

An adjourned meeting and a regular night meeting of the Board of Supervisors of Albemarle County, Virginia, was held on October 11, 2017, Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia. The adjourned meeting was held at 3:30 p.m., and was adjourned from October 4, 2017. The regular night meeting was held at 6:00 p.m.

PRESENT: Mr. Norman G. Dill, Ms. Ann Mallek, Ms. Diantha H. McKeel, Ms. Liz A. Palmer, Mr. Rick Randolph (arrived at 4:33 p.m.), and Mr. Brad L. Sheffield

ABSENT: None.

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

Agenda Item No. 1. Call to Order. The meeting was called to order at 3:33 p.m., by the Chair, Ms. McKeel.

Agenda Item No. 2. **Joint Work Session with School Board.**

School Board Members Present: Ms. Kate Acuff, Mr. Jonathan Alcaro, Mr. Stephen Koleszar, and Mr. Graham Paige.

School Board Members Absent: Mr. Jason Buyaki, Mr. David Oberg, and Ms. Pamela Moynihan.

School Staff Present: Dr. Pam Moran, Superintendent, Dr. Matthew Haas, Deputy Superintendent, Mr. Dean Tistadt, Chief Operating Officer, and Ms. Amanda Farley, Senior Assistant County Attorney.

At 3:33 p.m., Ms. Acuff called the School Board to order.

Item No. 2a. Annual Update on Employee Compensation, Health Insurance and Other Benefits.

The Executive Summary forwarded to the Board states that in 2000, the School Board and Board of Supervisors (the "Boards") approved a Total Compensation Strategy with specific targets for employee and teacher salaries of an adopted market and target benefits slightly above market levels. On October 11, 2017, the Boards will engage in a joint work session to receive the results of staff research based on the annual compensation market analysis, ongoing compensation projects, updates on the current state of and future changes to the County's health insurance program, and wellness initiatives. Staff is providing this information for the Boards' consideration as the Boards provide feedback to the County Executive and Superintendent for the upcoming FY 19 budget process.

Compensation: The County's FY 18 pay increase resulted in meeting the County's market target for teachers, classified and administrative employees. Market analysis indicates:

- Classified. In July 2017, classified staff received a 2% salary increase (this was a flat increase, with no differential for performance). The median salary increase for localities in the County's adopted market was also 2%.
- Teachers. Staff applied an average of 2% increase to the teacher scale. This allowed the County to reach its target of the 75th percentile.
- Compression. In May 2017, staff implemented a compression remedy for Local Government and the School Division, impacting 534 employees.

Benefits: Health Insurance - Offering competitive medical plans is a major consideration each year. To ensure the ongoing sustainability of the plan and the County's continued ability to offer excellent and affordable health insurance options to employees, the County has taken numerous steps in recent years. This year, staff has:

- Completed an analysis of the County's self-funded health plan in comparison to the Commonwealth's Local Choice plan to assess whether the County's current plans meet its strategic objectives;
- Instituted an ongoing dependent eligibility review process for dependents newly enrolled in the medical plan;
- Implemented Anthem as administrator for the County's health, dental and pharmacy plans; -- Implemented a Consumer-Driven High Deductible Medical Plan with Health Savings Account; -- Implemented HealthEquity as the County's Health Savings Account Administrator;
- Amended VERIP (Voluntary Early Retirement Incentive Program) policy to cap medical insurance payment at \$712/month in preparation for upcoming changes to the premium contribution structure (to be implemented October 2018).

The purpose of the joint work session of the Board of Supervisors and School Board is for Board members to receive information on the following:

- 1) Market salaries and compression based on staff research and analysis;
- 2) Pay for performance program;
- 3) Compensation initiatives to include a New Teacher Compensation Strategy and a new

Public Safety Pay Scale;

--- New Teacher Compensation Strategy: The new strategy proposes to realign the target from the top quartile of the Joint Board Adopted Market to eight of the top-performing School Divisions in VA (using US DOE data reported on Niche). Teacher scales from the eight top-performing school divisions will be converted to reflect the cost of labor in Albemarle County. The new strategy also implements an overall uniform increase to the scale, with additional market adjustments if data supports.

--- New Public Safety Pay Scale: Staff formed a project team to create an equitable and predictable public safety pay scale structure for each department to attract and retain quality talent. The work of this team encompasses creating and designing pay scales that value the contributions of employees, are competitive with the County's market, and are easy to administer and explain. The team has engaged with Titan-Gallagher to assist in the design of the payscales.

4) Ongoing work occurring with regard to the health insurance plan and wellness initiatives:
---Creating "guiding principles" agreement around management of the County's medical plan and strategic reserves (in progress)

---Implementing tier-based employer contribution toward medical coverage (vs. current "flat" allocation), effective October 2018. Stakeholder workgroups recommendations regarding identified tier-based medical plan contribution issues include: VERIP retirees: contributions capped at \$712 monthly for those taking this as a payment (effective July 2017); those on medical plan pay normal full-time employee premium rate; "County Spouses" (employees married to other employees on our medical plan): Choice Plan (high deductible plan) offered at \$0 cost to couple; Select Plan (traditional medical plan) offered at individual premium rate per couple (e.g., if the premium cost at the individual tier is \$92/month, "county spouse" couples will pay a total of \$92/month for their coverage);

Part Time Employees: Offer Select Plan at normal part time employee calculation rate; offer Choice plan at full-time employee rates for those at .7 FTE and above; for those below .7, an aggregate employer contribution will be used for the normal part time employee calculation rate;

---Developing pilot disease management program;

---Issuing RFP for biometric screenings and health risk assessments.

Staff is presenting this information to the Boards to inform the upcoming FY 19 budget process.

Final recommendations by the County Executive and Superintendent will be based on the availability of adequate funding.

Ms. Lorna Gerome, Director of Human Resources, stated that staff is not asking for decisions but is sharing information on the compensation market analysis, some initiatives, and health insurance to assist the Board as the County and School Board build their budgets. She shared what she described as a positive experience with a recent panel interview for a County position, at which the candidate asked members of the panel representing various departments why they work for the County. She said the response from panel members was that it is because of the opportunity to serve people and students and to make a difference, and commented that ideas are welcome. She said this represents how County employees are passionate, enthusiastic, and dedicated public servants.

Ms. Gerome introduced Ms. Dana Robb, Program Manager for Compensation and Rewards, to present on the steps to the Board-adopted process, a market analysis, and the new initiatives for the teacher scale and the public safety scale. She also introduced Ms. Claudine Cloutier, Benefits Program Manager, to present on health insurance.

Ms. Robb reminded the Boards of the School Board's adopted strategy of compensation targets, which was to be at the market median for classified staff and at the 75th percentile for teachers. She reviewed the analysis process, which began in July with a survey of the adopted market, then reviewed the WorldatWork projections, followed by projections of market movement. She said the adopted market compensation increased by 2% in 2017 and would likely increase by the same amount in 2018, whereas WorldatWork figures were projected to increase by 2.7% in the coming year, noting that that in past years, the WorldatWork projections were above the adopted market projections. Ms. Robb explained how the classified scale has a minimum, midpoint, and maximum, and said staff has determined it is time to adjust the minimum and maximum since they have not been updated since 2013. She said if they do not adjust the scale, it can impact the County's ability to hire and retain employees because they risk falling behind the market. She next explained the importance of pay for performance, with employees below the midpoint and stronger performers getting relatively higher raises and an accelerator factor for those below midpoint. Ms. Robb noted that this moves them more quickly to the midpoint and allows for hiring while reducing compression. She presented a slide of the merit matrix.

Ms. Robb reviewed completed and ongoing initiatives, noting that the compression remedy is complete, with 534 school and local government employees affected. She said they are currently working on the teacher compensation and public safety pay scale initiatives and have ongoing initiatives for department and individual classification reviews and the School Division broadband three-year pilot program. She reviewed the teacher compensation strategy, reminding the Board that in December 2016 they had directed staff to review teacher compensation, which resulted in their working with Titan-Gallagher to interview school leaders, facilitate focus groups of teachers and administrators, and gather

best practices on pay scales. She said the data is being evaluated and options will be presented to the School Board for review.

Ms. Robb next reviewed public safety pay scales, for which she said they are considering the introduction of a step scale. She said the work began last year and consisted of interviews with department leaders and employees and the gathering of information on best practices. She said they had established a formal team in August that was charged with creating an equitable and predictable public safety pay scale structure to attract and retain quality talent. She said the team wants to create something that is easy to explain and administer and that will attract quality police officers, fire/rescue personnel, and public communications officers. Ms. Robb noted that they will update the Board in the coming months as they develop pay scales through collaboration with Titan-Gallagher. She summarized staff's requests, which are to give a 2% market increase and to fund pay for performance, as well as to make a 1% adjustment to the classified staff pay scale. She concluded and invited questions.

Ms. Mallek asked for an example of how scale adjustment and a pay raises work together. Ms. Robb responded that pay for performance involves differentiated amounts, but they should look to prevent compression from building at the lower end, so that a 1% increase in the scale would impact newly hired workers who may not receive as much of an adjustment for merit increases. She said this will not impact existing employees.

Mr. Koleszar asked if the 2% increase is for pay for performance or if it would be above the 2%. Ms. Gerome interjected that the 2% market increase would be inserted into the merit matrix and represents an additional amount based on an employee's rating.

Mr. Koleszar asked if compression occurred because they have not used a performance matrix. Ms. Robb stated the last time they had pay for performance was in 2015, and prior to that in 2013. She indicated that the lack of pay for performance increases in some years was a partial factor, though a greater factor was that raises were not given for some time as a result of the recession. She provided a brief explanation of the merit matrix.

Mr. Koleszar asked if the WorldatWork is a survey of the southern region. Ms. Robb replied that it is eastern.

Mr. Koleszar commented that as a result of the sequester, Virginia's state revenue was down considerably, and he wondered if the state had recovered to the point where it would be similar to the rest of the region, whereas in past years it was below. He speculated there would be more robust competition for employees, particularly with teachers. Ms. Robb replied that they usually conduct a second market analysis of their benchmark organizations at the end of the year to make sure it is similar to the July projections.

Ms. Gerome said they started relying on WorldatWork because it was difficult to obtain projections early in the year, and most of the compensation data she had seen shows 2-3% increases. She commented that merit pay is for classified employees and not for teachers.

Ms. Mallek asked what a 1% increase equates to in dollars. Ms. Gerome offered to obtain this information.

Ms. Gerome introduced the benefits portion of the presentation. She stated that it is important to offer quality, affordable health insurance as well as distinct choices. She said the consumer-driven plan introduced last year had substantial participation. She reminded the Board of its adopted target to offer benefits slightly above the market, noting that they sought to remain in compliance with government standards and have a plan that was sustainable.

Ms. Claudine Cloutier presented and reminded the boards that the health plan is self-funded through employer contributions and employee premiums to a healthcare fund, which is used to pay claims, administrative costs of Anthem, stop-loss insurance, wellness activities, and to provide a strategic reserve as insurance for challenging years or situations. She reviewed recent changes and additions to the plan, including a consumer-driven high deductible plan that 16% of employees had chosen. She said that last year the County had retained the services of Bolton Partners to conduct an assessment of the self-funded plan and compare it to the state's self-funded local choice plan, a state-run option offered to localities. She explained that they had concluded the current self-funded plan is the best option and allows them to be nimble, have control over how benefits are set, and respond to their own population. She reviewed some wellness programs, including flu and TDAP vaccination clinics, activity challenges, mobile health application, BeWell grants, a farm to workplace pilot, and Weight Watchers rewards.

Ms. Cloutier reviewed ongoing programs, including an annual review of claims data, monitoring of the reserve balance, and wellness activities. She reviewed programs that are on the horizon, including the development of guiding principles, a request for proposals to manage wellness services that will include biometric screenings and health assessments, a pilot disease management program with Anthem, and a pilot program to permit Arosti as an in-network benefit, although they are technically not within Anthem's network. She next explained how they will change employer premium contributions from a flat to a tier-based method, effective October 2018, as this aligns with the market and avoids the Cadillac tax. She explained how under the flat method, they contribute the same amount for each employee, regardless of family size, while the premium contribution under the tiered method will vary by the number covered under the plan. She explained that since the County makes the employer

contribution, it will not affect the amount most employees contribute, with exceptions for three categories of employees: retirees, spouses, and part-time employees.

Ms. Palmer asked if age affects the amount of the premium. Ms. Cloutier replied that age is not a factor.

Ms. Cloutier reported that staff has reviewed the VERIP early retirement program, which is based on age and years of service and allows for up to five years of premium supplements from the County equivalent to the amount received by active employees for those who choose not to stay on the County's healthcare plan. She explained that those who remain on the plan after retirement will contribute the same amount as active employees. She explained that spouses of County employees are entitled to the employer contribution, which results in free insurance, but some spouses, particularly those at lower compensation levels, do not want to pay an employee premium. She said the solution is to allow them to enroll in the choice high-deductible plan with \$0 cost to a couple, and County contributions made to a health savings account for both spouses.

Ms. Acuff asked what the County contribution and deductible amounts are. Ms. Cloutier responded that the contribution amount is \$1,104 annually for a full-time employee, with the deductible at \$3,000 for individuals and \$7,000 for families, and out-of-pocket-maximums at \$4,000 for individuals and \$8,000 for families. She reminded the boards that the County contributes \$2,200 to the cost of insurance.

Ms. Acuff asked how prescription drugs are treated under the high-deductible plan. Ms. Cloutier replied that under Anthem there is an allowable network charge. She emphasized that the Choice Plan, with deductibles, encourages participants to shop around for lower prescription drug costs. She explained that a couple who chose the Select Plan would pay the cost of one individual premium, \$92/month. She next reviewed part-time employees, for whom the County's contribution is prorated based on hours worked, with a minimum of 20 hours per week to qualify for the benefit. She explained that under the rules of the Affordable Care Act, the contribution required of the employee must be considered to be affordable. She next presented a slide that compares the components of the premium for part-time employees versus full-time employees and shows the total overall premium to be the same, but with full-time employees paying \$349 and part-time employees paying \$765 for family coverage. The next slide showed the same comparison under reallocated coverage, with full-time employees paying the same \$349 but part-time employees paying \$1,093. She said they want to minimize the impact on part-timers while complying with the Affordable Care Act and maintaining sustainable rates. She presented a resolution as staff recommends, which would charge the full-time employee premium for those who work .70 full-time hours and use the current calculation method for those who work less than .70 full-time hours. She said this will not affect transportation employees who obtain full-time employee rates if they work .50+ hours of a full-time employee. Further, she explained they will calculate the aggregate contribution required to cover all employees to create a flat rate so those at lower compensation and hourly levels would not bear a disproportionate burden.

Ms. Palmer asked for the number of half-time employees. Ms. Cloutier explained that there are 96 individuals who work between .50 to .69 of full-time positions, most of them under the School Division, and about 60% participate in the health plan. She said this does not include bus drivers, who are classified as full-time.

Ms. Acuff asked if the claims profile for part-time employees is comparable to the overall profile. Ms. Cloutier indicated that they do not track this.

Ms. Mallek expressed concern with the high deductible, which may discourage some unhealthy people from seeking medical care, and said that her preference would be to have a higher rate rather than such a high deductible. She also commented that it could be difficult for a patient to estimate costs, as doctors often will not disclose what their fees will be up front.

Ms. Coutier emphasized that in the Select Plan the deductible is \$500 for individuals and \$1,000 for families, with higher deductibles for Choice Plan participants, but the County contributes \$1,100 to their health savings account. She agreed that it could be difficult to estimate costs, though they do provide online tools to assist with cost estimations.

Mr. Koleszar commented on the importance of the health savings account benefit, particularly for younger workers, as it could build into a significant pot of money during good years to prepare for a year when medical expenses are high.

Ms. Cloutier concluded the presentation with a list of next steps that included a policy language revision in preparation for the October 2018 reallocation, monitoring of claims and the reserve balance for possible current year remedies, the potential for low or no premium changes in 2018-2019, and consideration of changing the plan year to January through December.

Ms. Gerome explained that one remedy they are assessing is to offer a premium holiday for employees, and they will present the Boards with more information at a future date.

Ms. Palmer asked if they could be provided with information about the criteria used for public safety prior to the next meeting. Ms. Gerome agreed to do so.

Ms. McKeel asked if the changes under consideration for both teachers and public safety would impact the current budget cycle. Ms. Gerome said this is the case for teachers and possibly for public safety employees.

Item No. 2b. B.F. Yancey Transition Update.

Ms. Emily Kilroy, Community Engagement Coordinator, stated that in September the School Board had voted to surplus the Yancey Elementary School building, with deed and title transferred to the County on September 25. She said that a staff team is coordinating with Building Services and the School Division to ensure that maintenance and operation of the building are seamlessly transitioned. Ms. Kilroy explained that they maintained a database of organizations that have expressed interest in using the building, and they will assess space needs and days and times of usage. She said this information will be given to the B.F. Yancey Transition Advisory Committee that had been appointed the previous week and will develop guiding principles for future use, develop a vision to capture the history of the site, and make recommendations to the Board of Supervisors in March so that potential funding can be allocated in the budget to be adopted in April. She explained that the committee is comprised of the transition team, as well as additional members from various fields of expertise. She said they expect to meet later this month and present the Board with near-term use options and funding requests in December, with final recommendations to the Board in March. She concluded and offered to send her slides to Board members.

NonAgenda. Ms. McKeel announced that the joint session with the School Board had ended. She invited School Board members to stay a few extra minutes for the presentation of a proclamation of appreciation to Ms. Lee Catlin, Assistant County Executive, in recognition of her service.

(Note: Mr. Randolph arrived at 4:33 p.m.)

Ms. McKeel **moved** that the Board of Supervisors adopt the following Resolution of Appreciation for Ms. Catlin:

**A Resolution of Appreciation for
Lee P. Catlin**

WHEREAS, Lee Catlin served the citizens of Albemarle County with superior distinction for a total of twenty five years, beginning in the Police Department as Community Resource Specialist and eventually rising through the organization to become Assistant County Executive; and

WHEREAS, Lee's leadership spearheaded the County's commitment to proactive community partnerships through thoughtful engagements around hot topics, ranging from identifying alternative revenue sources during the Great Recession to the Route 29 Solutions Business Assistance Program and the 2016 Bond Referendum outreach, as well as standing programs such as the annual budget outreach, Community Advisory Committees, Neighborhood Leadership programs, and countless others – ensuring citizens are heard and involved in important local government matters.

WHEREAS, Lee was an advocate for the County's tourism programs and was instrumental in supporting the work of the Charlottesville Albemarle Convention and Visitors Bureau, the Monticello Artisan Trail, the Monticello Wine Trail, as well as support for the many annual festivals that call our region home each year – understanding that these cultural institutions are what make Albemarle County a great place to live and play; and

WHEREAS, Lee advanced the County's economic development work, growing the program into its own County Department, working to connect prospective businesses to the myriad players in our community to meet site and workforce needs, and highlighting the value of growing our existing businesses within the County, while also leading efforts like the Target Industry Study and the ongoing Economic Development Strategic Plan and Development Advisor efforts; and

WHEREAS, Lee became the trusted voice of Albemarle County through countless interviews and media requests on a wide range of issues, at all hours of the day, and led the County through many crises with professionalism and grace.

WHEREAS, Lee continually pushed Albemarle County to be a high-performing organization with the creation of programs for that engage staff in leadership work and transformational initiatives, including the Innovative Leadership Institute and the Innovation Fund;

NOW, THEREFORE, BE IT RESOLVED, by the Albemarle County Board of Supervisors that Lee is hereby honored and commended for her many years of exceptional service to the Board of Supervisors, Albemarle County residents, and the broader community in which we live with the knowledge that we are strengthened by the contributions of dedicated public servants such as Lee Catlin, whose leadership, dedication, commitment, professionalism and compassion in responding to community needs make Albemarle County a better place in which to live and work; and

BE IT FURTHER RESOLVED, that a copy of this resolution be spread upon the minutes of this meeting of the Albemarle County Board of Supervisors in perpetuity as testament to the high esteem in

which Lee is held by this Board and with sincere gratitude for an extraordinary life of service to this community.

Signed this 11th day of October, 2017

The motion was **seconded** by Ms. Mallek.

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

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

NAYS: None.

Ms. Catlin expressed her appreciation and said it has been a pleasure and privilege to have served with colleagues on the Board, staff, and community. She said that being a government communicator is interesting and she is thankful for the people and the integrity of the organization. She said they have made mistakes and not done everything right, but in her 25 years she has never felt the need to compromise her integrity in representing the wonderful organization that Albemarle County is.

Ms. Acuff said the consultants will present and make recommendations on the high school study at the October 26 working meeting of the School Board.

At 4:36 p.m., Ms. Acuff adjourned the meeting of the School Board.

At 4:36 p.m., the Board recessed its meeting, and reconvened at 4:45 p.m.

Agenda Item No. 3. Government Operations/Courts Relocation Opportunities Analysis - Advisory Services Update.

The Executive Summary forwarded to the Board states that Albemarle County has been engaged for some time in a thorough analysis and assessment of the County's future court needs and the best way to meet those needs. The Board of Supervisors discussed five potential options with an opportunity for public comment last October 24, 2016. The court expansion project reflects a major investment of County funds and is the most expensive project in the County's Capital Improvement Program budget; therefore, the Board is particularly interested in giving County taxpayers an opportunity to review the identified options and provide comment.

Following that meeting, the Board adopted a resolution on November 2, 2016 directing staff to fully explore and pursue partnership possibilities that deliver the most cost efficient economic benefit to County residents while preserving accessible Court facilities by relocating either Court facilities and/or County administration offices to an urban area in the County. The resolution also directed that these possibilities should be explored and vetted by the County prior to engaging in additional negotiations with the City about the Court facilities remaining in their downtown Charlottesville location, so that the Board has fully developed options to make an informed decision about the future direction of the Court facilities expansion project. At the December 14, 2016 Board meeting, staff presented a proposed process for moving forward with the exploration of a public/private partnership (P3) to relocate the courts and/or County administration to a site in Albemarle County. At the conclusion of the presentation, the Board directed staff to proceed as proposed. Staff then developed a Request for Proposal (RFP) and proceeded with the solicitation process to contract with a Development Services Advisor during the spring; staff selected and contracted with Stantec Consulting Services in June 2017. Stantec presented at the June 14, 2017 Board meeting, introducing the project team, and providing a general schedule update and an overview on P3's.

This work supports two strategic plan initiatives: *Redevelop Rio/Route 29 Intersection Area; and By June 2019, establish direction, complete design, and be under construction for the project to expand the General District.*

The County previously defined five potential options for the Courts project with two primarily remaining in consideration.

- Option 1: Renovation of the existing downtown courts complex for the Circuit Court and expansion of the General District Court on the Levy Opera House parcel, which is co-owned between the County and City of Charlottesville.
- Option 5: Build a new General District Court, Circuit Court and associated functions on a parcel in Albemarle County's designated development area, presumptive location identified as the Rio Road/Route 29 area.

The Board established in the November 2, 2016 resolution that the Courts project, in any scenario, must ensure the fair and equitable administration of justice. The Board also directed staff to investigate the potential to which this project could promote its highest strategic priorities of urban development, redevelopment and revitalization. The Board also directed staff to further analyze the extent to which Option 5 would be sufficient to encourage a developer to enter a P3 integrating the Courthouse and/or County Administration Building as part of or adjacent to a larger mixed-use development. The consultant is also analyzing the potential economic impact that might result from a relocation of the courts and/or Administrative building, as well as from new development that could jump-start the revitalization of

a district and increase the taxable value of the properties over time.

The deliverables of the Developer Advisory work are:

Review data related to Option 1 with a specific focus on understanding the adjacencies of the Courts to the City Courts and impacts of separating them through an adjacency study.

Analyze the feasibility, cost, benefits and other impacts of Option 5, with the following sub-options:

- a. Court House Complex Only
- b. County Office Administrative Building Only
- c. Combined facility

Some of the key questions to be answered are:

1. Will the addition of the Courthouse function generate sufficient additional buying power to serve as an anchor to allow a developer to create a commercial or mixed use center; likewise, for a County Administrative Building or a combined facility?
2. What is the development cost of these options initially and over time; annual carrying cost (dependent on financing mechanism); and annual operating cost?
3. To what extent could relocation of the courts and/or Administrative Building serve as a catalyst to achieve strategic goals of redevelopment?
4. Are there hurdles for developing one scenario vs. another?
5. What are the other benefits, financial or otherwise of one scenario over another?
6. What are the potential downsides and negative implications of each option?

The purpose of today's Board presentation is to provide a brief status/update of work in progress by staff and Stantec, focusing primarily to delineate decision "factors" and priorities the BOS has related to the Courts/County office building (COB) relocation considerations to assist the analysis process and ultimate decision-making. Stantec will also share best practices from other examples of P3 negotiations, including purpose/process of RFP for a potential P3 and typical private negotiations.

In advance of this meeting, Board members are encouraged to reflect on what criteria/factors will be most important to bring this process to a final conclusion, and what relative priority those factors should assume. The intended outcome for the meeting on the 11th will be to develop Board consensus on a decision framework, which will also be critical in developing and organizing the final material for the Board's consideration in November and December.

There are no budget impacts at this time.

There is no recommendation at this time.

Mr. Trevor Henry, Director of Facilities and Environmental Services, addressed the Board and stated that he is in the role of project manager for this process and is working closely with the executive office and Lee Catlin. He said he will present an introduction and then turn over the presentation to the consultant, Stantec. He presented a slide with the following agenda items: 1) Introductory Remarks by County, 2) Schedule and Process Update, 3) Quantitative Analysis, 4) Qualitative Decision-Making Framework, 5) P3 Framework. He emphasized that although no action is expected now, staff is soliciting Board feedback. He reminded the Board that on November 2, 2016, they had passed a resolution directing staff to investigate options of the court and County Office Building relocating to the County as an opportunity to invest capital in urban development, along with revitalization to expand the County's commercial and industrial tax base. He said that during the spring they hired Stantec Consulting Services to conduct a study, with work beginning in July. He indicated that they hope to come back on November 8 with confirmation of the criteria that will be discussed at this meeting and to look at content review.

Mr. Henry reported that Stantec is conducting a program analysis that includes size, cost, and other items for the County Office Building and court, and a draft adjacency study had just been completed. He suggested that they hold a second work session in November to review the content and take a deeper dive into the P3 process and help set the framework for decision making for future modeling. He said that at the December 13 meeting they would present the Stantec report that includes modeling and presents pros and cons. He said they have learned more about the fiscal impact model, which he described as being very robust for not only this project but also for other potential development opportunities that may arise. He expressed that it is difficult to present all this information during a two hour meeting and make it easy to understand and suggested they set aside a day for Stantec to present in small group meetings rather than all at one time.

Ms. Xuan Phan of Stantec addressed the Board. She presented a slide of project milestones to help them visualize the components of the process and where things stood in the process. She explained that the end goal is to provide the Board with all the information it needs to provide direction in December. The next slide displayed a timeline of remaining tasks. She said that in July and August, an adjacency study was conducted as well as an independent review of the Rio/29 Small Area Plan. She said the County Office Building program analysis kicked off in September, which entailed department interviews, a building walk-through, and a space utilization survey. Ms. Phan stated that results will be reported to the Board in November. She said they have kicked off the Option 5 fiscal impact analysis, which involves due

diligence, development concepts and scenarios, budgeting/costing, and an analysis of surplus buildings. She said they will analyze P3 structuring and financing in November and provide a presentation and set of recommendations to the Board in December. She said it is Stantec's opinion that the Board's decision should be based on both quantitative and qualitative criteria. She next reviewed quantitative criteria and reviewed the methodology, which had three main components as follows: 1) Update and prepare a project-level analysis of Option 1 and Option 5, 2) Prepare future development scenarios that could occur as a result of stimulus from Option 5, and 3) Incorporate these inputs and assumptions into a County-level financial analysis and management system (FAMS) financial model. She said the model would generate a 10-year cash flow projection of surpluses and deficits for the status quo versus Options 1 and 5, taking into account the fiscal impact of potential future development.

Ms. Phan next reviewed project-level inputs for evaluation, which would involve project costs, including acquisition, construction, and design costs. She said they would add capitalized costs and deduct sale or lease proceeds from the sale of land or buildings as well as contributions from the City of Charlottesville. She explained that the net result would be the net project cost.

Mr. Randolph asked if the Board will be provided with case studies of communities that have utilized this approach of a project level analysis and FAMS model. He expressed interest in knowing what the original projected outcomes were and how actual outcomes deviated or were consistent with the model's predictions. Ms. Phan offered to have their financial services team walk the Board through case studies and what they have done for other municipalities.

Ms. Palmer asked if these examples would include a court complex. Ms. Phan said she did not think so but would review a project in Plant City, Florida later in the presentation.

Ms. Phan next presented development scenarios for evaluation. She said they will test different scenarios to evaluate buildout and level of density as well as development costs, financing assumptions, and operating pro-forma, to estimate a return to the developer or an investor. She emphasized that the return must be sufficient to attract development as well as for the County to achieve its goals, and staff will provide feasible development scenarios. She said this information will be fed into the FAMS model and listed County inputs for evaluation, including all revenues minus operating and capital costs, and debt service to arrive at the net fiscal impact.

Ms. Palmer asked if the analysis would include the loss of revenue for having a government building instead of a commercial building. Ms. Phan said it would.

Ms. Phan presented a slide of FAMS graphical outputs for Plant City, Florida. She reviewed some of the graphs and charts to show how they presented their information.

Ms. Phan next reviewed qualitative criteria, which she described as being very important, but more difficult to fully comprehend. She explained that these are soft attributes, not well defined, difficult to measure numerically, and require judgement to weigh advantages and disadvantages. She presented a slide that listed the following qualitative criteria for relocation: enhanced security, colocation and adjacency impacts, operational impacts, place making opportunity, preservation of historic assets, accessibility/convenience for users, and enhanced security. She briefly described each of the criteria and asked Supervisors if they believe any criteria are missing.

Ms. Mallek asked which criteria would cover ease of access for police officers who come to court to testify. Ms. Phan replied that this would fall under accessibility.

Mr. Dill commented that the analysis compares the option of keeping the court downtown versus moving it to Rio Rd/Route 29 whereas there are many other options for Rio/Route 29 as well as other locations within the urban area. He pointed out that the County's development area represents only 5% of the total County land area and a project of this size would utilize a significant portion of this area. He said it is certain the analysis will show increased economic activity by relocating the court, but would prefer they also analyze other options, such as having a convention center, music hall, or professional sports team.

Ms. Phan said she will next review some risk management criteria, one of which may address Mr. Dill's point. She said they can take the analysis in the direction of reviewing opportunity costs as well as the potential to relocate one of the office buildings to the County.

Ms. Palmer reminded Ms. Phan that earlier in her presentation she had asked if they would take into consideration the lost costs from having a commercial operation versus a public building.

Ms. Phan replied that their model and scope does not consider the potential impact of all the development that might result from the County's planning process, though it can.

Mr. Jeffrey Simon, Stantec, interjected. He said that his understanding of what Mr. Dill and Ms. Palmer are asking is for an analysis of opportunity costs and asked if they agree.

Ms. Palmer agreed. She indicated she believes Mr. Dill's concern is more qualitative as they could be giving up a valuable spot for a public building.

Mr. Dill said he is asking how they can realistically evaluate other opportunity costs and how many alternatives they should consider when there is an infinite number of possibilities.

Mr. Simon agreed with Mr. Dill's assessment of an infinite number of options, but said that in looking at and ranking criteria it is necessary to make an assumption and to look at that.

Mr. Randolph added that they would have to look at real world probability.

Ms. Mallek added that it is not an either/or situation and that many alternative uses could be blended together into something.

Mr. Drew Leff of Stantec pointed out that when the study's objectives were laid out one of the assumptions was that they were not seeing much development of mixed-use, walkable communities. He said that one aspect they are looking at is whether the courthouse, County Office Building, or both are enough to get them over the hump to act as a catalyst, and other things could also serve as a catalyst.

Ms. McKeel commented that it could be from other things added with it.

Mr. Leff agreed, offering to take their suggestions and discuss them with staff to develop something that captures this.

Ms. Mallek expressed concern that they are sending them down a rabbit hole. She said they may have a template they could use, but she is not in favor of opening a new chapter that considers all possibilities. She said the Board needs to have more discussion before adding this task.

Ms. McKeel stated that they created a scope of work and are not looking to expand the study and drag out the timing.

Mr. Walker said they will be mindful of this and try to capture what they are hearing in the context of the scope before the team.

Ms. Phan reviewed the criteria for risk management, noting that this would affect the County's bond ratings and affordability to conduct a project. She said construction risk involves site constraints and issues that may arise during construction that are beyond the County's control. She said that litigation risk refers to the potential for lawsuits. She said control and risk allocation considers how much control they are willing to transfer to a private party in order to transfer risk. She said that implementation relates to legal, operational, and other foreseeable aspects of a project that could cause delays. She asked Supervisors if there are any risk criteria they would add.

Mr. Sheffield expressed his view that construction is both a significant risk and involves costs that are difficult to predict, and wonders how they can factor this in as a risk over a period of several years.

Ms. McKeel recalled the Juvenile and Domestic Relations courthouse project during which a wall fell down, so the project took much longer than anticipated since the building was very old and thus involved some unknowns.

Ms. Phan said they could discuss this within the framework of P3 and the tradeoff between control and risk transfer.

Mr. Randolph noted that there is a serious lack of construction workers, which is impacting work in Houston and Florida, as well as locally in the County.

Ms. Mallek suggested they add a criteria that involves the cost of not doing anything. She also suggested they consider certain criteria to be a standard, such as maintaining an AAA-bond rating.

Mr. Randolph agreed with Ms. Mallek that they need to agree on rules of the road and principles they can agree on that are sacred to the operations of the County.

Mr. Henry said Ms. Phan will present a spreadsheet to be given to Supervisors for homework whereby staff will seek to obtain prioritization.

Ms. Phan stated they are asking the right questions, such as what is most important and which tradeoffs are acceptable and which are not. She emphasized that it will be important to prioritize criteria and she will offer staff a prioritization work sheet so they can rank these priorities under three tiers of importance. She summarized the presentation and explained how the analysis is both a science and an art. Ms. Phan explained that the science is the objective, quantitative piece while the art is in achieving a balance between the qualitative and subjective pieces in order to achieve goals and create the greatest opportunity, while maintaining the lowest risk.

Mr. Leff presented on the P3 framework. He said this had been around for some time, but is very new to some communities and is a method for government to take advantage of the private sector's capability to deliver, and in some cases finance and operate, infrastructure or facilities and to advance the public's goals. He said he will review typical applications, though they will go into more detail in November. Mr. Leff stated that a developer designs, builds, and operates public facilities or infrastructure for a projected income stream. He cited two examples with the first being toll roads, where a private entity designs and builds per specifications as well as operates and maintains the roads, but needs toll revenue to cover and finance costs of the project. The second example is a public building where a developer designs, builds, maintains, and operates a building and recoups the cost through user rent payments. He

said this could also include private development that integrates public use. As an example he described a 16 acre, mixed-use project in an unidentified city in Florida where, working under P2, they were providing the development as well as a new city hall. He emphasized that there are many ways P3's can be put together. He said a developer can design, bid, and build, as well as provide financing and own, lease, and/or operate the facility. He indicated that by taking responsibility for all of these aspects a developer can have the lowest overall cost over a long period of time. He used an example of a project where the developer had a 50-year responsibility, which incentivized the developer to make sure it was building something that would last and not cost a fortune over time, from day one. He explained that any combination of these responsibilities could be mixed.

Ms. Palmer asked if he will include discussion about the potential for conflicts of interest that could arise from a developer having multiple responsibilities, when they next present to the Board. Mr. Kamptner interjected that under Virginia law, circuit court land and buildings must be owned by the locality.

Ms. Phan announced the end of the presentation and invited questions.

Ms. Mallek suggested they create an MO so that if they find it important to have a sustainable, energy efficient, model of green design, it would have an element of destination that would save operations costs over the long term and could be inspirational for future developments brought forward by the private sector in the future. She said this could allow them to take on something new and different.

Ms. McKeel agreed with Ms. Mallek that they should build something that is an environmentally friendly model.

Mr. Dill asked about the timeframe, noting that the Planning Department was looking at a 50-year horizon. He asked what timeframe they are using in their analysis. Ms. Phan replied that the fiscal impact analysis projects over 10 years as it is difficult to predict beyond this. She said that 10 years is practical and reasonable for considering buildout to scale in the particular location. She said they could look at a 50-year time horizon for the Comprehensive and Rio/Route 29 Small Area Plans, though she would not spend too much time trying to project the fiscal impact.

Mr. Henry said he would work with the clerk's office on getting the November and December meetings scheduled as soon as possible.

Mr. Walker reminded Supervisors that they have seen the prioritization tool before and it will provide the opportunity for them to differentiate how they value the various criteria and to assign the relative value for courts and the County Office Building.

(Note: Mr. Dill disqualified himself from participating in the matter to be discussed in the upcoming Closed Meeting. He said the matter pertains to an appeal of a real estate assessment involving a business entity in which he has a personal interest, Seminole Auctions, LLC, which has a relationship with the affiliated business entity of the plaintiff in the assessment appeal. He said his written disclosure would be on file in the public records.)

Agenda Item No. 4. Closed Meeting.

At 5:43 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 (7), to consult with legal counsel and briefings by staff members pertaining to actual litigation pertaining to a real estate assessment appeal, where consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the County. The motion was **seconded** by Ms. Mallek.

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

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

Agenda Item No. 5. Certify Closed Meeting.

At 6:19 p.m., Mr. Randolph **moved** that the Board certify by a recorded vote that to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting. Mr. Sheffield **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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

There were no appointments made at this time.

Agenda Item No. 7. Call back to Order. At 6:20 p.m., Ms. McKeel called the Board meeting back to order.

Ms. McKeel introduced staff members present at the dais, and the Security Officer, Officer Kane.

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

Agenda Item No. 10. Adoption of Final Agenda.

Ms. McKeel added for discussion an Albemarle Broadband Authority project and a Virginia Outdoors Foundation Open Space Easement.

Ms. Palmer **moved** that the Board adopt the final agenda, as amended. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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

Mr. Dill announced that he and Ms. Mallek attended the CBIC tech tour with over 450 middle and high school students who have a potential career interest in math and science. He said he was pleased and impressed with the level of interest and high level of questions asked by students of Sutherland Middle School, the group he happened to be grouped with.

Ms. Mallek expressed similar sentiments of the kids who attended the tech tour.

Ms. Mallek said she will leave a copy of the 2008 Weldon Cooper survey in the Board office in case Supervisors want to learn about some other opportunities.

Ms. Mallek said that at a future meeting, she would like to have a discussion about modifying the open burn regulations.

Ms. McKeel commented that Mr. Morris had informed them that open burn regulations are scheduled for discussion in February.

Ms. Mallek asked Supervisors if they have received constituent complaints about poor delivery by the post office, as they are having atrocious delivery in the White Hall District. She provided some examples, such as packages being left outside, a refusal to deliver Amazon packages to homes and leaving them at the post office, and mail being returned to sender repeatedly. She acknowledged the post office's status as a quasi-governmental organization that operates as a private business and wonders who can help with this issue, mentioning Congressman Tom Garrett as a possible source of assistance.

Ms. Mallek announced she had a town hall meeting in Crozet last night attended by 50 people who stayed for 2.5 hours. She said that one suggestion was made to have some parklands used as nutrient banks to sell credits and generate revenue to offset the cost of the parks. She said she had no knowledge about this but it sounds intriguing, so she will pass this along to staff. She said another attendee suggested they encourage homeowners associations to establish pocket parks in order to have parks that are closer to home.

Ms. Palmer announced she had attended the Moores Creek Pump Station opening, which included a tour of the facility, and she encouraged others to tour the facility.

Ms. Palmer announced the celebration of Apple Butter Days in Batesville, October 21 – 22, with apple butter available for sale.

Agenda Item No. 12. Proclamations and Recognitions:

Item No. 12a. Proclamation Recognizing October as Domestic Violence Awareness Month.

This item was removed from the agenda.

Item No. 12b. Proclamation recognizing October as Wine Month.

Ms. Mallek read and **moved** the adoption of the following proclamation recognizing Albemarle County wineries during Virginia wine month.:

**Proclamation
Virginia Wine Month**

- WHEREAS,** from modest beginnings in colonial times, Virginia has become a nationwide leader in the wine industry, now 8th in the nation in grape production and 12th in the nation in wine production, and with wine sales growing 83 percent since 2010, to 705,166 cases of Virginia wine sold worldwide in fiscal year 2016; and
- WHEREAS,** wines from the Commonwealth, including those from Albemarle County, are winning national and international awards and recognition for their elegant qualities, imparted by skilled vintners and Virginia's terroir; and
- WHEREAS,** many of Albemarle's 35 vineyards, most with wineries on site, are run by families as strong agricultural enterprises that can be passed on to future generations, providing economic benefit for winery owners and employees and for other Albemarle ventures supported by the patronage and purchasing power of winery visitors, including farming of heritage and heirloom crops, restaurant cuisine committed to selling local where possible, and tourism focused on sustaining the land and the local culture; and
- WHEREAS,** in 2016 Albemarle County had the 2nd most bearing acres of grapes in the state - 424 acres, or 16.5% of the state's total bearing acres -- and is part of the central region of Virginia which produced the most tons of grapes -- 2,744 tons, or 42% of the total in the state in 2016; and
- WHEREAS,** Albemarle County values our wineries' stewardship, keeping their land producing and protected in agricultural uses, preserving scenic vistas, historic sites and other amenities which make Albemarle wineries ideal places of entertainment, culture, enjoyment and social engagement that enrich Albemarle County's quality of life and culture of hospitality.
- NOW, THEREFORE, BE IT RESOLVED,** that the Albemarle County Board of Supervisors, does hereby recognize Albemarle County wineries and their contribution to the Virginia wine industry's success and encourage County residents and visitors to visit a winery or purchase local wines through local restaurants and shops during October 2017, Virginia Wine Month.

Signed and sealed this 11th day of October, 2017.

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

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

Ms. McKeel asked each Supervisor to read a list of vineyards that lie within his/her district.

Representing Rio District, Mr. Sheffield read his list: Adventure Farm and Vineyard in Earlysville. He said they offer a pumpkin patch, hayrides, and a fright night during the month of October.

Representing Samuel Miller District, Ms. Palmer read her list: Loving Cup Vineyard and Winery, Merriweather Springs Vineyard, Pippin Hill Farm and Vineyard, and Wisdom Oak Winery.

Representing White Hall District, Ms. Mallek read her list: Whitehall Vineyards, Turk Mountain, Glass House Winery, Grace Estate, Hark Vineyards, King Family, Knight's Gambit, Moss Vineyards, Montfair, Pollack, Seven Oaks, Stinson, and Valley Road. She said three of these were new this year.

Representing Rivanna District, Mr. Dill read his list: Burnley Vineyards, which he said he thinks may be the oldest in the County and is third generation family owned. Chestnut Oak Vineyard, Five Oaks Vineyard, and Keswick Vineyards.

Representing Scottsville District, Mr. Randolph read his list: Blenheim Vineyards, Trump Winery, Gabrielle Rouse Vineyard and Winery, Jefferson Vineyards, Mount Ida Farm, First Colony Winery, Vinham LLC, and Virginia Wine Works.

Ms. McKeel said there were no wineries in the Jack Jouett District.

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

There was no one who came forward to speak.

Agenda Item No. 14. Consent Agenda.

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

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

Item No. 14.1. Approval of Minutes: July 5, July 12, and August 15, 2017.

Ms. Palmer had read the minutes of July 5, 2017 and found them to be in order.

Mr. Sheffield had read the minutes of July 12, 2017 and August 15, 2017 and found them to be in order.

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

Item No. 14.2. Resolution of Intent for Farmers Market ZTA.

The Executive Summary forwarded to the Board states that on August 9, 2017, the Board of Supervisors adopted amendments to simplify the site plan requirements for farmers' markets. At that meeting, the Board directed staff to develop performance standards that would allow some farmers' markets by-right in the Rural Areas zoning district.

During the review of the most recent revisions to farmers' market regulations, the Planning Commission and Board of Supervisors indicated that it may be possible to develop performance standards that would allow farmers' markets by-right. Some of the possible standards include: changes to vendor definitions to insure that only products produced in Albemarle/adjacent counties are sold, hours, limitations on the days of the week and size of structures, limited number of vendors, size of the lot used, number of parking spaces, lighting, screening and relationship to adjoining properties.

There is no budget impact associated with this recommendation.

Staff recommends the Board adopt the attached resolution of intent.

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

RESOLUTION OF INTENT

WHEREAS, the Albemarle County Zoning Ordinance requires a special use permit for farmers' markets in the Rural Areas zoning district pursuant to Albemarle County Code §18-10.2.2; and

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

WHEREAS, the Albemarle County Board of Supervisors considered making farmers' markets a by-right use at its August 9, 2017 meeting; and

WHEREAS, the appropriate performance standards may allow farmers' markets to be a by-right use in the Rural Areas zoning district.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning and development practices, the Board of Supervisors hereby adopts a resolution of intent to consider amending Albemarle County Code §§18-5.1.47, 18-10, and any other sections of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein; and

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

Agenda Item No. 15. **Presentation:** Historic Inventory.

The Executive Summary forwarded to the Board states that since spring 2016, Charlottesville City has faced controversy over the presence of Confederate monuments on its property. Discussions on the historical value and context of various monuments and other historic resources are being scrutinized in localities throughout the United States. In light of questions about historic significance and role of local government regarding historic resources, this historic inventory can provide insight into the following historic resources located on Albemarle County Property, including: structures, monuments, cemeteries, and markers.

Through an overview of Albemarle County's historic resources, the Board may be better informed of the significance, background, and maintenance of historic property. Additionally, this inventory may provide important context to inform any action that may be taken by the Board regarding historic resources at a later time.

This historic inventory is a presentation designed to inform the Board on the age, location, historic significance and County maintenance of select historic buildings, structures, monuments, cemeteries, and monuments situated on land owned or jointly owned by the County. The inventory includes more in-depth information on the Confederate monument located on Court Square due to the recent discussions about Confederate monuments on public land. The information on the Confederate monument requires no action on behalf of the Board and is meant to provide information on the context and legal status of the monument.

The inventory also includes information on historic resources, the status of historic districts listed on the National Register that are located within Albemarle County, the status of properties in Architectural Design Control districts, and the role of the Albemarle County Historic Preservation Committee. The inventory does not include every resource in a historic district but provides a sampling of some of the most significant historic resources or contributing structures.

There is no budget impact associated with this item.

As this is an information item, no action is required or recommended. Staff welcomes further direction from the Board.

Mr. Bill Letteri, Deputy County Executive, addressed the Board and stated that he will present a brief overview of many of the County's historic assets. He said that he recognizes that the issue of historic structures is one that has been discussed around the community and state in recent times. He said Mr. Kamptner will follow his presentation with a discussion of legal aspects related to this matter. He emphasized that no action is expected today, but they welcome direction from the Board. He presented the following agenda: Buildings: Old Jail, Courthouse, and Other Buildings. Markers: Courthouse, County Office Building. Cemeteries, Courthouse Square Monument, Role of Albemarle County Historic Preservation Committee, Legal Discussion.

He first reviewed the old jail and jailer's house at 409 East High Street, which lies within the Charlottesville and Albemarle Courthouse Historic District. He said the old jail was constructed around 1875 with the jailer's house following about 12 years later. He said the architect was George Wallace Spooner, who was pretty well known at the time. He described the structures' condition as a state of arrested decay, and said they conduct minimum maintenance in order to avoid further decay. He stated the jailer's house is in better condition than the jail.

Ms. Palmer said she had heard that the building has asbestos. Mr. Letteri replied that his recollection was that several years ago an assessment was made and they had cleaned out the building.

Mr. Letteri reviewed the County Courthouse at 501 East High Street, dating to 1803 with major additions in 1859 and 1938. He explained that originally the building served a dual purpose as a courthouse and place of worship for several denominations, and Thomas Jefferson had attended church services in the building. He said that Jefferson coined the term "common temple" to describe its multi-functionality.

Mr. Letteri next reviewed several structures, including the Levy Opera House (1852), Jessup House (1885), Juvenile and Domestic Relations Court (1903), Central Library (1906), Wheeler Building (1924), and Morris Building (1924). He said these facilities are known as "contributing structures" for the Charlottesville-Albemarle Historic District and the North Downtown District. He described them as a diverse collection of 19th century government, commercial, residential, and industrial architecture. He noted that the historic district is listed in the National Register of Historic Places as well as the Virginia Landmarks Register, and appearing on these lists is an honor bestowed on historic properties by the state and federal governments. Mr. Letteri said this recognizes the historic value of a property and encourages present and future owners to continue to exercise good stewardship, and there are no restrictions or regulations associated with a national or state listing.

Ms. Palmer asked for clarification of the difference between a designated historic building and a building in an historic district. Mr. Letteri replied that a building in an historic area could be on the national register as a historic building or as a contributing structure.

Ms. Margaret Maliszewski responded to this question and said a building could appear on a historic register on its own or be part of a group of buildings within a historic district. She said that within a historic district there could be contributing and non-contributing buildings, and a building could fall under both designations.

Mr. Letteri reviewed the Albemarle County Office Building located at 401 McIntire Road, which was constructed in 1939 as Lane High School, initially a segregated white-only school, and temporarily shut down as part of the massive resistance movement in the late 1950s, becoming integrated in 1959. He said the building was purchased by the County in the 70s and renovated as a County office facility. He said the building undergoes regular maintenance with funding from the operating budget and assessments every four years.

Mr. Letteri reviewed the Scottsville Historic District, which includes the Scottsville Recreation Center and Library. He reviewed structures in the Crozet Historic District, which includes the Old Crozet

Train Depot (1876), Crozet Elementary School (1923), and the recently constructed Crozet Library, a non-contributing structure.

Mr. Letteri presented a photograph of the historic marker at the courthouse, which they plan to replace with a new marker. He also displayed the courthouse plaque. He presented a photo of the historic marker at the County Office Building, which includes the history of the schools desegregation events, and also pointed out two additional historic markers on the building that honor veterans.

Mr. Letteri commented that there are cemeteries on various County properties, with most of their maintenance handled by the families of the deceased. He next reviewed Courthouse Square monuments and presented a slide with important dates from 1900 – 1909 that led to construction of the monuments, with fundraising conducted by United Daughters of the Confederacy. He noted that the Board of Supervisors had levied a tax to help pay for construction. He said the monument was completed by May 1909 and a dedication ceremony and parade were held May 5, 1909 and a holiday was declared. He presented a drawing of the monument of a uniformed confederate soldier, created by American Bronze Foundry Company of Chicago, with sculpting of the statue likely conducted by a team of sculptors. He said that identical statues, perhaps 400-500, were constructed by the same company and appear all over the south. He said the granite pedestal was supplied by Kyle Granite Company of Washington, D.C. and the cannons were designed in France, provided by the federal government, and used on both sides during the war. He presented a photo of the statute and gave a description. He said a bill was introduced and passed in the General Assembly in 1900 to provide funding for the purchase with contributions made by the City of Charlottesville and Albemarle County through a tax levy, as well as donations raised by United Daughters of the Confederacy. He presented a list of reference sources from which he obtained this information.

Mr. Letteri provided a brief history of the Albemarle County Historic Preservation Committee, which he said was appointed in 1995 to develop a historic preservation plan for the Comprehensive Plan. He noted that Ms. Mallek currently serves on the committee, then turned the presentation over to Mr. Kamptner to review legal aspects.

Mr. Kamptner stated that his presentation will focus primarily on the statue and related assets in Court Square and legislation where the General Assembly imposed restrictions on the removal and changes to statues. He said they had not found any special legislation that pertains to Albemarle County in relation to removal of statues. He presented a 1904 Act of the General Assembly that enabled the circuit court of any county, with the concurrence of the county's board of supervisors, to "authorize and permit the erection of a Confederate monument upon the public square of such county and the county seat thereof" and made it unlawful for a county to disturb or interfere with such a monument. He presented the Albemarle County Board of Supervisors' resolution, adopted December 16, 1908, that authorized the expenditure of funds for the statue, noting that staff had not found anything in writing from the circuit court. He said the wording of the resolution implies that the circuit court judge authorized this, though they would continue looking. He said the law had evolved many times over the last 113 years and now pertains to monuments and memorials of a series of wars up to the present. He emphasized that the law prohibits removal of monuments erected under the law.

Mr. Kamptner reviewed the current law, Virginia Code 15.2-1812: "A locality may, within the geographical limits of the locality, authorize and permit the erection of monuments or memorials for any war or conflict, or for any engagement of such war or conflict (followed by a list of wars and conflicts)..." "If such were erected, it shall be unlawful for the authorities of the locality, or any other person or persons, to disturb or interfere with any monuments or memorials so erected .." "For purpose of this section, 'disturb or interfere with' includes removal of, damaging or defacing monuments or memorials, or, in the case of the War Between the states, the placement of Union markings or monuments on previously designated Confederate memorials or the placement of Confederate markings or monuments on previously designated Union memorials." He said the law has applied to cities since 1997. He presented a slide with definitions of "memorial", "monument", "disturb", and "interfere", as per Webster's 3rd New International Dictionary, which he said was relied on most often by Virginia courts, since the law itself did not define these terms. He emphasized that the definition of "interfere," the act of meddling or obstruction, indicates that the act of covering or changing the image or words on a statue would be considered interfering.

Mr. Kamptner presented slides with the language written on the statues four panels: 1) Warriors, your valor, your devotion, your fortitude under privations; teach us how to suffer and grow strong, "Lest we forget.", 2) 1861 Virginia 1865, 3) Confederate soldiers defenders of the rights of the states, 4) 1909 Erected by the Daughters of the Confederacy, Albemarle County and the City of Charlottesville to Commemorate the heroism of the volunteers of Charlottesville and Albemarle County. "Love Makes Memory Eternal." He next listed actions taken or that have failed to pass in several other Virginia localities, that pertain to statues and monuments.

Mr. Kamptner presented a slide with some legal options, which he said is not an exhaustive list: leave the statue and other historical assets in Court Square as they are; add historical context to the statue and other historical assets in Court Square; initiate or support an amendment to Virginia Code 15.2-1812 that would allow a monument or memorial for any war to be: moved from any location owned by the locality and relocated or not at the locality's discretion, moved from the courthouse grounds and relocated or not at the locality's discretion, modified by, for example, removing them from pedestals and placing them on the ground.

Ms. Mallek asked if the addition of context panels could be considered a disturbance. Mr. Kamptner replied that it would if it were on the statue itself.

Ms. Palmer asked how a judge's decision in the Charlottesville lawsuit would affect the County, and vice versa. Mr. Kamptner replied the difference is that the law had become applicable to cities in 1997, and part of the question is if the law could apply retroactively. He said they would be looking at when, and if, the City authorized the monument.

Ms. McKeel expressed her appreciation for the informative work of Mr. Kamptner.

Agenda Item No. 15a. Declaration of Water Emergency.

Mr. Doug Walker addressed the Board and said the Rivanna Water and Sewer Authority had called an emergency meeting the previous Thursday and declared a drought warning followed by the declaration of a water emergency by the Albemarle County Service Authority the following Monday, which enabled the Board to declare a drought warning to impose restrictions on water use, as authorized by Sec.16-2B of the regulations. He said the consideration before the Board is the necessary next step to support the other actions and to authorize further restriction and prohibition of any and all uses of the water supply, as set forth in Sec. 16-500 of the County Code. He said the resolution would declare the emergency and authorize the Albemarle County Service Authority and its Executive Director to order the restriction. He recognized Mr. Gary O'Connell of the Albemarle County Service Authority (ACSA) and Bill Mawyer of Rivanna Water and Sewer Authority (RWSA) as being present to answer questions.

Mr. Bill Mawyer, Executive Director of RWSA, thanked the Board for its action and said he will try to address some questions that have come from the community. He presented a recent photo of the South Fork Rivanna Reservoir and pointed out its low level, which he said was at 40% of capacity last week. He presented a slide that listed water levels on three dates: August 3 (100%), September 15 (77%), and October 2 (45%). He said they are releasing 9 million gallons per day for use at the Rivanna treatment plant, as well as an additional 9 million gallons per day as required by the Department of Environmental Quality for in-stream release. He said the reservoir is receiving 12 million gallons per day, with an expected deficit of 7 million gallons per day and a real deficit of 17 million gallons per day. He reviewed actions taken that included greater utilization of the Observatory Treatment Plant, supplied by Ragged Mountain Reservoir, and reduced production at the Rivanna treatment plant, supplied by Rivanna Reservoir. He said the split had previously been 9 million GPD at Rivanna and 2 million GPD at Observatory but they are now about even in production, with maximum capacity being utilized at Observatory. He presented a timeline of recent events and actions taken in October. He said DEQ had allowed them to reduce the instream release to 50% of incoming flow and this Monday allowed a reduction to 10% of incoming flow, as a result of County and City water conservation measures. He emphasized that the reduction was permitted for only one week, and next week they will review the situation and make a determination. He said that as a result of these actions the water level is up slightly to 44% (400 million gallons) and holding steady, with 30 million gallons added over the last 36 hours as a result of rainfall. He stated they want to get from 400 million to 900 million gallons. He projected they would have to stay in the drought warning state for several months until the Rivanna Reservoir is substantially full.

Ms. McKeel commented that members of the community do not understand when he talks about releasing and asked that he review the DEQ requirement and why they must release to the streams.

Mr. Mawyer noted that there is a sharing of natural resources between the people, community, and the environment and that when an entity wants to withdraw water, a DEQ permit must be applied for. He said the minimum in-stream flow requirement became prevalent and was updated when the Ragged Mountain Dam was enlarged. He said the requirement was that 70% of water that enters the reservoir had to be released to the Rivanna River below the dam, to keep the river healthy. He said the Rivanna flows into the James River and downstream to Richmond and is a shared resource. He said the permit allows a reduction in the release as reservoir water levels decline. He said DEQ had been helpful, but wants to see the community participate with mandatory water restrictions.

Ms. Palmer asked at what point they would return to a drought warning from the current status of a drought emergency. Mr. Mawyer and Mr. O'Connell responded that they had just entered a drought warning from a watch and that a drought emergency is the third state.

Ms. Palmer asked if at some point the release could be reduced to zero. Mr. Mawyer replied that he thinks so if they are in an emergency status. He said the regional plan adopted in 2004 calculates the risk of a drought by averaging the water levels in the three urban reservoirs, running it through a hydrologic model that assesses the likelihood of a drought occurring within 12 weeks. He said the model indicated there is a 3% chance there would be less than 75% of total capacity in the three reservoirs over the next 12 weeks. He emphasized that overall, the reservoirs are at 70% of capacity, but they cannot transfer water from Ragged Mountain to Rivanna.

Ms. McKeel commented that the formula did not take into account their infrastructure and the ability to transfer water.

Mr. Mawyer replied that it does to some extent. He said the formula was created prior to the enlargement of the Ragged Mountain Reservoir and they were in a learning curve.

Ms. Palmer commented that it had been a long time since they did the DEQ permit and suggested a review. Mr. Mawyer responded that DEQ is thinking the same and wants to review the permit.

Ms. Palmer commented that this illustrated the need to get moving with the water supply plant and other infrastructure improvements.

Ms. McKeel asked Mr. Mawyer to update them on the status of the pipeline. Mr. Mawyer described the community water supply plan as follows: The new dam was constructed to raise the water level by 30 feet with a second phase that calls for raising the level another 12 feet at Ragged Mountain Reservoir when the community's water demand equals 85% of available water. He said the capacity of the reservoir is already sufficient and can hold an additional 600 million gallons above the current 1.5 billion gallons. He reviewed additional components of the plan including a pipeline from Avon Street to Pantops that is in the design phase, with plans for completion within five years.

Ms. Mallek asked about the big pipeline. Mr. Mawyer said there are three prongs to the water issue: supply, treatment, and distribution. He said the proposed nine-mile long Ragged Mountain to Rivanna pipeline is part of the community water supply plan with pump stations at both ends and a likely pre-treatment facility at the Rivanna end.

Ms. Palmer interjected to clarify that the pre-treatment involves removal of sediment and not filtering for drinking water. Mr. Mawyer concurred. He stated that the RWSA Board has approved the plan and the engineer is working on the alignment of the pipe, with several years required to purchase easements, after which time the RWSA Board would discuss when it wants to build the pipeline. He said they are also working on the water treatment phase of the plan, which involves the increase of available drinking water supply from the Observatory treatment plant. He said that in order to increase the supply of water to the urban area they must address supply, treatment, and distribution and have sufficient facilities. He presented a drawing of the County's water system and pointed out various aspects.

Ms. McKeel, noting the extensive time and work that will be required to build the Rivanna pipeline, asked if it is feasible to quickly upgrade the Observatory Mountain plant to handle more water.

Mr. Mawyer replied that the Observatory Mountain project would cost \$10 million to \$15 million and could be done over the next five years. He said the pipeline and pump stations would cost \$60 million to \$100 million. He commented that they would work on both projects together.

Mr. Dill said he had heard several questions about the water that passes through the existing pipeline from Sugar Hollow to Ragged Mountain, which could also release water down to Moormans. He asked if they are permitted to release all the water to Moormans and go into South Rivanna, since there is sufficient supply at Ragged Mountain, or are they concerned about evaporation or efficiency.

Mr. Mawyer replied that Ragged Mountain has only a two-mile watershed while South Rivanna's watershed is 159 square miles. He said they have to fill Ragged Mountain through a pipeline from Sugar Hollow as it is static and there is no stream that can fill it. He said that earlier this year, the pipeline was open and they were sending 4 million gallons per day through the pipeline until it became full, at which time they stopped. He noted that at the same time they were required to conduct the minimum in stream release from Sugar Hollow to Moormans, which was about 1 million gallons per day. He said they could release more water from Sugar Hollow and allow it to find its way to South Rivanna to be treated and distributed to the community, which is another tool available if their current measures are not sufficient. Another option he mentioned is to release water from Beaver Creek Reservoir in Crozet, which would pass through Mechums River and find its way to South Rivanna.

Mr. Dill wondered why, considering the recent imbalance in the supplies at the reservoirs, they have not stopped sending water to Ragged Mountain. Mr. Mawyer replied that this was stopped on May 24 and the only water that is still coming out is the 1M gallons per day from the stream release, some of which found its way to Rivanna.

Ms. Mallek commented that on some days the stream release was only 400,000 gallons, and the amount of water entering Sugar Hollow was very small due to the drought. Mr. Mawyer stated that Sugar Hollow is a drinking water supply reservoir that feeds the Rivanna and Ragged Mountain Reservoirs.

Ms. Palmer noted that Sugar Hollow is the headwater of the watershed and a very important asset. Mr. Mawyer agreed, adding that this is why they try to maintain it full, and it could be a resource to utilize during an extreme drought.

Ms. McKeel commented that the University of Virginia will impose the same water restrictions as the County.

Ms. Mallek asked if UVA water is metered so Charlottesville can monitor it and make sure they are fixing their leaks. Mr. O'Connell responded that UVA is moving forward with new conservation efforts. He addressed feedback he had received that the letter announcing the drought restriction was complicated, emphasizing that it now consists of two things, one being to conserve water any way possible, and the other imposing a mandatory restriction on outdoor watering. He provided their web address: www.serviceauthority.org, and invited people to go to the website for more details. He said that next week, they will begin enforcement activities and issue warnings. He said the Board of Supervisors

and City Council actions puts them in synch so that the entire area population will be under the same rules.

Ms. Mallek said she is grateful these actions are able to be compressed within seven days and encouraged everyone to consider how they can improve their thinking about water in the future. She lamented that some in the community and the nation, as a whole, have the attitude that they will do what they want to do, and it is up to the community to provide as much water as they can buy to enable this. She said water should be viewed as a treasured resource and not as an expendable one.

Ms. Mallek **moved** that the Board adopt the proposed resolution declaring a drought emergency. The motion was **seconded** by Ms. Palmer. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

Mr. O'Connell added that the drought warning will take effect at 8:00 a.m. the following day.

Mr. Dill noted that the website indicates hand held hoses may be used. Mr. O'Connell replied that one can use a hand held trigger device that will automatically shut itself off, or a watering can.

Ms. Mallek asked about water truckers that have permission to fill up from hydrants. Mr. O'Connell replied that this will be illegal as soon as the warning takes effect.

(Note: The adopted resolution is set out below:)

RESOLUTION

WHEREAS, on October 5, 2017, the Board of Directors of the Rivanna Water and Sewer Authority declared a Drought Warning for the Charlottesville-Albemarle County area because of the rapid loss of water storage at the South Fork Rivanna Reservoir; and

WHEREAS, on October 9, 2017, the Board of Directors of the Albemarle County Service Authority (the "ACSA" and the "ACSA Board") determined that a lack of adequate rainfall was creating drought conditions causing the water levels of the water supply reservoirs in all of the ACSA's service areas, particularly the South Fork Rivanna Reservoir, to decrease even after the call for voluntary water conservation measures; and

WHEREAS, on October 9, 2017, the ACSA Board adopted a resolution pursuant Section 16-02(B) of its Rules and Regulations requesting the Albemarle County Board of Supervisors (the "Board") to declare a water emergency which, in turn, enables the ACSA Board to declare a Drought Warning and impose restrictions on water use authorized by Section 16-02(B); and

WHEREAS, the ACSA Board's October 9, 2017 resolution found that a water emergency exists in all of the ACSA service areas of the County arising out of a shortage of water supply.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby declares an emergency because a shortage of water supply exists in all service areas of the County; and

BE IT FURTHER RESOLVED that, in addition to the ACSA Board imposing the mandatory restrictions on water usage authorized by Section 16-02(B) of its Rules and Regulations during the emergency, the Board authorizes the ACSA and its Executive Director to also order the restriction or prohibition of any or all uses of the water supply as set forth in Section 16-500 of the Albemarle County Code during the emergency, as the ACSA Board or its Executive Director deem those restrictions and prohibitions to be necessary.

(Note: The Board recessed its meeting at 7:51 p.m. and reconvened at 7:59 p.m. Mr. Randolph left the meeting at 7:51 p.m.)

Agenda Item No. 16. **Public Hearing: ZTA 2017-07 Terminology Updates and Clarifications. Formerly Advertised as: ZTA 2017-07 Housekeeping II.** To receive comments on its intent to recommend adoption of the following ordinance changes to the Albemarle County Code: Amend Section 18-3.1 to establish definitions for children's residential facility and skilled nursing facility and adds the term skilled nursing facility to the definition of hospital, capitalizes terms in the definition of assisted living facility, and deletes the terms sanitariums, nursing homes, and convalescent homes from the definition of hospital; Amend Section 18-4.12.6 by deleting the terms rest home, nursing home, and convalescent home and adding the terms assisted living facility and skilled nursing facility; Amend Section 18-4.17.3 to amend the definition of lamp; Amend Section 18-4.17.4 to clarify that outdoor luminaires equipped with LED lamps which emit 3,000 or more lumens as indicated by the manufacturer shall be full cutoff fixtures and removes the terms rated lamp wattages; Amend Section 18-5.1.13 to delete the terms rest home, nursing home, convalescent home, and orphanage and to add the terms assisted living facility, skilled nursing facility, and children's residential facility; Amend Section 18-5.2 to remove the term nursing homes and add the terms skilled nursing facility and assisted living facility; Amend Sections 18-14.2.2, 18-15.2.2, 18-16.2.2, 18-17.2.2, 18-18.2.2, 18-19.3.2, 18-20.3.2 by

substituting the terms skilled nursing facility, assisted living facility, and children's residential facility for the terms rest home, nursing home, convalescent home, and orphanage; Amend Section 18-20A.8 by substituting the term skilled nursing facilities for nursing homes; Amend Section 18-20B.1 by deleting references to the CT5 and CT6 Urban Core transects; Amend Section 18-20B.2 by substituting the terms skilled nursing facilities and assisted living facilities for the term convalescent homes; Amend Section 18-20B.4 by substituting the terms skilled nursing facilities and assisted living facilities for the terms convalescent homes and nursing homes; Amend Section 18-26.5 by deleting a reference to off-street parking and loading requirements and clarifying that a buffer is not required when a commercial or industrial district zone is across the street from a residential or rural area district; Amend Section 18-31.3 to clarify that the zoning administrator may conduct a post-construction, pre-use inspection of a building or structure not required to file a building permit application; and Amend Section 18-5.1.11 to substitute the term sound for noise. *(Advertised in the Daily Progress on September 25 and October 2, 2017.)*

The Executive Summary forwarded to the Board states that on June 20, 2017, the Planning Commission adopted a resolution of intent to amend the Zoning Ordinance. This amendment is intended to better implement existing regulations. It is not intended to enact substantive changes that alter policy or create new requirements. The proposed amendment:

- updates the terms "nursing home," "rest home," "convalescent home," and "orphanage", and updates the terms "assisted living facility, skilled nursing facility," and "children's residential facility" to reflect current usage - these terms were removed from the first housekeeping amendment to allow time to confirm each term's appropriate use with the Department of Social Services and the Virginia Code;
- codifies the current practice relating to final inspections for zoning permits for farm buildings and small sheds and other structures that are exempt from the Building Code;
- clarifies the applicability of outdoor lighting regulations to LED lighting, to reflect the development of LED usage; and
- resolves a contradiction between streetscapes and setbacks envisioned in the Albemarle County Comprehensive Plan, and the industrial zone undisturbed "buffer" requirements as written in the Zoning Ordinance.

At its meeting on August 22, 2017, the Commission unanimously voted to recommend adoption of ZTA 2017- 07, with the exception of Section 26.5, regarding the Minimum Yards Undisturbed "buffer" zone. Subsequently, the ZTA title was revised to "Term Updates and Clarifications" to clarify the purpose of the ZTA.

At its August 22 public hearing, the Planning Commission raised questions about the industrial undisturbed "buffer" zone amendment to Section 26.5. A commissioner later through email clarifications on distinctions between "buffers," "landscaping," "setbacks," and "screening." Attachment B provides diagrams and definitions to clarify undisturbed buffer zones.

The Albemarle County Comprehensive Plan encourages streetscapes in accordance with the Neighborhood Model Principles, pulling structures closer to the street, and creating street-level interest through attractive landscaping. To fulfill this expectation, street trees are required and setbacks for all industrial zoning are reduced to 10 feet on street frontages.

The undisturbed "buffer" zones as described in Section 26.5 were intended to create separations between development on property zoned industrial and property zoned rural areas (RA) or residential along the backs and sides of parcels. Within the 30 foot undisturbed "buffer," the landscape regulations require screening materials, usually a fence or a double row of evergreen trees. When the "buffer" is applied to industrial property across the road from residential or RA zoning, this visual separation is counter to the Comprehensive Plan goals of creating a streetscape.

When an industrial parcel and a RA or residential parcel are located on opposite sides of a road, the ordinance, as written, measures that 30 foot "buffer" from the centerline of the right of way. On a narrow right of way, this may require a depth up to 15 feet of an undisturbed "buffer" that runs across the property frontage. This "buffer" serves to increase the setback so it may not be possible to achieve the 10-foot setback for buildings to establish a street presence. Note that this amendment does not reduce or eliminate requirements along the property frontage for landscaping such as street trees and screening. Instead of increasing visual impacts, this amendment allows for attractive landscaping and street trees to improve the attractiveness of neighborhoods as envisioned in the Comprehensive Plan. Additionally, the Board approved the text amendment of eliminating the undisturbed "buffer" for commercial properties on August 9, 2017; approval of the industrial "buffer" zone amendment within ZTA 2017-07 will create consistency within the Zoning Ordinance.

There is no budget impact associated with adopting the proposed ZTA.

Staff and the Planning Commission recommend that the Board adopt the attached Zoning Text Amendment.

Ms. Leah Brumfield, Senior Planner, reported that she will provide recommendations on two zoning text amendments, with the first being ZTA 2017-07, formerly known as "Housekeeping II" and now known as "Term Updates and Clarifications." She said they have distributed some last minute word substitutes requested by attorneys with one involving an acronym and the second substituting the word

“fixtures.” She presented a slide that listed the background to the amendment with the following events: June 20: Planning Commission initiated the amendment with the adoption of a reason of intent. August 22: Planning Commission recommended approval of ZTA 2017-07 with the exception of the changes to Section 26.5. She listed the purpose of ZTA 2017-07 as follows: to update outdated and inaccurate language, to clarify confusing or redundant language, to reflect modern technology, and to codify established procedures. She explained that they consulted with the Department of Social Services to determine the appropriate terminology.

Ms. Brumfield presented a slide of the amendments as follows:

- 1) Updating the terms “rest home, nursing home, convalescent home, and orphanage” and replacing these terms with “assisted living facility, skilled nursing facility, and children’s residential facility.”
- 2) Clarify confusing or redundant language. A) Replace “noise” with “sound” in 5.1.11, for a more accurate and measurable description. B) Remove Downtown Crozet description of “CT6 Urban Core...”
- 3) Reflect modern technology of LEDs. LED’s do not have traditional “lamps” but are a collection of diodes, and are not measured by wattages.
- 4) Codify long-established existing policies. A) Zoning permits. No use prior to final zoning inspection. B) Industrial “undisturbed buffer zones”. Clarify “undisturbed buffer zones” are to be used at the rear and sides of properties, and Neighborhood Model Principles are applied at the front.

Ms. Brumfield presented some diagrams to demonstrate undisturbed buffer zones. She explained that an undisturbed buffer is a 30-foot zone of existing vegetation, untouched, and naturally screening for industrial use. She said if the zone does not create sufficient screening, a double row of evergreens or other screening material may be added. She said a reason for the amendment is because they have pre-existing landscape standards under the Neighborhood Model principle. She said they have pursued appealing streetscapes, pedestrian orientation, and a mixture of uses in neighborhoods, and have included a requirement for street trees and setbacks have been reduced to 10 feet in industrial districts. Ms. Brumfield stated that the ordinance still requires screening shrubs and trees for features with negative impacts, such as parking, loading zones, and dumpsters. She said this is contrasted with the undisturbed buffer zone, which would reject appealing streetscapes by creating a blocking wall of double row conifers, which have very little appeal, creates a scale that is not pedestrian, and contradicted the neighborhood model principles. She said that staff recommends removal of this contradiction. She concluded and invited questions.

Ms. Mallek asked if there is a difference in use intensity in the industrial zone versus the commercial zone. Ms. Brumfield replied that this was codified under the screening requirement of bushes and trees to be put in front of anything that have an undesirable negative impact.

Ms. Mallek said there may be limited cases where invasive plants must be removed and proper plants added in the 30-foot buffer. She said that by providing the ability to do this would serve them better in the long run.

Ms. McKeel opened the public hearing.

As no one stepped forward to speak on the issue, Ms. McKeel closed the public hearing.

Mr. Dill **moved** that the Board adopt the ZTA-2017-07 dated October 11, 2017. The motion was **seconded** by Ms. Mallek. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Randolph.

Ms. Brumfield continued her presentation and indicated this is a non-substantive zoning text amendment and a minor amendment to County Code 18-1, which states the County’s authority for, and the purpose and intent of, the zoning Ordinance and related provisions. She said they wish to address this to clarify this section, as well as to clarify confusing language.

ORDINANCE NO. 17-18(4)

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

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

By Amending:

Sec. 3.1 Definitions

Sec. 4.12.6	Minimum Number of Required Parking Spaces For Scheduled Uses
Sec. 4.17.3	Definitions
Sec. 4.17.4	Standards
Sec. 5.1.11	Commercial Kennel, Veterinary Service, Office or Hospital, Animal Hospital, Animal Shelter
Sec. 5.2	Home Occupations in Zoning Districts Other Than the Rural Areas Zoning District
Sec. 14.2.2	By Special Use Permit
Sec. 15.2.2	By Special Use Permit
Sec. 16.2.2	By Special Use Permit
Sec. 17.2.2	By Special Use Permit
Sec. 18.2.2	By Special Use Permit
Sec. 19.3.2	By Special Use Permit
Sec. 20.3.2	By Special Use Permit
Sec. 20A.8	Mixture of Uses
Sec. 20B.1	Purpose and Intent
Sec. 20B.2	Permitted Uses
Sec. 20B.4	Parking
Sec. 26.5	Minimum Yards
Sec. 31.3	Zoning permits

By Renaming:

Old:	New:
Sec. 5.1.13 Rest Home, Nursing Home, Convalescent Home, Orphanage	Sec. 5.1.13 Assisted Living Facility, Skilled Nursing Facility, Children’s Residential Facility

CHAPTER 18. ZONING

ARTICLE I. GENERAL PROVISIONS

3.1 DEFINITIONS

...

Assisted living facility: A residential facility licensed by the Virginia Department of Social Services where a level of service is provided by an adult care residence for adults who may have physical or mental impairments and require at least moderate assistance with the activities of daily living. Included in this level of service are individuals who are dependent in behavior pattern (i.e., abusive, aggressive, disruptive) as documented on the uniform assessment instrument. (Added 2- 5-03)

...

Children's residential facility: A publicly or privately operated facility licensed by the Virginia Department of Social Services where 24-hour per day care is provided to children separated from their legal guardians. (Added 7-26-17)

...

Hospital: A building or group of buildings designed, used or intended to be used, for the care of the sick, aged or infirmed, including the care of mental, drug-addiction, or alcoholic cases. This terminology shall include, but not be limited to, skilled nursing facilities.

...

Skilled nursing facility: A facility in which the primary function is the provision, on a continuing basis, of nursing services and health-related services for the treatment and inpatient care of two or more nonrelated individuals, including facilities known by varying nomenclature or designation such as convalescent homes, sanitariums, skilled care facilities, intermediate care facilities, extended care facilities, and nursing or nursing care facilities.

...

ARTICLE II. BASIC REGULATIONS

SECTION 4. GENERAL REGULATIONS

...

4.12.6 MINIMUM NUMBER OF REQUIRED PARKING SPACES FOR SCHEDULED USES

...

Assisted living facility, skilled nursing facility: One (1) space per four (4) beds. (See also Multi-family dwellings for the elderly.)

...

4.17.3 DEFINITIONS

Decorative luminaire with full cutoff optics. (Repealed 10-17-01)

Full cutoff luminaire. The term “full cutoff luminaire” means an outdoor light fixture shielded in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below the horizontal plane.

High intensity discharge lamp. The term “high intensity discharge lamp” means a mercury vapor, metal halide, or high pressure sodium lamp, and for purposes of this section 4.17, a low pressure sodium lamp.

Initial lumens. (Repealed 10-17-01)

Lamp. The term “lamp” means the component of a luminaire that produces light. A lamp is also commonly referred to as a bulb and includes an arrangement of light emitting diodes (“LED”).

Lumen. The term “lumen” means a standard unit of measurement of luminous flux.

Luminaire. The term “luminaire” means a complete lighting unit consisting of a lamp or lamps together with the components designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply. A luminaire is also commonly referred to as a fixture.

Outdoor luminaire. The term “outdoor luminaire” means a luminaire which is permanently installed outdoors including, but not limited to, devices used to illuminate any site, structure, or sign, except that it does not include an internally illuminated sign.

...

4.17.4 STANDARDS

The following standards shall apply to each outdoor luminaire:

- a. Except as provided in section 4.17.6, each outdoor luminaire subject to these outdoor lighting regulations shall be a full cutoff luminaire. (Amended 10-17-01)
 - 1. For each outdoor luminaire subject to these outdoor lighting regulations pursuant to section 4.17.2.a, whether a lamp emits three thousand (3,000) or more maximum lumens shall be determined from the information provided by the manufacturer of the lamp including, but not limited to, information on the lamp or on the lamp’s packaging materials. (Amended 10-17-01)
 - 2. For each outdoor luminaire subject to these outdoor lighting regulations pursuant to section 4.17.2.a, the following rated lamp wattages shall be deemed to emit three thousand (3,000) or more maximum lumens unless the zoning administrator determines, based upon information provided by a lamp manufacturer, that the rated wattage of a lamp emits either more or less than the three thousand (3,000) maximum lumens, or is a fixture with LED lamps, the total lumens of which equals 3,000 or more: (Amended 10-17-01)
 - a. Incandescent lamp: one hundred sixty (160) or more watts.
 - b. Quartz halogen lamp: one hundred sixty (160) or more watts.
 - c. Fluorescent lamp: thirty-five (35) or more watts.
 - d. Mercury vapor lamp: seventy-five (75) or more watts.
 - e. Metal halide lamp: forty (40) or more watts.
 - f. High pressure sodium lamp: forty-five (45) or more watts.
 - g. Low pressure sodium lamp: twenty-five (25) or more watts.
 - 3. If LED lamps are proposed, the applicant shall provide information from the manufacturer indicating the total lumens emitted by the fixture and, if the total lumens is 3,000 or more, the fixture shall be a full cutoff fixture. (Amended 10-17-01)
 - 4. If the total lumens emitted by proposed LED lamps are three thousand (3,000) or greater as indicated in information provided by the manufacturer, the fixture shall be a full cutoff luminaire.

...

SECTION 5. SUPPLEMENTARY REGULATIONS

...

5.1.11 COMMERCIAL KENNEL, VETERINARY SERVICE, OFFICE OR HOSPITAL, ANIMAL HOSPITAL, ANIMAL SHELTER

Each commercial kennel, veterinary service, office or hospital, animal hospital and animal shelter shall be subject to the following:

- a. Except where animals are confined in soundproofed, air-conditioned buildings, no structure or area occupied by animals shall be closer than five hundred (500) feet to any agricultural or residential lot line. For non-soundproofed animal confinements, an external solid fence not less than six (6) feet in height shall be located within fifty (50) feet of the animal confinement and shall be composed of concrete block, brick, or other material approved by the zoning administrator;
- b. For soundproofed confinements, no such structure shall be located closer than two hundred (200) feet to any agricultural or residential lot line. For soundproofed and non-soundproofed confinements, sound measured at the nearest agricultural or residential property line shall not exceed fifty-five (55) decibels;

...

5.1.13 ASSISTED LIVING FACILITY, SKILLED NURSING FACILITY, CHILDREN'S RESIDENTIAL FACILITY

- a. Such uses shall be provided in locations where the physical surroundings are compatible to the particular area;
- b. No such use shall be established in any area either by right or by special use permit until the Albemarle County fire official has determined that adequate fire protection is available to such use;
- c. Generally such uses should be located in proximity to or in short response time to emergency medical and fire protection facilities. Uses for the elderly and handicapped should be convenient to shopping, social, education and cultural uses;
- d. No such use shall be operated without approval and, where appropriate, licensing by such agencies as the Virginia Department of Welfare, the Virginia Department of Health, and other such appropriate local, state and federal agencies as may have authority in a particular case.

...

5.2 HOME OCCUPATIONS IN ZONING DISTRICTS OTHER THAN THE RURAL AREAS ZONING DISTRICT

...

- h. Prohibited home occupations. The following uses are prohibited as home occupations: (1) tourist lodging; (2) assisted living or skilled nursing facilities; (3) nursery schools; (4) day care centers; and (5) private schools.

...

SECTION 14. RESIDENTIAL – R-2

...

14.2.2 BY SPECIAL USE PERMIT

...

9. Assisted living facility, skilled nursing facility, children's residential facility, or similar institution (reference 5.1.13).

...

SECTION 15. RESIDENTIAL – R-4

...

15.2.2 BY SPECIAL USE PERMIT

...

9. Assisted living facility, skilled nursing facility, children's residential facility, or similar institution (reference 5.1.13).

...

SECTION 16. RESIDENTIAL – R-6

...

16.2.2 BY SPECIAL USE PERMIT

...

9. Assisted living facility, skilled nursing facility, children's residential facility, or similar institution (reference 5.1.13).

...

SECTION 17. RESIDENTIAL – R-10

...

17.2.2 BY SPECIAL USE PERMIT

...

9. Assisted living facility, skilled nursing facility, children's residential facility, or similar institution (reference 5.1.13).

...

SECTION 18. RESIDENTIAL – R-15

...

18.2.2 BY SPECIAL USE PERMIT

...

9. Assisted living facility, skilled nursing facility, children's residential facility, or similar institution (reference 5.1.13).

...

SECTION 19. PLANNED RESIDENTIAL DEVELOPMENT - PRD

...

19.3.2 BY SPECIAL USE PERMIT

...

3. Assisted living facility, skilled nursing facility, children's residential facility, or similar institution (reference 5.1.13).

...

SECTION 20. PLANNED UNIT DEVELOPMENT - PUD

...

20.3.2 BY SPECIAL USE PERMIT

...

3. Assisted living facility, skilled nursing facility, children's residential facility, or similar institution (reference 5.1.13).

...

SECTION 20A. NEIGHBORHOOD MODEL – NMD

...

20A.8 MIXTURE OF USES

There shall be a mixture of uses within each NMD as follows:

- a. Each district shall have at least two housing types; provided that this requirement may be waived by the board of supervisors if the district is an infill project or at least two (2) housing types are already present within one-quarter mile of the proposed district. The following are considered to be different housing types: (1) single family detached dwellings; (2) single family attached dwellings; (3) duplexes; (4) triplexes; (5) quadplexes; (6) townhouses; (7) multifamily dwellings; (8) accessory apartments; (9) manufactured housing; and (10) special needs housing such as assisted living facilities, group homes, and skilled nursing facilities.

SECTION 20B. DOWNTOWN CROZET DISTRICT - DCD

...

20B.1 PURPOSE AND INTENT

The purpose of the Downtown Crozet District (hereinafter referred to as the "DCD") is to establish a district in which traditional downtown development, as described in the Crozet master plan, will occur. To these ends, the DCD provides for flexibility and variety of development for retail, service, and civic uses with light industrial and residential uses as secondary uses. The regulations for the DCD are intended to promote a development form and character that is different from typical suburban development allowed by conventional zoning, and are also intended to: (i) promote the economic and social vitality and diversity of downtown Crozet; (ii) implement the Crozet master plan for the downtown area of Crozet so that it may serve as the commercial hub of Crozet and its environs; (iii) provide a greater mix of uses in downtown Crozet, including increased employment; (iv) facilitate infill and redevelopment; (v) increase the utility of the land; (vi) retain the uniquely diverse character of Crozet; and (vii) promote a pedestrian-friendly environment. These regulations are intended to provide maximum flexibility in establishing uses and structures in order to implement the relevant policies of the Crozet master plan. Accordingly, although the

20B.2 PERMITTED USES

6. Assisted living facilities and skilled nursing facilities. (reference 5.1.13).

20B.4 PARKING

2. *Non-residential uses:* For all non-residential uses other than assisted living facilities and skilled nursing facilities, one (1) space per one thousand (1,000) square feet of net floor area. For assisted living facilities and skilled nursing facilities, one (1) space per each five (5) bedrooms plus one (1) space per employee per shift, or as otherwise provided in a parking study submitted by the applicant and reviewed and approved by the zoning administrator. For the purposes of this subsection, “net floor area” shall be deemed to be: (a) eighty (80) percent of the gross floor area; or (b) at the request of the applicant, the actual floor area as shown on floor plans submitted by the applicant, delineating the actual net floor area, which plans shall be binding as to the maximum net floor area used.

SECTION 26 INDUSTRIAL DISTRICTS - GENERALLY

26.5 MINIMUM YARDS

The minimum yard requirements in the industrial districts are as follows:

- a. *Buffer zone adjacent to district other than commercial or industrial district.* For the purpose of this subsection, a buffer shall not be required when a commercial or industrial district zone is across a street from a residential or rural area district. No construction activity, including grading or clearing vegetation (collectively, “disturbance”), shall occur within thirty (30) feet of any district other than a commercial or industrial district except in the following circumstances: (i) adequate landscape screening does not currently exist and disturbance is necessary to install screening that meets or exceeds the screening requirements in section 32.7.9; (ii) an arborist or landscape architect certifies that trees in the buffer are dying, diseased or will constitute a fall hazard and must be removed; (iii) the county engineer determines that disturbance is necessary in order to address an existing drainage problem; or (iv) disturbance will result in improved screening through the use of a berm, a retaining wall or similar physical modification or improvement. When disturbance is allowed under subsection (i), (ii), (iii) or (iv), the developer shall submit an illustration showing the existing screening without disturbance and the screening that would be installed after the disturbance, and disturbance shall be allowed only if the screening installed after the disturbance is equal to or exceeds the screening existing prior to disturbance.

SECTION 31 ADMINISTRATION AND ENFORCEMENT

31.3 ZONING PERMITS

- c. *Approval.* If the proposed building or structure and stated use comply with this chapter, the zoning administrator shall approve the zoning permit application.
- d. *Inspection.* Prior to commencing use, the zoning administrator shall require an inspection of the building or structure upon completion of construction to ensure compliance with this chapter.

Agenda Item No. 17. **ZTA 2017-02 Section 1.** To receive comments on its intent to recommend adoption of the following ordinance changes to the Albemarle County Code: Repealing section 18-1.1 and adding a revised section 18-1.1 to reflect that the name of Chapter 18 of the Albemarle County Code is the Albemarle County Zoning Ordinance; Repealing section 18-1.2 and adding a revised section 18-1.2 that establishes the enabling authority of the Albemarle County Zoning Ordinance; Amending and Renaming section 18-1.3; Amending and renaming section 18-1.4 to provide that one of purposes of the Albemarle County Zoning Ordinance is to provide reasonable protection for military bases, installations, and airports as well as the adjacent safety areas of those facilities; Repealing section 18-1.5 and renaming, amending, and renumbering section 18-1.6 to become the new section 18.1-5 in order to implement the comprehensive plan; Adding a new section 18.1-6 to describe all territory subject to the Albemarle County Zoning Ordinance; Amending section 18.1-7 to include a new rule of zoning map interpretation for superjacent and subjacent airspace; and Repealing section 18-1.8. (Advertised in the Daily Progress on September 25 and October 2, 2017.)

The Executive Summary forwarded to the Board states that on April 5, 2017, the Board of Supervisors adopted a resolution of intent to amend the Zoning Ordinance. The purpose of these minor administrative amendments is to incorporate recently enacted state law, remove redundant language, simplify language, and create ordinance consistency with ordering, numbering, and other formatting changes. At its meeting on July 25, 2017 the Planning Commission voted unanimously to recommend adoption of ZTA 2017-02.

The Commission was satisfied that the amendments proposed by staff were non-substantial and did not require additional inquiry.

Staff and the Planning Commission recommend that the Board adopt the attached zoning text amendment.

Ms. Brumfield presented a slide with background as follows: April 5: Board of Supervisors initiated this amendment with the adoption of a resolution of intent. July 25: Planning Commission unanimously recommended approval of ZTA 2017-02. She next listed the reasons for the amendment: to incorporate recently enacted state law, to remove redundant language, to create ordinance consistency with ordering and numbering, to clarify the regulations with minor changes. She stated that as part of the pre-codification process they want to make the code as easy to read as possible. She presented a slide that contained a list of the specific changes as follows: 1) Renumbering and capitalizing list formats, 2) Simplifying language, 3) Reordering sections for clarity, 4) Addressing change to state law. She concluded and invited questions.

Mr. Dill asked what additional protection the amendment will provide to military bases. Ms. Brumfield replied that according to the General Assembly this is provided.

Mr. Kamptner interjected that it might be relied on to justify lower intensity zoning around military bases or to maintain agriculturally zoned land in particular counties.

Mr. Dill asked if this will give the County additional rights to rezone. Mr. Kamptner stated that it provides a rational basis for zoning related actions around these types of facilities, if they were intended to provide reasonable protections.

Ms. McKeel opened the public hearing.

As no one stepped forward to speak she closed the public hearing.

Ms. Mallek **moved** to adopt ZTA-2017-02. The motion was **seconded** by Mr. Dill. Roll was called and the motion carried by the following recorded vote:

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

ORDINANCE NO. 17-18(6)

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

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

By Amending:

Sec. 1.7 Zoning map

By Amending and Renaming:

Sec. 1.3 Effective date; repeal of prior zoning ordinance.
Sec. 1.4 Purposes

By Amending, Renumbering, and Renaming:

Old Number	New Number
Sec. 1.6	Sec. 1.5 Implementation of the comprehensive plan

By Adding:

Sec. 1.1 Short title
Sec. 1.2 Authority
Sec. 1.6 Territory and airspace subject to this chapter

By Repealing:

Sec. 1.1 Authority and enactment

Sec. 1.2 Amendment to adopt
Sec. 1.5 Relation to environment
Sec. 1.8 Certified copy, filing

Chapter 18. Zoning

Article I. General Provisions

Section 1. Authority, Establishment, Purposes and Zoning Map

Sec. 1.1 Short title.

This chapter shall be known and may be cited as the “Albemarle County Zoning Ordinance” or the “Zoning Ordinance.”

(§ 18-1.1, Ord. 15-18(6), 10-11-17)

State law reference – Va. Code § 15.2-2280, 15.2-2286.

Sec. 1.2 Authority.

This chapter is adopted pursuant to Virginia Code § 15.2-2200 *et seq.* and other titles of the Virginia Code enabling the County to regulate through its zoning regulations.

(§ 1.1, 12-10-80, § 18-1.2, Ord. 15-18(6), 10-11-17)

State law reference – Va. Code §§ 15.2-2108, 15.2-2200 *et seq.*, 15.2-2280, 15.2-2286.

Sec. 1.3 Effective date; repeal of prior zoning ordinance.

This chapter shall be effective at and after 5:15 P.M. on December 10, 1980. The zoning ordinance adopted December 22, 1969, as amended, was simultaneously repealed at 5:15 P.M. on December 10, 1980.

(§ 1.3, 12-10-80, § 1.3, Ord. 15-18(6), 10-11-17)

State law reference – Va. Code § 15.2-2286.

Sec. 1.4 Purposes.

The purposes of this chapter are to promote the public health, safety, convenience, and welfare and to accomplish the objectives of Virginia Code §§ 15.2-2200 and 15.2-2283. To these ends, this chapter is intended to:

- A. Provide for adequate light, air, convenience of access, and safety from fire, flood, impounding structure failure, crime and other dangers;
- B. Reduce or prevent congestion in the public streets;
- C. Facilitate creating a convenient, attractive and harmonious community;
- D. Facilitate providing adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements;
- E. Protect against destroying or encroaching upon historic areas;
- F. Protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, impounding structure failure, panic or other dangers;
- G. Encourage economic development activities that provide desirable employment and enlarge the tax base;
- H. Provide for preserving agricultural and forestal lands and other lands of significance for the protection of the natural environment;
- I. Protect approach slopes and other safety areas of licensed airports, including United States government and military air facilities;
- J. Promote creating and preserving affordable housing suitable for meeting the current and future needs of the County as well as a reasonable proportion of the current and future needs of the planning district within which the locality is situated;
- K. Provide reasonable protection against encroachment upon military bases, military installations, and military airports and their adjacent safety areas, excluding armories operated by the Virginia National Guard; and

- L. Protect surface water and ground water as defined in Virginia Code § 62.1-255.

(§ 1.4, 12-10-80, § 1.4, Ord. 15-18(6), 10-11-17)

State law reference – Va. Code §§ 15.2-2200, 15.2-2283.

Sec. 1.5 Implementation of the comprehensive plan

The regulations in, and the districts established by, this chapter are intended to implement the policies, goals and objectives of the comprehensive plan. (Amended 11-1-89)

(§ 1.6, 12-10-80, 11-1-89; § 18-1.5, Ord. 15-18(6), 10-11-17)

State law reference – Va. Code §§ 15.2-2200, 15.2-2283, 15.2-2284.

Sec. 1.6 Territory and airspace subject to this chapter.

This chapter applies to the following:

- A. *Unincorporated territory.* All of the unincorporated land area of the County, subject to subsections (B), (C), and (D).
- B. *Airspace of privately owned and certain publicly owned land.* The superjacent airspace of any unincorporated land area in the County that is not owned by the Commonwealth.
- C. *Airspace of any public travelways.* The superjacent and subjacent airspace of any public highway, street, lane, alley, or other public travelway in the County owned by the Commonwealth that is not required for the purpose of travel or other public use.
- D. *Airspace of privately occupied but publicly owned lands.* The superjacent airspace of any land area in the County not provided for in subsection (C) owned by the Commonwealth or any county, city, or town, that is occupied by an entity or person other than the Commonwealth or any county, city, or town.

State law reference – Va. Code §§ 15.2-2281, 15.2-2293.

Sec. 1.7 Zoning map.

The zoning map is identified, and shall be interpreted, as follows:

- A. *Zoning map identified.* The zoning map is composed of the several maps and digital source files, and all dimensions, symbols, notations, and designations shown on the maps and in the digital source files, is maintained by the Department of Community Development, and is incorporated by reference as part of this chapter. The zoning map is the digital form of the zoning map adopted on December 10, 1980, as amended by all zoning map amendments after that date. The zoning map also may exist in an analog zoning map book.
- B. *Zoning map establishes the location and boundaries of districts.* The location and boundaries of the districts created by this chapter are hereby established as shown on the zoning map. The zoning map also includes symbols that represent the existence of conditions, including proffers, attaching to the zoning of a parcel on the zoning map.
- C. *Interpretation.* The zoning map shall be interpreted as follows:
 - 1. *District lines follow lot lines and center lines; boundaries designated.* The district boundaries shown on the zoning map are intended to follow the lot lines and the center lines of streets or alleys as they existed on December 10, 1980 and as hereafter amended; provided that where a district boundary obviously does not follow any lot line or center line, and is not depicted on an approved subdivision plat or site plan or described by dimensions or other means, the district boundary shall be determined by measurement using a scale.
 - 2. *Waterways, roads, streets, alleys, highways, railroads, and other rights-of-way; boundary not designated.* All waterways, roads, streets, alleys, highways, railroads, and other rights-of-way (collectively, “features”), if not otherwise specifically designated and if not part of a parcel abutting the feature, shall be deemed to be in the same district as the immediately abutting parcels, and the departing boundary lines from those abutting parcels shall be deemed to extend to the centerline of the feature. If the center line of a feature serves as a parcel boundary, the zoning of the feature, if not otherwise specifically designated, shall be deemed to be the same as that of the parcel to which it is a part.
 - 3. *Superjacent and subjacent airspace.* The superjacent and subjacent airspace of any unincorporated territory within the County shall be deemed to be within the same district as the parcel to which it pertains unless the superjacent or subjacent airspace is zoned otherwise by a zoning map amendment.

4. *Areas not otherwise designated.* The intent of this chapter is to have the entire unincorporated territory of the County within a district. Except for those features identified in subsection (C)(2), any area shown on the zoning map having a white background shall be deemed to be in the Rural Areas (RA) district.
 5. *Inconsistencies.* If there is an inconsistency between any information shown on the zoning map and any decision made by the Board of Supervisors or an interpretation of the zoning map made by the Board of Zoning Appeals after December 10, 1980, then the decision of the Board of Supervisors or the interpretation of the Board of Zoning Appeals shall govern.
- D. *Alterations and amendments.* The zoning map shall not be altered or amended in any way except in compliance with the procedures and standards established by this chapter for a zoning map amendment.
- (§ 1.7, 12-10-80; Ord. 12-18(7), 12-5-12, effective 4-1-13; § 1.6, Ord. 15-18(6), 10-11-17)

State law reference – Va. Code §§ 15.2-2285(A), 15.2-2286(A)(7), 15.2-2300.

Agenda Item No. 18. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Broadband Discussion of Grant Opportunity

Mr. Mike Culp, Director of Information Technology, stated that the County has a VOTI grant opportunity and is working with CenturyLink and potentially two other providers to submit an application for funding to provide service to Howardsville and other areas of southern Albemarle; around 270 houses. He said CenturyLink has asked the County to submit a proposed \$27K support option from a cost perspective so that the County's costs are included in the broadband implementation. He said CenturyLink's cost would be \$66K, with the remaining 80% requested in the application as a matching fund. He said the transfer would come from the County's grant leveraging fund. He said that they do not need Board action, but would appreciate an indication of the Board's support for moving forward.

Ms. Palmer commented that they have applied for a smaller grant for this area before, which was denied. She explained her understanding that CenturyLink has found a cheaper way to do this and has expanded the number of homes in the hope that they would achieve a better result.

Ms. Mallek encouraged residents of the homes proposed that will receive service if the grant were approved to donate funds to get the attention of CenturyLink, in order to improve the math. She commented that a small nest egg contributed by the residents may get the attention of grantors and the state.

Ms. Palmer commented that in the beginning they thought CenturyLink would be able to use Federal Communications Commission funds but they renegotiated with FCC and dropped the whole area, which is very disheartening.

Ms. McKeel noted that other Supervisors are nodding their heads to signify approval.

Mr. Walker said that, without objection, staff will proceed with an application, utilizing \$27K from the grant leveraging fund.

Boyd Tavern Cellular Tower/Virginia Outdoors Foundation

Ms. Mallek said several citizens had brought this to her attention to remind her that Boyd Tavern was the foundation for the development of the wireless ordinance because of the facilities' intrusiveness. She stated that decommissioning rules were put in by the landowner in order to get the tower off their property. Ms. Mallek said they have an easement with Virginia Outdoors Foundation, and she expressed concern that some try to manipulate easements that were given, with tax credits, and then people change their minds so they could make more money. She encouraged the Virginia Outdoors Foundation to maintain the easement as written.

Ms. McKeel asked that a letter be sent after approval by Supervisors.

Ms. McKeel said she had heard several people mention the addition proposed for the SPCA and asked Mr. Walker if he knew about this. Mr. Walker offered to find out.

Lieutenant Terry Walls of Albemarle County Police Department addressed the Board. He said his understanding is that SPCA is looking at some addition and expansion projects and offered to obtain copies of the plans and provide them to Mr. Walker.

Ms. McKeel asked for a review of the County's wireless policy to examine areas that need to be updated, as it has been 17 years since they last reviewed the policy.

Ms. Mallek recalled several times when they amended the policy.

Mr. Walker offered to follow up on this.

Agenda Item No. 19. From the County Executive: Report on Matters Not Listed on the Agenda.

There was none.

Agenda Item No. 20. Closed Meeting. *(if needed)*

At 8:33 p.m., Mr. Dill **moved** that the Board go into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- Under Subsection (3), to discuss and consider the acquisition of real property located in Crozet for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County.
- Under Subsection (5), to discuss the expansion of an existing business where no previous announcement has been made of the business' interest in expanding its facilities in the community.
- Under Subsection (6), to discuss and consider the investment of public funds for infrastructure improvements in Crozet where competition and bargaining is involved where, if made public initially, would adversely affect the financial interest of the County.
- Under Subsection (8), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice about an agreement to which the County is a party and which pertains to a County-supported public body.

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

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

NAYS: None.

ABSENT: Mr. Randolph.

Certify Closed Meeting.

At 9:33 p.m., Mr. Dill **moved** that the Board certify by a recorded vote that to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Randolph.

Boards and Commissions: Vacancies and Appointments.

Mr. Dill **moved** that the Board reappoint Mr. David Wayland to Places 29 (Rio) Community Advisory Committee, with said term 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. Palmer, Mr. Sheffield, Mr. Dill, Ms. Mallek and Ms. McKeel.

NAYS: None.

ABSENT: Mr. Randolph.

Agenda Item No. 21. Adjourn to October 17, 2017, 4:00 p.m., Room 241.

At 9:35 p.m., Ms. McKeel adjourned the Board meeting until October 17, 2017 4:00 p.m. Room 241.

Chairman

Approved by Board
Date 01/10/2018
Initials CKB