Potential impacts of the development may be greater when considered as a whole with other properties owned by the applicant, specifically, properties associated with the Clifton Inn, as seen on the attached map showing all properties owned by the applicant, proposals previously approved or currently under review associated with these properties, and existing and proposed greenways and blueways from the Comprehensive Plan (see Attachments G & F).

Staff recommends that the Board adopt the ordinance to approve ZMA201700006 (Attachment A) and adopt the attached resolution to approve the special exceptions for disturbance to critical slopes, modifications to building sites, and modification to maximum front setback (Attachments B, C, and D).

Ms. Rachel Falkenstein, Senior Planner, presented and stated that the purpose of the public hearing is to amend proffers and the application plan for a previously approved rezoning from 1977. She presented a slide of a map of the property and surrounding area that indicated the property fronts on Milton Road across from Stone Robinson Elementary School, east of Clifton Inn. She said it is located within the rural area of the Comprehensive Plan and is mostly wooded with a lake, and the zoning is Planned Residential Development (PRD).

Ms. Falkenstein provided a history of the property, which she said was rezoned in 1977 from A1 to Residential Planned Neighborhood to allow 39 units on 92 acres. She said the County conducted comprehensive rezoning in 1980 and changed its status to Planned Residential Development, which it remains today, and in 2014 the property east of the lake was placed under a conservation easement. Ms. Falkenstein reviewed the proposal, which was to construct 7 residential lots on 28 acres, a reduction from the previously proposed 9. She said access would be via a private street with a significant portion dedicated to open space and they would add 6 acres to adjacent parcels that would remain Planned Residential and cannot be developed without an amendment. She presented a slide of the site plan and pointed out the access street and planned units. She presented a slide listing four proffers associated with the rezoning.

Ms. Falkenstein stated that the Planning Commission had held a public hearing on June 20 and voted 5 – 1 to recommend approval with minor revisions to the proffers and plan, which the applicant has made. She presented a slide listing three concerns the Planning Commission had. She said the first involves a potential need for alternative septic systems on the site and the applicant has not received Health Department approval for traditional primary and reserve septic, though they said they have done analysis and think they can get them in. She reviewed the second concern regarding critical slopes and stream buffers proposed to be on private residential lots, which the applicant proposes to preserve by placing an easement, with deed restrictions indicating these areas cannot be disturbed and that trees may not be removed. She said the Planning Commission was concerned these may not be sufficient enough to protect these areas. She reviewed the third concern, which regards impacts of the development as a whole with adjacent parcels which include the Clifton Inn and additional properties. She said there has been discussion of the expansion of the Clifton Inn, though there is not an application under review. She next reviewed three special exceptions associated with the request, with the first being disturbance of 0.2 acres of critical slopes for construction of the private road. The second exception allows for building sites that are not rectangular in shape. The third exception modifies the maximum setback from 25 feet to 125 feet. She stated there will be four motions for the Board to consider tonight.

Mr. Randolph asked who bears financial and legal responsibility to maintain the dam on the lake that is shared with Dr. Hurt. Ms. Falkenstein replied that it would be the two property owners.

Mr. Kamptner said it would be whoever owns the land where the dam is located. Ms. Falkenstein added she thinks it would be HOA property.

Mr. Randolph indicated he would ask the applicant about the resources the HOA would need to have available as a contingency in case of dam failure or permeation. He noted from the minutes of the June 20 Planning Commission meeting that Ms. Falkenstein was asked by Mr. Dotson how they distinguish between slopes that are managed or preserved, and her response had been that she had not looked at it close enough to say for certain. However, he said the minutes for the final Planning Commission meeting show that staff made a determination the slopes were likely manmade and managed. He asked what information became available to convince them the slopes were not natural and were preserved.

Ms. Falkenstein replied that these are critical slopes in the rural area of the County and separate from the preserved and managed slopes in the development area. She said there was no distinction regarding manmade vs. natural slopes on this property, there had only been one meeting of the Planning Commission.

Mr. Randolph apologized and said he might be merging applications. Ms. Falkenstein replied that the applicant's engineer has stated he believes the slopes to be disturbed for the private road are man-made, which may be what Mr. Randolph saw in the staff report. She said that County Engineer, Frank Pohl, had agreed with this. She said the slopes for the lake may have been man-made though she is not sure.

Mr. Randolph asked if Gooch Engineering had provided a soil analysis since the Planning Commission meeting. Ms. Falkenstein responded that they had not.

Ms. Palmer said she would ask the applicant about who will dredge the lake if trees are taken down. She said she also wants to know how much it will cost to repair the dam, its condition, and who will be responsible for its repair. She said she remembers the portion of the minutes Mr. Randolph referred to where Mr. Dotson said that if it were in the development area it would be distinguished between managed slopes to be preserved, regardless of whether staff felt they fell within one category or another. She said

Ms. Falkenstein had mentioned that these might be preserved because of the body of water and the presence of large area slopes, though she had not looked at it close enough to say for certain.

Ms. Palmer asked if they have an easement for the pathway along the river on the Clifton property for the Milton boat launch. Ms. Falkenstein replied that she believes there is a public access easement, but not a trail easement.

Ms. Palmer asked if the homes will be cottages and what their size will be. Ms. Falkenstein said there was not discussion about the size of the houses.

Mr. Katurah Roell of the Piedmont Development Group, addressed the Board on behalf of the Clifton Inn, the applicant. He said the dam will not be the responsibility of the homeowners of the lots, and the dam is owned by the rest of the Clifton Inn acreage. He said the dam is located between Clifton Inn's property and the property of Dr. Hurt. He said that in the spring Dr. Hurt's crews met with DCR and cleared brush and growth off the dam at its request, and DCR is coming out with an engineering inspector's report indicating the dam's condition is stable. He stated that if any upgrades are required as a result of DCR's report, they would be shared by Clifton Inn and Dr. Hurt. He addressed the open space located on the back portion from the edge of the lake up to the 100 foot buffer and explained that the reason they obtained a variance for rectangular-shaped lots was due to the undulation of the curvature of the lake and shoreline. Mr. Roell said they demonstrated they had over 30,000 square feet of non-critical, useable, slope area with suitable soils. He said that Gooch had prepared the soil reports and analyzed the soil during his presence. He said they left the buffer as part of the lot, and whether this was dedicated open space or preserved and deed restricted it still is up to the HOA and Clifton to monitor and maintain to any potential homeowner that they cannot do anything to the trees.

Ms. Palmer asked if they had received the DCR report. Mr. Roell replied that they had a letter from them and the County Engineer will receive a copy of the study, which is required before lots can be plated.

Mr. Randolph stated that it will be important to make it clear to homeowners in the HOA agreement that they will not be tied in to public water or sewer in case of well or septic failure. He said it will also be important to list ground rules for what cannot be done with harvesting or reduction in the number of trees on the slopes going down to the water.

Mr. Roell said that a general minimum requirement for wells is three gallons per minute with an adequate depth. He indicated the homes would be of modest size. He said Mr. Kamptner will review all the documents to make sure the language is strong enough and clear.

Mr. Kamptner interjected that the proffer tree preservation easement covers multiple parcels and is subject to approval and must satisfy the Director of Planning as well as the County Attorney's office. He said they can have the County identified as a third-party beneficiary so that even if the HOA decides not to enforce, the County would have the ability to enforce.

Mr. Roell said they are fully on board with this and have no intention of allowing anything to be cut or cleared in the buffer other than the back side of the dam, which has been done as required by DCR.

Ms. Palmer asked who bears responsibility for the lake in the case of an algae bloom or if it needs dredging. Mr. Roell replied it would be part of the open space, which he guesses is governed by the HOA. He indicated the lake has not had these issues and does not expect it to.

Ms. Mallek asked if there is a low level, wide spillway around the dam. Mr. Roell responded that even at highest waters it has not approached the spillway, and he went out to check during the heavy rains this spring and confirmed this. He said the spillway is rip-rap and is 12 feet wide.

Ms. McKeel said she becomes concerned when HOAs are expected to provide for a dam and roads.

Mr. Roell said the road is only 800 feet long, and they asked for a private road because they do not want it open to the public. He emphasized that new private roads must meet VDOT standards, and this road will be the boundary between the Clifton Inn and the home lots.

Ms. McKeel asked if the HOA will put aside money for road maintenance and if they are required to do so. Mr. Roell confirmed this as surface treatment will be required every 10 years.

Mr. Kamptner added that state law requires money to be set aside for capital expenditures, though it is not the County's responsibility to monitor. He said the County's subdivision ordinance requires a maintenance agreement, which is typically in the recorded covenants. He said the covenants also have a mechanism to collect the fees.

Ms. McKeel commented that there will be a lot of costs to homeowners considering the homes will be of modest size.

Mr. Kamptner emphasized that there is limitation as to the size of the homes.

Mr. Roell assured Supervisors that Clifton Inn will take responsibility for maintaining the property, gardening, and landscaping.

Mr. Dill asked if guests of the Clifton Inn would be allowed on the path and to access the lake. Mr. Roell confirmed this. He said a dock is owned by the Clifton Inn for use by guests.

Ms. McKeel opened the public hearing.

Mr. Jeff Werner of the Piedmont Environmental Council, addressed the Board. He thanked the Board for bringing up the dam issue and reminded them that the County had to replace the Key West dam as well as an issue at Forest Lakes. Addressing the tree preservation easement, he said he is always dubious of anything that says it will preserve trees as it is easy for a landowner, builder, or excavator to kill or remove a protected tree and then just say it was unintentional. He said a tree survey will need to be conducted to know what is there now, and truly protecting the trees would require more than a reassuring promise.

Mr. Werner next addressed the proposed greenway trail, which he noted is in the Comprehensive Plan. He said it will be an amenity to the homeowners as well as to the Clifton Inn and urged the Board to have this segment of the greenway dedicated.

Mr. Roell addressed Mr. Werner's comments about the trees. He said they will make a stipulation during construction that a safety fence be put up at the building line to protect the trees. Addressing the greenway access, he said they have spoken with Dan Mahon about the Milton side, which is on the far opposite side facing the river on the other parcel. He said they would involve this with the SP for expansion, as it is contained within the property. He said they are in full support of it and agree it would be a community enhancement.

Mr. Dill said there is a group of volunteers that would like to improve the boat launch area, and it would be great to have an active boat ramp for kayakers.

Mr. Roell said he will bring this up and is in support of a boat ramp.

There being no further comments, Ms. McKeel closed the public hearing.

Ms. McKeel **moved** that the Board adopt the proposed ordinance to approve ZMA-2015-00006. The motion was **seconded** by Ms. Palmer. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ORDINANCE NO. 17-A(9)
ZMA 2015-00006 SHADWELL ESTATES

**AN ORDINANCE TO AMEND THE PROFFERS
AND APPLICATION PLAN APPROVED WITH
ZMA 1977-24 FOR TAX MAP PARCEL NUMBER 07900-00-00-023F0**

WHEREAS, the application to amend the proffers and application plan that were approved with ZMA 1977-24 for Tax Map Parcel Number 07900-00-00-023F0 (the "Property") is identified as ZMA 2015-00006, Shadwell Estates ("ZMA 2015-06"); and

WHEREAS, ZMA 2015-06 proposes to amend the proffers and application plan that were approved with ZMA 1977-24 to allow for the development of seven residential lots on the Property; and

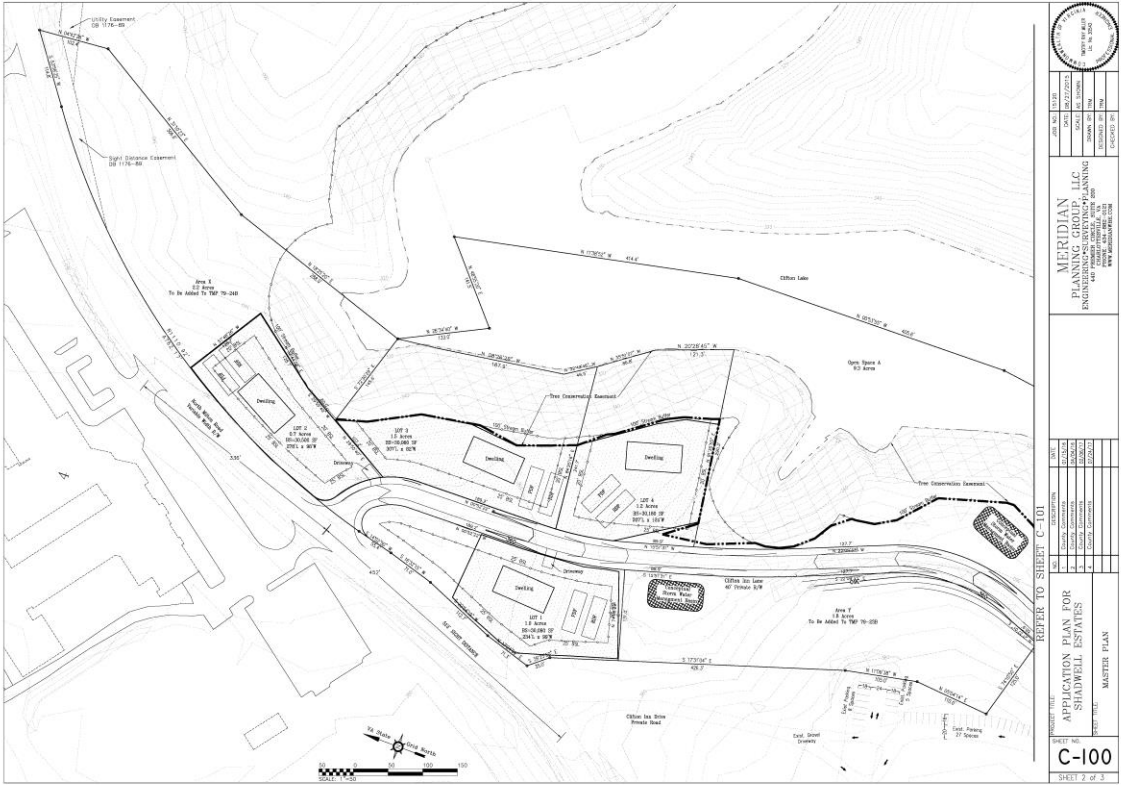
WHEREAS, staff recommended approval of ZMA 2015-06 provided that certain revisions were made to the proffers and the application plan; and

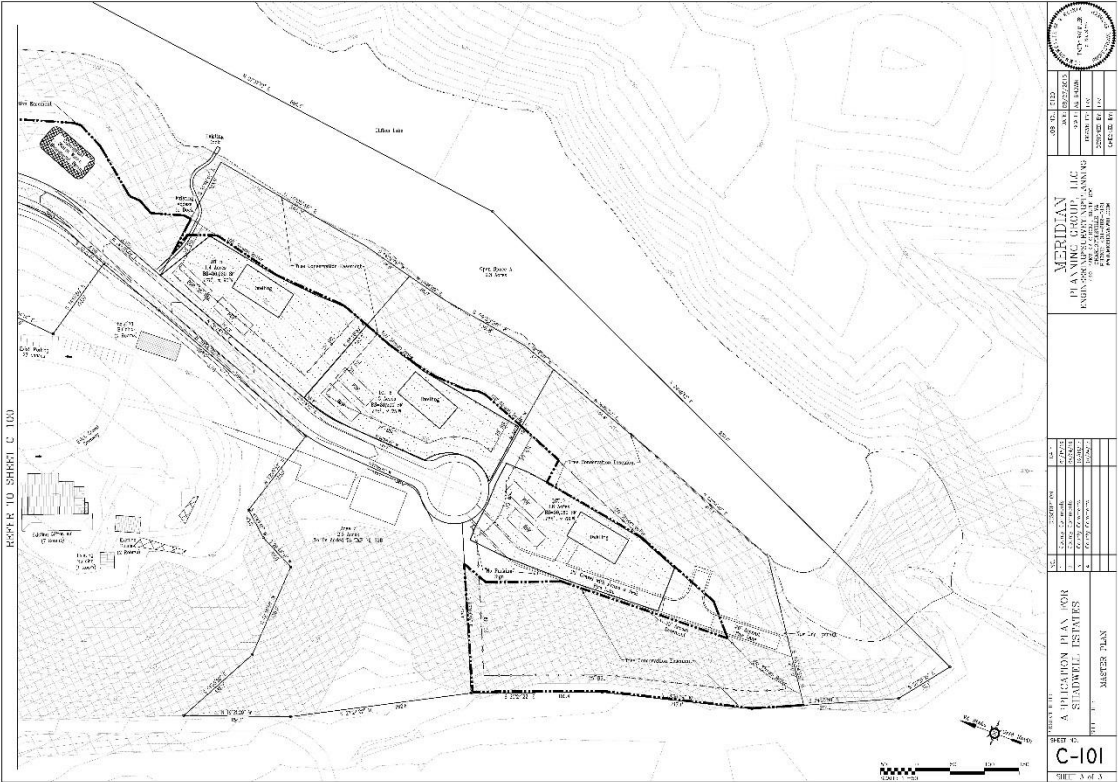
WHEREAS, the Planning Commission held a duly noticed public hearing on ZMA 2015-06 on June 20, 2017, and recommended approval, conditioned on the applicant making the staff-recommended revisions; and

WHEREAS, subsequent to the Planning Commission public hearing, the applicant made all of the recommended revisions to the proffers and the application plan; and

WHEREAS, on September 13, 2017, the Albemarle County Board of Supervisors held a duly noticed public hearing on ZMA 2015-06;

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the staff report prepared for ZMA 2015-06 and its attachments, including the application plan dated August 27, 2015 and last revised on July 24, 2017, and the proffers dated August 25, 2017, the information presented at the public hearing, the material and relevant factors in County Code § 18-33.6, Virginia Code § 15.2-2284, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2015-06, with the application plan dated August 27, 2015 and last revised on July 24, 2017, and the proffers dated August 25, 2017.





Original Proffers _____
Amendment _____

PROFFER STATEMENT

ZMA No. **ZMA 201500006** "Shadwell Estates"

Tax Map and Parcel Number(s): **07900-00-00-023F0**

Owner(s) of Record: **Country Inns Extraordinaire, Inc**

Date of Proffer Signature: 8/25/17 *RF*

28.05 acres to be rezoned from **PRD** to **PRD**

Country Inns Extraordinaire, Inc, is the owner (the "Owner") of Tax Map and Parcel Number **07900-00-00-023F0** (the "Property") which is the subject of rezoning application ZMA No. **ZMA 201500006**, a project known as "**Shadwell Estates**" (the "Project"), which includes the application plan prepared by Meridian Planning Group, LLC entitled, "Application Plan for Shadwell Estates," last revised July 24, 217.

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

1. Development of the Property shall be limited to no more than seven (7) detached single family dwellings, as shown on the application plan;
2. The tree preservation easement areas, as identified on the Projects application plan, shall be preserved to the satisfaction of the Director of Community Development or his designee. An easement plat and deed restrictions to protect the tree preservation easement areas shall be subject to approval by the County Attorney and recorded prior to or with concurrent with the first subdivision plat for the Property.
3. The applicant shall be required to certify the dam with the Department of Conservation and Recreation, Division of Dam Safety (DCR) and complete with all DCR 's recommended dam repairs, maintenance and operations prior to approval of the first subdivision plat for the Property.
4. The applicant shall adopt architectural guidelines to ensure historical compatibility of the residences on the property with the adjacent Clifton Inn property. The architectural guidelines shall be reviewed and subject to approval by the Director of Planning, or his designee, for historical compatibility with the Clifton Inn and shall be adopted into the Property's Homeowners Association (HOA) covenants and restrictions prior to, or concurrent with, the first subdivision plat for the Property. The HOA shall enforce with the architectural guidelines contained in the covenants and restrictions.

OWNER

T. Mitchell Willey for Country Inns Extraordinaire, LLC
Country Inns Extraordinaire, Inc

OWNER

T. Mitchell Willey
By: Mitch Willey
Title: President
Country Inns Extraordinaire, Inc

Mr. Randolph **moved** that the Board adopt the proposed resolution approving the critical slopes special exception for ZMA-2015-00006. The motion was **seconded** by Ms. Mallek. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

RESOLUTION TO APPROVE SPECIAL EXCEPTION FOR ZMA201500006 SHADWELL ESTATES

WHEREAS, the Owner of Tax Map Parcel Number 07900-00-00-023F0 (the "Property") filed a request for a special exception in conjunction with ZMA201500006 Shadwell Estates, to allow the disturbance of critical slopes, as the Property is depicted on the pending plans under review by the County's Department of Community Development.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff reports prepared in conjunction with the special exception request, including staff's supporting analysis, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-4.2.3, 18-4.2.5(a), 18-33.5, and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to authorize the disturbance of critical slopes for the development of the Property, subject to the condition(s) attached hereto.

ZMA201500006 Shadwell Estates Special Exception Condition(s)

1. The area of land disturbance on critical slopes shall not exceed 0.2 acres as shown on Sheet 2-3 of the plan entitled "Application Plan for Amendment to ZMA 77-24, Shadwell Estates, Tax Map

79, Parcel 23F, Scottsville District, Albemarle County, Virginia” prepared by Timothy Miller and dated August 27, 2015 and last revised on July 24, 2017.

Mr. Randolph **moved** that the Board adopt the proposed resolution approving the building site special exception for ZMA-2015-00006. The motion was **seconded** by Ms. Mallek. Roll was called and the motion carried by the following recorded vote:

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

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR ZMA201500006 SHADWELL ESTATES**

WHEREAS, the Owner of Tax Map Parcel Number 07900-00-00-023F0 (the “Property”) filed a request for a special exception in conjunction with ZMA201500006 Shadwell Estates, to allow the modification of the rectangular shape requirement for building sites, as the Property is depicted on the pending plans under review by the County’s Department of Community Development.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff reports prepared in conjunction with the special exception request, including staff’s supporting analysis, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-4.2.2(a)(3), 18-4.2.5(a), 18-33.5, and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to authorize the modification of the rectangular shape requirement for building sites for the development of the Property, subject to the condition(s) attached hereto.

ZMA201500006 Shadwell Estates Special Exception Condition(s)

1. The building sites for lots 1-7 shall be in the general location and size shown on sheets 2-3 of the plan entitled “Application Plan for Amendment to ZMA 77-24, Shadwell Estates, Tax Map 79, Parcel 23F, Scottsville District, Albemarle County, Virginia” prepared by Timothy Miller and dated August 27, 2015 and last revised on July 24, 2017.

Mr. Randolph **moved** that the Board adopt the proposed resolution approving the maximum setback special exception for ZMA-2015-00006. The motion was **seconded** by Ms. Mallek. Roll was called and the motion carried by the following recorded vote:

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

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR ZMA201500006 SHADWELL ESTATES**

WHEREAS, the Owner of Tax Map Parcel Number 07900-00-00-023F0 filed a request for a special exception in conjunction with ZMA201500006 Shadwell Estates, to modify the required maximum setback(s), as depicted on the pending plans under review by the County’s Department of Community Development.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff reports prepared in conjunction with the special exception request and the attachments thereto, including staff’s supporting analysis, and all of the factors relevant to the special exception(s) in Albemarle County Code §§ 18-4.19, 18-33.5, and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception(s) to modify the required maximum setback(s) for the development of the Property, subject to the condition(s) attached hereto.

ZMA201500006 Shadwell Estates Special Exception Condition(s)

1. The maximum setback on lots 1-7, as shown on the plan entitled “Application Plan for Amendment to ZMA 77-24, Shadwell Estates, Tax Map 79, Parcel 23F, Scottsville District, Albemarle County, Virginia” prepared by Timothy Miller and dated August 27, 2015 and last revised on July 24, 2017, shall be 125 feet.

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

Ms. Mallek said the Go Virginia program is in flux and she is annoyed at how quickly everything has to be ready when there are no rules or procedures, though it is still a good idea to be working on it. She commented that there are people in different jurisdictions who are interested in working together, which is a good goal.

Ms. Mallek said she had participated in a webinar put together by ULI, in which Preston Bryant of McGuire Woods in Richmond presented about private-public partnerships, giving a lot of specific examples of communities in Virginia that had been doing this for years. She said she will forward the

PowerPoint and expressed hope that Albemarle would participate in these partnerships to stretch their dollars.

Ms. McKeel added that partnerships are being done everywhere and they need to join the crowd.

Ms. Mallek added that there is a perception that Albemarle is reluctant to consider novel ideas, and they should work to change this mischaracterization.

Ms. Palmer said she was struck by the comments of Stantec officials that the Board should not look at private-public partnerships as a source of funding, but as a funding mechanism.

Ms. Mallek noted that they also emphasized that communities must be very diligent to protect themselves.

Ms. Palmer asked if the agenda is set for next week's joint City/County meeting, for which she expects to be at least one hour late.

Ms. McKeel said the first hour will involve the transit partnership.

Mr. Walker added that the second item would be the arts and culture initiative facilitated by the Community Foundation in conjunction with arts groups. He said there would also be an update on key activity in some existing MOU areas, including a potential new MOU for economic development. He said they will also discuss a standard operating procedure document to facilitate effective communication between the City and County.

Ms. McKeel said she had attended a meeting with Southwood initiated by Habitat for Humanity that included people from around the state, including Senator Deeds and Delegate Toscano, as well as Charlottesville representatives and state officials.

Mr. Walker also attended the meeting and relayed that it involved a broad group of stakeholders and included presentations from members of the community. He said it was a very good exchange of information from stakeholders, as well as a compelling story from residents about the role they are playing in self-determining the future of their community.

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 (*if needed*).

There was no need for an additional closed meeting.

Agenda Item No. 22. Adjourn to September 19, 2017, 10:00 a.m., Room 241, County Office Building.

At 8:11 p.m., Ms. McKeel adjourned the meeting until 10:00 a.m., September 19, 2017.

Chairman

Approved by Board
Date 01/03/2018
Initials CKB