

An adjourned and regular night meetings of the Board of Supervisors of Albemarle County, Virginia, was held on November 8, 2017. The adjourned meeting was held at 2:00 p.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia, and was adjourned from November 1, 2017. The night meeting was held at 6:00 p.m.

PRESENT: Mr. Norman G. Dill, Ms. Ann Mallek, Ms. Diantha H. McKeel, Ms. Liz A. Palmer, Mr. Rick Randolph, and Mr. Brad Sheffield.

ABSENT: None.

OFFICERS PRESENT: County Executive, Jeff Richardson, 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 2:03 p.m., by the Chair, Ms. McKeel.

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

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

School Board Members Absent: Ms. Pamela Moynihan.

School Staff Present: Dr. Pam Moran, Superintendent, Dr. Matt Haas, Deputy Superintendent of Schools, Mr. Dean Tistadt, Chief Operating Officer, Mr. Jackson Zimmerman, Executive Director of Fiscal Services, Mr. John Blair, Deputy County Attorney, and Mrs. Jennifer Johnston, Clerk.

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At 2:03 p.m., Ms. Acuff called the School Board meeting to order.

Item No. 2a. CIP and Two Year Balanced Fiscal Plan in context of Five Year Financial Plan.

Item No. 2b. **Presentation:** School Board – Five Year Needs.

Item No. 2c. Preliminary FY 19 – FY 23 CIP Overview of the Requests.

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The Executive Summary forwarded to the Boards states that on November 8, the Board of Supervisors and the School Board will engage in a joint work session to receive: 1) information regarding the Five Year Financial Plan, including revenue projections and the General Government's Two Year Fiscal Plan; 2) information regarding the School Division's Five-Year Needs; and 3) a review of the results of the Technical Review Committee (TRC) phase of the FY 19 CIP development process. Board feedback during this joint work session will provide guidance for the upcoming annual budget processes in consideration of the framework provided by long-range financial planning assumptions.

Long-range financial planning is an important component of the County's fiscal processes: it brings together three major components of the County's budget - schools, general government and capital. It also provides a venue for discussion regarding important longer-term priorities and creates a framework within which the next fiscal year's budget development will take place. Additionally, the Board of Supervisors and School Board will have the opportunity to review the ranking of submitted projects prior to the CIP development process proceeding to the Oversight Committee (OC) phase, which begins on November 20.

In accordance with the budget development schedule, the Board of Supervisors will have two additional work sessions on the Five Year Financial Plan on December 6 and December 13.

There is no budget impact; however, the results of this joint work session will provide initial guidance to General Government and School Division staff as they begin to develop their recommended FY 19 budgets.

Staff recommends that the Board of Supervisors and School Board provide direction to staff that will inform the upcoming budget processes.

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Ms. McKeel stated that they will review the CIP, the two-year balanced fiscal plan, the School Board's five-year needs, and the preliminary CIP overview of requests.

Ms. Lori Allshouse, Director of the Office of Management and Budget, outlined the presentation. She thanked the Office of Management and Budget, the Department of Finance, and School Board staff for their work and collaborative efforts. She thanked Ms. Jody Saunders for preparing today's presentation. She reminded the Board that they started a priority-based budgeting process in FY18 and the Board of Supervisors had adopted a two-year strategic plan, and the initiatives to be reviewed today advance these priorities as directed by the Board. She said the County is maximizing transformation, focusing on maintaining a quality organization, putting strategic investments in place in the CIP and other areas, and funding mandates and obligations. Ms. Allshouse emphasized that long-range planning is important for maintaining AAA bond ratings and creates a framework for the County and School Board

annual budget development process, and noted that figures presented today are estimates and will be refined as they continue the budget process. She said the decision framework involves priority-based budgeting focused on the strategic plan, doing important things well, considering past spending patterns, knowing the true cost of doing business, and providing transparency. She said that they project stronger revenues over the next five years and plan to have strategic reinvestment of savings.

Ms. Allshouse reviewed favorable near-term revenue prospects resulting from continued growth in the national and international economies with a diminished chance of an economic slowdown or recession. She said that state revenues are expected to be decent or slightly better than expected, with slow to moderate growth in local revenues and some uncertainty at the federal level.

Mr. Randolph asked for a definition of moderate growth. Mr. Steve Allshouse of the Department of Finance replied that when he used the term "moderate growth," he was thinking of two to three percent.

Ms. Mallek emphasized that these are projections and could go up or down.

Ms. Allshouse presented a graph that showed general revenues in dollars, including breakdowns for real estate, other local revenues, other general property, state revenues, and federal revenues, from FY07 to the present. The graph showed that real estate is by far the largest category, followed by other local revenues. It showed federal as the smallest contributor to revenues. The next chart presented real estate revenues from FY14 to present with annual projections through FY24. Ms. Allshouse said the real estate market is strong and new construction is expected to return to a normal pace after pent-up demand from the recession subsides. She emphasized that the projected revenue growth was modeled with the assumption of a 1.5-cent tax increase in Calendar Year 18.

Mr. Randolph interjected that last year they approved a 2.1-cent rate increase. Ms. Allshouse confirmed this. She said the rate would increase 1.5 cents in 2018 and assumes a 2-cent increase in 2019, which would then be offset by a 0.7-cent reduction associated with a stormwater utility fee.

The next slide depicted actual and projected revenues from sales tax, BPOL, and food and beverage, from FY07–FY23. She noted that revenues from these sources were flat from FY08–FY13 and began to increase in FY14.

Mr. Randolph asked if the increase in FY14 correlated with the opening of the Stonefield Shopping Center and if this had been amplified with the opening of the Fifth Street Station Shopping Center.

Ms. Allshouse replied she did not recall the exact time when Stonefield opened, but it sounded like the time period when it started.

Mr. Sheffield asked if the methods and figures they used to make future projections are shared by other County departments and the schools.

Ms. Allshouse responded that the Finance Department leads revenue projections and a team uses qualitative and quantitative trend analyses, as well as information from economic development and the schools, in a collaborative effort. She indicated that real estate revenues are more subject to change than other revenue sources. She introduced Ms. Vinzant to review the two-year plan of the general government.

Ms. Laura Vinzant, Senior Budget Analyst, presented. She stated that she will provide an overview of expenditures in the general government balanced two-year plan. She said the plan was developed with a focus in three areas: sustaining a quality organization, advancing strategic priorities, and maximizing transformation to address emerging issues. She said the bulk of the budget falls within the category of sustaining a quality organization, with 99% of total two-year plan expenditures directed towards this area. She said the plan continues to fund school division capital projects and debt service by formula, and in FY19 is expected to provide an additional \$4.8 million to schools and almost \$1 million for the capital improvement program. She said that in addition to formula transfers, the two-year plan includes the tax rate increases reviewed by Ms. Allshouse, which would be dedicated to meeting debt service obligations, to fund equity portions of capital projects, to maintain a positive CIP reserve, and to support operating costs associated with the school bond referendum.

She stated that the plan includes a \$2.3 million FY19 funding increase to support the existing work force, including market compensation adjustments and a pay-for-performance pool, as well as funding for lower than expected healthcare premiums. She said that last year's claims experience was favorable and provided the opportunity to share budget savings with employees. She said they anticipate presenting details of health savings in the next several months and that these savings may impact future budgets. She said the plan also includes inflationary increases for departments and assumes an overall increase to agencies of 5%. She emphasized that the Office of Management and Budget will continue to use priority-based principles and the 5% increase will not be automatic for every department. She said the plan would look to address workload issues and service level standards, driven by a population increase and changing demographics, with most of the nearly \$1 million to be used to address public safety workload capacity including police, social services, and rescue squad services, and some funding to support an increased workload in internal departments. She summarized that the plan allocates \$12.1 million of new revenue in FY19 and \$11.6 million in FY20, to the category of sustaining a quality organization.

Ms. Vinzant reviewed the second focus of the two-year plan, advancing strategic priorities. She said the plan includes a funding increase from \$150,000 to \$300,000 annually for the economic opportunities fund, which looks to match state and federal economic development grants that create jobs and expand capital investment in the County. She said they would use \$2 million in one-time funding from the positive year-end variance for economic development projects, including \$250,000 in both FY19 and FY20 for the new arts and culture initiative. She said they propose to also use funds from the positive year-end variance for a variety of infrastructure investments including the transportation revenue sharing program, cash equity to the capital program, and the establishment of a strategic emerging capital needs reserve. She said they would allocate \$550,000 to Urban Services to support small area plans, revitalization and urbanization projects, and support for transportation-related initiatives.

Ms. Vinzant said the County is in the process of determining the level of services for water resource protection programs and developing a stormwater utility to fund these programs. She said the two-year fiscal plan assumes that any expansion of the program would be funded by a stormwater utility fee and includes funding to support local action to reduce climate pollution, one-time funding of \$500,000 for the ACE program, and \$200,000 to incentivize broadband access in the southern part of the County.

Ms. Vinzant reviewed additional priorities, including funding for a Bright Stars classroom at Woodbrook Elementary for at-risk four-year-olds and continuing the Family Finders foster care prevention program that began as a pilot in the current fiscal year. She said they expect this program to result in significant reductions in CSA costs in FY19, which are reflected in this plan. She said the two-year fiscal plan includes funding to assist with cross-functional depth of projects and the need to engage and communicate with the community to achieve desired results. She said the plan allocates \$2.6 million in additional funding for FY19 and \$1.8 million for FY20 to the category of advancing strategic priorities. She said there would also be almost \$9 million in positive year-end variance to be allocated in the current fiscal year for economic development and infrastructure investment.

Ms. Vinzant reviewed the third focus of the two-year plan – maximizing transformation and addressing emerging issues. She said this would include \$1 million in one-time positive year-end variance funds to establish a housing fund that would support a variety of housing initiatives. She said the plan also provides \$400,000 to continue implementation of many of the transformational initiatives begun during the fiscal year, including records management, time and attendance, and a technology needs assessment. She said the plan would also ensure they have the skillsets and tools to work in an environment with an increasing customer-focused technology, engagement, big data, open government, and public-private partnerships, as well as the ability to respond to community needs not addressed by the strategic plan. She concluded and turned the presentation over to Ms. Allshouse.

Ms. Palmer commented that she hopes they can get into some specifics, as some of the items presented are new to her. Ms. Allshouse responded that they have put together a document that will be ready by next week, which includes every item. She added that the Board of Supervisors will have two December work sessions to review items and go into detail. She emphasized that today's presentation is a starting point and the Board can amend and approve the plan.

Mr. Randolph said it would be helpful to have a variance budget plan presented that indicates the amount of dollars available and includes a list of each item proposed to be funded with variance funds. Ms. Allshouse offered to provide this and pointed out that on November 1, the Supervisors were presented with an end-of-year FY17 report that provided a revenues vs. expenditures balance sheet and positive variance.

Ms. Allshouse pointed out that in November and December, the Board would have appropriated or would be asked to appropriate \$1.6 million from the positive variance, with \$1.4 million for the NIFI pilot program.

Mr. Randolph pointed out that the \$1.6 million positive variance funding proposed for NIFI was from FY16 and it is important to separate FY16 and FY17 in the list she will provide.

Ms. Allshouse said they proposed to reinvest \$7 million in the Capital Improvement Program (CIP), \$2.3 million for economic development incentives, \$1 million for the housing fund, \$2.4 million for one-time uses, such as restoration of the grant matching fund, arts and culture initiative, broadband incentives, wildflower plantings, public safety and other uses. She emphasized that the plan only addresses 26–28% of requests presented to the Office of Management and Budget.

Ms. Allshouse said she would review some changes to the CIP. She said they will move the five-year mode from a plan based on budget to one that is based on expenditures, which will look at when they want to spend funds and will move them in a good direction. She described this as a more accurate, "just-in-time" approach. She said they plan to continue borrowing every other year and will explore a calendar year 2018 referendum option. She said they have an overarching CIP financial process improvement activity underway that will review how they manage all departments and look for operational efficiencies and ways to improve coordination among departments and divisions.

Ms. McKeel invited Mr. Richardson to introduce himself to School Board members.

Mr. Richardson thanked Ms. McKeel and stated that he is very excited to be with the County and that it is an extremely intense and busy time, though people have been gracious with their time in assisting him. He said the learning curve is steep, he is learning something every minute, and he is thankful for the collaborative nature of the partnership.

Dr. Matt Haas presented. He described the collaborative nature, problem solving, vision, and team spirit of the partnership between the County and school division. He presented a slide listing desired outcomes from this meeting as follows: Board members understand updated figures, review major drivers of the budget, and consider the school division's five-year financial forecast as a framework for discussion. He said that last year they emphasized a focus on equality vs. equity, as not all students have the same access to the great programs and success that most students share. He said an overall strategic goal is for all County students to graduate with mastery of the lifelong learning skills they need to succeed as 21<sup>st</sup> century learners, workers, and citizens. He said they had an equity café at their annual retreat and reviewed gaps in the data and have been able to frame three strategic priorities for the next two years as follows: create a culture of high expectations for all students, identify and remove practices that perpetuate achievement gaps, and ensure that students identify and develop personal interests.

Dr. Haas presented a definition of "equity" as follows: the shared mission of County schools should be to end the predictive value of race, class, gender, and special capacities on student success by working together with families and communities to ensure each individual student's success. He said the schools annually review the State of the Division report and study data based on their strategic objectives and have developed an equity dashboard that considers how demographic characteristics of a student predict performance. He described the High School 2022 project, which was incorporated by various county schools across the state in 2012 and was shared by the Virginia Department of Education, with the project objective being to recreate a competitive workforce in Virginia. He said the Virginia Department of Education is looking at students in a well-rounded way that considers the types of work skills they are developing, as well as whether they can engage in the community as citizens, instead of a transcript approach that looks at the number of credits accumulated.

Dr. Haas presented a slide with pie charts comparing enrollment and state, federal, and local revenues for the school budget for FY08-09 and FY18-19. He pointed out how local funding had increased as a percentage, which had offset a leveling of state and federal aid. The next slide contained a chart with state aid per pupil each year from FY08-09 through FY18-19, and Dr. Haas pointed out that state aid is now \$399 less per pupil than it was 10 years ago. He next reviewed preliminary local, state, and federal revenue projections. He indicated that state revenue is looking favorable, but federal revenue is threatened by potential sequestration as well as cuts, including Title I reductions and Title II eliminations. He reviewed primary budget drivers for FY18-19, including a 2% teacher salary increase, 2%+ merit increase for classified staff, and health insurance costs expected to increase by 3.75%. The next slide showed projections for the following four years with salary and health insurance costs projected to increase. The next slide presented a chart showing steady increases in expected school enrollment in future years. The next slide showed the percentage of economically disadvantaged students as a percent of total students, with an upward trend projected for future years.

Mr. Randolph asked Dr. Haas to provide a figure as to the number of students that could be affected if funding for the Virginia FAMIS program is not restored by the federal government, as it was scheduled to lapse in September. Dr. Haas said they would work on getting this information.

The next slide presented was of a chart showing special program costs each year from FY10-11 through FY17-18. The chart showed increases each year in spending for various special programs utilized by economically disadvantaged students. He pointed out that the SEAD initiative was introduced last year at schools in the urban ring, and they have gotten off the ground with a high quality team. He thanked the Board for authorizing funding for this program, which he expects to be impactful.

Mr. Randolph asked Dr. Haas if he would present an update on SEAD and its effectiveness to the Board prior to budget deliberations. Dr. Haas offered to update the white paper and noted that SEAD is a three-year pilot program.

The next slide was of a five-year forecast of revenues and forecasts. He noted that the five-year forecast did not include certain needs.

The next slide listed the following funding considerations that were not included in the five-year forecast: teacher salary scale change, targeted classified compensation strategies, social emotional academic development (SEAD), High School 2022, after-school expansion, broadband expansion (home access), and elementary and middle school world language expansion. He said they had conducted a teacher compensation study and have looked at how percentage increases in compensation were applied. Dr. Haas stated that they found their current policies for compensation increases resulted in irregular increases and lags they are looking to straighten out, which is likely to lead to salary increases greater than 2% this year, in order to make adjustments. He said they would look at different transportation methods to ensure that all programs are accessible to all high school students as part of the High School 2022 initiative, which could lead to a need for more buses and driver hours. He said they plan to introduce a freshman seminar developed around social/emotional learning, career development, individual strengths, and mentorships, and this would require additional teachers.

Dr. Haas concluded his presentation, pointing out that County schools rank third in Virginia as rated by the NICHE assessment, which is largely attributable to the resources authorized by the Board of Supervisors and the County. He emphasized that a key question is whether there could be equity and equal access for all children, and he believes they can achieve this.

Mr. Randolph said he would pose a question that Dr. Haas would not be able to answer. He asked if the County could afford to cover increases in special program costs and teacher salary increases if federal assistance is reduced, and he expressed hope that Congress would do something in the coming months.

Ms. Acuff said the School Board is struggling with these issues and is considering ways to gradually increase teacher salaries. She said they are also contemplating next steps to take in addressing capital needs for schools.

Ms. McKeel reminded the Boards, Dr. Haas and Dr. Moran that the City/County transit partnership had recently held its first meeting and agreed that since Charlottesville's pupil transportation department has a seat at the table, the County pupil transportation department should also have a representative at meetings. She said they are in the process of determining who the representative would be.

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Mr. Trevor Henry, Director of Facilities and Environmental Services, presented. He said that today he is appearing in his role as a Technical Review Committee facilitator in support of the budget office and the overall capital planning and budgeting process. He thanked Lindsay Harris and Kelsey Lofton of the Office of Management and Budget for their work on the capital process. He presented an outline of the desired outcomes as follows: provide a high level overview of FY19 development year requests, review Technical Review Committee's ranking, and seek feedback from the Board to inform oversight committee representatives. He provided an outline of his presentation as follows: development year review, terminology and process, summary of requests, recent projects, and discussion.

Mr. Henry presented a development flowchart of the FY19 CIP and pointed out they are at the review process for the two Boards after having completed the Technical Review Committee review. He explained the Technical Review Committee was comprised of school and local government staff with the charge of reviewing and ranking project requests against an objective criteria approved by the Board of Supervisors to inform the budget process. He explained that the Financial Review Committee was comprised of staff from the Office of Management and Budget and Department of Finance from schools and local government with the charge of applying a revenue model against project expenditures. He said that Supervisors Mallek and Dill, Ms. Acuff and Mr. Buyaki of the School Board, Bruce Dotson of the Planning Commission, and citizen-at-large Tom Morris all sit on the Oversight Committee, and he thanked them for their service.

Mr. Henry explained they are in the first year review of a two-year capital process, in the context of a ten-year program with a five-year balanced CIP. He explained that years six through ten represents the capital needs assessment, which looks at future demand. He explained that the first year of the two-year CIP cycle involves department and agency requests and needs, while the second "amendment" year involves updates and urgent requests.

Mr. Koleszar stated that the School Board is looking at the CIP as part of the High School 2022 initiative and speculated that this would not be ready for the Oversight Committee. He asked if they would have a placeholder for this. Mr. Henry replied that this will be addressed later in his presentation.

Mr. Henry said that last year the Oversight Committee wanted to reconvene prior to the FY19 – 23 process in order to review criteria and address some questions and comments, which led to a June meeting of the Oversight and Technical Review committees and support staff. He said they took a long-term view of future big ticket items and agreed to have regular off-year joint planning meetings to look at infrastructure and planning. He said they have added a CIP orientation to the annual process, after having success with this last year, and have this scheduled for the following week.

Mr. Koleszar commented that members would be attending a meeting in Williamsburg at that time and would not be able to attend the orientation. Mr. Henry offered to reschedule the meeting.

Ms. Acuff commented that she attended the orientation a couple of years ago and it is well worth attending, even if one is not on the Oversight Committee, to help understand the process.

Mr. Henry said that one recommendation that emerged from this meeting was to cease the ranking of maintenance and replacement requests, though the Technical Review Committee still reviewed requests to make sure they were properly classified. He said they have adjusted scoring for non-maintenance requests. He said they have conducted an analysis as to whether it is appropriate for items to be in the CIP or the operating budget as well as definitions of maintenance replacement requests. He reviewed changes to scoring for FY19, the first being the addition of a strategic initiatives alignment category. He said they have eliminated the category of regulatory compliance, as the language was redundant with other categories. He said they have consolidated the category of infrastructure with quality of life in order to align to strategic initiatives while still meeting other important categories.

Mr. Henry stated they have received 90 requests totaling \$495 million – 79 from the CIP five-year balanced period and 11 from the capital needs assessment. He noted that some projects are still pending, such as high school capacity and modernization improvements, courts, and parks. He said that school staff and consultants are considering three concepts, with cost estimates ranging from \$83 million to \$138 million. He emphasized that the \$495 million in CIP requests did not include the high school project, which they hope to model in a few different ways. He explained that the courts project was

baselined to the downtown option within the adopted plan with a possibility of changes to the CIP. He said that a needs assessment is in progress from parks, which could affect some requests.

Mr. Henry reviewed pending capital needs assessment requests as placeholders of future facilities, and his slide listed a new middle school facility and expansion of CATEC. He next presented a slide containing a pie chart with a breakdown of \$287 million in CIP requests by category for FY19–23. He noted that the current adopted plan for FY18 was \$177 million. The next slide presented contained a pie chart comparing maintenance and non-maintenance requests, and it showed that non-maintenance requests represent 65%, maintenance requests equal 33%, and administrative requests are 2%. Mr. Henry said they have been asked if the CIP facilities maintenance program is over or underfunded. He explained that the industry standard recommends that 2–4% of the current replacement value be dedicated to facility maintenance and repair budgets, and the five-year CIP average was 2.5% for schools and 2.1% for local government. He said that since he has been with the County, it has been the Board's priority to make sure they take care of their assets.

Ms. McKeel commented that there have been years where they conducted only maintenance, including several years when they only did critical maintenance.

Mr. Henry asked Board members to review the FY19 CIP development year one summary of capital project requests document that had been distributed, noting that projects are ranked and invited comment and direction. He pointed out that requests that are categorized as mandates, obligations, and maintenance/replacements are not ranked. He commented that the 10 highest ranked projects had near unanimous agreement among Technical Review Committee members, which he attributed to the use of criteria. He said the top 10 ranked projects included school capacity and modernization, transportation projects, trails, and public safety.

Ms. Palmer asked how a recycling project that would be implemented by the Rivanna Solid Waste Authority would enter the budget process.

Mr. Henry replied that if it were a capital project, it could be ranked against other projects with a transfer of funds to RSWA if it were approved. He said that alternatives would be to look at year-end funding and special considerations.

Ms. McKeel noted that the Albemarle Bicycle and Pedestrian Program is listed in the ranking and asked if this overlaps with the work underway by Thomas Jefferson Planning District Commission to identify missing bicycle-pedestrian connections.

Mr. Henry replied that this request was for crosswalks and that the Northtown Trail project incorporates information from the TJPDC study.

Ms. Mallek asked how Project 45 – the School Maintenance Replacement Program – compares with Projects 52 and 53, as she assumed it was related to the bond referendum.

Mr. Henry replied that the maintenance replacement program involves items such as roofs and floors.

Mr. Henry presented photos of recent renovation, modernization, and addition work at several schools. He next presented a list of important meeting dates in October, November, and December for the FY19 budget process.

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### Agenda Item No. 3. Joint Resolution Recognizing Veteran's Day.

Mr. Randolph read a resolution recognizing Veteran's Day and **moved** that the Albemarle County Board of Supervisors and Albemarle County School Board adopt the resolution. The motion was **seconded** by Ms. McKeel. Roll was called and the motion carried by the following recorded vote:

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

### RESOLUTION OF APPRECIATION

**WHEREAS**, the United States of America was founded on the principles of liberty, opportunity and justice for all; and

**WHEREAS**, America has called on her men and women in uniform to protect our national security, to advance our national interests and to preserve our rights and freedoms; and

**WHEREAS**, on Veterans Day we remember and pay tribute to the millions of patriots whose courage and sacrifice have secured our freedom and defended our values; and

**WHEREAS**, we also honor all men and women currently serving in the military for their sacrifices; and

**WHEREAS**, over one hundred veterans continue to serve their country in public schools and government as teachers and other professionals providing services to the students and citizens of

Albemarle County; and

**WHEREAS**, these veterans employed by Albemarle County Public Schools and Local Government deserve recognition for their continued service;

**NOW, THEREFORE, BE IT RESOLVED**, that the Albemarle County Board of Supervisors and the Albemarle County School Board do hereby recognize all veterans and the men and women that are currently serving in our armed forces around the world; and

**BE IT FURTHER RESOLVED**, that the Albemarle County Board of Supervisors and the Albemarle County School Board do hereby recognize and honor the continued contributions and sacrifices of the Armed Forces veterans employed by local government and public schools; and

**FURTHER RESOLVED**, that this Resolution celebrating Veterans Day, be adopted this day of November 08, 2017.

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A slide show with the names and photos of County employees who were serving or who have served in the armed forces was presented.

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**Recess.** The Board recessed at 3:45 p.m. and then reconvened at 3:57 p.m.

Ms. Acuff adjourned the School Board meeting.

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Agenda Item No. 4. **Work Session:** Government Operations/Courts Relocation Opportunities Analysis - Advisory Services Discussion.

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 last October 24, 2016 and took public comment. 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 ensuring all options have been properly vetted and giving County taxpayers an opportunity to review the identified options and provide comment.

There are two Courts options 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 additionally directed staff to further analyze the extent to which Option 5 would be sufficient to encourage a developer to enter a public/private partnership (P3) integrating the Courthouse and/or County Office Building as part of or adjacent to a larger mixed-use development. The resolution 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 the 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 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; an RFP review committee 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 P3s. At the October 11, 2017 Board meeting, staff and Stantec presented an update on the analysis work in progress and then focused on the establishment of a Board consensus set of decision-making criteria that will help frame the ultimate decision process.

The deliverables of the Developer Advisory work are:

- 1) 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.
- 2) Analyze the feasibility, cost, benefits and other impacts of Option 5, with the following sub-options:
  - Court House Complex Only
  - County Office Administrative Building Only

- Combined facility

Some of the key questions to be answered are:

- 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?
- What is the development cost of these options initially and over time; annual carrying cost (dependent on financing mechanism); and annual operating cost?
- To what extent could relocation of the courts and/or Administrative Building serve as a catalyst to achieve strategic goals of redevelopment?
- Are there hurdles for developing each option? What are the other benefits, financial or otherwise of each option?
- What are the potential downsides and negative implications of each option?

The purpose of today's Board work session is to review the collated criteria priority ranking feedback from each Board member and establish a common set of priority criteria, tiered for both Qualitative and Risk Management Criteria. (Attachment A) There will be a discussion on the P3 RFP process and the associated typical timeline. The Board will also receive and review at a high level the following reports:

- Adjacency study draft report from the National Center of State Courts (NCSC) (Attachment B)
- Program Analysis draft report that includes information on Courts Option 1 (Courts remaining downtown) and Option 5 (Courts, County Office Building relocation) programming information.

Staff and the consultants will highlight information from the reports and answer questions Board members have. The NCSC consultants, who interviewed the Court's stakeholders and generated the Adjacency Study report, have an unmovable conflict are unavailable to attend the meeting on the 8th but are available for the second meeting on the 16th. Staff scheduled the senior NCSC consultant, who led the Adjacency study effort, to attend the November 16th meeting when a more detailed review can occur and resolve any questions from the Board.

The final objective of the work session is providing an update on the next four to six weeks of the process, including setting the stage for the November 16th work session that will primarily to focus on Adjacency report and other content questions, as well as a closed session to discuss potential P3 scenarios.

There are no budget impacts at this time.

Staff recommends that the Board endorse the Qualitative and Risk Management Criteria after reviewing and achieving consensus.

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Mr. Henry presented and noted that he is acting as project manager for this process and will be joined in his presentation by Project Director, Ms. Xuan Phan of Stantec. He presented the agenda as follows: 1) Schedule and Process Updates, 2) Qualitative Decision Making Framework – Board Input, 3) Program Analysis – County Office Building, 4) Program Analysis – Courts, 5) P3 RFP Process and Timing. He explained that the desired outcome for today is for the Board to endorse the qualitative and risk management criteria after review and achieving consensus. Additionally, he said they would report on program analysis for courts and the County Office Building as well as have a discussion on the P3 RFP process led by Ms. Phan of Stantec. He presented a slide with a schedule of milestones and pointed out where they currently are as well as key events. He said they will take questions from Supervisors tonight, though a more detailed discussion would be held next week.

Ms. Phan presented on the qualitative decision-making process. She listed the following attributes of the qualitative approach: assessment of soft attributes, not well-defined and difficult to numerically measure, and requires judgment to weigh advantages and disadvantages. She presented a list of quantitative, qualitative, and risk management criteria. She noted that the Board had asked for leadership and environmental design principles and opportunity costs to be added to the list of criteria. She reminded Supervisors of the homework she had assigned for them to rank the criteria on a scale of 1 to 3 for both the courts and County Office Building. She said the results of the assignment were mixed, with some patterns arising. She said the highest ranking items were accessibility and convenience for users, enhanced security, and place-making opportunities for Albemarle County, followed by facilities operations efficiencies and adjacency impacts. Ms. Phan stated that preservation of the courthouse as an historic asset, colocation impacts, and leadership in environmental design principles ranked lowest; under risk management criteria for the courts, it was nearly unanimous that opportunity cost and implementation risk were very important and ranked highest; next were construction risk and risk/control allocation followed by funding capacity, impact on bond ratings, and litigation/legal risk.

Ms. Phan next reviewed qualitative criteria for the County Office Building, with accessibility and convenience for users and place making opportunities for Albemarle County ranked at the top. She said these were followed by facility operational efficiencies, leadership in environmental design, and enhanced security. She reviewed risk management criteria, with opportunity cost and implementation risk ranked highest, followed by risk/control allocation, construction risk, funding capacity, impact on bond ratings, and litigation/legal risk.



Mr. Randolph commented that he felt all Supervisors were assuming that security would be incorporated in the design of a County Office Building.

Ms. Palmer observed that under the criteria of accessibility and convenience for users, Supervisors did not identify who the users were and that they could be court services employees, lawyers or judges, and some may be from the County, others from the City and other areas. She emphasized that they were asked to rank adjacency impacts prior to seeing the adjacency study, and she found it to be a ranking dilemma.

Ms. Mallek said that when ranking accessibility and convenience for users, she had in mind citizens who need to go to court.

Ms. McKeel and Mr. Randolph concurred with Ms. Mallek.

Ms. Phan commented that the use of the term “users” was meant to incorporate stakeholders, employees, and the public.

Ms. Phan next presented on program analysis, listing the following goals for the County Office Building: determine whether there was a compelling rationale, including the order of magnitude of potential cost savings, for the County in relocating certain departments to a new facility in the County; Part 1 – understand current space utilization and projected space needs of County administrative departments and identify opportunities for improved space efficiency; and Part 2 – perform fiscal impact analysis and consider the question of the fiscal impact, costs, and benefits of relocating the County Office Building.

She said that Part 1 is underway, with Part 2 planned for December. She reviewed the analysis methods used, consisting of department surveys, interviews with 16 County department heads, workspace utilization, nature of work, public interaction, and specialized space needs. Additional methods of analysis were a calculation of square footage of office space at the McIntire and 5<sup>th</sup> Street buildings, application of industry standards for office space allocation guidelines, and an estimate of annual operating expenses and capital costs. She presented a floorplan of the 1<sup>st</sup> floor of the County Office Building and pointed out where various departments are situated and calculated what their square footage use should be using standard conventions. She emphasized that in some instances qualitative criteria may have to be used, such as areas of privacy for Department of Social Services casework. She noted that the current building has large corridors and wide staircases, which would not be characteristics of a new building.

Ms. Phan presented a space utilization summary with the following information: current employees 447, future needs 514; square footage of COB and 5<sup>th</sup> Street offices 190,470 SF, current need 150,000 SF, future need 160,000 SF; square footage per employee currently 427 SF, current need 336 SF, future need 311 SF; and space savings vs. current 21% for current need, 16% for future need. She next reviewed order of magnitude costs and presented the following information on a chart: current COB and 5<sup>th</sup> Street hard/soft project costs \$3.1M; total project costs \$3.1M; annual costs \$864,200; current needs with new standards \$38.1M–\$44.9M; total project costs \$48.9M–\$57.1M; annual costs \$702,000; future need with new standards: \$40.6M–\$47.9M; total project costs \$51.4M–\$61.5M; annual costs \$747,000. The chart also provided estimates of site acquisition and structured parking costs. She said they included potential costs of a parking structure, in keeping with the County’s vision of a walkable community, although she noted that it was optional. She asked Supervisors if they have questions about the cost of the business analysis.

Mr. Dill said that one of the reasons to move buildings to the County is to create a County center that says something positive and prestigious, and Ms. Phan’s estimates seem to be based on a plain vanilla type of office building. Mr. Dill said he assumed they would approve something more eye-catching, which would entail additional costs, and asked if she has any sense of the additional costs to create a more interesting building.

Ms. Phan pointed out that she had presented hard costs within a range of low to high, reflecting potential options for finishes and design. She said that place-making strategies involved building design and open space as well as activity programming. She said that a public-private partnership (P3) structure with a private developer could bring those elements to the mix so that they did not rely only on the County tenant to create the place.

Mr. Dill commented that in addition to building and ongoing costs, there were also opportunity costs, such as revenue lost by the County not paying real estate tax on the land it uses.

Ms. Phan replied that it would depend on whether the lost tax revenue was greater than the benefit provided of the office space versus what they would get if it were part of a mixed-use development. She said the fiscal impact analysis model that will be presented shortly take those assumptions into account.

Ms. Mallek commented that it is not that much more expensive to make something pretty if they can think ahead in design considerations. Ms. Phan responded that it is a matter of the demographics that the developers wish to target to bring to the facility to work, live, and play.

Ms. McKeel said she assumed they were taking into consideration potential cost savings from energy efficiencies, and asked where this fits within operational costs. Ms. Phan replied that their assumption was they would use best practices for proven mechanical and HVAC systems.

She next presented the following list of goals for courts: provide an overview of the programmatic needs, constraints and opportunities associated with each option; Part 1 – provide findings as inputs into their financial modeling; and Part 2 – perform fiscal impact analysis and consider the question of the fiscal impact, i.e., the costs and benefits of relocating the courts.

Ms. Phan said she would provide an overview of programmatic needs, constraints, and opportunities associated with Option 5, to relocate the courts to the County, and with Option 1. She emphasized that in consideration of the court relocation option, they only have a program to consider and not a site and thus were not able to come up with a conceptual site plan. She said they were looking at the potential relocation of General District and Circuit Courts, but not Juvenile and Domestic Relations Court. Ms. Phan reviewed the 2016 Option 5 analysis, which assumed an 85,000 gross square foot courthouse consisting of two court sets each for the General District and Circuit Courts, Commonwealth Attorney's offices, Clerk offices, holding areas, security, and a small court set for future expansion. She said the assumed location was a County-controlled green field site. She said they have made some modifications, adding a medium-sized court set for expansion, dedicated below-grade parking spaces for judges, and have assumed the location would be on a privately owned site in the Rio/29 area.

Mr. Randolph requested that Ms. Phan provide a detailed breakdown of the costs from the original and updated plans at next week's meeting. Ms. Phan agreed to do so. She said that one additional modification in the new plan was to take out space for court services of the Juvenile and Domestic Relations Court.

Mr. Randolph asked if she could provide information on any new standards that called for additional security enhancements in the construction of new county and state courts. Ms. Phan introduced Tony Bell of Moseley Architects to review Option 1 updates for the courts.

Mr. Bell addressed Mr. Randolph's question about security enhancements, noting that his firm designs courts in Virginia, North Carolina, and South Carolina. He said the Virginia Courthouse Facility Guidelines establish minimum security requirements for judges, sheriff's offices, bailiff's, all court staff, detainees and the public. He said the document calls for segregated and secured parking for judges.

Mr. Randolph wondered if other states are doing similar things. Mr. Bell replied that North and South Carolina are.

Mr. Bell stated that they have developed an Option 1 based on the original scope of the study conducted by Dewberry in 2010–2012, as well as a reduced scope that only considers the County's needs at the Levy site. He said they were looking at Court Square for the Circuit Court, Levy expansion, and 4<sup>th</sup> and High Streets for the General District Court. He said they looked at two options for the Levy site, including the full-blown County/City facility as well as a reduced-scope County only option. Mr. Bell presented an architectural drawing of the Court Square original concept, designed by Dewberry in 2012, which included an addition to the rear of the building, of which there were concerns that the addition could affect the historical value of the building. He presented an architectural drawing of the new baseline and pointed out various features, adding that a critical criterion satisfied with this design was segregated circulation paths for the public, detainees, and judges.

Mr. Randolph asked how this plan would address security for judges in terms of parking and building access, and if these were included in the cost projections presented. Mr. Bell replied they would need to do some exterior improvements, such as fenced or enclosed parking that would be gated, and these cost projections are included in the figures presented.

Mr. Bell reviewed the original and reduced scope options for the Levy site's use as a District Court, stating that the original plan called for facilities for both the County and City, while the reduced option would not have a third floor and would serve only the County. He said there would be secured parking on a lower level. He said the Jessup Building and Redlands Club would not be affected by the renovation and expansion. He said the former Levy Opera House would be renovated for the Commonwealth's Attorney.

Mr. Randolph asked if they considered having judges securely park at this location and have secure access to the old courthouse across the street. Mr. Bell replied that they did not, though it is certainly a possibility. He mentioned examples of other localities where this has been done, and he remarked that it is expensive.

Ms. Palmer said this was considered early in the process, but it was decided it would be too expensive to move utilities underground.

Mr. Randolph emphasized the importance of providing security for judges and how new courthouses constructed in Virginia are maximizing protection for judges. He said it is incumbent on them to ensure that judges can park in a secure location and enter court facilities without being exposed to the public, and they need to know what costs this would entail.

Mr. Dill recalled that the idea of building an underground tunnel was looked at and it was determined it would not be possible in this part of the City.

Ms. Palmer said there could be walled-off surface parking. Mr. Bell said the majority of facilities in Virginia have walled-off parking with a sliding, opaque gate, so the view of the judges is blocked.

Mr. Randolph said he would like to see a diagram of where the parking area would be and how it would serve both facilities. Mr. Bell said it would cover the entire footprint of the Levy site building and be under the first floor.

Ms. Mallek commented that what she thinks Mr. Randolph is referring to is where parking would be placed for the Circuit Court when it is back in its current housing, as there is no space there for a walled parking lot, unless the fountain area is removed.

Mr. Henry addressed Mr. Randolph's comment about a diagram of the parking area. He referred to the Stantec report in the Board's packet, drawing 811.0, which shows basement access to the Levy addition.

Mr. Bell next reviewed the 4<sup>th</sup> and High Street option for the General District Court. He said two residences occupied by the Juvenile and Domestic Relations Court Services Unit are on the site, and to implement this option they would have to demolish the two houses and find a new location for court services. He presented an architectural drawing of the proposed building, which he described as a tight fit. He pointed out various features including parking.

Ms. Palmer said it was her understanding that when the original Juvenile and Domestic Relations Court was built, the old jail was supposed to have been demolished, which he had not proposed in the plan.

Mr. Bell pointed out that the jail is very close to the building, and it could be done with care.

Ms. Palmer said she assumed it could not be done without taking out a portion of the old jail.

Mr. Henry stated that initial studies conducted in 2001 looked at a quadrant of options. He said they had looked at a site that could be an alternate for the General District Court and came to the conclusion that Levy was the better of the two for now and the future. He conceded that future expansion would be problematic due to the presence of the jail.

Mr. Bell said his firm is in agreement with this conclusion.

Mr. Dill asked if they would have arrived at a different conclusion if the jail were not present. Mr. Bell responded that it could be improved without the presence of the jail but with new construction guidelines for courthouses, including standoff distances from the street and the fact that the building fronts on two streets, he believes the Levy site is a better location.

Mr. Randolph asked if there had been discussion about building over the old jail. He suggested that they explore this option as he had seen this done at other locations with historic buildings. He said the "air rights" are more valuable than the land and pointed out that it costs the County \$45,000 annually to maintain the jail in its current state. Mr. Bell replied that they had not discussed this. He said it is possible to do this but it would likely be cost prohibitive, though they could look into this if the County desires.

Ms. Phan resumed her presentation with a comparison of the three court options: new baseline, reduced Levy, and relocation. She presented a chart with square footage, total costs, cost details, and net project costs for the three options. She said the hard and soft cost estimates were applied to all three options, and in the case of the Circuit Court at Court Square, Downey and Scott had provided a formal cost estimate that included cost escalations to the construction midpoint, which would be the year 2020. She said they used the same convention to estimate cost escalations for the other options.

Mr. Randolph said it would be interesting to learn what it cost Martha Jefferson Hospital to construct its three-story garage. He said they could factor in inflation to get an idea of what a garage of this size would cost. He pointed out that the comparison chart did not list costs of parking for Option 1, as this would be negotiated with Charlottesville, and there would be a cost. He said they have not been presented with a straight-line comparison.

Ms. Palmer pointed out that Charlottesville had indicated it would build a parking facility, though operating cost is another issue.

Mr. Henry added that they have assumed a cost of \$20,000 per parking spot, which was based on market data. He offered to reach out to Martha Jefferson Hospital to see if they could obtain this information, though he believes the estimate is appropriate for this area.

Mr. Dill commented that as Option 1 had been around for some time, they had a pretty good understanding of the risks involved, while with Option 5 they did not yet know the location, when and how long it would take to build, which means it was more difficult to obtain accurate estimates.

Ms. Mallek stated that what is underground under the annex was another uncertainty. She listed rock and sewers as potential obstructions they might find.

Ms. Phan reviewed sales proceeds estimates for the three sites and commented that the potential options for the Court Square and Levy sites may be limited, and the costs to convert these buildings to another use could be prohibitive.

Ms. McKeel indicated this had come up in prior discussions.

Ms. Phan noted that the reason Option 1 had the lowest net cost was due to the City of Charlottesville's contribution of \$6.9 million, and she reported that the net estimated project costs for the three options were as follows: new baseline, \$36.3 million; reduced Levy, \$38.5 million; relocation, \$46.9 million - \$51.5 million.

Ms. Phan next reviewed the P3 request for proposal, stating that she plans to make a presentation next week on potential structures and implementation. She said the process would depend on whether or not the County has site control as well as the structure of the partnership arrangement. She presented a hypothetical timeline for the current design, bid, and build process, which listed the following steps: design and permitting, financing, bid, construction of Levy, construction of Court Square, and occupancy. She next presented a hypothetical timeline for the P3 process for a private site, which listed the following steps: spec performance/operations, pre-market, RFEI, RFG/RFP issuance and review, select/negotiate/contract, design and permitting, financing, construction, and occupancy. She suggested they specify performance and operations goals for the developer and concurrently conduct a pre-marketing outreach to the development community and property owners to obtain feedback with a goal of obtaining market intelligence about developer concerns, thoughts, and approaches. She said the next step would be to solicit requests for expressions of interest followed by a request for proposal.

Mr. Randolph asked, assuming there were no expressions of interest, if the County could conduct a design, bid, and build at Levy and Court Square with expectation that the project could be done, though with a longer time frame. Ms. Phan responded that by the end of pre-marketing they would have enough feedback to make a decision on whether to issue an RFEI. She said the design, bid, build process could be extended to provide additional time.

Ms. Palmer speculated that at some point in the process the issue of litigation would arise. Ms. Phan replied that although litigation may be beyond their control, it is possible to assess the likelihood of it occurring and assess potential delays to the process. She presented additional timelines for various hypothetical situations that might occur.

Ms. Phan summarized key takeaways of the P3 process as follows: the P3 process could be straightforward if County has site control but when it involves privately owned sites, more time may be needed; and the P3 process could introduce uncertainty and unknowns into a project. She noted that to mitigate this and avoid pitfalls, it is necessary to internally strategize and to invest time up front in concerted, external, pre-marketing efforts.

Mr. Dill asked if there had been discussion about doing the P3, with a center and neighborhood design, but not a courthouse. He speculated that developers would be glad to have the ability to do what they want without having to build a courthouse. Ms. Phan replied that they could incorporate criteria and objectives into the RFEI process and the creation of a county center could be one of these, with the developer having to come up with a compelling vision.

Ms. Palmer said they could still have a public/private partnership even if they decide not to build a courthouse or county office building. She offered a green space surrounded by development as a possibility.

Ms. Phan said she would not discount the value of having the County as an anchor tenant as a catalyst for a larger, mixed-use development.

Mr. Henry concluded the presentation and promised to provide the Virginia Courthouse Guidelines to Supervisors as well as information around securing the judge at the proposed Circuit Court building. He said Ms. Mallek sent him an email with various questions to which he would respond at next week's meeting.

Ms. Mallek expressed her opinion that they should not proceed further with the Fourth and High Street option and asked Supervisors for feedback.

Ms. McKeel agreed and noted that Mr. Randolph and Mr. Sheffield have nodded their heads.

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#### Agenda Item No. 5. Closed Meeting.

At 5:25 p.m., Mr. Randolph **moved** that the Board go into a Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia, under Subsection (1) to discuss and consider appointments to boards, committees, and commissions in which there were pending vacancies or requests for reappointment; and under Subsection (3), to discuss and consider the disposition of County-owned real property located in the Crozet area, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County. The motion was **seconded** by Ms. Mallek.

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

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

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Agenda Item No. 6. Certify Closed Meeting.

At 6:03 p.m., Mr. Randolph **moved** that the Board of Supervisors certify by a recorded vote that, to the best of each Supervisor's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the Closed Meeting were heard, discussed or considered in the closed meeting. The motion was **seconded** by Ms. Mallek.

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

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

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

Mr. Dill **moved** that the Board make the reappointments:

- **reappoint** Mr. Trevor Henry to the Rivanna Solid Waste Authority with said term to expire April 2021.
- **reappoint** Mr. Gary O'Connell to the Rivanna Water and Sewer Authority with said term to expire April 2021.

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

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

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Agenda Item No. 7. Call back to Order.

Ms. McKeel called the regular meeting of the Board back to order.

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

Following the Moment of Silence, Ms. McKeel then introduced staff present and the presiding security officer, Officer Kane.

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Agenda Item No. 10. Adoption of Final Agenda.

Ms. McKeel informed Supervisors that Agenda Items No. 18 and 19 need to be removed from the agenda at the request of Mr. Thompson and Mr. Tracci.

Ms. Mallek asked that they add a discussion of beekeeping in rural, residential districts, to Agenda Item No. 20.

Ms. Mallek added a brief discussion about a bill to amend the Virginia Code, sponsored by Delegate David Toscano.

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

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

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

Mr. Randolph announced the Virginia Film Festival begins this Thursday with a gala.

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Ms. Mallek announced that the Local Energy Alliance Program (LEAP) had begun its Solarize Charlottesville and Solarize Albemarle program to assist residential and commercial customers with energy efficiency and rooftop solar panels. She said the Solarize NOVA program and LEAP were awarded first place from the Virginia Energy Efficiency Council, having helped 4,400 residences and businesses sign up to participate, saving consumers up to 780 kilowatts annually.

Ms. Mallek reported that a constituent had recently informed her that although Anthem had received headlines indicating they were covering the Virginia market, this apparently is no longer the case. She said people calling the exchange to sign up for next year are being informed their only option is through the Optima HMO. She asked Mr. Richardson and his staff if they have any leverage as an institutional customer of Anthem to twist their arm, adding that she is thoroughly disgusted with their behavior.

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Mr. Dill informed the Board that the Solid Waste Advisory Committee had recently participated in a recycling webinar and learned that, for a variety of reasons, China is no longer accepting most paper and plastic recycling. He said they learned there are a variety of ways they can recycle, but the items must be very clean and dry. He asked that citizens not bring dirty items to the recycling center.

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Ms. Palmer thanked voters for coming out to vote on November 7 despite the cold and rainy weather.

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Mr. Sheffield, noting that his term would soon be expiring, said he would fill his extra time by teaching transportation planning and policy at The University of Virginia.

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Mr. Randolph announced that Grace Episcopal Church in Cismont had unveiled a historical marker along Route 231, and that three parishioners of the church are present at the Board meeting to speak on the matter of a cell tower.

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Agenda Item No. 12. Proclamations and Recognitions:

There were none.

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

Mr. Dan Heuchart, resident of Scottsville District and member of 5<sup>th</sup> and Avon Community Advisory Committee, addressed the Board. He offered congratulations to those Supervisors who were just reelected and said he will offer two recommendations for the Neighborhood Improvement Fund Initiative (NIFI) process. He said the first is to put VDOT matching funds for the Cale crosswalk, which will provide safe access to the school for students and members of the community. The second recommendation is to fund a study of the Avon Street Extended corridor and, if there are funds left over from NIFI, to expand this to a master plan study. He emphasized that this corridor is rapidly becoming a popular destination, and a master plan would help to guide development and avoid it becoming haphazard.

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Mr. Roger Schickedantz, resident of Scottsville District and member of the 5<sup>th</sup> and Avon Community Advisory Committee, addressed the Board. He thanked the Board for approving funds through the NIFI and said it has been helpful to CAC's to have a specific, short-term goal to work towards. He said he would speak about the Avon Street request. He stated that with the opening of 5<sup>th</sup> Street Station, the pressures for thoughtful planning and infrastructure are increasing along Avon Street Extended. He said that pedestrian and bicycle conditions are unsafe, and he witnessed somebody fall into a deep ditch while maneuvering around tall grass to reach the sidewalk near 5<sup>th</sup> Street Station Parkway. He said that he frequently sees bicyclists struggling to stay within the pavement edge. Mr. Shickedantz said that companies are proposing to locate on Avon based on historical expectations of appropriateness. He explained that the 5<sup>th</sup> and Avon Street CAC had viewed a presentation for a big box building proposed near the 5<sup>th</sup> Street Parkway and Avon Street intersection, and little thought had been given to the visual impact to the adjacent residential neighborhood down the hill and the effect on Avon streetscape and provisions for sufficient and generous sidewalk and landscaping. He said that an opportunity was lost to shape zoning and land use in a way that attracts the highest and best use for a prominent entry corridor that should be a front door to the community, and instead development was allowed based upon decades old decisions. Mr. Shickedantz commented that before it is too late, a vision should be created for a coherent and beautiful streetscape, a plan for adequate sidewalk and bike routes that are safe and protected, a plan for rows of trees that provide continuity and are not threatened by telephone and electric lines, and a plan with intentionality to bring the same quality to Avon Street as demonstrated in the 5<sup>th</sup> Street boulevard into Charlottesville. As a first step, he said, a much needed small area plan ought to provide NIFI funding to support the corridor study for Avon Street, and it would also be helpful to identify additional resources to fund a vision process and a thorough master plan for the southern neighborhood growth area.

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Mr. Bruce Williamson, Chair of the Courts Relocation Committee of Charlottesville-Albemarle Bar Association, addressed the Board. He said he would offer comments on the afternoon work session and what would be happening in the near future. He said that on November 2, 2016, the Board had resolved that in any scenario they must ensure the fair and equitable administration of justice. He stated that how questions were framed in some of the documents was potentially misleading, and referring to the "Criteria and Priority" worksheet adjacency and co-location categories, he said they explore advantages and

disadvantages of each criteria. He said the materials do not point out any disadvantages to weigh against advantages for both co-location and adjacency. He said that no case was made for an affirmative benefit of the administration of justice by moving the courts from Court Square. He said there are many benefits and they were confirmed by the adjacency study. He asked that they consider the benefits of keeping the courts where they are and emphasized the costs of staying downtown are \$10-\$15M less than moving. He said the courts need to be at Court Square in the interest of administration of justice and what is best for all citizens.

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Mr. Jeff Werner of the Piedmont Environmental Council addressed the Board. He wished Mr. Sheffield well in his professorship and welcomed Mr. Richardson. He related his positive experience of giving a presentation on Halloween to 4<sup>th</sup> and 5<sup>th</sup> grade students at Agnor-Hurt School about the Carter Family Cemetery behind the school. He described how engaged and excited the students were to participate in the laying of photos of the deceased by the headstones. He suggested to the Board that they consider using the cemetery site as a learning opportunity to learn about the area.

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Agenda Item No. 14. Consent Agenda.

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

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

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Item No. 14.1. Perrone Robotics Performance Agreement.

The Executive Summary forwarded to the Board states that Perrone Robotics, Inc. (PRI), based in Crozet, Virginia, was founded in 2003 and develops mobile autonomous robotics solutions. Perrone provides services to companies to help them build and deploy their own robotics and autonomous solutions. Perrone Robotics chose to expand its operations in Albemarle County rather than relocate to another jurisdiction. The company anticipates creating at least 52 new jobs paying above average wages and making a \$3,870,000 capital investment in the County.

Perrone is eligible for the Virginia Jobs Investment Program (VJIP). For qualifying companies in basic sectors of industry - exporting goods or services outside of Virginia - and paying competitive wages, VJIP provides consultative services and funding to those companies to support employee-training activities. As a business incentive supporting economic development, VJIP reduces the human resource costs of new and expanding companies. The VJIP funding is awarded for every full-time job that has been filled for a period of at least 90 days. A company awarded a VJIP grant submits a form indicating the new employee name, job title filled for 90 days or more, and salary level. Upon receipt of the form, the Virginia Economic Development Partnership (VEDP) requests that the Virginia Comptroller mail a check in the amount allocated for those specific employees. VEDP awarded Perrone Robotics a VJIP Grant to match \$1,000 for every new job created.

VJIP does not require a local match; however, the County recognizes that this was a competitive project, and that Perrone Robotics could have chosen to expand in other states and other communities. To support the company's expansion in Albemarle County, both the Board of Supervisors and the Economic Development Authority (EDA) would provide a match to the VEDP commitment at 50% of a previously indicated performance level of 52 jobs within a three-year period. As proposed, the Board would provide \$250 for each full-time job created, along with the EDA commitment of \$250 for each full-time job created, to establish a 50% match of the VEDP award of \$1,000 for each full-time job created.

Albemarle County established an Economic Opportunity Fund in 2007 to "address unemployment and underemployment of County residents by assisting County businesses in providing higher wage permanent jobs by providing matching funding to federal or state economic development projects." This project will allocate \$13,000 from the County's Economic Opportunity Fund over the course of three years as the company hires new staff.

Staff recommends that the Board allocate \$13,000 from the County's Economic Opportunity Fund to be appropriated to the Economic Development Authority upon request of the County Executive, and to authorize the County Executive to sign the attached performance agreement on behalf of Albemarle County.

**By the above-recorded vote, the Board approved the allocation of \$13,000 from the County's Economic Opportunity Fund to be appropriated to the Economic Development Authority upon request of the County Executive, and authorized the County Executive to sign the performance agreement:**

**THIS AGREEMENT** is made and entered into on the \_\_\_\_ day of September, 2017, by and among the **COUNTY OF ALBEMARLE, VIRGINIA** (hereinafter "the County"), a political subdivision of the Commonwealth of Virginia, and **PERRONE ROBOTICS, INC.** (hereinafter "the Company"), a Virginia corporation, and the **ALBEMARLE COUNTY ECONOMIC DEVELOPMENT AUTHORITY** (hereinafter "the EDA"), a political subdivision of the Commonwealth of Virginia.

**WITNESSETH:**

The Company intends to create up to fifty-two new full-time jobs after the date of this Agreement in Albemarle County, Virginia.

For purposes of this agreement, a “new full-time job” must require a minimum of either (i) 35 hours of an employee’s time per week for the entire normal year of the Company’s operations, which “normal year” must consist of at least 48 weeks, or (ii) 1,680 hours per year.

The Company is participating in the Virginia Jobs Investment Program New Jobs Program with the Commonwealth of Virginia. In order to receive an economic incentive payment from the Commonwealth, the Company is required to present a “Virginia Jobs Investment Reimbursement Request Form” (hereinafter “the Form”) to the Commonwealth.

The Company hereby agrees to provide a copy of the Form to the County and the EDA upon the Company’s submission of the Form to the Commonwealth.

Upon submission of the Form, the County and the EDA pledge to each grant two hundred and fifty dollars (\$250.00) for each new full-time job in Albemarle County created by the Company. No individual employee may qualify for the payments more than one time.

The maximum amount of money that the County will grant to the Company is thirteen thousand dollars (\$13,000.00). The maximum amount of money that the EDA will grant to the Company is thirteen thousand dollars (\$13,000.00).

This Agreement constitutes the entire agreement among the parties and may not be amended or modified, except in writing, signed by each of the parties hereto. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. The Company may not assign its rights and obligations under this Agreement without the prior written consent of the County and the EDA.

This Agreement is made, and is intended to be performed, in the Commonwealth and shall be construed and enforced by the laws of the Commonwealth. Jurisdiction and venue for any litigation arising out of or involving this Agreement shall lie in the Circuit Court of Albemarle County and such litigation shall be brought only in such court.

**COUNTY OF ALBEMARLE, VIRGINIA**

By \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**ECONOMIC DEVELOPMENT AUTHORITY OF  
THE COUNTY OF ALBEMARLE, VIRGINIA**

By \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**PERRONE ROBOTICS, INC.**

By \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

Item No. 14.2. Shenandoah National Park Entrance Fee Resolution.

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

**RESOLUTION**

**WHEREAS**, the National Park Service on October 24, 2017 announced plans to increase the entrance fee at 17 National Parks including Shenandoah National Park from the current \$25 per vehicle to \$70 per vehicle during peak season (May-September); and

**WHEREAS**, the fee increase has been estimated to generate approximately \$70 million a year across the park system with 80% of the fee revenue staying within the Park to address the \$11.3 billion backlog of deferred maintenance; and

**WHEREAS**, while the Albemarle County Board of Supervisors understands and appreciates the need to improve infrastructure in the Park and recognizes the significant amount of the revenue will go back to Shenandoah for infrastructure improvements, the Board has serious concerns about the amount



of the proposed increase, particularly in light of other recent increases; and

**WHEREAS** the Board believes it is the responsibility of the federal government to maintain the park and to keep it affordable, and that such a significant increase in entrance fees will make the park unaffordable for many lower income individuals and families and thereby deprive them of all that is beneficial from a national park experience; and

**WHEREAS** the Board is genuinely concerned that such fee increase will encourage unauthorized visitor access along the park's border with Albemarle County creating greater environmental degradation in areas of the park where appropriate infrastructure is lacking; and

**WHEREAS**, the Shenandoah National Park attracted over 1.4 million visitors in 2016, and Albemarle County Board of Supervisors is also deeply concerned about how this fee increase will affect visitation its significant benefit to the local economy.

**NOW, THEREFORE, BE IT RESOLVED**, that the Albemarle County Board of Supervisors requests that the National Park Service reconsider its proposed entrance fee increase for Shenandoah National Park and respectfully requests that its congressional delegation, including the Honorable Senators Mark Warner and Timothy Kaine and Representative Tom Garrett, support our position and actively seek to have the National Park Service reject the proposed significant increase due to its disproportionate negative impact on lower income individuals and families and potential detrimental impact on the tourism economy in Albemarle County.

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Item No. 14.3. Preddy Creek Trail Park Special Use Permit Application.

The Executive Summary forwarded to the Board states that the Preddy Creek Trail Park consists of 571 acres of land owned by Albemarle County located along the Northern boundary of Albemarle County and extending into Orange County and Greene County (see Attachment A). The number of park acres in each county are as follows: Albemarle County 452 acres, Orange County 104 acres, and Greene County 15 acres. Of Albemarle County's 452 acres, 342 are currently open and actively used by trail runners, hikers, mountain bikers, and horseback riders.

The Preddy Creek Trail Park Phase II project was presented to the Orange County Board of Supervisors in 2012, at which time the Orange County Board unanimously endorsed the park project and the grant for the design and construction of the bridge, a component of the project. The project will expand the park to include Albemarle County's remaining 110 acres and Orange County's 104 acres. The remaining 15 acres in Greene County are remote and are not being considered in Phase II.

Recently it was determined that the 104.010 acre Orange County parcel (05200000000590) owned by Albemarle County and considered part of Preddy Creek Trail Park is in an area designated for Rural Agricultural Land Use, is within the Agricultural zoning district, and a public park or recreational use is allowed in that district only with a special use permit. While Orange County has reviewed, approved, and shown support for Preddy Creek Park Phase II, a special use permit is necessary, and an application has been prepared (Attachment B).

The application fee of approximately \$1,000 will be funded from the Parks and Recreation Department's budget. There is no significant operating impact related to this matter at this time, and future maintenance costs will be addressed through the CIP process.

Staff recommends that the Board adopt the attached Resolution (Attachment C) authorizing the County's Application for a Special Use Permit to Orange County.

**By the above-recorded vote, the Board adopted the following resolution authorizing the County's Application for a Special Use Permit to Orange County:**

**RESOLUTION TO AUTHORIZE THE COUNTY'S APPLICATION  
FOR A SPECIAL USE PERMIT TO ORANGE COUNTY FOR  
THE EXTENSION OF THE PREDDY CREEK TRAIL PARK  
INTO ORANGE COUNTY**

**WHEREAS**, the Board of Supervisors finds that it is in the best interest of the County to authorize the County's Application for a Special Use Permit to Orange County for the purpose of extending the Preddy Creek Trail Park to Orange County Tax Parcel #05200-00-00-00590 as part of the Preddy Creek Trail Park Phase II Project.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Albemarle County, Virginia hereby authorizes the County Executive to sign the Application for a Special Use Permit and to have it filed on behalf of the County.

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Item No. 14.4. FY 19 VDOT Revenue Sharing Program Participation.

The Executive Summary forwarded to the Board states that the VDOT FY 19 Revenue Sharing Program application cycle opened on September 1, 2017 and closed on November 1, 2017. At the Board's direction, Albemarle County staff submitted applications for funding on four projects under this

program. A requirement of this submittal is that Albemarle County adopt a Resolution supporting the application. This Resolution is due December 1, 2017. The Board has allocated \$1.72 million in the CIP for FY 17 and FY 18 to support the Transportation Revenue Sharing Program. The projects proposed for Revenue Sharing applications in this cycle were presented to the Board at its October 4 Board meeting at which time a vote was held to approve the recommended projects for the program.

County and VDOT staff have reviewed the current Revenue Sharing Program opportunities, requirements, and guidelines, along with the County's priority lists of transportation projects and the State transportation priorities for the region. On October 4, 2017, staff presented a list of proposed projects for the Board's consideration for submission for funding under the Revenue Sharing program. Following this presentation and discussion, and continued work to refine the projects, staff submitted the following applications for funding:

- **Commonwealth Dr./Dominion Dr. Pedestrian Improvements** - This project proposes to construct three segments of sidewalk: 1) on Commonwealth from Hydraulic to Peyton Place, 2) on Commonwealth Dr from Commonwealth Circle to Dominion Dr., and 3) on Dominion Dr from Commonwealth Dr to US 29. This is approximately one mile of sidewalk for a total cost of \$3,336,224 making the County's share of 50% under the Revenue Sharing program \$1,668,112. This project is located in an area that is a focus of the County's Strategic Goal to invest in aging urban neighborhoods.
- **Berkmar Drive Bicycle and Pedestrian Improvements** - This project proposes to construct a Shared-use Path from Hydraulic Road to Hilton Heights Road to connect to the new Shared-Use Path on Berkmar Extended. It would be approximately 1.1 miles long and cost \$2,690,026. Under the Revenue Sharing grant the local contribution would be 50%, or \$1,345,013. This project builds on the success of the new Berkmar Extended Bicycle and Pedestrian Path and is also an important segment of the Northtown Trail, which is ranked at #2 in the County's Transportation Priority List and is also on the list of top-ranked Neighborhood Improvements Funding Initiative (NIFI) projects for the Rio Community Advisory Committee (CAC).
- **Library Avenue Extension** - This project proposes to extend Library Avenue from its current terminus through the Barnes Lumber property to connect to Hilltop Street in Parkside Village and Crozet Square. This is being proposed as a partnership with the developer of the Barnes Lumber property in which the developer would provide the local match necessary for the Revenue Sharing Program. The project is ranked at #11 on the County's Transportation Priorities and would be a catalyst for the redevelopment of downtown Crozet including the desired office and retail development that is envisioned in the Crozet Master Plan. To complete this project, a separate agreement will be necessary with the developer of the Barnes Lumber site to define roles and responsibilities. Cost for the project is \$4,986,700 and under the Revenue Sharing grant the local contribution, provided entirely by the developer, would be 50%, or \$2,493,350.
- **Crozet Square** - This project was previously discussed in combination with the Library Ave Extension project but subsequently staff determined this would be a better project if it were separated out from the broader scope of that project. Crozet Square was initiated as a NIFI project with the \$200,000 in Crozet's NIFI funds making up a portion of the required local match for the Revenue Sharing application. The total cost exceeded the amount available from NIFI and so the remainder to meet the 50% match, which comes to \$555,000 will come from the Transportation Revenue Sharing Program CIP funds. The project involves the reconstruction of Crozet Square to improve operations, parking, and pedestrian facilities and connect to the proposed road system of the Barnes Lumber Development. Crozet Square would be a one-way in road from Crozet Avenue and connect to an improved Oak Street or High Street depending on the timing of future development of the Barnes Lumber property. Cost for the project is \$1,510,000 and under the Revenue Sharing grant the local contribution would be 50%, or \$755,000.

Participation in the VDOT Revenue Sharing Program leverages matching funds from VDOT to advance important transportation projects. The County has appropriated \$1.72 million for this program and the funds are available for local match for the FY19 Revenue Sharing request. The total cost of all four projects is \$12,522,950 of which the County is responsible for 50% or \$6,261,475 million. \$200,000 of this local match would come from the budgeted NIFI funds (assuming approval of the Crozet Square application) and the remainder would come from the Transportation Revenue Sharing line item in the adopted CIP.

Staff recommends that the Board adopt the four attached Resolutions approving the County's participation in the Revenue Sharing Program for FY 19 for the above four projects and committing to provide up to \$6,261,475 in total for the four projects.

**By the above-recorded vote, the Board adopted the following four Resolutions approving the County's participation in the Revenue Sharing Program for FY 19 for four projects and committing to provide up to \$6,261,475 in total for the four projects.**

**RESOLUTION TO PARTICIPATE IN  
VIRGINIA DEPARTMENT OF TRANSPORTATION**

**REVENUE SHARING PROGRAM FOR FISCAL YEAR 2019  
Commonwealth Drive/Dominion Drive Pedestrian Improvements**

**WHEREAS**, the County of Albemarle desires to submit an application for the allocations of \$1,668,112 through the Virginia Department of Transportation Fiscal Year 2019 Revenue Sharing Program; and

**WHEREAS**, the County is willing to commit \$1,668,112 in local funds in order to compete for a Revenue Sharing Program award; and

**WHEREAS**, these funds are requested to implement the Commonwealth Drive/Dominion Drive Pedestrian Improvements project which proposes to construct three segments of sidewalk: 1) on Commonwealth from Hydraulic to Peyton Place, 2) on Commonwealth Drive from Commonwealth Circle to Dominion Drive, and 3) on Dominion Drive from Commonwealth Drive to US 29 for a total of approximately one mile of sidewalk

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby commits to provide up to \$1,668,112 of local funds in its application for up to \$1,668,112 of revenue sharing funds from the FY 2019 Virginia Department of Transportation Revenue Sharing Program and requests that the Virginia Department of Transportation approve the County's application.

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**RESOLUTION TO PARTICIPATE IN  
VIRGINIA DEPARTMENT OF TRANSPORTATION  
REVENUE SHARING PROGRAM FOR FISCAL YEAR 2019  
Berkmar Drive Bicycle and Pedestrian Improvements**

**WHEREAS**, the County of Albemarle desires to submit an application for the allocations of \$1,345,013 through the Virginia Department of Transportation Fiscal Year 2020 Revenue Sharing Program; and

**WHEREAS**, the County is willing to commit \$1,345,013 in local funds in order to compete for a Revenue Sharing Program award; and

**WHEREAS**, these funds are requested to implement the Berkmar Drive Bicycle and Pedestrian Improvement project which proposes to construct a 1.1-mile-long Shared-use Path from Hydraulic Road to Hilton Heights Road to connect to the new Shared-Use Path on Berkmar Extended.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby commits to provide up to \$1,345,013 of local funds in its application for up to \$1,345,013 of revenue sharing funds from the FY 2019 Virginia Department of Transportation Revenue Sharing Program and requests that the Virginia Department of Transportation approve the County's application.

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**RESOLUTION TO PARTICIPATE IN  
VIRGINIA DEPARTMENT OF TRANSPORTATION  
REVENUE SHARING PROGRAM FOR FISCAL YEAR 2019  
Library Avenue Extension**

**WHEREAS**, the County of Albemarle desires to submit an application for the allocations of \$2,493,350 through the Virginia Department of Transportation Fiscal Year 2019 Revenue Sharing Program; and

**WHEREAS**, the County is willing to commit \$2,493,350 in local funds in order to compete for a Revenue Sharing Program award; and

**WHEREAS**, these funds are requested to implement the Library Avenue Extension project which proposes to extend Library Avenue from its current terminus through the Barnes Lumber property to connect to Hilltop Street in Parkside Village and Crozet Square.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby commits to provide up to \$2,493,350 of local funds in its application for up to \$2,493,350 of revenue sharing funds from the FY 2019 Virginia Department of Transportation Revenue Sharing Program and requests that the Virginia Department of Transportation approve the County's application.

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**RESOLUTION TO PARTICIPATE IN  
VIRGINIA DEPARTMENT OF TRANSPORTATION  
REVENUE SHARING PROGRAM FOR FISCAL YEAR 2019  
Crozet Square**

**WHEREAS**, the County of Albemarle desires to submit an application for the allocations of \$755,000 through the Virginia Department of Transportation Fiscal Year 2019 Revenue Sharing Program; and

**WHEREAS**, the County is willing to commit \$755,000 in local funds in order to compete for a Revenue Sharing Program award; and

**WHEREAS**, these funds are requested to implement the Crozet Square project which proposes to reconstruct Crozet Square to improve operations, parking, and pedestrian facilities and connect to the proposed road system of the Barnes Lumber Development. Crozet Square would be a one-way in road from Crozet Avenue and connect to an improved Oak Street.

**NOW, THEREFORE, BE IT RESOLVED** that the Albemarle County Board of Supervisors hereby commits to provide up to \$755,000 of local funds in its application for up to \$755,000 of revenue sharing funds from the FY 2019 Virginia Department of Transportation Revenue Sharing Program and requests that the Virginia Department of Transportation approve the County's application.

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Item No. 14.5. Special Exceptions: ZMA200700001 Hollymead Town Center Area A-2.

The memo forwarded to the Board states that the applicant is requesting minor changes to the Code of Development (COD) in Hollymead Town Center, Area A2. Specifically, the applicant is seeking to provide clarity and add flexibility to Table D (Block Areas and Use Density), Table E (Minimum Green Space, Civic, and Amenity Area), and Table G (Maximum Building Heights). These changes result in minor modifications to the overall form of development, but the overall density will remain the same with a maximum of 1,222 dwelling units.

County Code §18-8.5.5.3 and §18-33.5 allow special exceptions to vary approved Application Plans and Codes of Development upon considering whether the proposed variation: (1) is consistent with the goals and objectives of the comprehensive plan; (2) does not increase the approved development density or intensity of development; (3) does not adversely affect the timing and phasing of development of any other development in the zoning district; (4) does not require a special use permit; and (5) is in general accord with the purpose and intent of the approved application. County Code § 18-33.5(a)(1) requires that any request for a variation be considered and acted upon by the Board of Supervisors as a special exception. This request is consistent with the above noted considerations. Please see Attachment B for full details of staff's analysis.

Staff recommends that the Board adopt the attached Resolution (Attachment C) to approve the special exceptions.

**By the above-recorded vote, the Board adopted the following resolution to approve the special exceptions:**

**RESOLUTION TO APPROVE SPECIAL EXCEPTIONS TO VARY  
THE HOLLYMEAD TOWN CENTER, AREA A2 CODE OF DEVELOPMENT**

**WHEREAS**, the Owner of Tax Map Parcel Numbers 03200-00-00-04500 and 03200-00-00-05000 filed a request for special exceptions to vary Tables D, E, and G in the Code of Development approved in conjunction with ZMA2007-00001 Hollymead Town Center, Area A2 as shown in the request from Collins Engineering entitled "Variation #1 – Modification to the approved Table D – Block Areas and Use Density Chart" dated March 20, 2017, last revised October 25, 2017, "Variation #2 – Modification to the Lot and Building Height Regulations" dated March 20, 2017, and "Variation #3 – Modification to Table E – Minimum Green Space, Civic and Amenity Area" dated March 20, 2017, respectively.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the Memorandum prepared in conjunction with the special exception request and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to the special exceptions in Albemarle County Code §§ 18-8.5.5.3, 18-33.5, and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to vary the Code of Development approved in conjunction with ZMA2002-00002 Hollymead Town Center, as described hereinabove, subject to the conditions attached hereto.

\* \* \*

**Special Exception to Vary Hollymead Town Center Area A2 Code of Development  
Special Exception Conditions**

1. Variations to Table D of the Code of Development shall be in accord with Collins Engineering's submission for Variation #1 dated March 20, 2017 and last revised on October 25, 2017;
2. Variations to Table E of the Code of Development shall be in accord with Collins Engineering's submission for Variation #2 dated March 20, 2017; and
3. Variations to Table G of the Code of Development shall be in accord with Collins Engineering's submission for Variation #3 dated March 20, 2017.

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Agenda Item No. 15. Neighborhood Improvement Funding Initiative Project Requests.

The Executive Summary forwarded to the Board states that during the Two Year Financial Plan process, the Board directed staff to allocate \$1.4 million in one-time funding to support neighborhood level improvement projects prioritized with community feedback and leadership from the County's Community Advisory Committees (CACs). In February, the Board directed staff to proceed with the first several steps in the proposed process and in March, the Board directed an additional \$200,000 be

allocated for support costs associated with implementing the program, including a Neighborhood Planner position in Community Development. In May, staff presented the prioritized list of projects by each CAC-area. In June, the Board directed that \$200,000 be available to each CAC-area for project(s) and endorsed a process for the CACs to select a final short list of projects for scoping that occurred over the summer.

On October 2, the Community Advisory Committees (CACs) met for a joint meeting to receive presentations and reports from the consultants working on project scoping for their Neighborhood Improvement Funding Initiative (NIFI) short-list priority projects. During their regular October CAC meetings, each group devised a recommendation identifying project(s) to receive funds to implement through the Neighborhood Improvement Funding Initiative. The recommended list of NIFI projects for implementation is available in Attachment A and the full summary of scoped projects is available in Attachment B.

If the recommended projects in Attachment A are approved by the Board, the NIFI process will transition from planning to implementation, with the individual projects being managed through Facilities & Environmental Services, and primarily by the Project Management Division (PMD). Because PMD is funded through an internal service fund, time spent managing the design, bid, and/or construction processes generate fees at an hourly rate to cover the cost of the Division's operations, a cost that is applied on top the cost estimates prepared by the consultants. These costs have been estimated per project by PMD as applicable and as notated in Attachment A. Staff believe that these costs can be covered through the remaining NIFI support funds.

An appropriation request will come to the Board in December, if the requests are approved.

At this time, no funds are needed. An appropriation request for the projects, if approved, will come to the Board in December, with an expected total budget of \$1,255,273 in project costs as directed by the Board in one-time funding identified for the NIFI program in February 2017, and an additional \$53,352 to support project management tasks related to project implementation.

Staff recommends the Board approve the project recommendations provided by the CACs.

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Ms. Emily Kilroy, Community Engagement Coordinator, stated that she would be joined by Mr. Blake Abplanalp, Chief of the Project Management Division. She explained that if the Board approves the recommendations of the CAC, they would transition from a planning project to an implementation project. She listed an overview of her presentation as follows: review (process overview, scoping, CAC recommendations), projects by CAC, grant-supported projects, next steps, and implementation. She next listed the steps in the process as follows: brainstorm, priority setting, final top projects, scoping, and CAC recommendations. She reminded the Board that they had a midpoint check-in with the Board in May and June, and the final recommendations were formulated in October and November. She said the scoping phase was exciting because it brought citizens into the capital planning process to work with the Project Management Division, a consultant, and a staff member from the appropriate County department.

Ms. Kilroy reviewed the recommended projects with the first being a \$125,000, 5<sup>th</sup> and Avon, Cale Elementary at-grade pedestrian crosswalk with flashing beacon and internal pedestrian site improvements via funding from Safe Routes to School. The next recommended project was a \$75,000, 5<sup>th</sup> and Avon Street Corridor Study that would include bike, pedestrian, transit, and traffic calming opportunities and evaluation of land use. She said that another project was Crozet Square, with grading, stormwater, paving, and markings for The Square in downtown Crozet, at an estimated cost of \$200,000. Ms. Kilroy said the next project \$200,000 for Pantops Free Bridge trail improvements, which would improve gateway visibility – including signage, entry, and sidewalk connection improvements and banners for Free Bridge. She stated the next recommended project was Places 29-Hydraulic Road Safe Route to Schools pedestrian connections, which would create a separated bike/pedestrian connection between Albemarle, Jouett, and Greer schools at an estimated cost of \$195,000. She noted that a related project was the Places 29-Hydraulic Road sidewalk clearing, which would clear vegetative overgrowth and remove plants within a buffer of the sidewalk to help prevent future overgrowth at the intersection at a cost estimate of \$5,000. The next project was Places 29 North Baker-Butler Improvements at a cost of \$200,000, which would create a public amenity by adding a circuit walking path around the school campus and soccer fields. The next project was Places 29-Rio Greenbrier and East Rio crossing, which creates an at-grade pedestrian crossing at the signalized intersection and adds a pedestrian signal to connect residences with the bus stop across East Rio Road. She said that if any money remains after project completion, the CAC would like to use it to create a wildflower meadow on the land between Dunlora and CATEC. She reported on the next project, Village of Rivanna greenway stabilization, which would stabilize two areas of greenway where erosion is compromising trail integrity, at an estimated cost of \$55,273.

Ms. Kilroy noted that NIFI funds do not cover the entire cost of some of the projects and she will explain what they will do in these cases. She said the Cale crosswalk; the Greer, Jouett, Albemarle pedestrian connection; and Crozet Square would have the CACs contribute a portion of the funds. She noted that three projects have cost estimates slightly above the \$200,000 budget, though the Project Management Division believes they can rework the design to bring the costs within budget.

Ms. Mallek said the Frank Paragoy family resides next to Baker-Butler School and suggested they construct a kiosk that tells his story as well as a pathway that connects to the site.

Ms. Kilroy next presented on grant-supported projects. She said the Board had committed funding for the 20% required local match for Safe Routes to Schools applications. She said CAC NIFI funds would serve to increase the match above what was required and brings the overall cost of the project to VDOT down and increases the likelihood of funding. She said The Square would be a revenue sharing application and NIFI funds would contribute towards the required local match.

Ms. Kilroy reviewed next steps and presented a slide with a list of questions, including what should be done with remaining NIFI funds. She stated that the advisory group did not recommend a project amount equal to the full allocation for their area, and staff recommends keeping funds available for contingency for NIFI project implementation.

Ms. Mallek posed an idea to Mr. Randolph and the CAC about making a contribution to improvements to the Milton pullout, which is in their neighborhood.

Mr. Dill commented that a group had volunteered to do a lot of the work, and the funds needed may be minor.

Mr. Randolph said this item had come up in the Village of Rivanna CAC but there was not a consensus around it, although the Board could dedicate \$10K to the boat launch and still leave additional funds for contingencies or provide funding to convert the Avon Street corridor study into a master plan.

Ms. Mallek stated that if they had already considered it and it was not supported, she would retract her idea.

Ms. Palmer said it is reasonable for staff to keep money for contingencies, and as the Cale Elementary School, Avon Street, and Rivanna projects are both in Mr. Randolph's district, she invited Mr. Randolph to express his opinion.

Mr. Randolph expressed support for additional funding for an Avon Street Corridor Study. He explained that as a Planning Commissioner, he had learned about the need for safety improvements at Cale Elementary and in the overall area, as well as a need to have a corridor study to look at traffic coming off Route 20, beautification, and adding sidewalks. He emphasized that he did not want to take money away from contingencies for other items, and said he would step aside and let others decide.

Ms. Palmer commented that 5<sup>th</sup> and Avon is within a high growth area, the corridor in front of Cale Elementary is very dangerous, and it is extremely important to complete a master plan so the area would develop properly.

Mr. Sheffield said they all have corridors that need study and what is important is the approach taken in that regard, adding that the amount of funding provided would determine the amount of study that was done. He said this is the wrong approach and they should first know what they wish to accomplish, commenting that Mr. Randolph's suggestion could be a test to create this process that the County could adopt for future corridor studies. He stated that consultants could be receptive in price if they know what the County wants to address.

Ms. Mallek expressed how it would be important to list the 10 most important questions and separate public engagement away from the consultant, which would save money.

Ms. McKeel surveyed Supervisors and determined there was consensus to direct staff to develop a pilot process for corridor studies run through the CACs with the \$144K, using 5<sup>th</sup> and Avon Street as the test.

Mr. Sheffield said this location is a good environment for a test as it has a mix of industrial, commercial, and residential.

Ms. Kilroy said they would have the \$144,000 available, though they may not use all of it, and staff would obtain a cost estimate from a consultant and then take this to the Board for approval.

Mr. Sheffield suggested they have further discussion before engaging with a consultant.

Mr. Doug Walker, Deputy County Executive, stated that on behalf of the Community Development Department and Community Engagement, they could obtain direction from the Board and have staff develop an approach to pursue a pilot project for a corridor study, recognizing that working with the CACs may provide an opportunity to expand this elsewhere in the County.

Mr. Sheffield said the two outcomes would be the 5<sup>th</sup> and Avon corridor study and, more importantly, a defined process that could be relied on.

Mr. Blake Abplanalp, Chief of the Project Management Division, asked to comment. He said a reason why they had proposed that a small portion of funds be devoted to contingencies was due to the unpredictable construction market, and in the event a project costs a bit more than expected they could still move forward by utilizing contingency funds.

Ms. Mallek asked if there were funds left over from the \$200K set aside earlier for staff costs, which could be a potential source.

Mr. Randolph stated that any additional funds allocated to the 5<sup>th</sup> and Avon corridor study would be invaluable and deeply appreciated. He proposed that they allocate \$100,000 in addition to the \$75,000 that was already provided, leaving \$44,000 plus what was left over from the \$200,000, for approximately \$75,000 in contingency funds. Mr. Abplanalp commented that this was more than reasonable.

Mr. Randolph and Ms. McKeel surveyed the Board and determined there was consensus.

Addressing Mr. Randolph's comments about funds left over from \$200,000 in soft costs, Ms. Kilroy explained that these funds were used to hire a neighborhood planner, to pay for consultant work, and to pay for some internal project management work. She said that \$18,000 remains from the \$200,000, which could be used for contingencies.

Mr. Randolph commented that TJPDC had provided \$90,000 of equivalent labor to the County this year, which was part of the free labor available as a member county.

Ms. Kilroy addressed the question of what would happen to a grant-supported project if the application was not awarded. She stated that staff recommended going back to the CACs with the option to use NIFI funding to pay for design of the project, which would help keep the project moving forward while opening up some other funding opportunities for it to pursue another priority project on their list. She said that staff would bring any recommended change to NIFI projects to the Board for approval.

Ms. McKeel said they would want to go back to the CACs.

Ms. Mallek concurred.

Ms. Kilroy presented the question of what should happen if a project is found to cost more than the estimate provided during scoping. She said if a project during future phases of design and building was determined to exceed the \$200,000 budget cap, staff recommends working with the CAC to evaluate de-scoping the project to come back in budget or utilizing NIFI project implementation contingency if within 10% of the estimate.

Several Supervisors expressed agreement.

Ms. Mallek **moved** that the Board approve the projects recommended by CACs, as amended. The motion was **seconded** by Ms. Palmer. Roll was called and the motion carried by the following recorded vote:

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

RECOMMENDED PROJECTS BY CAC

The Community Advisory Committees, after an extensive community-driven process running from March through October 2018, have provided recommendations to the Board of Supervisors on which small-scale, quality of life project(s) should receive implementation funding through the Neighborhood Improvement Funding Initiative. Over 400 ideas were identified through the brainstorming process and were whittled down through a community prioritization process to the list provided below. Project summaries for each project follow on the subsequent pages.

The projects recommended for funding demonstrate strong community support for improvements to recreational trails, urban walkability, and community place-based assets.

Project	CAC-Area	Cost Estimate	Estimated PMD Fees	PM Notes
Cale Elementary School Crosswalk	5 <sup>th</sup> & Avon	\$125,000	\$2,880	Based on management of design only
Avon Street Extended Corridor Study	5 <sup>th</sup> & Avon	\$75,000	\$3,200	Based on management of study
The Square Improvements	Crozet	\$200,000	\$5,680	Based on management of design only
Rivanna River Trail Connections: Free Bridge	Pantops	\$200,000	\$9,200	
School-Pedestrian Connections (Albemarle-Jouett-Greer)	Places29-Hydraulic	\$195,000	\$6,560	Based on management of design only
Commonwealth Dr & Greenbrier Dr Intersection sidewalk clearing	Places29-Hydraulic	\$5,000	\$80	
Baker-Butler Elem. School Improvements	Places29-North	\$200,000	\$10,125	
Pedestrian Improvements along Rio Road, Greenbrier Dr intersction	Places29-Rio	\$200,000	\$10,125	
Rivanna Greenway Trail Erosion & Riverbank Stabilization within Village	VOR	\$55,273	\$4,422	

of Rivanna				
<b>NIFI Sub-Total</b>		<b>\$1,255,273</b> <i>Source: NIFI Implementation Funds</i>	<b>\$53,352</b> <i>Source: NIFI "Soft Costs"</i>	

Agenda Item No. 16. **SP201700015 – Stony Point Volunteer Fire Co – Tier III PWSF.**  
PROJECT: SP201700015 – Stony Point Volunteer Fire Co – Tier III Personal Wireless Service Facility.  
MAGISTERIAL DISTRICT: Rivanna.  
TAX MAP/PARCEL: 048000000018D0 LOCATION: 3827 Stony Point Road.  
PROPOSED: Installation of a one hundred and thirty five (135) foot tall steel monopole with 4 antenna arrays. Two special exceptions are requested: the 1st to allow more than three arrays on the monopole, and the 2nd to allow mounting equipment a standoff distance greater than 12” from the monopole. Associated with the proposal is ground equipment located within a 2,500 square feet fenced compound area located on 8.02 acres.  
PETITION: Section 12.2.2 (16), which allows for Tier III personal wireless facilities in the Village Residential zoning district (reference Section 5.1.40).  
ZONING CATEGORY/GENERAL USAGE: VR - Village Residential: agriculture, compact residential (0.7 unit/acre); EC - Entrance Corridor: Overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access. Southwest Mountains Rural Historic District – Yes.  
PROFFERS: No.  
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/density (0.5 unit/acre).  
(Advertised in the Daily Progress on October 23 and October 30, 2017.)

The Executive Summary forwarded to the Board states that the Albemarle County Planning Commission, voted 4:2 (Firehock/More no) (Lafferty - absent) to recommend approval of SP201700015 with the conditions recommended by staff, and to approve two special exception requests.

At the public hearing the applicant explained the need to slightly shift a small segment of the proposed access road by 20 feet to the south. The slight shift is intended to allow firefighters to continue using the small hill behind the station for training purposes. The slight shift does not effect the recommendations provided in the staff report, nor does it require the removal of any additional trees, nor cause any disturbance of critical slopes. The proposed shift is depicted on sheets Z-1 and Z-2 of the revised concept plan dated October 10, 2017 (Attachment D). Condition #1 shall be slightly modified to reference the plan dated October 10, 2017 in place of the previous September 19, 2017 date.

Staff recommends that the Board: 1) adopt the attached resolution to approve SP201700015 (Attachment E); and 2) adopt the attached resolution to approve two special exceptions (Attachment F).

Mr. Chris Perez, Senior Planner, reported that a public hearing had been held by the Planning Commission on October 10, at which time they recommended approval of both special exceptions and the special use permit. He said the proposed facility is on Tax Map 48-18D, an 8-acre parcel owned by Stony Point Volunteer Fire Department, zoned Village Residential, and located in the Southwestern Mountains Rural Historic District, which is an avoidance area. He said it was located in an entrance corridor and scenic byway, on a heavily wooded section of the property. He presented both a map and aerial photograph of the property and surrounding area. He said the steel monopole was 135 feet, would be painted brown, contains four arrays, and would be within a fenced in 2,000-square-foot lease area. He said the fence would be 8 feet tall and chain linked, with barbed wire at the top and green privacy slats to prevent visibility of the equipment. He said they had only designed the upper array, though the bottom three arrays would be limited by what was approved for the top array.

Mr. Perez reported that the request includes two special exceptions – with the first to allow four arrays instead of the three permitted by the ordinance, and the second to allow a modification to permit the closest point of the back of the antennae to be more than 12 inches from the monopole, while not seeking anything that was further than 18 inches from the monopole and maintaining the flush mount provisions of the ordinance. He said that a balloon test was conducted August 22, with staff observing from several points, and the facility was only slightly visible from four key points along Route 20 along the western portion of the site. He noted that it was not visible from the northern view from Stony Point Road, and he presented photos taken from various points during the balloon test. He said that at the Planning Commission meeting, the applicant requested to slightly shift the access road south by 20 feet, with no additional trees to be taken down and the same amount of area for disturbance, and this was because the fire station uses the hill for training.

Mr. Perez presented a slide listing factors favorable and unfavorable, with a favorable factor as follows: the proposed facility had minimum visibility due to the proposed height, location, and method of antenna attachment, which were “concealment elements.” He said the Architectural Review Board had no objections to the special exceptions and found that the proposed location sufficiently minimized the visibility of the monopole from the entrance corridor. He stated the factor unfavorable was that the proposal is located within the avoidance areas described as the Southwest Mountains Rural Historic District, and Route 20, which is a Virginia Scenic Byway.



He presented recommended conditions of approval. They were listed as follows: the development of the site, and any modifications to the arrays, shall be in general accord with the plan titled "Milestone Communications – Shentel at Stony Point Volunteer Fire Co." prepared by John Caborgoudy, and dated October 10, 2017, as determined by the Director of Planning and the Zoning Administrator; to be in general accord with the concept plan, development and use shall reflect the following major elements within the development essential to the design of the development, including but not limited to all concealment elements and technique, as shown and described on the conceptual plan and mentioned as follows: height (135 feet), monopole location, the farthest point of the back of the antennas shall be no more than 18 inches from the monopole, no more than four antenna arrays shall be mounted to the facility; minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the zoning ordinance; and prior to the issuance of a building permit, the applicant shall obtain a Virginia Stormwater Management Program permit.

Mr. Perez said he is seeking Board action on the special exceptions and the special use permit.

Ms. Mallek asked for confirmation that this is not classified as a treetop tower. She asked if, once it is built, its height could be increased by up to 20 feet. Mr. Perez confirmed this and that it is classified as Tier 3 with no reference tree. He said that because they are concealment elements, the height cannot be increased and that there is reference to this in the staff report.

Mr. Kamptner indicated that the conditions expressly identify the height as a concealment element, noting that the Board of Supervisors would have to approve any amendment to the conditions.

Ms. Palmer asked that in the event this comes back to the Board, what the rationale would be to deny a height increase. Mr. Kamptner replied it might be that the existing height was appropriate and consistent with current regulations, minimizing visibility, and a connection to the wireless policy which was part of the comprehensive plan.

Mr. Bill Fritz, Chief of Special Projects, emphasized that they were careful to make sure that things they identified fell under the definition of a concealment element, and noted that they had been included in the conditions and any change that defeats these would not be eligible changes.

Ms. Mallek asked if the standoff change from 12 to 18 inches was within the limits of what they normally consider to be called a flush mount. Mr. Perez replied that this provision of the ordinance has two criteria, with the first being to allow for tilt, though the applicant is not proposing tilt. He said they would use electronic tilt.

Ms. Palmer asked for an explanation as to why they did not have a reference tree. Mr. Fritz replied that there was no tree within 25 feet.

Mr. Perez clarified that there were trees all around, but said there was no tree around it that staff was relying on as a reference tree for 10 feet above. He stated that they were choosing to construct a 135-foot tower, not tied to any reference tree, which must be this height based on the topography. He noted that a tower approved in 2013 was 109 feet, but was closer to the fire station property and at a higher elevation, so they did not need such a tall tower. He said they asked the applicant to create a tree preservation area in excess of 100 feet around, and the ordinance restricts the cutting down of trees in excess of 100 feet of the monopole, unless the plan shows they were to be taken down.

Mr. Dill pointed out that this area was underserved, a dead area for reception, and said that the tower would benefit both area residents as well as the fire department.

Ms. Palmer asked what would happen if the trees were destroyed in a terrible storm or if they died naturally, since they have required screening. She asked if they could require the applicant to replant. Mr. Perez replied that he does not know, although the applicant may not cut trees down.

Mr. Fritz said they have always done this as a preservation area and not permitted the removal of trees, but have been silent on what was to be done if the trees were to die naturally. He said they checked the health of the trees before the application was approved, and in one case they found diseased trees and required the applicant to select a different location.

Mr. Perez said a condition could be added that, if trees were to come down, it would be a situation of non-compliance.

Mr. Kamptner pointed out that if trees die it takes a long time for them to regenerate and be replaced. He said that staff's work with the applicant in finding sites and evaluating the trees was probably the best approach, and he recommended that they defer to what staff had done.

Mr. Randolph commented that the only other alternatives would be to put a tower atop Stony Point Elementary School or to ask All Saints Chapel to put a pole on its steeple.

Ms. McKeel opened the public hearing.

Ms. Lori Schweller, representing Milestone Communications, addressed the Board. She said that it is a pleasure to be before them in a consistently civil forum, the Board has fully vetted the issues, and she would keep her presentation brief. She said Shentel is the dedicated wireless carrier for the site and the area is in serious need of additional coverage. She presented a white and blue colored map of the

area with white representing coverage gaps. She said the goal is to stretch coverage from Charlottesville to Barboursville and by having four arrays they could have additional carriers on the site. She explained that the difference in topography mitigates visibility issues, but a 25-foot elevation drop from the back of the fire company to the site made it appear as a treetop tower, though it is a Tier 3. She presented various slides with photos of the wooded area around the site, a diagram of the monopole, and photos from the balloon test. She said a neighbor was concerned with health issues and she had prepared some slides to address this concern.

Ms. McKeel told Ms. Schweller that she does not have to continue with her full presentation.

Mr. A.C. Shackelford, resident of the Rivanna District, addressed the Board. He said his property adjoins the Stony Point Fire Company. He expressed support for the tower, commenting that the northeast portion of the County has limited reception and that he does not have cell phone reception in his home and has to walk outside to make a call. He acknowledged that towers are unattractive, and he suggested the fire company receive rental revenue from the tower, adding that when he drives down the road and sees the tower it would be an attractive scene for him.

Ms. Ann Eddins, a resident of Rivanna District, addressed the Board. She said she is a new member of the board that supports the Stony Point Volunteer Fire Company. She said she does not have cell phone reception in her home and that better service would benefit the fire company and the neighborhood. She pointed out that the fire company would receive a one-time stipend as well as regular revenue from the cell provider and expressed her support for the tower.

Mr. Ryan Estes, a resident of Keswick, business owner and lifelong resident of Albemarle County, addressed the Board. He said he lives across from Stony Point Elementary School and uses his cell phone in and out of his house every day with no problems. He said that a tower on Park Hill Farm, located 1.7 miles away, provides great service. He expressed concern with radio emissions from the tower, which would be across the street from the school, and emphasized that the location is an entrance corridor with historic views. He also expressed disappointment at the lack of notifications about meetings to discuss the tower.

Mr. Charles Humphries, resident of Rivanna District, addressed the Board. He said he works for a company that assists clients in obtaining tax credits by placing their land in the land use. He suggested the land could be better utilized for wildlife preservation, wildlife habit, or farming. He noted that he lives across the street from Stony Point Elementary School and that the tower was previously approved, but was then denied when parents of students found out. He speculated that parents would again object to potential radiation.

Mr. Fred Shackelford, a resident of Rivanna District, addressed the Board. He said he lives about a quarter mile from the proposed tower and he has trouble getting a signal in his house. He said the rental revenue from the tower would be beneficial to the fire company and expressed his support for the proposal.

Mr. Jeff Werner of the Piedmont Environmental Council addressed the Board and emphasized that his organization is not opposed to a treetop tower and that a 109-foot tower was previously approved. However, he said that a 135-foot tower is not needed to provide service in this area. He reminded the Board that they went to court years ago and obtained a landmark court decision to be able to regulate the visibility of cell towers. Mr. Werner stated that the intent of the County's policy was to have treetop monopoles and that the cell industry has been attempting to weaken the County's policy. He surveyed how the poles have changed over the years from wooden poles with flush mounted antennas to towers with taller poles and larger arrays. Addressing service issues he said boosters have helped people in the rural areas, he said the school has fiber optic cable, and police and fire have an 800 megahertz radio system that allows them to communicate with one another. He asked that the Board respect its policy.

Ms. Mary Tice of the Rivanna District addressed the Board. She said she lives in Wilmington, Delaware, but is building a home at Stony Point Pass. She said she only receives reception when she is outside, which is a hindrance during the winter and in rainy weather, and she described cell service as a public utility and expressed support for the tower.

Ms. Schweller responded that Milestone's policy is to use public land in order to benefit the public. She reviewed the financial benefit to the Volunteer Fire Department as follows: a \$20K one-time fee, \$5K each time a carrier is added, and 40% of rent allocated to the Fire Department. She said the Fire Department has indicated they would use this rental income to cover the expense of an ImageTrend EMS tracking system. She said that two Tier 2 AT&T towers were approved in 2013, and she pointed to their locations on a map. She said the Park Hill tower exists but the second did not come to fruition, and the lease had expired so it would not be installed. She said this may explain the differences in service related by residents.

Ms. Palmer asked Ms. Schweller if she was involved with the 109-foot AT&T Tower. Ms. Schweller replied that she was not.

Mr. Dill asked for more information about the County's policy and if they are breaking the policy. Mr. Fritz replied that the wireless policy talked about minimizing and reducing visibility and the adopted ordinance had techniques to achieve this. He expressed that there was an awareness that something greater than 10 feet taller than the nearest tree within 25 feet would be acceptable in some instances,

though not necessarily in all cases. He noted that the location is an avoidance area and a 10-foot or less pole would still be Tier 3, since it is within the Southwest Mountains Natural Rural Historic District.

Mr. Kamptner referred to page 5 of the staff report in which an analysis of the wireless policy and elements of this particular facility were presented. He noted that it was visible just above the treetops for a very short duration and that one of the reasons why staff recommends approval is that, due to the terrain, this is, in effect, a treetop facility, though it does extend above the normally allowed treetop height.

Ms. Palmer commented that in one of the photos, the tower appeared to be dramatically above the treetops, and she asked why they are not considering a 109-foot tower as was previously approved. Mr. Perez replied that the previously approved tower was in a different area of the site and was higher in elevation, based on the ground elevation. He said this proposal is nothing compared to the Tier 3 tower approved for the high school, which had no screening and which staff had recommended to be denied. He said this proposal has substantial screening and meets the wireless policy.

Ms. McKeel closed the public hearing.

Mr. Randolph **moved** that the Board adopt the proposed resolution to approve SP201700015. The motion was **seconded** by Mr. Sheffield. Roll was called and the motion carried by the following recorded vote:

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

**RESOLUTION TO APPROVE  
SP 2017-15 STONY POINT VOLUNTEER FIRE  
COMPANY - TIER III PWSF (RIVANNA)**

**WHEREAS**, the Stony Point Volunteer Fire Company is the owner of Tax Map Parcel Number 04800-00-00-018D0 (the "Property");

**WHEREAS**, Milestone Communications filed an application for a special use permit to install a personal wireless service facility consisting of a monopole with four flush-mounted antenna arrays, and associated ground equipment and access, on the Property, and the application is identified as Special Use Permit 2017-15 Stony Point Volunteer Fire Company – Tier III PWSF (Rivanna) ("SP 2017-15"); and

**WHEREAS**, on October 10, 2017, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2017-15 with the condition recommended by County staff ; and

**WHEREAS**, on November 8, 2017, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2017-15.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the staff report prepared for SP 2017-15 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code §§ 18-5.1.40, 18-12.2.2(16), and 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2017-15, subject to the applicable performance standards for personal wireless service facilities in Albemarle County Code § 18-5.1.40, and the conditions attached hereto.

\* \* \*

**SP-2017-00015 Stony Point Volunteer Fire Company – Tier III PWSF (Rivanna)  
Special Use Permit Conditions**

1. The development of the site, and any modifications to the arrays, shall be in general accord with the plan titled "*Milestone Communications – Shentel at Stony Point Volunteer Fire Co.*" prepared by John Caborgoudy, and dated October 10, 2017 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, including but not limited to all concealment elements and technique, as shown and described on the Conceptual Plan and mentioned below:

- a. Height one hundred thirty five ) feet tall
- b. Monopole location
- c. The farthest point of the back of the antennas shall be no more than eighteen (18) inches from the monopole
- d. No more than four antenna arrays shall be mounted to the facility

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

2. Prior to the issuance of a building permit, the applicant shall obtain a Virginia Stormwater Management Program permit.

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Mr. Randolph then **moved** that the Board adopt the proposed resolution to approve the two special exceptions. The motion was **seconded** by Mr. Sheffield. Roll was called and the motion carried by the following recorded vote:

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

**RESOLUTION TO APPROVE SPECIAL EXCEPTIONS  
FOR SP 2017-15 STONY POINT VOLUNTEER FIRE  
COMPANY - TIER III PWSF (RIVANNA)**

**WHEREAS**, the Stony Point Volunteer Fire Company is the owner of Tax Map Parcel Number 04800-00-00-018D0 (the "Property");

**WHEREAS**, Milestone Communications filed an application for a special use permit to install a personal wireless service facility consisting of a monopole with four flush-mounted antenna arrays, and associated ground equipment and access, on the Property, and the application is identified as Special Use Permit 2017-15 Stony Point Volunteer Fire Company – Tier III PWSF (Rivanna) ("SP 2017-15"); and

**WHEREAS**, Albemarle County Code § 18-5.1.40(b)(2)(a) allows up to three arrays of antenna, which may be modified by special exception; and

**WHEREAS**, Albemarle County Code § 18-5.1.40(b)(2)(c) requires that antennas be mounted so that in no case shall the closest point of the back of the antenna be more than 12 inches from the monopole, which may be modified by special exception; and

**WHEREAS**, the Applicant filed a request for special exceptions in conjunction with SP 2017-15 to modify the requirements of County Code § 18-5.1.40(b)(2)(a) and County Code § 18-5.1.40(b)(2)(c).

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the executive summary and staff report prepared in conjunction with the application, all of the factors relevant to the special exceptions in County Code §§ 18-5.1.40(b)(2)(a), 18-5.1.40(b)(2)(c), and 18-33.9, and the information provided at the Planning Commission and Board of Supervisors' meetings, the Albemarle County Board of Supervisors hereby approves the special exceptions to authorize the modification of County Code § 18-5.1.40(b)(2)(a) and County Code § 18-5.1.40(b)(2)(c) as set forth above, subject to the conditions attached hereto.

\* \* \*

**SP 2017-15 Stony Point Volunteer Fire Company - Tier III PWSF (Rivanna)  
Special Exception Condition**

1. No more than four (4) antenna arrays shall be mounted to the facility.
2. The farthest point of the back of the antennas shall be no more than eighteen (18) inches from the monopole.

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Agenda Item No. 17. **SP201700016 - Charlottesville Music Institute.**

PROJECT: SP201700014 Charlottesville Music Institute LLC.

MAGISTERIAL DISTRICT: Scottsville.

TAX MAP/PARCEL: 07700-00-00-040K0, 07700-00-00-040L0, 07700-00-00-040J0.

LOCATION: 1740 Broadway Street.

PROPOSAL: Use of approximately 8,000 square feet of the existing building for a music school to serve up to 500 students per year for a period of up to 5 years.

PETITION: Private schools under section 27.2 of the Zoning Ordinance.

ZONING: LI Light Industrial – industrial, office, and limited commercial uses (no residential use)

OVERLAYS: Managed Steep Slopes.

COMPREHENSIVE PLAN: Office/R&D/Flex/Light Industrial – professional office, commercial; research and development, design, development of prototypes, engineering; light manufacturing, fabrication, distribution if with a non-industrial use; Parks and Green Systems – parks, playgrounds, play fields, greenways, trails, paths, recreational facilities and equipment, plazas, outdoor sitting areas, natural areas, preservation of stream buffers, floodplains and steep slopes adjacent to rivers and streams.

*(Advertised in the Daily Progress on October 23 and October 30, 2017)*

The Executive Summary forwarded to the Board states that at its meeting on October 10, 2017, the Planning Commission voted 6:0 (Laferty absent) to recommend approval of SP201700014 with the conditions recommended by staff. The Planning Commission action letter, staff report, and minutes are attached (Attachments A, B, and C).

The request is for a special use permit to allow a private school within the existing warehouse building currently zoned for Light Industrial (LI) at 1740 Broadway Street. Section 27.2 of the zoning ordinance requires a special use permit for private schools in LI Zoning.

Staff recommends that the Board adopt the attached resolution (Attachment D) to approve

SP201700014.

Ms. Rachel Falkenstein, Senior Planner for Community Development, presented. She said the purpose of the request is for a special use permit to allow a private school under section 27.2 of the Zoning Ordinance. She presented a map of the site and surrounding area and said the school would consist of three separate buildings on 4.2 acres located at 1740 Broadway Street. She said the property is zoned light industrial, the Comprehensive Plan calls for Office/R&D /Flex/Light Industrial, and the current building on the site is a 51,000-square-foot warehouse and office space built in 1989 for Data Visible Solutions, which closed in 2014. She said the site currently has 14 tenants, including artisanal and moving and storage companies. She explained that the music school would be in the existing warehouse building and a site plan is not required. She presented an architectural drawing of the proposed interior of the building and a blueprint of how rooms, a library, and common areas would be arranged. Ms. Falkenstein said they plan to lease the space for five years while they fundraise and find a permanent location. She said the school anticipates having up to 16 students and 5 instructors at a time, with 40 students for ensembles and music theory classes and to be open seven days.

Ms. Falkenstein presented favorable and unfavorable factors to the request. The favorable factors are as follows: the school is proposed as a temporary use (5 years with possible extension) and would locate within an existing building; there are no anticipated detrimental impacts to neighborhood property owners; the proposal would bring a new non-profit organization to the County and provide additional opportunity for music lessons for County residents. She listed the unfavorable factor as the proposed use would result in the temporary loss of industrial inventory, though the proposal would only occupy 16% of the existing warehouse facility.

Ms. Falkenstein added that the Planning Commission held a hearing October 10 and voted 6-0 to recommend approval. She presented a slide with the Planning Commission's three SP conditions: the use shall be limited to no more than twenty percent of the production area as shown in the Charlottesville Music Institute Concept Plan, dated 7/17/2017 (Attachment A); all parking for the facility shall be located in areas designated on the plan, referenced above; the use shall commence on or before (date two years from Board approval) or the permit shall expire and be of no effect, and the special use permit shall expire 5 years from the date that the zoning clearance use was approved. She noted that upon written request received by the Director of Planning before the 5 year period expires, the Director may grant one extension of the permit for a period of up to 18 months to account for delays with siting or construction of the applicant's new facility.

She explained that a school is not light industrial and thus not by right, which is why a special use permit is required.

Ms. McKeel opened the public hearing.

Mr. Ken Saunders, CEO of the Charlottesville Music Institute, presented. He said the proposed change of use has two phases, with Phase 1 to use the Broadway site for five years until they can construct a facility in the County, which is Phase 2. He said they are looking for an 18-foot ceiling, parking, and a loading bay. He said they believe the facility would not negatively impact the community and could positively impact the community. He said the target age range of students is 6-25, though they would also be open for adults. He noted they are a 501(c) (3) and plan to reach out and make music more accessible to those who may not have the necessary funds. He said they plan to have a choir, orchestra, and to bring international orchestras to the community, though not to perform at this site but in downtown. He said they would become part of the Associated Board of the Royal School of Music, plan to be on the All Steinway Schools global map, and plan to build a 2,500-square-foot recording studio at the Phase 2 site. He presented information on the curriculum, programs, and benefits to the community.

Ms. Palmer pointed out that the school would be located in Albemarle County but Mr. Saunders' presentation had the Charlottesville logo and he referred to the school being in Charlottesville.

Mr. Sheffield asked Ms. Falkenstein what became of a special use permit for an indoor soccer facility the Board approved two years ago. Ms. Falkenstein replied that the applicant did not follow through with building permits and the special use permit had now expired.

Mr. Randolph said the facility was located in the valley.

Ms. McKeel closed the public hearing.

Mr. Randolph **moved** that the Board adopt the proposed resolution to approve SP201700014. The motion was **seconded** by Mr. Sheffield. Roll was called and the motion carried by the following recorded vote:

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

#### **RESOLUTION TO APPROVE SP 2017-19 CHARLOTTESVILLE MUSIC INSTITUTE**

**WHEREAS**, the Charlottesville Music Institute submitted an application for a special use permit to use part of an existing building for a private music school on Tax Map Parcel Numbers 07700-00-00-040K0,

07700-00-00-040L0 , and 07700-00-00-040J0, and the application is identified as SP201700019 Charlottesville Music Institute ("SP 2017-19"); and

**WHEREAS**, on October 10, 2017, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2017-19 with conditions; and

**WHEREAS**, on November 8, 2017, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2017-19.

**NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the staff report prepared for SP 2017-19 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code § 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2017-19, subject to the conditions attached hereto.

\* \* \*

**SP-2017-19 Charlottesville Music Institute  
Special Use Permit Conditions**

1. The use shall be limited to no more than twenty percent (20%) of the production area as shown on the Charlottesville Music Institute Concept Plan, dated July 17, 2017 (Attachment A). All parking for the facility shall be located in areas designated on the plan, referenced above.
2. The use shall commence on or before November 8, 2019 or the permit shall expire and be of no effect.
3. The Special Use Permit shall expire 5 years from the date that the zoning clearance for the use is approved. Upon written request received by the Director of Planning before the five (5) year period expires, the director may grant one extension of the permit for a period of up to eighteen (18) months to account for delays with siting or construction of the applicant's new facility.

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Agenda Item No. 18. Senior Center at Belvedere.

*At the request of Mr. Thompson, Executive Director, Senior Center, this item was removed from the agenda.*

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Agenda Item No. 19. Commonwealth Attorney Position Request.

*At request of Mr. Robert Tracci, Commonwealth's Attorney, this item was removed from the agenda.*

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

Ms. McKeel said she had sent an email to Supervisors with information about Delegate David Toscano's bill to amend Virginia Code 18.2-287.4, to prohibit public carrying of certain loaded firearms on any public street, road, alley, sidewalk, public right-of-way, public parks, or any other place open to the public which would carry penalties for violations. She said the following jurisdictions would be covered: Alexandria, Chesapeake, Fairfax, Falls Church, Newport News, Norfolk, Richmond, Virginia Beach Cities and Arlington, Fairfax, Henrico, Loudon, and Prince William Counties. She said it had been requested that Albemarle County join the list and Charlottesville would take this matter up shortly. She asked Mr. Kamptner if he has anything to add.

Mr. Kamptner emphasized the legislation covers two classes of weapons with the first being semi-automatic, center-fired rifles or pistols that expel up to 20 rounds of ammunition, and the second being shotguns with magazines that would hold more than seven rounds of ammunition. He pointed out that law enforcement and public safety officers, military personnel in the performance of their duties, or any person holding a valid, concealed handgun permit or engaged in lawful hunting or recreational shooting at a shooting range are exempt.

Mr. Randolph commented that the first thing one learns on active duty in the military is the difference between a gun, which is used to hunt, and a weapon which is designed to kill people. He said he has a longstanding disagreement with the National Rifle Association about its interpretation of the Second Amendment. He said the only people that should carry weapons are police officers and authorized military personnel that have been properly trained in the handling of the weapon, which requires a significant amount of time. He expressed his enthusiastic support for the bill.

Ms. McKeel acknowledged there is Board consensus to support the legislation.

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Ms. Mallek brought up the issue of beekeeping, stating that several years ago an administrative interpretation of the zoning ordinance classified bees as livestock, which results in their prohibition in rural residential districts, some of which include very large residential lots. She said the zoning office is working with an Earlysville resident who keeps bees and is thus in violation of the ordinance. She asked

Supervisors to reflect on this issue and said she would distribute a white paper about pollinators as well as references gathered by a citizen from the Comprehensive Plan and Natural Heritage Report to inform them on this issue. She expressed support for removing beekeeping from the livestock list, although she does not want to open a “wheelbarrow full of problems” with urban agriculture. She remarked that honeybees are very docile, create their own food, and serve as a valuable pollinator resource.

Mr. Randolph added that Scottsville Supply Company recently opened the only bee supply store in the area. He explained that Scott LeGrand, a neighbor, operates beekeeping for Monticello and Ashlawn-Highland and is training others in beekeeping. Mr. Randolph stated that he recognizes the significant role that pollinators play in County residents’ way of life.

Ms. Palmer asked how it was discovered that the beekeeper in Earlysville had run afoul of regulations. Ms. Mallek replied that a neighbor had complained.

Mr. Kamptner said his office would follow up with zoning to obtain a better understanding.

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

There were none.

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Agenda Item No. 21. Closed Meeting. *(if needed)*

There was no need for an additional Closed Meeting.

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Agenda Item No. 22. Adjourn to November 16, 2017, 3:30 p.m., Lane Auditorium.

At 8:26 p.m., Ms. Palmer **moved** that the Board adjourn until November 16, 2017 at 3:30 p.m. in Lane Auditorium. The motion was **seconded** by Ms. Mallek. Roll was called and the motion carried by the following recorded vote:

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

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Chairman

Approved by Board
Date 02/07/2018
Initials CKB