

An adjourned meeting of the Board of Supervisors of Albemarle County, Virginia, was held on December 13, 2017, in the Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia. The adjourned meeting was held at 2:00 p.m., and was adjourned from December 6, 2017. The regular night meeting was held at 6:00 p.m.

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

ABSENT: None.

OFFICERS PRESENT: 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 work session and regular meeting were called to order at 2:05 p.m., by the Chair, Ms. McKeel.

Agenda Item No. 2. Government Operations/Courts Relocation Opportunities Analysis - Final Report.

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 current Capital Improvement Program plan; 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 by 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 its 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.

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. At the November 8, 2017 Board meeting and again on November 16, 2017, staff and Stantec presented an update on the analysis work in progress including a review of the Board's feedback on decision-making criteria. Stantec presented Program Analysis information on the County Office Building and Courts options that will feed into the Fiscal Impact Model and the National Center of State Courts consultant reviewed the findings of the Adjacency Impact study of impacts associated with potentially separating County Courts from City Courts at the downtown location.

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 County Courts to the City Courts and impacts of separating.
- 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

The purpose of today's work session is to conduct a review of the recommendation and content provided to the Board in advance of the Dec 13th work session, specifically an initial report on the costs, fiscal impacts, cost benefit analysis and any updates to the previously submitted Program Analysis Documents and Adjacency Study report.

There are no budget impacts at this time.

This material is being presented for informational and feedback purposes from the Board. Based

on feedback to staff, questions and/or any additional information requested will be delivered at the public hearing scheduled on December 18th or the action item meeting scheduled on December 20th.

Ms. McKeel presented a timeline from 2011 to 2016, prepared by staff, which showed the history of the courts project, Board actions, and available options going forward. She noted that the courts expansion study began in 2011, when Ms. Mallek served on the Board, while the remaining Supervisors had joined since then. She stated that County/City staff negotiations, which continue today, began in 2012. Ms. McKeel said that new members joined the Board in January 2014 and 2016, and on April 9, 2016 a work session with stakeholders from the legal community was held. She presented a second timeline of the years 2017 to 2018 and reviewed some key events: in 2017, Stantec and Greystone consultants were hired and began their work, leading to this work session highlighting Stantec's analysis of government operations opportunities, with a public hearing scheduled for December 18 and Board direction on next steps expected on December 20. She explained that the options were to conduct additional due diligence of a public/private partnership or renew negotiations with the City. She reminded the Board that a new Supervisor would assume office in January, and she anticipated that between January and June they may look at developer and land owner interest, depending on how the Board votes, or reengagement with the City. She emphasized that the taking of potential next steps does not exclude other options that could result from ongoing analysis or from negotiations. She invited representatives of Stantec to begin their presentation.

Mr. Trevor Henry, Director of Facilities and Environmental Services Department, and project manager for the courts relocation, addressed the Board. He remarked that today would bring several months of intense activity to a conclusion. He introduced Stantec Lead Consultant, Xuan Phan, whom he described as a great partner in the process, to review Stantec's report.

Ms. Xuan Phan reported that Stantec was concluding five months of analysis, and she listed the following agenda: Schedule and Process Update, Methodology Recap, Cost Benefit Analysis, Fiscal Impact Model Analysis, and Pre-Marketing Process/Timing. She next reviewed the following goals for the work session: 1) report on courts and County Office Building relocation in terms of costs, economic benefits, and fiscal impact. 2) answer questions, and 3) discuss potential next steps. She presented a milestone schedule and reported that they are nearing the end, with next steps expected to be the Board's direction to staff. She presented the upcoming key events and milestones as a public hearing on 12/18 and Board of Supervisors meeting on 12/20; and if approved, they would commence scoping, market-testing and the pre-marketing process, with a timeframe of January to June 2018.

Ms. Phan recapped the methodology and presented the formula used to estimate project costs as follows: $\text{Project Costs} - \text{Sales Proceeds} - \text{Deductions} \pm \text{Additional Operating Costs (Savings)} = \text{Net Project Cost}$. She presented a chart with estimated Net Project Costs for Options 1-3, which she noted had been presented to the Board before. She recapped the three options: 1) renovate downtown Circuit Court and construct a new General District Court on the Levy property; 2) reduced Levy option, which excludes the City Court and City Court Clerk's office, resulting in less square footage; and 3) relocate the courts to the County. She remarked that while Option 1 has the highest project cost, it has the lowest net cost of the three options, \$36.8 million. She said the net cost for Option 2 is \$38.5 million, as they would forego a City contribution. She said the highest cost would be for Option 3, as there would be costs for site acquisition (\$2.1 million - \$6.7 million), as well as for a parking structure (\$6 million). She next presented a chart of estimated operating costs for the three options and reviewed specific items, noting that the incremental operating cost estimates were as follows: Option 1: \$293,000, Option 2: \$205,000, and Option 3: \$1.1 million. She noted that if there were two court locations, the Sheriff's Office would require five additional deputy sheriffs to provide proper security, at a cost of approximately \$565,000/year, and the Commonwealth's Attorney's Office would require two additional attorneys at a cost of \$170,000/year, with the County to assume 100% of these costs.

Ms. Phan next reviewed how they evaluated development scenarios under a comprehensive model. She explained that they estimated development costs, financing assumptions, and operating pro forma to estimate a return to the developer and/or investor and come up with feasible development scenarios. She reviewed a list of potential moderate and high density multifamily, office, retail, and structural parking scenarios, noting they excluded low density development as this was not consistent with the Rio/Route 29 area. She emphasized how the expense of constructing parking garages hindered development financial return, even with the imposition of fees, as surface parking costs approximately \$3,000 per space and structured parking costs \$20,000 per space to build. She remarked that developers sought an exit return on costs of 6% and added .75 – 1% return above this as a profit margin, and in their models this was achievable when structured parking was not included. She emphasized that the Charlottesville area is considered a tertiary market, with limited information about units developed, built, and absorbed. She said that Stantec relied on a January 2016 Charlottesville housing survey issued by RCLCO, which estimated that 400 housing units per year could be absorbed in the local market, to make assumptions about absorption in the urban ring of Route 29.

Ms. Phan reviewed County inputs for evaluation to a fiscal impact analysis model. She presented the following formula: $\text{County Revenues} - \text{Operating Costs} - \text{Capital Costs} - \text{Debt Service} = \text{Net Fiscal Impact}$. She next reviewed the cost benefit analysis, beginning with the following early assumptions: Rio/29 was the presumptive area for a courts and/or County Office Building relocation and the Rio/29 Small Area Plan aims to facilitate walkable, mixed-use development, with structured parking being a critical component to achieving a walkable neighborhood. She commented that the private market was not likely to develop structured parking in this area, though government could intervene and utilize a garage as an economic development tool in order to stimulate economic activity.

Mr. Randolph remarked that Ms. Phan's presentation indicates that a parking garage was a sunken cost, with an outlay by the County and no recoverable financial return, though it would contribute to the development of a walkable neighborhood.

Ms. Mallek said the parking spaces could be leased.

Ms. Phan disagreed with Mr. Randolph's assessment. She stated that structured parking enables density, which allows for private development that would generate tax revenue because over time they would get additional development they would not otherwise get.

Mr. Randolph agreed with Ms. Phan, but said that given the potential cost of this facility and how it compares to the option of keeping the courts downtown, it was a determinant that drove up the cost of moving to the County, though it is something that could be phased in over time. He emphasized that structured parking is not essential in the beginning, but as the community grows after the court relocation, they could later assess whether structured parking makes sense. He pointed out that with potentially rapid changes in the use of automobiles, given the growth of autonomous vehicles, Lyft and Uber, they may not need as many parking spaces.

Ms. Phan agreed that parking could be phased and would depend on the overall site phasing plan.

Mr. Randolph said it may be worthwhile to discuss having structured parking on the first two levels of the building to provide secure parking for judges and attorneys, as well as for portions of the building that could serve as private office space as part of a public-private partnership.

Ms. Phan next presented a chart comparing the capital and operating costs of courts for the three options. She followed with a comparison of qualitative factors of the three court options, listed in order of priority as ranked by Supervisors, consisting of accessibility and convenience, enhanced security, a placemaking opportunity, operational efficiencies, adjacency impact, and development impact. She pointed out that accessibility and convenience could be viewed differently depending on whether one was a stakeholder or a frequent or infrequent user of the courts. She explained that public transportation to the Rio/29 area was less frequent than to downtown, though parking would be easier. She said security was addressed in all three options, with Option 3 enjoying the benefit of court consolidation at one location, larger holding areas, and separate parking for judges. She explained that only Option 3 offered a placemaking opportunity. Ms. Phan stated that all three options met operational efficiencies, though she said the downtown option might have a slightly compromised configuration that would affect efficiencies, as the Circuit Court Clerk's offices would be spread over three levels and there would be two buildings. She said the requirement to have some duplicated personnel for Option 3 would be an inefficiency. She recognized that adjacency is very important to the local community, and Stantec believes that Options 1 and 2 are positive for adjacency impacts while Option 3 offers some negative impacts, though a comprehensive study conducted by NCSC articulated some ways these could be mitigated through new scheduling patterns, behavioral adaptations, and through the use of technology. Regarding development impact, she informed the Board that Options 1 and 2 would present no impact while Option 3 would present a modest impact, with only 35 full-time court employees plus stakeholders.

Ms. Phan presented a chart comparing risk management factors for the three court options with the following four risk factors listed: opportunity cost, implementation risk, risk/control allocation, and litigation/legal risk. She stated that Options 1 and 2 have no opportunity costs while Option 3 has a low opportunity cost; Options 1 and 2 has medium implementation risk while Option 3 could also be medium, depending on the structure of a public/private partnership; Options 1 and 2 has low risk/control allocation while Option 3 is listed as medium, depending on the structure of a public/private partnership; Options 1 and 2 are rated low for litigation/legal risks, while Option 3 is rated high. She said that implementation risk involves unknowns and uncertainties that could affect the County budget and project schedule. She noted there has been a threat of litigation if the County were to relocate the courts without holding a public referendum.

Ms. Phan turned her presentation to the County Office Building and listed the following options: Option 4 – standalone (build new, relocate and consolidate), Option 4 combined with Option 1 – keeping the courts downtown (build new, relocate and consolidate), and Option 5 – relocation with courts (build new, relocate and consolidate both COB and courts). She next presented a cost comparison chart of the three options with the following cost categories: net County Office Building capital cost, courts capital cost, combined capital cost, operating cost (savings), combined value of operating cost (savings), and combined capitalized values.

Mr. Randolph asked for the costs for land as part of the \$83 million combined capital cost estimate for Option 5. Ms. Phan replied that they may have used the average between the low and high estimates.

Mr. Randolph asked if this would be \$4.2 million. Ms. Phan confirmed this.

Ms. Phan presented a chart that compared the following qualitative factors for Options 4 and 5: accessibility and convenience, placemaking opportunity in the County, operational efficiencies, adjacency impact, and development impact. She said they are both rated positively for accessibility and convenience and for placemaking, and both options are rated positively for operational efficiencies,

though Option 4 was rated higher. She noted that both options have checks for positive adjacency impacts, with Option 5 rated lower, reflecting the courts.

Mr. Dill asked if the opinions of employees who work at the County Office Building were taken into consideration in any of the qualitative factors. Ms. Phan replied that employees were not surveyed nor considered in the qualitative factors.

Ms. McKeel remarked that it is the job of the Board to consider employees.

For the factor of development impact, Ms. Phan said that Stantec saw synergies between an office building within a mixed-use development such as Option 4, as there was both a daytime and nighttime population that would use the apartments, restaurants, and retail. She said they had rated this as positive. She said that Option 5 combined both buildings into a mixed-use development, which reached a point of diminishing return as land area that would otherwise be developed by the private sector and generate tax revenue would be displaced. Ms. Phan noted that they rated this as negative.

Ms. Phan presented a chart comparing risk management factors with the following categories: opportunity cost, implementation risk, risk/control allocation, and litigation/legal risk. She explained that both County Office Building options provided high opportunity costs since they were expensive and would result in the County having less funds to spend in other ways. She said the implementation risk was medium for Option 4 and medium to high for Option 5, to the extent that they did not control land, while risk/control was low for Option 4 and medium for Option 5. She said that litigation/legal risk was a reflection of the courts, with the chart showing low risk for Option 4 and high risk for Option 5.

Ms. Phan presented a slide with a summary of the economic benefit comparisons for court options:

- Options 1 and 2: Keep the courts downtown – are the least expensive but would have no economic development benefit that would accrue to the County. Private development might occur but may not result in the desired walkable community.
- Option 3: Relocate the courts to Rio/29 – is more expensive than Options 1 and 2 but may be supportive to the goals of the Rio/29 Small Area Plan although it is not expected to have a significant, immediate development impact.
- Structured parking is expected to be a critical component of achieving new, walkable, urban typologies in Rio/29.

Mr. Randolph asked for the timeframe reflected by the word “immediate.” Ms. Phan replied that this is subjective, though to her it means within 5 to 10 years.

Ms. Phan presented a slide with a summary of the economic benefit comparisons for the County Office Building options:

- Option 4: Relocate the COB – Comes with the need to still provide for the courts and the time cost should be considered combined with Options 1, 2, or 3.
- Although Option 5 has a capital cost that is higher than staying in the current McIntire building, the value of the capitalized operating savings of a newer, more efficient building, may be significant.
- Option 4 is more compelling and would likely have a greater economic development impact than Option 3 because it is larger and will bring more daytime and nighttime traffic that is complementary to a mixed-use project.
- Option 5: Relocate both courts and COB – Would be the most costly and also increase the overall parking need. There might be greater economic impact over time, but in the near term would reduce the land area available for private, tax generating development.

Ms. Phan introduced Mr. Eric Van Olsen to review the fiscal impact model analysis. She relayed that Stantec wants to thank the Department of Finance and Office of Management and Budget staff for their hard work, for providing great information, and for being fantastic to work with, particularly employees Lisa Breeden, Laura Vinzant, Lindsay Harris, and Andy Bowman.

Mr. Van Olsen credited Vita Quinn, who is not able to attend the presentation, for doing much of Stantec’s hard work on the project. He presented a slide with various charts and graphs, which he said is part of their financial management and analysis system (FAMS). He explained that the tool was used as a decision support system to determine how the current budget and fiscal plan would impact the general fund over the next 10 years, from a current baseline. He explained that the system simulates and analyzes the effects on capital, operating, and debt service of adding various costs and what this means to the overall budget plan, as well as how it will have to change to afford any of the options. He said the simulation relies on the County’s Five-Year Fiscal Plan, Capital Improvement Program, and debt service and amortization schedules. He said they added planned real estate tax increases for FYs 18 and 19 as well as known developments and increases in real estate values, which he said provided for about half of the fund’s revenues of the real estate assessment charges. He said they also recognized all transfers in and contributions, as well as operating costs, costs for personnel, operating capital costs, debt service, etc. He stated they used the first 5 years of staff’s plan to project over the next 10 years, with assumptions for revenue and cost escalations.

Mr. Van Olsen presented a chart that compared impacts to the general fund from the five options for four categories: net general fund capital cost, estimated net annual operating impact, debt ratio

caution, and additional annual revenue required. He explained that debt ratio caution monitored the ratio of annual debt service payments to the general fund's revenue over 10 years, with the caution ratio of 8.5%, the average for AAA-rated municipal entities. He pointed out that the County has a policy not to exceed a ratio of 10%. He noted that with Options 4 and 5, there would be a few years over the 10-year period when the 8.5% ratio would be reached, though none of the options would lead to a 10% ratio, but they would if they were to capitalize a high school expansion project. He reviewed the bottom line for each option, which represents the additional annual revenue required with estimates for the five options as follows: Option 1: \$0, Option 2: \$500,000, Option 3: \$1 million, Option 4: \$4 million, and Option 5: \$6 million. He emphasized that the estimates assumed an adjustment would take place beginning in FY21, and he noted that delays would lead to exponential compounding of the costs.

Ms. Phan introduced Mr. Matt Hunt to review the next steps of addressing key issues and the pre-marketing process.

Mr. Sheffield stated that it is a bit misleading to say that additional revenues required zero dollars, as this assumes a two-cent tax increase in the budget. He said that people may look at this in the context of today rather than the future and not realize there is already money needed from a tax increase to pay for it.

Mr. Henry agreed with Mr. Sheffield's assessment, stating that the tax increase is part of the adopted CIP and the chart presented assumed the increase.

Mr. Sheffield asked how much revenue the two-cent tax increase would generate in FY20. He asked that the Office of Management and Budget provide them with an estimate of what the value of a penny would be in 2020. Mr. Van Olsen responded that the equivalent in today's dollars is \$1.7M per penny, and he offered to provide additional information.

Mr. Randolph added that the projections assumed the economy would stay humming and that property values would not decline, though at some point there may be a correction, and it is difficult to come up with a reliable figure.

Mr. Matt Hunt addressed the Board and reminded them that at the last meeting they discussed a pre-solicitation market outreach campaign. He said they have talked to property owners in the area of the Rio/29 intersection about constraints and potential motivations and are now looking at a larger geographic area. He explained the reasons for looking at a wider area, with the first being that the County does not have a large piece of land under its control and would have to acquire land or most likely, work with private landowners or developers. He presented a slide with objectives of market testing:

1. Market testing to determine whether: a) property owners with suitable properties have interest in walkable, mixed-use development and/or have an interest in a County building as an anchor tenant. Explore other elements critical to success; b) local, regional or national developers with P3 experience has interest in working with local property owners or assembling sites.
2. Pre-Marketing: a) could take considerable time to gain owners and developers' attention; b) Interested parties may require time to organize teams, if necessary; c) meetings serve as a way to stimulate interest.

Mr. Randolph asked Mr. Hunt if he is aware of any state or local governments around the country that have combined courts and county offices in the same building. Mr. Hunt responded that he is not aware of any examples, though he indicated that his colleague, Drew Leff, might have an example. He said he does not think of this as a court facility per se but as a long-term, quality government tenant. He said the question is whether the presence of a stable tenant could help the developer make a project viable, adding that there are many examples of government agencies, transit authorities and other government tenants helping to start and promote a development. He provided an example from Brisbane, Australia where a court was anchored within a downtown high-rise development.

Mr. Drew Leff of Stantec addressed the Board and said at this phase they would not only look to pre-market to potential developers and property owners, but also to understand what would motivate them and what would work. He said they want to test their assumptions against the market. Addressing Mr. Randolph's question, he said he does not know of an example of a court house being part of an office building, although there are plenty of examples of courts constructed through a P3 process.

Mr. Hunt related that he and some colleagues recently visited a court facility in Stafford County that was experiencing issues with capacity, and they had developed an appreciation for the particulars of security and ingress and egress of prisoners and personnel, which would have to be addressed from both a site planning and architectural perspective. He said that they take these practical factors into consideration when reviewing potential sites.

Mr. Hunt presented a timeline that showed scoping and goal-setting, with the County under market testing in month 1 and pre-marketing for months 2-4, then a decision and next steps for issuing an RFEI, RFQ or RFP for month 5.

Mr. Jeffrey Simon of Stantec addressed the Board and said they had a great discussion and attempted to grapple with balancing the needs of the County Office Building and courts with the aspirational vision of creating a walkable community within a new locus of economic activity. He stated that they had tried to understand the applications, lay out the risks and opportunities, and provide the

Board with information it needs to make a decision. He emphasized that creating development is not simple, though they knew from the work they had done that it provided a great opportunity. He said they would like to move forward and test assumptions against the market, and he invited questions from the Board.

Ms. Palmer stated that the report clearly indicated the importance of a parking garage and that her assumption for their inclusion of a garage cost estimate of \$9.6 million was built on the assumption of a mixed development, with additional spaces beyond the 300 spaces, for which a \$6 million estimate had been provided.

Ms. Phan replied that the difference in cost estimates was because the larger building would require more spaces, as driven by a ratio within zoning standards. She explained that the scenario with a 580-space garage assumed daytime and nighttime users, although there could be an opportunity for the owner of an apartment building to lease spaces. Ms. Phan said the way the COB garage factored into the multi-family parking requirement was calculating the parking requirement for apartments, taking a 20% share of the public garage to reduce the multi-family parking requirement. She said they did not assume there would be leased spaces for private use, but that the presence of a garage would reduce the parking requirement for multi-family use.

Mr. Simon emphasized that in each estimate, Ms. Phan had taken the most conservative side of the spectrum.

Ms. Palmer said the potential locations in the County were assumed to be greenfield sites, whereas some options may not be greenfield sites. She asked if the use of a non-greenfield site would incur additional costs.

Ms. Phan replied that they had assumed some site acquisition costs and budgeted an amount for infrastructure, though they cannot foresee all the costs and complexities involved in the various potential sites.

Ms. Phan addressed Mr. Randolph's earlier statement about parking garages and autonomous vehicles. She stated that the report included a statement indicating that self-parking vehicles may change the parking paradigm and would allow for more parking spaces within a garage. She said the pace of regulation was the delay to the implementation of this technology.

Mr. Simon stated that they do a lot of community development work across the country and had not seen a high-density, walkable community that was successfully built without structured parking. He said he does not want to leave the Board with the impression they could achieve the vision of a walkable community without some significant change to surface parking.

Ms. Mallek asked if they would have the cost estimate for the pre-marketing work by next week. Mr. Leff replied that the cost would be \$40,000 to \$50,000, depending on scope.

Mr. Dill inquired about next steps and the comprehensiveness of Stantec's services. He asked if they were able to monitor construction. Mr. Simon replied that there were multiple goals and options, and they wished to put this forward in the most favorable light possible, which required information from the market. He emphasized that by having more information, they could decrease the amount of time required, and Stantec believes this is the smart way to go about this. He said that his firm had been on both the receiving and writing end of requests for proposal, and the overall goal is to receive as many quality RFP's as they can.

Mr. Dill asked for his opinion on the legal risks of moving the courts. Mr. Simon responded that he had read a letter from the Bar Association that indicated there was a high probability of a legal challenge.

Ms. Palmer noted the opinion of the legal community is that a referendum would be required to move the courts. She cited an amendment to the statute driven by a small community in southern Virginia that wanted to make its move more palatable, and noted that it was written too broadly. She said the County is allowed to take advantage of their situation and stated that the Board may decide to hold a referendum in order to avoid litigation. She asked for an estimate of the time it would take to resolve litigation, remarking that if the project is delayed the costs will increase. Mr. Kamptner responded that the simplest cases the County has handled, which were resolved at the trial court level on the pleadings that were appealed to the Virginia Supreme Court, took two to three years. He reminded the Board that even if a referendum were held, it would not insulate them from challenges as there are many legal steps in the referendum process and those opposed to court relocation would challenge.

Ms. Palmer asked if it is fair to say they could conservatively estimate a project delay of two to three years if the courts were considered in the move. She said it would be helpful to see what the costs of a delay would be before they make a decision to add the courts into the decision-making process of the pre-market study. Mr. Kamptner confirmed this time period as the least they could expect.

Ms. Mallek advocated for the benefits of phasing the project so that they could work on some items while others are being worked out.

Mr. Simon emphasized that he had spent almost all of his life as a developer and what developers hate is uncertainty, and a cleaner and more predictable process results in a higher quality of developers and development proposals.

Ms. Palmer commented that it may be better to hire Stantec to conduct the pre-market study and remove the courts and look at other government tenants for the project. She said it might be better for the Board to take the courts out of the mix at this point so they can obtain a better response from developers.

Mr. Simon said his job is not to steer the Board in one direction or another, but to lay out the facts as he sees them.

Mr. Randolph commented that this is an effort of the Board's to gain ultimate information to make a key decision, perhaps the biggest decision to be made in the County this century. He said they are not dragging out the process but gathering information, and asked those who are impatient to relax and take a walk, as the Board is trying to be very deliberative and review all the options.

Ms. Palmer added that if this is the way the Board feels, then they should put in the extra cost and recognize it from the inception.

Ms. McKeel stated there are all kinds of risks and additional costs to consider. She reminded Supervisors that when the Juvenile and Domestic Relations Court was renovated, its walls collapsed, resulting in an additional 693 days to complete and double the cost. She emphasized that there would always be risk involved.

Ms. Palmer added that there is always tremendous risk with a concept project.

Ms. McKeel thanked the presenters, said it was very informative, and expressed appreciation to County staff for the time they have spent thus far.

Mr. Henry addressed the question raised by Mr. Sheffield about being able to show the capitalized value for Option 1 and the question raised by Mr. Randolph about the assumption used in costs for land acquisition under Option 5. Mr. Henry stated that the expected value of a penny in FY20 is \$1.875M. He suggested Mr. Sheffield follow up with Ms. Phan about some of his other questions. He offered to update slide 27, the fiscal impact matrix, to better show the composition of the baseline assumption. He asked if they should revise the timeline for relocation by two to three years. Ms. Palmer responded that she would like to see a revised timeline.

Ms. Mallek added that she would prefer a phased approach to the entire redevelopment concept, rather than try to anticipate problems and successes far in advance, which are just guesses.

Ms. McKeel suggested that the Board not make any decisions today and have a chance to reflect on the information until their next meeting.

Mr. Simon said he has enjoyed working with the Board and expressed appreciation to County staff for their tremendous effort.

Recess. At 3:49 p.m., the Board recessed and then reconvened at 4:01 p.m.

Agenda Item No. 3. FY19 – FY20 Recommended Two Year Fiscal Plan – Guidance for Annual Budget Development.

The Executive Summary forwarded to the Board states that long-range financial planning is an important component of the County's fiscal processes that 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.

On November 8, the Board of Supervisors and the School Board received information regarding the School Division and General Government's Five Year Financial Plans, including revenue projections. The Boards also received an overview of General Government's Recommended Balanced Two Year Fiscal Plan.

On December 6, the public was provided the opportunity to provide comment on the Recommended Balanced Two Year Fiscal Plan; the Board of Supervisors received additional information, and provided comments, suggestions, and requests for additional information.

In accordance with the budget development schedule, the Board of Supervisors will have the third work session on the Recommended Two Year Fiscal Plan on December 13. At this work session, staff will request the Board of Supervisors consider the options and approaches included in the Plan and provide guidance to staff as they embark on the annual budget development process.

There is no budget impact; however, the results of this work session will provide guidance to staff as they develop the County's Recommended FY 19 budget.

Ms. Lori Allshouse, Director of the Office of Management and Budget, addressed the Board and introduced Mr. Andy Bowman. She reminded the Board that today is the third work session on two-year planning and listed the following desired outcome: obtain guidance from the Board regarding options and

approaches as the County embarks on an annual budget development process. She stated that staff will share Board feedback as a springboard for discussion, and then the Board will provide further guidance.

Ms. Allshouse emphasized the balancing act among the priorities of sustaining a quality organization, advancing strategic priorities, and maximizing transformation and addressing emerging issues. She reminded the Board that at the previous week's meeting, they asked her to develop a feedback instrument for Supervisors to complete, and she presented the questions she developed for the questionnaire:

- What do you expect to see included in the FY19 recommended budget?
- What areas were you interested in as a concept or approach, however, would need to know more.
- What else would you like to see in the FY19 budget?

She indicated that Supervisors provided responses to the questionnaire and she will present a summary. She noted that there would be a tax rate change from FY19 to FY20, and Supervisors had expressed strong support to provide additional funding for the CIP. Ms. Allshouse mentioned their interest in alternatives to a tax rate increase and offered to research options, including use of the positive year-end variance.

Ms. Mallek pointed out that a large amount of the year-end variance would go to capital anyway and it is as if they are talking about the same amount of money twice. Ms. Allshouse said there was a comment that there was a positive year-end variance for FY17 and there could be one for FY18, so one concept was to utilize these funds.

Ms. Palmer said if they are able to put more funds into capital, they might be able to stave off a tax increase. Ms. Allshouse said the CIP Oversight Committee would make a recommendation to the County Executive that includes thoughts about expanding the CIP and considering bond referendums.

Ms. Palmer asked if the estimated \$2–\$3 million estimate of what the schools would have to pay as a result of a change in the composite index was included. Ms. Allshouse replied that this information was obtained after they had already put the document together.

Ms. McKeel stated that hearing the presentation of the school division budget was very helpful, and she noted that Superintendent of Schools, Pam Moran, would present a budget that includes the changes in the composite index.

Mr. Randolph observed that while no one wants to see a tax increase, based on the discussion they have had and knowing the capital expenses the County would incur for a new high school, and even if they do not move the County Office Building or courts, it would be important to educate taxpayers about the importance of setting aside money now to reduce future borrowing costs. He said this would be more palatable if they were to defer with no taxation. He said he appreciates the model presented that shows the value of setting aside money for large capital items in advance so that when the Board must make a commitment there would be enough of a reserve in the CIP to address these needs and not have to rely on borrowing or sudden tax increases. Mr. Randolph stated that in the past, the County model had been post-facto CIP planning, while now they have a chance to do proactive CIP planning. He reminded Supervisors that in the past two years, he had voted against the budget because he wanted to see the CIP grow for the reasons they had discussed.

Ms. Palmer asked Ms. Allshouse to review the pay-as-you-go target percentage for the CIP. Ms. Allshouse replied that it is about 3% of revenues, which they have not met in a long time. She explained that pay-as-you-go is putting cash in on a regular basis to build it up.

Ms. McKeel emphasized that if in 2007 the Board had not given 6 to 7 cents back on the tax rate, they could have had additional funds available during the recession to improve and build the Capital Improvement Program.

Mr. Richardson added that today's balanced discussion would be extremely helpful to staff over the next 45 days, and an ambitious CIP does not mean flat operations. He said that an ambitious CIP has an effect on their operations in terms of capacity to oversee and to effectively administer all of the projects. He continued that once they determine what they are able to do in terms of a responsible recommendation on the CIP and obtain the committee's feedback, they would have to figure out what they could responsibly oversee and afford.

Ms. Palmer emphasized that the driver of the tax giveback was increased assessments, at which time the Board understandably felt compelled to act. She emphasized that if assessments continue to increase over the next few years, they would need to think seriously about the tax increases. She said she worries they could increase the rate and assessments may continue to increase, causing a lot of grief among taxpayers.

Ms. McKeel said Ms. Palmer makes a really good point, stating that the tax decrease was a big drop and if they had approved less of a decrease they would have more money to put into the CIP today. She said some communities do this and were able to build during the recession.

Ms. Allshouse remarked that this input from the Board is how she would like the rest of the work session to proceed. She next focused on the topic of sustaining a quality organization and presented a slide that showed Board support for the following:

- Salary and benefits – 2% market increase and 0.7% for performance pool.
- Support to School Division utilizing the formula guideline.
- Recognition of impact of change in composite index.
- Additional support for CIP.
- Police Department and Department of Social Services workload support.

Ms. Allshouse invited Ms. Phyllis Savides to share some updates.

Ms. Phyllis Savides, Director of Social Services, addressed the Board and offered to respond to some questions the Board had about CHIP and the impact to the County if funding is not re-authorized. She said the current estimate of the number of Virginia families receiving insurance through CHIP is 68,000, with 699 in Albemarle. She explained that CHIP funds the FAMIS program, which assists families that make too much money to qualify for Medicaid but cannot afford private insurance. She explained that CHIP covers children and pregnant women and of the 699 County enrollees, 663 are under the age of 18. Ms. Savides said that if Congress does not re-authorize funding, then the state will have to see if it can make this up. She noted that the Department of Medical Assistance Services recently sent out a broadcast informing social services departments that they will send alert letters to enrollees notifying them that their insurance coverage could end. She explained that the consequence of the loss of insurance would be that kids would not receive preventive care, though they could go to UVA and obtain emergency care as an indigent.

Ms. McKeel noted that she is a former labor and delivery nurse and emphasized the importance of preventive care for pregnant women. Ms. Savides agreed, adding that this is particularly the case for those with substance abuse issues.

Ms. Randolph asked for an idea of the cost to the County if the state were to eliminate FAMIS funding. Ms. Savides replied that she does not have that figure but would be glad to research this. She added that the last projection she saw indicated that Virginia would run out of funds in February. Ms. Savides continued with a review of her organization's needs and noted that the temporary Family Finding pilot is underway. She said she supports its continuation, as it is a critical factor in containing CSA costs because it prevents children from coming into care.

Mr. Dill recognized the importance of the Family Finding program and asked how much financial assistance the County provides to family members who take in a child.

Ms. Savides responded that assistance is offered in the form of childcare, counseling services, and family mentoring. She said that direct relatives are eligible for Temporary Assistance for Needy Families and are automatically eligible for Medicaid. She explained that if the relatives reside in another locality, the County asks the local social services department to follow and support them. She informed the Board that a bill would be introduced in the next General Assembly that would establish a kinship guardianship program that could allow relatives to obtain additional financial assistance. She emphasized that while CSA prevention costs have increased, this has not increased the overall amount of CSA costs as the match rate is lower. However, she said that increased prevention costs are due to their ability to work with families in a preventive way to avoid foster care.

Mr. Dill asked if she has a sense of the ratio of dollars spent to find a family member versus the cost of foster care. Ms. Savides emphasized that when a child enters foster care, they have a placement cost on top of a service cost, whereas in a prevention case it is really the services and the match rate is lower. She does not have specific figures but offered to obtain them.

Ms. Mallek asked if Ms. Savides would identify the categories of staff that have the highest need. Ms. Savides replied that she will address this later in the presentation.

Ms. McKeel said there is a great pilot program in the urban ring schools to support students and asked for confirmation that social workers form part of the team and for some background.

Ms. Savides confirmed that social workers are part of the team and said that they still have a family support program in schools that includes social workers. She added that a new program known as SEED has been established, and her office is currently working to have the two programs collaborate and integrate. She stated that both programs are true prevention programs, adding that the Family Finding Program within child welfare attempts to prevent children from coming into care.

Ms. Savides continued with social services needs. She stated that they have been fortunate to get some new positions in benefits and family services over the past few years, though they now have a significant capacity need for supervisory positions in both child welfare and eligibility. As an example, she said the Child Protective Service Investigation Supervisor oversees nine positions, while the Child Welfare League of America recommends a ratio of 1:5. She emphasized that supervision is a critical aspect in child welfare. Ms. Savides said she also would advocate for an equal need of an additional benefits supervisor. She added that this is also a retention issue, as exit interviews of departing staff demonstrate the work is difficult and relentless, but people would stay if there was someone available to answer questions, support them, brainstorm with them, and recognize and validate them.

Ms. Palmer noted that an eligibility worker is listed as a requested position to be filled and asked if the position of eligibility supervisor is different. Ms. Savides confirmed this. She said there is more of an acute need for a supervisor than for a worker, as they are above the ceiling for supervisory capacity. She summarized that her main message is that the most acute need is to fill two supervisor positions for their core mandated program areas.

Ms. Allshouse resumed her presentation and noted that Supervisors had indicated a need to know more about the FY19 Rescue career staffing for the Scottsville area, as well as workload support needs for internal departments.

Mr. Randolph commented that once they have more information about FY19 rescue career staffing for the Scottsville Volunteer Rescue Squad, it would be helpful to learn how the \$400,000+ grant received from the federal government to assist recruitment has been spent as well. Additionally, he asked that staff prepare a quantitative analysis of outcomes in terms of the number of new recruits and whether their efforts could be useful to other volunteer departments.

Ms. McKeel said that Ms. Allshouse had sent an email to Supervisors the night before with details that answers some of the Board's questions.

Ms. Mallek added that the proposed recruitment and retention administrative person for Scottsville is needed at all the volunteer departments. She said she hopes they can have a future discussion on this and not continue to spend hundreds of thousands of dollars on radio advertisements that could have been done as free, community service ads.

Ms. Allshouse presented on advancing strategic priorities and explained that there was general support from the Board for an additional Bright Stars classroom at Woodbrook Elementary and for continuation of the Department of Social Services' Family Finder Program. She said the Board had expressed a need for more information about the Economic Development Fund, additional arts and cultural funding, urban services support, and Strategic Plan implementation support.

Ms. Allshouse presented on maximizing transformation and addressing emerging needs. She explained that the Board had indicated general support for additional analytical resources, broadband incentive funding, and implementation of technology solutions. She said the Board had asked for more information on the establishment of a housing fund and for positioning the organization to address issues on the horizon.

Ms. Allshouse concluded with a list of items volunteered by Supervisors that were not included in the feedback instrument. She listed them as follows:

- More emphasis on environmental issues and energy savings.
- Keeping Acquisition of Conservation Easement (ACE) funding on track.
- Ensuring the protection of water resources.
- Include funding for the Model Convenience Center at the Ivy Material Utilization Center.
- Additional clarity about the past bond referendum timing.

Ms. Palmer asked how far off they are with keeping ACE funding on track. Ms. Mallek replied that they are at 25% of the budget from 2011.

Ms. McKeel stated that she has a sense the Board is very interested in discussing environmental and climate change issues and suggested they have some future work sessions on these topics. She noted that Board members are expressing their agreement. She said the Fire Chief recently sent her an email indicating he would like to discuss the issue of climate change and fire.

Ms. Allshouse reviewed next steps, beginning with the School Superintendent's recommended budget. She informed the Board that the School Superintendent will present to the School Board on January 18, followed by a January 30 School Board public hearing; on February 8, the School Board will finalize its budget request; and in March the School Division will present its budget request to the Board of Supervisors during a work session. She next reviewed important dates in the County Executive's recommended budget, stating that on February 16, the budget will be presented to the Board of Supervisors, followed by a public hearing on February 20; she said a work session will be held February 22, with the tax rate finalized for advertisement at the March 5 meeting.

Ms. Mallek asked the Board to think carefully about stepping into the expansion and therefore having a more moderate stormwater utility replacement at the beginning to help inform how to manage the program and select what they budgeted in the first year. She said there are some big, expensive projects, such as stream restorations, that she hopes they think about assuming once they have serious grant support from outside agencies. She said they should be talking about concrete green and grey infrastructure themes that they can do and be very deliberative about which things they choose at the beginning. She said this may help resolve some of the angst.

Ms. Palmer expressed complete agreement with Ms. Mallek's comments. She said she was a bit concerned about the tax lookup program that will become available in January and what it will include. She noted that Ms. Mallek is the liaison to the committee and expressed an interest in the Board being able to see this before it is available to the public.

Ms. Mallek replied that she does not have the answer and asked Mr. Kamptner and Mr. Harper to work on this. She suggested that staff conduct beta testing before the system goes live.

Ms. Allshouse added that she thinks this information will be shared with the Board ahead of time.

Ms. McKeel said she hopes that when residents look they will know what is included, and she suggested they have a test pilot to be evaluated first.

Mr. Bill Letteri, Deputy County Executive, addressed Supervisors' questions and comments about next steps. He explained they will come back in January when Mr. Kamptner will provide an outline of all the levels of stormwater service the Board has discussed, with a review of the rate components, so the Board can determine which services it wants to add.

Ms. Palmer emphasized that this will be in conjunction with their new 2019 tax rate increase and the County will also likely see increases in assessments, cautioning that they will have to be really careful.

Ms. Mallek added that the program will begin in calendar year 19, which is fiscal year 20.

Mr. Letteri reminded Supervisors they had discussed the three levels of service and staff will do their best to provide a breakdown of the costs of the different levels of service within the rate.

Ms. Mallek added that an alternative approach would be to break down the components in dollars instead of by categories of action.

Ms. Allshouse said they are working on a schedule, with the stormwater utility proposed to begin midyear in FY19. She said if the Board approves it, they will need to amend the FY19 budget.

Agenda Item No. 4. Closed Meeting.

At 4:52 p.m., Mr. Randolph **moved** that the Board enter into a Closed Meeting, pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (1), to discuss and consider the appointment of an Interim Director of Finance; under Subsection (3), to discuss and consider the acquisition of real property in the southern part of the County, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County; and under Subsection (8), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to: 1) the adjustment of County boundary lines in the southern part of the County; 2) a zoning overlay district; and 3) the negotiation of an agreement for and the possible relocation of court facilities. The motion was **seconded** by Ms. Mallek.

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

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

Agenda Item No. 5. Certify Closed Meeting.

At 6:02 p.m., Mr. Randolph **moved** that the Board certify by recorded vote that to the best of each Supervisor's knowledge, only public business matters lawfully exempt 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. Sheffield, Mr. Dill, Ms. Mallek, Ms. McKeel, Ms. Palmer, and Mr. Randolph.
NAYS: None.

Mr. Dill **moved** that the Board adopt the proposed resolution to appoint Mr. William Letteri as Interim Director of Finance. The motion was **seconded** by Ms. Mallek.

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

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

**RESOLUTION APPOINTING THE
INTERIM DIRECTOR OF FINANCE**

BE IT RESOLVED by the Board of Supervisors of the County of Albemarle, Virginia, that William M. Letteri is hereby appointed the Interim Director of Finance for the County of Albemarle, Virginia effective January 1, 2018 pursuant to Virginia Code § 15.2-512; and

BE IT FURTHER RESOLVED that, during the term of this appointment, he shall have all those powers and duties of a Director of Finance set forth in Virginia Code § 15.2-519 and in other sections of the Code of Virginia (1950), as amended, those powers and duties delegated or imposed by the Albemarle County Code and by duly adopted motions, resolutions, or ordinances of the Albemarle County Board of Supervisors, and those powers and duties as otherwise provided by general law; and

BE IT FURTHER RESOLVED that during the term of this appointment he shall continue to perform his duties as Deputy County Executive under the direction of the County Executive; and

BE IT FURTHER RESOLVED that his annual salary during the term of this appointment shall be unchanged from his current salary as Deputy County Executive, subject to any cost-of-living increase provided to County employees generally; and

BE IT FURTHER RESOLVED that he shall serve as Interim Director of Finance at the pleasure of the Board; and

BE IT FURTHER RESOLVED that, except as otherwise provided in this resolution, he shall be entitled to all other rights and benefits that he would receive as a Deputy County Executive; and

BE IT FURTHER RESOLVED that the term of this appointment shall not extend beyond the effective date of the appointment of a new permanent full-time Director of Finance or a different Interim Director of Finance; and

BE IT FURTHER RESOLVED that, upon the expiration of the term of this appointment, his resignation as Interim Director of Finance, or his removal as Interim Director of Finance by the Board, he may return full-time to his position as Deputy County Executive unless he has committed an act that would warrant his termination from County employment.

Agenda Item No. 6. Call back to Order. At 6:05 p.m., Ms. McKeel called the regular night meeting to order.

Agenda Item No. 7. Pledge of Allegiance.
Agenda Item No. 8. Moment of Silence.

Agenda Item No. 9. Adoption of Final Agenda.

Ms. McKeel introduced the presiding security officer, Officer Turner Lowery, and County staff at the dais.

With no changes to the final agenda, Mr. Dill **moved** adoption of the final agenda. The motion was **seconded** by Ms. Mallek.

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

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

Agenda Item No. 10. Brief Announcements by Board Members.

Ms. Mallek noted that the NACo journal had published a letter to the editor from a California resident that discussed county and local efforts on climate change and said she had distributed a link to it. She emphasized that despite what is happening in Washington, communities around the world are not giving up on the issue.

Mr. Randolph commented on an article he read in the *Washington Post* about French President Macron that indicated the French government is hiring American climate scientists and providing them with grants to work at major French universities on projects they had been involved with that no longer have U.S. federal funding. He noted that both China and France had increased their study of climate change. He said they are making France great again.

Agenda Item No. 11. Proclamations and Recognitions.

Ms. McKeel announced that Mr. Lou Hatter and Mr. Joel DeNunzio of VDOT are present to make a special recognition.

Mr. Lou Hatter, Communications Manager for Route 29 Solutions and the Culpeper District of VDOT, introduced himself.

Mr. Joel DeNunzio, Resident Engineer for VDOT in Charlottesville, introduced himself.

Mr. Hatter reminded the Board that construction of the Route 29 Solutions projects was recently completed and the Project Delivery Advisory Panel, a distinguished group of local government officials, staff, members of the business community, and residents, had provided VDOT with input on the projects from the very beginning. He said their last meeting was held last month, and they welcome the opportunity to be able to come before the Board to recognize Mr. Sheffield for his participation on the panel. He noted that the panel met with VDOT every other week for three years and reviewed engineering and landscaping plans and public comments.

Mr. Hatter presented Mr. Sheffield with a plaque of recognition for his service and read the inscription:

“Brad Sheffield, in recognition of your selfless dedication and work as a member of the Project Delivery Advisory Panel from July 2014 – November 2017. Through your efforts the panel recommended significant improvements in the design and delivery of the Route 29 Solutions projects, which would benefit the Charlottesville community and all those who use the Route 29 corridor, for many years to come. With gratitude and appreciation, John Lynch, Culpeper District Engineer, Dave Covington, Route 29 Solutions Program Manager, Joel DeNunzio, Charlottesville Resident Engineer.”

The audience applauded the recognition.

Mr. DeNunzio expressed his appreciation for the nice words said by Mr. Hatter and said it has been a pleasure to work with Mr. Sheffield. He recognized the amount of time he had devoted and said Mr. Sheffield has done an excellent job in representing his constituency on transportation matters. He thanked him for his service and wished him luck in his future endeavors.

Ms. Palmer stated she is very happy that Mr. Sheffield received the award and credited Mr. Sheffield and his knowledge with making her feel more comfortable about transportation matters when she first came to serve on the Board.

Ms. McKeel stated that Mr. Sheffield has been an educator and mentor on transportation, land use, and other issues.

Agenda Item No. 12. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Ms. Vikki Bravo, resident of Charlottesville, addressed the Board on behalf of IMPACT. She said her organization represents 28 faith congregations in the City and County. She said they are working on the issue of affordable housing for seniors and individuals with disabilities. She thanked the Board for its commitment to providing affordable housing and looks forward to receiving the progress report on creating concrete steps by the end of the year. She noted that her organization will meet with Mark Graham and Ron White for an update next week. She said her organization will also meet with developers, nonprofits, and other involved parties to learn about needs and best practices. She said they brought in the Vice-President of the Alliance for Housing Solutions, a Northern Virginia-based group that works to increase the amount of affordable housing, to address her group. She said they had learned about the Dillon Rule, density, light tech, and a language of terms describing the complicated world of affordable housing. She said they recently learned the term “BANANA,” an acronym for build absolutely nothing anywhere near anything. She emphasized that this is about real seniors and families that struggle with this problem every day. She described the situation of having 2,800 cost-burdened senior households in the County and said that having over 900 families that pay more than 60% of their income for housing is unacceptable. She wished the Board a Happy Hanukah and Merry Christmas.

Ms. Janie Pudhorodsky, resident of Rio District and Co-President of IMPACT, addressed the Board and stated that each year the organization begins its process by listening to stories from different congregations. She stated that one of their members has a bank customer who makes hard choices about what to pay each month, as she receives minimal Social Security of \$600 and after paying rent has no money from the 10th to 15th of the month. She stated that this woman is regularly penalized, and any financial falter affects her budget for the rest of the month. She said that another member worries about a friend, a 70-year-old widow who takes care of an adult son with Down’s syndrome, and their rent was raised by \$75 so they moved to a mobile home, but monthly expenses are still close to \$2,000, which stresses them financially and physically. A third story she presented was of a member who has a friend who struggles because her public housing is becoming private and she cannot find an alternative, and another member she knows spends 80% of his regular income on housing. She said that seniors are very vulnerable as they have limited incomes, and IMPACT looks forward to hearing a report about what steps the Board will implement as part of its strategic plan to make sure housing is a priority for seniors and those with disabilities.

Ms. Liz Murtagh, Public Defender for Charlottesville and Albemarle, addressed the Board. She noted that she had previously appeared before the Board to plead that they keep the courts downtown and wants to address this issue again. She said her office has seven full-time and one part-time attorney and serves a caseload that is evenly divided between the City and County. She added that her office also has a sentencing advocate, an investigator, and two support staff. She said she was happy to see that the Board had approved supplemental salary funding for an additional attorney in the Commonwealth’s Attorney’s office. She pointed out that the Commonwealth’s Attorney’s office has the same number of

attorneys and more support staff than her office, although her office covers two jurisdictions. She expressed concern with the national court report that did not indicate that other agencies would be impacted by the courts move, and emphasized that her office would be significantly impacted as she has calculated it would take almost the equivalent of one full-time attorney's position in terms of time to travel back and forth among the courts. She pointed out that the City and County courts are state courts and that people come from all over the state to have cases heard, some are neither City nor County residents, and moving the courts would make it much harder for them.

Mr. Bruce Williamson of the Charlottesville-Albemarle Bar Association Courts Relocation Committee addressed the Board. He said that just before this meeting, he had forwarded a letter to the Supervisors from Mary Bauer, Executive Director of the Legal Aid Justice Center, which pointed out ways their office would be adversely affected with a courts move. He said the disruption caused to the system and the increased cost is enough information for the Board to decide to resume negotiations with the City to finalize an agreement for the Court Square location. He stated that any study is not going to change the fact that it will cost a lot more and that disruption will happen if the courts move. He said it is undue diligence to proceed, as there is enough evidence to make a decision. Mr. Williamson recalled the Board's discussion about the risk of litigation if a referendum is not held, pointing out that litigation is not a threat but a certainty from what he has heard in talking with representatives of the bar. He recognized how this is a complicated matter and added that a potential impediment to finding a private partner is not just the risk of litigation but the risk of losing litigation. He said they can also lose the referendum. He asked the Board to not seek a P3 for the Courts and emphasized he does not have an opinion regarding a P3 for the County Office Building.

Agenda Item. 13. Consent Agenda.

(Discussion: Ms. Mallek pulled her assigned minutes of September 13 and September 19, 2017.)

Mr. Dill **moved** that the Board approve the Consent Agenda with the exception of Ms. Mallek minutes. The motion was **seconded** by Ms. Mallek. Roll was called and the motion carried by the following recorded vote:

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

Item No. 13.1. Approval of Minutes: September 6, September 13, September 19, and October 17, 2017.

Mr. Dill had read the minutes of September 6 and October 17, 2017, and found them to be in order.

By the above-recorded vote, the Board approved the minutes as read. The remaining minutes were moved to the next meeting.

Item No. 13.2. Huntley Farm Court Road Name Change.

The Executive Summary forwarded to the Board states that the property developer is requesting to change the road name of Huntley Farm Court to Lofton Lane. (See Attachments A and B.).

The developer and property owner of Greenloft Farms Subdivision has submitted a request to change the road name of Huntley Farm Court to Lofton Lane. In accordance with the Road Naming and Property Numbering Ordinance and Manual (Part 1 Section 6(e)), the road can be renamed with the approval of a majority of the property owners served by the road. Because the developer owns all of the parcels served by Huntley Farm Court, this requirement has been met. Staff has reviewed the road name request for Lofton Lane where it intersects Dudley Mountain Road, and the property owner has signed a letter of agreement to the new road name.

New road signs will be installed by the developer and they will be responsible for the cost.

Staff recommends that the Board adopt the attached Resolution (Attachment C) approving changing the road name of Huntley Farm Court to Lofton Lane and authorizing staff to implement the change.

By the above-recorded vote, the Board adopted the following Resolution to approve changing the road name of Huntley Farm Court to Lofton Lane and authorized staff to implement the change:

**RESOLUTION TO CHANGE THE NAME OF
HUNTLEY FARM COURT TO LOFTON LANE**

WHEREAS, Virginia Code § 15.2-2019 enables the County to rename any road at any time; and

WHEREAS, the County's Road Naming and Property Numbering Ordinance and Manual establish policies and guidelines for naming roads; and

WHEREAS, the County's Road Naming and Property Numbering Ordinance and Manual provide that a road can be renamed with the approval of a majority of the property owners served by the road; and

WHEREAS, the landowner of all of the properties served by Huntley Farm Court has submitted a request to change the road name of Huntley Farm Court to Lofton Lane, and the above-referenced requirement has been met.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors hereby changes the name of Huntley Farm Court to Lofton Lane, and directs the Board Clerk to forward a certified copy of this Resolution to the Albemarle County Circuit Court Clerk pursuant to Virginia Code § 15.2-2019, and directs staff to implement the change.

Item No. 13.3. Resolution to accept road(s) in the Belvedere Phase 1 Subdivision (County Phase 1A Bond Project) into the State Secondary System of Highways.

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

RESOLUTION

WHEREAS, the street(s) in Belvedere Subdivision Phase I, as described on the attached Additions Form AM-4.3 dated December 13, 2017, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in Belvedere Subdivision Phase I, as described on the attached Additions Form AM-4.3 dated December 13, 2017, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right- of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

* * * * *

- 1) **Free State Road (new alignment) (State Route 651)** from Belvedere Boulevard (State Route 1920) to .02 miles west to Railroad, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4349, pages 264-272, for a length of 0.02 miles.
- 2) **Belvedere Boulevard (State Route 1920)** from Belvedere Boulevard (State Route 1920) 3 lane section to .06 miles north to Free State Road (State Route 651), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3543, pages 225-255, for a length of 0.60 miles.
- 3) **Belvedere Boulevard (State Route 1920)** from Rio Road East (State Route 631) to .06 miles north (3 lanes), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3543, pages 225-255, for a length of 0.06 miles.

Total Mileage – 0.68

Item No. 13.4. Resolution to accept road(s) in the Belvedere Phase 1 Subdivision (County Phase 2 Bond Project) into the State Secondary System of Highways.

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

RESOLUTION

WHEREAS, the street(s) in **Belvedere Subdivision Phase I**, as described on the attached Additions Form AM-4.3 dated **December 13, 2017**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Belvedere Subdivision Phase I**, as described on the attached Additions Form AM-4.3 dated **December 13, 2017**, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right- of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

* * * * *

- 1) **Belvedere Boulevard (State Route 1920)** from Tyree Lane (State Route 1921) to .07 miles north east to Farrow Drive (State Route 1922), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3543, pages 225-255, for a length of 0.07 miles.
- 2) **Belvedere Boulevard (State Route 1920)** from Belvedere Drive (private) to .03 miles north west to Colbert Street (private), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3543, pages 225-255, for a length of 0.03 miles.
- 3) **Belvedere Boulevard (State Route 1920)** from Colbert Street (private) to .08 miles south west to end of circle, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3543, pages 225-255, for a length of 0.08 miles.
- 4) **Cole Street (State Route 1924)** from Belvedere Boulevard (State Route 1920) to .078 miles south to Farrow Drive (State Route 1922), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3543, pages 225-255, for a length of 0.08 miles.
- 5) **Tyree Lane (State Route 1921)** from Belvedere Boulevard (State Route 1920) to .07 miles north west to Farrow Drive (State Route 1922), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3543, pages 225-255, for a length of 0.07 miles.
- 6) **Tyree Lane (State Route 1921)** from Belvedere Boulevard (State Route 1920) to .10 miles east to Farrow Drive (State Route 1922), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3543, pages 225-255, for a length of 0.10 miles.
- 7) **Butler Street (State Route 1925)** from Farrow Drive (State Route 1922) to .09 miles south to Pike Place (State Route 1712), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3543, pages 225-255, for a length of 0.09 miles.
- 8) **Belvedere Boulevard (State Route 1920)** from beginning of circle to .03 miles north east to Butler Street (private), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3543, pages 225-255, for a length of 0.03 miles.
- 9) **Belvedere Boulevard (State Route 1920)** from Free State Road, East (State Route 651) to .11 miles east to Free State Road (West) (Route 651), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3543, pages 225-255, for a length of 0.11 miles.
- 10) **Farrow Drive (State Route 1922)** from Belvedere Boulevard (State Route 1920) to .044 miles north to Tyree Lane (State Route 1921), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3543, pages 225-255, for a length of 0.04 miles.
- 11) **Belvedere Boulevard (State Route 1920)** from Colbert Street (private) to .03 miles north to Belvedere Drive (private), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3543, pages 225-255, for a length of 0.03 miles.
- 12) **Belvedere Boulevard (State Route 1920)** from Free State Road, East (State Route 651) to .08 miles north east to Tyree Lane (State Route 1921), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3543, pages 225-255, for a length of 0.08 miles.
- 13) **Farrow Drive (State Route 1922)** from Tyree Lane (State Route 1921) to .02 miles north west to Addison Street (State Route 1923), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3543, pages 225-255, for a length of 0.02 miles.

- 14) **Belvedere Boulevard (State Route 1920)** from Butler Colbert Street (private) to .06 miles north east to Colbert Street (private), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3543, pages 225-255, for a length of 0.06 miles.
- 15) **Belvedere Boulevard (State Route 1920)** from Farrow Drive (State Route 1922) to .06 miles north east to Cole Street (State Route 1924), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3543, pages 225-255, for a length of 0.06 miles.
- 16) **Farrow Drive (State Route 1922)** from Belvedere Boulevard (State Route 1920) to .046 miles south east to Tyree Lane (State Route 1921), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3543, pages 225-255, for a length of 0.05 miles.
- 17) **Addison Street (State Route 1923)** from Farrow Drive (State Route 1922) to .051 miles north east to Cole Street (State Route 1924), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3543, pages 225-255, for a length of 0.05 miles.
- 18) **Farrow Drive (State Route 1922)** from Tyree Lane (State Route 1921) to .08 miles east to Butler Street (State Route 1925), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3543, pages 225-255, for a length of 0.08 miles.
- 19) **Cole Street (State Route 1924)** from Belvedere Boulevard (State Route 1920) to .072 miles north west to Addison Street (State Route 1923), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3543, pages 225-255, for a length of 0.07 miles.
- 20) **Belvedere Boulevard (State Route 1920)** from Cole Street (State Route 1924) to .036 miles north east to beginning of circle, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3543, pages 225-255, for a length of 0.04 miles.

Total Mileage – 1.19

Item No. 13.5. Special Exception: B201701292SF on Tax Map 84, Parcel 71.

The Executive Summary forwarded to the Board states that the applicant is requesting a modification to the building site requirements to construct one single-family detached residence on a currently vacant parcel. The proposed modification would permit encroachment of the residence into critical slopes to allow a primary and reserve drainfield outside of critical slopes and stream buffer. County Code §18-4.2.1(b) allows any requirement of §18-4.2.1(a) to be waived or modified by special exception under §18-33.5 upon consideration of whether (i) the parcel has an unusual size, topography, shape, location or other unusual physical condition; or, (ii) development in a stream buffer on the parcel was authorized as provided in County Code §17-321. This request is consistent with subsection (i) in 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 exception subject to conditions.

By the above-recorded vote, the Board adopted the following Resolution to approve the special exception for B201701292SF:

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR B201701292SF ON TAX MAP 84, PARCEL 71**

WHEREAS, the Applicant filed an application for a building permit to construct a single-family detached residence on Tax Map Parcel Number 08400-00-00-07100 (the "Property") ("B 2017-1292"); and

WHEREAS, the Applicant also filed a request for a special exception to allow the disturbance of 0.24 acres of existing critical slopes, as the Property is depicted on the pending plans under review by the County's Department of Community Development.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the executive summary prepared in conjunction with the application, and its supporting analysis, the plan entitled "Figure 5: Survey with remaining 0.522 acre buildable area" prepared by Roudabush, Gale and Associates, Inc. on August 18, 2016, and all of the factors relevant to the special exception in Albemarle County Code § 18-4.2.1(a), 18-4.2.1(b), 18-33.5, and 17-321, the Albemarle County Board of Supervisors hereby approves the special exception to authorize the disturbance of critical slopes for the applicant's construction of a single-family detached residence on the Property, subject to the condition attached hereto.

1. The area of land disturbance on critical slopes shall not exceed the 0.24 acres labeled as the "approximate building site" shown on plan entitled "Figure 5: Survey with remaining 0.522 acre buildable area" prepared by Roudabush, Gale and Associates, Inc. on August 18, 2016.
2. An erosion and sediment control plan is required as part of the building permit review to ensure disturbance is minimized and erosion BMPs are implemented.
3. Any land disturbing activity located within the critical slopes shall comply with the design standards in County Code § 18-30.7.5.

Item No. 13.6. VDOT Monthly Report (December), ***was received for information.***

Agenda Item No. 14. **17-03(1) Agricultural and Forestal Districts.**

Ordinance to amend Division 2, Districts, of Article II, Districts of Statewide Significance, and Division 2, Districts, of Article III, Districts of Local Significance, of Chapter 3, Agricultural and Forestal Districts, of the Albemarle County Code, to add lands to certain districts, to make corrections to certain district regulations to identify all those tax map parcels with the districts, and to review certain districts, as specified below:

- a) ~~**AFD 2017-01 Free Union AFD Addition.**~~ The proposed ordinance would amend Section 3-213, Free Union Agricultural and Forestal District, to add TMPs 16-3 and 16-3D to the district; and **(Removed from agenda)**
- b) **AFD 2017-02 Hardware AFD District Review.** The proposed ordinance would amend Section 3-214, Hardware Agricultural and Forestal District, to continue the district for all parcels identified in the district regulations, to set the next district review deadline date of December 13, 2027, to identify TMPs 86-16F1 and 86-16F2 as being in the district (these parcels were created by subdivision of another parcel in the district), and to remove TMPs 86-14, 86-16E, and 88-26B, as well as any parcels for which a request for withdrawal is received before the Board acts on the proposed ordinance; and
- c) **AFD 2017-03 Nortonville Local AFD District Review.** The proposed ordinance would amend Section 3-307, Nortonville Local Agricultural and Forestal District, to continue the district for all parcels identified in the district regulations, to set the next district review deadline date of December 13, 2025, and to remove any parcels for which a request for withdrawal is received before the Board acts on the proposed ordinance; and
- d) **AFD 2017-04 Ivy Creek AFD Addition.** The proposed ordinance would amend Section 3-217, Ivy Creek Agricultural and Forestal District, to add TMPs 44-18 and 44-21A3 to the district.

(Advertised in the Daily Progress on November 27 and December 4, 2017.)

The Executive Summary forwarded to the Board states that localities are enabled to establish agricultural and forestal districts (AFD's) under the Agricultural and Forestal Districts Act (Virginia Code § 15.2-4300 et seq.). AFD's serve two primary purposes: (1) to conserve and protect agricultural and forestal lands; and (2) to develop and improve agricultural and forestal lands. Land within an AFD is prohibited from being developed to a more intensive use, other than a use resulting in more intensive agricultural or forestal production, without prior Board approval. In addition, the County is prohibited from exercising its zoning power in a way that would unreasonably restrict or regulate farm structures or farming and forestry practices in contravention of the Agricultural and Forestal Districts Act unless those restrictions or regulations bear a direct relationship to public health and safety (Virginia Code § 15.2-4312).

Additions A landowner may petition to add their land to an AFD at any time (Virginia Code § 15.2-4310). Virginia Code §§ 15.2-4307 and 15.2-4309 require that the Board conduct a public hearing on proposed additions to AFDs, and that these actions be reviewed by both the Agricultural and Forestal District Advisory Committee and the Planning Commission for their recommendations. The Advisory Committee and the Planning Commission reviewed the following requests and recommend approval of the proposed additions. The October 24, 2017 staff report to the Planning Commission is attached (Attachment B).

Free Union AFD The Free Union AFD is located in the northwestern portion of the County, east of Fox Mountain. One landowner submitted a request to add two parcels (TMPs 16-3 and 16-3D) consisting of a total of 25.35 acres to the District.

Ivy Creek AFD The Ivy Creek AFD is located along Woodlands Road, to the west of the South Fork Rivanna Reservoir. One landowner submitted a request to add two parcels (TMPs 44-18 and 44-21A3) consisting of a total of 11.88 acres to the District.

District Reviews Virginia Code § 15.2-4311 requires the periodic review of AFD's to determine whether they should continue, be modified, or be terminated, unless the Board determines that review is unnecessary. During the review process, land within the District may be withdrawn at the owner's request by filing a written notice with the Board any time before the Board acts on the review. The Board has set a 10-year review period for all AFD's of statewide significance in the County and an eight-year review period for the AFD of local significance in the County. In addition, Virginia Code § 15.2-4311 requires that the Board conduct a public hearing on AFD reviews, and that they also be reviewed by both the Agricultural and Forestal District Advisory Committee and the Planning Commission for their

recommendations. The Advisory Committee and the Planning Commission reviewed the following requests and recommend renewal of the Hardware AFD for ten years and of the Nortonville Local AFD for eight years. The October 24, 2017 staff report to the Planning Commission is attached (Attachment C).

Hardware AFD The Hardware AFD is generally located between North Garden in the south and Dick Woods Road in the north, along and to the west of US29, and is undergoing its periodic 10-year review. Two landowners submitted requests to withdraw a total of three parcels (TMPs 86-14, 86-16E, and 88-26B) consisting of a total of 309.22 acres from the District.

Nortonville Local AFD The Nortonville Local AFD is located near Nortonville, and is undergoing its periodic eight-year review. No requests for withdrawal have been received to-date.

Free Union AFD The Free Union AFD contains 1,437 acres and is almost entirely wooded. The parcels under consideration for addition, TMPs 16-3 and 16-3D, are located at 3506 Peavine Hollow Road, and include a total of one dwelling. The proposed addition of these two parcels, consisting of 25.35 acres, would increase the total number of acres in the Free Union District to 1,462.35. Adding this parcel, which is largely wooded, will help protect forest and productive farmland, and will help maintain the environmental integrity of the County and aid in the protection of ground and surface water, agricultural soils, and wildlife habitat. The Free Union AFD is scheduled for review in 2018.

Ivy Creek AFD The Ivy Creek AFD contains 244 acres and is mostly in open or wooded land, with a significant number of residential lots. The parcels under consideration for addition, TMPs 44-18 and 44-21A3, are located at 735 and 741 Woodlands Road, respectively, and include a total of one dwelling. The proposed addition of these two parcels, consisting of 11.88 acres, would increase the total number of acres in the Ivy Creek District to 255.88. Adding these parcels, which are largely open and partially wooded, will help protect forest and productive farm land, and will help maintain the environmental integrity of the County and aid in the protection of ground and surface water, agricultural soils, and wildlife habitat. The Ivy Creek AFD is scheduled for review in 2023.

Hardware AFD The Hardware AFD, which was created in 1987 and currently includes 42 parcels and 3,383 acres, primarily consists of forest and pasture land. There are currently ten parcels in the District under conservation easement, and 1,121 acres being taxed at conservation-easement rates. In addition, 1,946 acres are being taxed at use value rates, as follows: (1) 470 acres devoted to agricultural use; (2) 730 acres devoted to forestry use; and (3) 746 acres devoted to open-space use. There are 40 dwellings in the District. Conservation of this area will help maintain the environmental integrity of the County and aid in the protection of ground and surface water, agricultural soils, mountain resources, critical slopes, and wildlife habitat. With the withdrawal of TMPs 86-14, 86-16E and 88-26B, the District would include 39 parcels and 3,074 acres.

Nortonville Local AFD The Nortonville Local AFD, which was created in 1999 and currently includes three parcels and 92.575 acres, primarily consists of forest cover, with some lesser areas of open land. There are currently no parcels in the District under conservation easement, and 89.5 acres are being taxed at use value rates for forestry use. There are two dwellings in the District. Conservation of this area will help maintain the environmental integrity of the County and aid in the protection of ground and surface water, agricultural soils, and wildlife habitat.

There is no budget impact.

After conducting public hearings on the proposed AFD additions and the proposed AFD reviews, which may be held together as one public hearing, staff recommends that the Board adopt the attached ordinance to approve the additions to the Free Union and Ivy Creek AF Districts and to continue the Hardware and Nortonville Local AF Districts.

Mr. Scott Clark, Senior Planner in the Department of Community Development, presented. He said there are four agricultural and forestal district items on the agenda, which includes two additions and two reviews. He said the first addition application is within the Free Union District, and the applicant has decided to withdraw the application. He said the modified version of the County Code for the Free Union District is no longer in the recommended code section but will probably come back in a year or two. He reviewed the second agenda item, periodic 10-year review of the Hardware District, created in 1987, which had been reviewed twice, with acreage increasing and decreasing. He said they had received two withdrawal applications from two landowners during the current review and presented an aerial photo of the area and identified the parcels. He said the Advisory Committee voted to recommend renewal for another 10-year period, subject to a review of parcels within the district without development rights.

Mr. Clark reminded the Board that last year they had changed the policy for adopting new parcels into the districts to no longer accept parcels without development rights, largely because they would qualify for the open space tax rate, even though they did not have any development rights to give up. He described this as a tax loophole they were trying to close. He said the committee's motion took a further step and called for considering the removal of some parcels that did not have development potential and were already in these districts. Mr. Clark indicated that staff had conducted research that was presented to the Planning Commission and said he would identify some parcels that met this description. He pointed out that of 59 parcels in the district, 17 were in the open space tax category, which were the ones they focused on. Mr. Clark said that 11 of the 17 had no development rights, and he listed them in a table. He said they are 21 to 25 acres in size. He pointed out that one of these parcels was created from land that

was already in the district, and another parcel was added along with a property under the same ownership that had a development right. He said they were left with nine parcels in the open space tax category that did not have development potential and did not contribute to protection of the rural landscape through subdivision restrictions.

Mr. Clark said the Planning Commission voted unanimously for renewal for a 10-year period, minus the requested withdrawals. He said they requested that if the Board modified the district but removed some of these parcels from the district, instead of acting immediately they send the renewal back to the Planning Commission for further consideration. He said he believes the Planning Commission was concerned that if the Board were to take a new policy direction, they would like to consider having a consistent removal policy for this and for other districts in the future.

Mr. Kamptner interjected that if the Board decides to modify, it could not take action tonight as the individual landowners must be provided with notice of the proposed action.

Ms. Palmer said she discussed this issue yesterday with two Commissioners. She said she had been told by several landowners and Commissioners that there was a very specific reason for these districts, such as soil protection and a variety of farming aspects, and it was not necessarily to get an open space reduction in the tax. She asked if there was a way to address this other than removing all properties that did not have a development right. She asked if there was a way to pick and choose or if there was a criterion, and if there was a way to say that properties with no development rights could be left in the districts.

Mr. Kamptner pointed out that the Board amended the agricultural-forestal district ordinance the previous year, and this was a factor that was considered as to whether to create a district. He asked if the Board wants to allow land with no development rights into these districts. He said the Board may consider a wide number of factors. Mr. Kamptner noted that there are some repercussions to landowners, as they would be subject to roll-back taxes unless they could find another way to preserve land use valuation. He said that one condition may be to delay the effect of those parcels' removal for a certain period of time so they have the opportunity to preserve their land use valuation status if they qualify. He said the AF district works hand in hand with zoning as to how much a property could be divided.

Ms. Palmer said she would need to have more knowledge about the benefits of AF districts, other than the tax, as she is hearing that there are greater issues.

Mr. Kamptner commented that the benefit to having these districts was they prevented more intensive development and promoted soil conservation and agriculture and forestal activity. He said the tax benefit to landowners was a benefit for restricting what they could do with their land while it was in the district. He noted that zoning already operated to restrict what they could do, as they had exhausted their development rights at this point.

Ms. Mallek stated that this element of the process was discussed from the very beginning, and what was adopted last year was Phase 1. She said it took her 15 years to get revalidation adopted in 2009, with many angry people at first, until the farming community understood that if they did not have a transparent land use program, it deserved to fail. As a supporter of the program, she stated that her goal had been to make sure it ran well. Ms. Mallek stated that when revalidation was adopted, it was not to provide access to land use for properties that did not qualify, and these were the only ones that were being considered for modification. She emphasized that they would qualify as agriculture, forestry, or open space – with a contract – which did restrict the landowner from construction. She noted that this offered conservation value for land use, which was separate from the agricultural-forestal process. Ms. Mallek emphasized that the box on the revalidation form was put there for properties that already qualified for land use to shorten their process by revalidating at that point. She said this was completely different from a residue property on which there was no farming, forestry, or conservation effort and therefore contributed to pollution elements for which all taxpayers were responsible through stormwater efforts and other TMDL programs. She said the goal had been to segregate these properties in a limited way, as Mr. Clark had described, for a postponed consideration. She said they were bringing back a true implementation of the way it was supposed to be all along. Ms. Mallek commented that former staff allowed many people in who should not have been let in, which is a problem for current staff to clean up. She said that having a development right was one of many criteria, and if one failed on all criteria it should not be renewed. She said this is their chance to start to address this on several different properties and emphasized that if someone does not revalidate, they would have a chance to pay a fee and attempt to reestablish themselves providing they qualify.

Mr. Randolph reported that he had discussed this topic with two Commissioners earlier in the day, and he emphasized that while there was no evidence of abuse of the process, it carries the potential for abuse. He said he supports a proactive approach so they can gain the confidence of citizens regarding tax collection, and the Planning Commission had discussed a comprehensive agricultural forestal and open space property review. He said he explained to the Commissioners that he did not believe this was a proper use of staff time and that to roll out this program simultaneously with the roll out of a stormwater utility fee would be nothing short of explosive in the rural areas. Mr. Randolph stated that he likes the idea that the agricultural forestal districts regularly come before the Planning Commission and Board and offered two suggestions for program improvement: to give notice to landowners that their intent is to apply full taxation to a property and do this in a 5-year period instead of every 10 years so as to provide landowners with more flexibility to make changes, and to waive the payment of roll back taxes for property owners.

Mr. Kamptner stated that the 10 years provides stability.

Mr. Clark added that it was also to make the districts more effective and reduce staff workload in reviewing parcels.

Mr. Randolph proposed that they hold a focus group with some landowners and ask them how they look at the program, considering that many things have changed, including the time period between reviews. He said he is looking to gain more property owners using this approach.

Mr. Kamptner commented that one reason not to impose a hard rule is that keeping these parcels within the district maintains a core that holds the community together, adding that the district under review is extremely fragmented.

Ms. Mallek emphasized that this is one of several criteria, but if they do not meet these they will be removed.

Ms. Palmer asked if staff agreed with the Planning Commission's request that if the Board changed its policy, the affected properties would be reviewed by the Commission. Mr. Clark replied that for the past 25-30 years, the Board had consistently renewed districts as a whole, except for cases where people had requested to withdraw. He added that while the Board had the ability to modify districts, it had never done so. Mr. Clark said that neither staff nor the Planning Commission felt they had any policy direction as to how to remove properties from the district, which is why they are hoping to obtain an answer on this now.

Ms. Palmer said she believes the Board would like to move forward to the next step, which would then be for staff to determine a consistent way of removing properties.

Ms. McKeel commented that Ms. Palmer does not speak for the entire Board.

Ms. Mallek added that the County Attorney and the committee had already provided a process that provided the opportunity for the Planning Commission to review, and she does not think they need to have the Planning Commission revisit it.

Mr. Kamptner replied that it is up to the discretion of the Board as to whether to remand it back to the Commission. He pointed out that they had begun to amend Chapter 3 of the County Code and this process would inform how they would revise the section dealing with reviews. He said the guidelines would be refined as they gained experience and as circumstances arose. He added that this really concerns just this application and that the Planning Commission would have a chance to review the ordinance. He said the other option for the Board is to direct staff to proceed with providing notice to affected landowners, noting that they would schedule a public hearing for the ordinance in February.

Ms. Palmer asked who would work on the establishment of a consistent method for the removal of properties. Mr. Kamptner replied that it would be his office as well as Community Development, with guidance from the Office of the Assessor, who would develop a criteria for district reviews that concern this issue. He said they would have to advise landowners of the conditions the Board is considering and suggested the parcels not be removed until 12/31/18 so they have time to go through the land use process.

Ms. Mallek added that this would provide plenty of time for them to undertake an easement, which would take care of the issue and provide a true public benefit to the County for all of its different jurisdictional arrangements, as well as for the long term protection of the property.

Mr. Clark continued his presentation with the Nortonville Local District review. He explained the distinction between districts of state and local significance, as state districts require 200 acres to get started whereas local districts require 25 or 50 acres. He said this was the only local district, and it had existed since 1999 and consisted of 90 acres. He said the center 43-acre parcel, one of three in the district, was going to be removed, and he highlighted it in an aerial photograph of the area. He said that staff's recommendation had been for renewal for eight years, as a recent review had indicated the districts could only be renewed for eight years.

Mr. Clark reviewed an Ivy Creek District addition and presented an aerial photo of the area with affected parcels highlighted. He pointed to two small parcels that are owned by the same owner as the main parcel but that had not been added to the district, which had been requested by the landowner. He said that both the District Advisory and Planning Commissions had recommended approval and the parcels had development rights to be given up in the district. He presented a slide with a proposed amendment to Chapter 3, Section 3-214 of the County Code, to remove three parcels from the Hardware District and add two large parcels that were legally created by subdivision within the district, as well as adding two parcels to Section 3-217 for the Ivy Creek District and removing one parcel from 3-307, the Nortonville Local District. He presented the recommended motions, which he remarked would probably change.

Ms. Mallek noted that the Hardware District started with 11 parcels proposed for removal but only three were being considered, and she asked what happened with the other eight parcels. Mr. Clark replied that they did not mark these for removal in the draft ordinance.

Mr. Kamptner added the ordinance presented by Mr. Clark would not be adopted tonight.

Ms. McKeel opened the public hearing.

As no one came forward to speak Ms. McKeel closed the public hearing.

Ms. McKeel **moved** that the Board adopt the proposed ordinance amending Chapter 3 of the Albemarle County Code approving the addition to the Ivy Creek AF District. The motion was **seconded** by Ms. Mallek.

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

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

Ms. Mallek **moved** that the Board adopt the proposed ordinance amending Chapter 3 of the Albemarle County Code continuing the Nortonville Local AF District. The motion was **seconded** by Mr. Randolph.

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

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

Ms. Palmer **moved** that the Board direct staff to provide notice to affected landowners in the Hardware Agricultural and Forestal District that the Board is considering modifying the district and imposing a condition that will remove the 11 parcels on December 31, 2018. The motion was **seconded** by Mr. Randolph.

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

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

ORDINANCE NO. 17-3(1)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 3, AGRICULTURAL AND FORESTAL DISTRICTS, ARTICLE II, DISTRICTS OF STATEWIDE SIGNIFICANCE, DIVISION 2, DISTRICTS, AND ARTICLE III, DISTRICTS OF LOCAL SIGNIFICANCE, DIVISION 2, DISTRICTS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 3, Agricultural and Forestal Districts, Article II, Districts of Statewide Significance, Division 2, Districts, and Article III, Districts of Local Significance, Division 2, Districts, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained as follows:

By Amending:

Sec. 3-217 Ivy Creek Agricultural and Forestal District
Sec. 3-307 Nortonville Agricultural and Forestal District

CHAPTER 3. AGRICULTURAL AND FORESTAL DISTRICTS ARTICLE II. DISTRICTS OF STATEWIDE SIGNIFICANCE DIVISION 2. DISTRICTS

Sec. 3-217 Ivy Creek Agricultural and Forestal District.

The district known as the "Ivy Creek Agricultural and Forestal District" consists of the following described properties: Tax map 44, parcels 18, 19, 19A, 19B, 20, 20A, 20B, 20C, 20D, 20E, 20F, 20G, 21A1, 21A2, 21A3, 21C(part); tax map 45, parcels 5F, 5F4. This district, created on November 2, 1988 for not more than 7 years, since amended at its last review on December 4, 2013 to continue for not more than 10 years, shall next be reviewed prior to December 4, 2023.

(4-14-93; 2-14-96; Code 1988, § 2.1-4(n); Ord. 98-A(1), 8-5-98; Ord. 03-3(1), 7-9-03; Ord. 09-3(4), 12-2-09; Ord. 13-3(1), 12-4-13)

ARTICLE III. DISTRICTS OF LOCAL SIGNIFICANCE DIVISION 2. DISTRICTS

Sec. 3-307 Nortonville Local Agricultural and Forestal District.

The district known as the "Nortonville Local Agricultural and Forestal District" consists of the following described properties: Tax map 8, parcels 26 and 28 (part consisting of 2 acres). This district, created on October 6, 1999 for a period of 8 years, and last reviewed on December 13, 2017, shall next be reviewed prior to December 13, 2025.

Agenda Item No. 15. **SP201700023: Birdwood Boar's Head Temporary Connector Road Amendment.**

PROJECT: SP201700023 Birdwood – Boar's Head Temporary Connector Road – Amendment.

MAGISTERIAL DISTRICT: Samuel Miller.

TAX MAP/PARCEL(S): 07500-00-00-06300.

LOCATION: 410 Birdwood Drive, Charlottesville, VA 22903.

PROPOSAL: Amend SP201700009 to allow for the construction of a connector road between Golf Course Drive on the Birdwood property (TMP 07500-00-00-06300) and Berwick Road on the Boar's Head Sports Club property (TMP 059D2-01-00-01500) for temporary, limited-access use.

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

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

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

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

(Advertised in the Daily Progress on November 27 and December 4, 2017.)

The Executive Summary forwarded to the Board states that at its meeting on October 31, 2017 the Planning Commission conducted a public hearing and voted 6:0 to recommend approval of SP201700023 with conditions. Attachments A, B, and C are the staff report, action memo, and minutes from the October 31, 2017 meeting.

This SP Amendment proposes new vehicular and pedestrian connections between the Birdwood property and the Boar's Head property. However, per the project narrative, the proposed connector road would only be used between July 22, 2018 and August 11, 2018 to accommodate event-related traffic associated with the World Squash Federation's 2018 World Masters Squash Championships, which are to be held at the McArthur Squash Center at the Boar's Head Sports Club. The applicants have stated their intent to apply for a separate SP Amendment in the future to allow for full-time, unrestricted use of the proposed connector road.

Minor clarifications to the Planning Commission's recommended conditions of approval were made by the County Attorney's office (Attachment D).

Staff recommends that the Board adopt the attached Resolution (Attachment E) to approve the special use permit.

Mr. Tim Padalino, Senior Planner in Department of Community Development, and Mr. Andrew Gast-Bray, Director of Planning, presented. Mr. Padalino explained this is an item for public hearing for the Boar's Head Temporary Connector request. He stated he would provide a summary of the proposal, provide information about the subject property, and explain the review process to date, including the recommendations of the Planning Commission. He said the firm of Williams Mullen, represented by Chris Schooley and Fred Missel, represent the applicant, the University of Virginia Foundation. He said the request is to amend Special Use Permit 2017-00009 to establish a new road connection between Golf Course Drive on the Birdwood property, and Berwick Road on the Boar's Head Inn and Sports Club property. He said the applicant proposes temporary vehicular use of the connector road from July 22 – August 11, 2018, which the applicant's project narrative explained would allow for better transportation management during the World Masters Squash Championships next summer at the MacArthur Squash Center. He said he believes this is the first time the tournament has been hosted in the United States. He said the project narrative identified improved access for public safety officials and first responders as another benefit. Mr. Padalino stated that the proposal includes permanent new sidewalks and other non-vehicular improvements.

Mr. Padalino presented a map of the 544-acre property and surrounding vicinity, which is located within the Samuel Miller Magisterial District, just west of Charlottesville and the University of Virginia, within Neighborhood 6 of the development area. He reminded the Board that the property lies within Area B, where planning and development was reviewed by the Planning and Coordination Council, a three-party, joint planning entity comprised of representatives of the University of Virginia, the City of Charlottesville, and Albemarle County. He said the property is zoned R1 Residential, with development and use of the property subject to existing special use permit conditions of approval dating back to SP 96-53, recently carried forward with modifications and additions by County approval of SP 2017-9 for the University of Virginia Indoor Golf Practice Facility.

Mr. Padalino presented an aerial photograph with the project site and adjoining properties, noting that it contains the Birdwood Golf Course and clubhouse, Birdwood Pavilion Historic Site, and is surrounded by residential neighborhoods as well as the Boar's Head Inn and Sports Club. He said the road alignment will require 500 linear feet of road between Golf Course Drive and Berwick Road. He presented an architectural drawing of a concept plan that was submitted with the application and pointed

out major elements, including the alignment of the proposed connector road, a gate or physical barrier for access management, sidewalks, crosswalks, and exterior lighting. He listed important dates in the review process as follows: 9/18: application submitted; 10/23: community meeting at Boar's Head Inn; 10/31: Planning Commission public hearing; and 12/13: Board of Supervisors public hearing.

Mr. Padalino presented a slide that showed the following factors favorable, as determined by staff:

- 1) Comprehensive Plan Southern and Western Urban Neighborhoods Master Plan specifically calls for a vehicular connection between the Birdwood property and Boar's Head property.
- 2) Comprehensive Plan and Neighborhood Model: The proposal includes permanent non-vehicular infrastructure, such as sidewalks and crosswalks, which were also called for in the Master Plan.
- 3) The temporary use of this proposed permanent road would not create significant transportation impacts and would improve management of event-related transportation issues in connection with the World Masters Squash Championships, to be held at Boar's Head Sports Club.

He said there are no unfavorable factors. He stated that VDOT had notified Community Development staff that an approved maintenance of traffic plan would be necessary to demonstrate that event-related traffic would be managed properly, and the applicant was underway with this effort.

Mr. Padalino said that following the public hearing, the Planning Commission unanimously recommended approval with the following conditions:

- a. Development shall be in general accord with the Concept Plan...development and use shall reflect the following major elements as shown on the plan:
 - connector road alignment between Golf Course Drive and Berwick Road
 - gate or similar physical barrier for access management
 - pedestrian infrastructure
- b. Temporary use (July 22 – August 11, 2018)
- c. Fire Rescue and County Engineer approval of all access management features, including the gate or similar physical barrier and all associated signage.
- d. Maintenance of traffic plan must be reviewed and approved by VDOT.

He concluded by presenting proposed motions for approval and denial and invited questions.

Ms. Mallek asked if there was discussion about not having this restricted to one event, as it seems logical that once this infrastructure is put in they should be able to pull the bollards and run traffic through there for a future event. Mr. Padalino confirmed there had been extensive discussion on this, and the applicant would submit an additional special use permit amendment the following week to address permanent, unrestricted use of the connection as well as other improvements on the Birdwood property.

Ms. Palmer said this is wonderful and she is glad they are finally putting in this connection, as the traffic can back up during events. She expressed approval of the crosswalk and sidewalks, as there is a popular dog-walking area in front of Ednam Village that she believes is dangerous. She asked about the timing of these improvements. Mr. Padalino replied that he believes this is an improvement that will have to be built with the road itself.

Ms. Mallek suggested this be a condition, as in the past items have not been included unless the Board put in conditions.

Ms. Mallek opened the public hearing.

Ms. Valerie Long of the law firm of Williams Mullen presented on behalf of the applicant, the University of Virginia Foundation. She addressed Ms. Mallek's comment about the status of the connector road and said they hope the connector road would be complete at the same time they receive special use permit approval for a permanent connector road, so they can avoid the need to install a gate. She said they had separated this into two special use amendments to enable them to break ground by February or March and complete the road in time for the squash event, as there was not enough time for both the special use and site plan processes unless they expedited the special use permit process. Ms. Long praised Mr. Gast-Bray for expediting this on a temporary basis so they could analyze the traffic impacts of opening the connector road on a more permanent basis. She said the traffic study was completed and they would submit another amendment next week that would allow the connector road on a permanent basis, as well as a proposal for an outdoor tennis facility for University of Virginia tennis teams. She presented an aerial photograph of the site and pointed out existing structures and features. Ms. Long said the connection is logical, will provide efficient traffic management during the event, and will provide emergency access to those in the area. She added that the pedestrian path will provide a safe pedestrian connection for those parking in the golf course parking lot. She said if it becomes permanent then people would not have to use Route 250 to travel between the two facilities. She presented a map of the site and surrounding area and pointed out existing and proposed features. She concluded by emphasizing that if the Board approves the amendment at this meeting, they can get started on the site plan application and begin construction in time to reach completion by the time of the squash tournament.

Ms. Palmer asked if they had received complaints about traffic from residents of Ednam Village. Ms. Long replied that Fred Missel and his colleagues had been meeting frequently with homeowners and had established a monthly meeting. She said that some residents were concerned that the view from their backyards that faced the golf course would be affected by vehicular traffic. She confirmed there would be traffic passing, but with the benefit of providing a second point of ingress and egress. She said the UVA Foundation had committed to have its landscape architects work directly with homeowners to identify specific locations where trees, plants, and other shrubbery could mitigate the views of the road impacts.

Ms. Palmer asked if people were talking about the water and sewer lines from Rivanna that needs to pass through this area. Mr. Andrew Gast-Bray responded that part of the reason they encouraged the applicant to separate the special use permits was so the steps could be studied in the proper context. He said they could not vet everything in time, so they wanted to allow the amendment with a time constraint to be reviewed first. He said he believes they will request an amendment to the Comprehensive Plan to make sure the whole area is thoroughly studied for all opportunities, including connections. He stated that this was an opportunity to do something exceptional by understanding the strategic location of Birdwood and the property, as well as working with the strategic partners of the University of Virginia Foundation in making very important things happen in the community.

Mr. Randolph asked if the Foundation had taken a close look at the fact that vehicles exiting on Golf Course Drive would be legally allowed to make a left turn, which he described as highly precarious in the morning when traffic is coming east on Route 250 and the rising sun causes a blinding effect. He said that given the Star study that was cited in the Planning Commission report, he would feel more confident in approving this if left turns were prevented from Golf Course Drive onto Route 250. He said they could include signage that directs drivers back to the Boar's Head to come out on Ednam Drive, which has a traffic light. He said he understands that the Gables neighborhood would like a traffic light. He emphasized that VDOT engineer, Joel DeNunzio, had indicated that traffic lights increase the number of accidents, and the Star study sought to decrease the number of traffic lights.

Ms. Long replied that the Foundation shares his concern for the safety of everyone in the community. She emphasized that a condition of approval attached to the application would require the approval of a traffic management plan by the VDOT local land use planner. She said the Foundation already handles a number of large events at the Boar's Head and the Sports Club, and has a lot of experience managing parking and traffic. She said they have already started working with their own engineers on how to best manage traffic during the squash event, and it may be that the engineers would call for restricting left turns or requiring signage. She said their preference would be to leave this matter to VDOT and the traffic engineer, in consultation with Foundation staff.

Ms. Mallek added that the Birdwood property would benefit from a reduction in traffic through use of the connector road.

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

Ms. Palmer **moved** that the Board adopt the proposed resolution to approve the special use permit. The motion was **seconded** by Mr. Randolph.

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

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

**RESOLUTION TO APPROVE
SP 2017-23 BIRDWOOD – BOAR'S HEAD
TEMPORARY CONNECTOR ROAD – AMENDMENT**

WHEREAS, the University of Virginia Foundation filed an application to amend a previously-approved special use permit (SP 201700009) for Tax Map Parcel 07500-00-00-06300 to construct a temporary connector road between Golf Course Drive on the Birdwood property and Berwick Road on the Boar's Head Inn and Sports Club property for temporary use between July 22, 2018 and August 11, 2018, and the application is identified as Special Use Permit 2017-00023 Birdwood – Boar's Head Temporary Connector Road – Amendment ("SP 2017-23"); and

WHEREAS, on October 31, 2017, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2017-23 with conditions; and

WHEREAS, on December 13, 2017, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2017-23.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2017-23 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 2017-23, subject to the conditions attached hereto.

* * *

SP-2017-00023 Birdwood – Boar's Head Temporary Connector Road – Amendment Conditions

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

Minor modifications to the plan that do not otherwise conflict with the elements listed above may be made to ensure compliance with the Zoning Ordinance, as determined by the Zoning Administrator.
2. Design and development of the improvements shown on the Illustrative Site Plan for the indoor golf facility shall be subject to the following, as determined by the Planning Director or designee:
 - a. Placement of the parking lot within the “bowl” created by the existing terrain in a way that minimizes grading of the slope to the north of the new parking lot, which is to be preserved for its screening effect;
 - b. Construction of earthen berms adjacent to the parking lot which are compatible with existing topographic variation and which further reduce the visibility of the parking lot and parked cars from Golf Course Drive;
 - c. Approved planting plan and planting schedule which, at minimum, include:
 - i. New landscaping materials planted in naturalistic or informal arrangements which are consistent and compatible with the existing landscape in terms of character, density, and species;
 - ii. A meadow or similar grass landscape along Golf Course Drive; and
 - iii. The use of native plant materials; and
 - d. Submittal of a conservation plan prepared by a certified arborist to preserve trees identified for preservation, including the treatment of all ash trees (species *Fraxinus*) that are to be preserved for protection against the emerald ash borer (*Agrilus planipennis*), to be used in conjunction with the conservation checklist described in Condition 6. If all reasonable alternatives for preservation have been explored, and such trees cannot be retained due to the health of the tree as determined by the certified arborist, removal may occur.
3. Ingress and egress along Birdwood Drive shall be restricted, to the satisfaction of the Zoning Administrator, to only those residences served by Birdwood Drive and shall not be used as an access to the indoor golf practice facility.
4. Any new construction at the existing golf course facility and site other than the site improvements shown on the Illustrative Site Plan referenced in Condition #1 or on the Concept Plan referenced in Condition #7 or on the Preliminary Plan for Birdwood Golf Course approved with SP199600053, except for minor changes (such as additional practice tees, modifications of greens and other changes that do not require a site plan), shall require an amended special use permit.
5. The owner shall continue to implement an Integrated Pest Management/Nutrient Management Plan to reduce adverse water quality impacts.
6. Prior to any land disturbing activity on the indoor golf facility site, the conservation plan and checklist, the landscape plan, and the grading plan shall be approved by the County Engineer and the Director of Planning or their designees.
7. In addition to the preceding conditions, the following project-specific conditions apply to all development, improvements, and uses associated with SP201700023 (“Birdwood – Boar’s Head Temporary Connector Road”):
 - a. Development shall be in general accord with the plan entitled “Temporary Golf Course Connector Road – Exhibit A” prepared by Dewberry Engineers, Inc. received September 21, 2017 (hereafter “Concept Plan”), 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 as shown on the plan:
 - i. connector road alignment between Golf Course Drive and Berwick Road;
 - ii. gate (or similar physical barrier for access management); and
 - iii. pedestrian infrastructure (including sidewalks, crosswalks, and exterior lights);
 - b. Access to and use of the connector road is restricted and temporary; the road may only be used by vehicles between July 22, 2018 and August 11, 2018;
 - c. The location(s) and material specification(s) for all access management features, including the gate (or similar physical barrier) and all associated signage (or other informational materials) must be reviewed and approved by the Albemarle County Department of Fire Rescue Chief or his/her designee and by the County Engineer or his/her designee; and

- d. A Maintenance of Traffic Plan (MOT Plan) must be reviewed and approved by the Area Land Use Engineer for the Charlottesville Residency of VDOT or his/her designee.

Agenda Item No. 16. **ZMA201600023 Brown Toyota Steep Slope Amendment Request.**

PROJECT: ZMA201600023 Brown Toyota.

MAGISTERIAL DISTRICT: Rivanna.

TAX MAP/PARCEL: 07800000001400, 078000000014E0.

LOCATION: 1357 Richmond Dr. (Rt. 250), approximately .30 miles east of the Riverbend Drive

PROPOSAL: Request to change the zoning designation of approximately 0.25 acres of steep slopes from a Preserved slope designation to a Managed slope designation, which would allow the preserved slopes to be disturbed. This area has been subject to prior grading activity.

PETITION: Request for 0.25 acres from Steep Slope Overlay District (Preserved) which allows uses under Section 30.7.4 (b) to Steep Slopes Overlay District (Managed) which allows uses under Section 30.7.4 (a). No dwellings proposed.

OVERLAY DISTRICT(S): Steep Slopes; Entrance Corridor.

PROFFERS: Yes.

COMPREHENSIVE PLAN: Commercial Mixed Use – retail, commercial services, office, hotel/motel/conference facilities, and wholesale uses; Urban Mixed Use – retail, commercial services, office, and a mix of residential types (6.01 – 34 units/acre); and, Greenspace – undeveloped areas in the Pantops Development Area.

POTENTIALLY IN MONTICELLO VIEWSHED: Yes.

(Advertised in the Daily Progress on November 27 and December 4, 2017.)

The Executive Summary forwarded to the Board states that at its meeting on October 31, 2017, the Planning Commission voted 6:0 (More absent) to recommend approval of ZMA201600023 as recommended by staff. The Planning Commission action letter, staff report, and minutes are attached (Attachments A, B, and C).

The request is to change the zoning designation of approximately 0.25 acres of steep slopes from a Preserved slope designation to a Managed slope designation, which would allow the preserved slopes to be disturbed. This area has been subject to prior grading activity. Section 30.7.6 of the zoning ordinance requires a zoning map amendment to change the overlay district.

Staff recommends that the Board adopt the attached Ordinance (Attachment E) to approve ZMA201600023.

Mr. J.T. Newberry, Senior Planner, presented. Mr. Newberry recognized a recent name change of the dealership to Umansky Toyota, though the presentation materials would indicate Brown Toyota. He noted that details from the January 2017 Pantops Community Advisory Committee meeting were not in the staff report, though David Benish attended as a staff representative. He said the main concerns heard during the discussion were about the stream valley at the rear of the property. He presented a slide with the following rezoning proposal:

- Remove approximately 0.20 acres of preserved slopes and approximately 0.05 acres of managed slopes from the Steep Slopes overlay district.
- Establish approximately 0.25 acres of managed slopes within a 2.47 acre preservation area as shown on the rezoning plan and discussed in the proffer statement.

Mr. Newberry presented a map of the rear of the property, with preserved slopes shaded in green and managed slopes in yellow. He pointed out that part of the slopes had been graded, and he presented an aerial photograph of the steep slopes proposed for removal. He next presented a map that indicated the area where steep slopes would be established.

Mr. Newberry presented a slide with the following staff analysis:

- The existing preserved slope designation was based on a temporary manmade feature that was located adjacent to a larger system of slopes.
- Staff did not find value in reestablishing these slopes.
- The applicant continues to work towards abatement of the existing zoning violation.
- The proposed rezoning plan and proffers (and future WPO and site plan amendment applications) enable the existing conditions to be consistent with the Comprehensive Plan and in compliance with the Zoning ordinance.

He next presented a slide with favorable and unfavorable factors for consideration as follows:

Favorable: The Rezoning Plan corrects an inadvertent error in the adopted Steep Slopes Overlay District map; the proposed slope designation balances protection of the new steep slopes with the potential need to remediate the area appropriately, and a preservation area at the rear of the site would provide protection for an intermittent stream that would otherwise not be required and was consistent with the intent of the original preserved slope designation. Unfavorable: An unpermitted disturbance of steep slopes created the need for this request.

He concluded by stating that staff recommends approval, and he presented proposed motions.

Ms. Mallek asked if the dirt piles were created long ago and recently torn up, which is why they are here. Mr. Newberry confirmed that they were created long ago and said he expects that the grading for the parking area occurred in 2012. He added that the Steep Slopes Ordinance was adopted in 2014, and they became aware of the violation when the applicant came in to further expand the parking area. He said this was deemed withdrawn since it was not pursued to final approval.

Ms. Mallek commented that a Steep Slopes Ordinance existed long before 2014, though there may have been recent modifications. Mr. Newberry replied that the critical slopes ordinance existed before 2014 and the steep slopes overlay was adopted in March 2014.

Mr. Dill said he talked to two planners who expressed their belief that this was a series of things that had occurred over the years.

Ms. McKeel asked if the use of both the Umansky and Brown names in the report presented a problem. Mr. Kamptner replied that Brown was the owner at the time the application was introduced, and the name sticks with the application for tracking purposes. He said the key is to have the parcel number correct.

Ms. McKeel opened the public hearing.

Mr. Clark Gathwright, Civil Engineer for Umansky, addressed the Board and said he did not have anything to add but would entertain questions.

Mr. Page Williams, Attorney with Lenhart Pettit, representing Brown and Umansky, addressed the Board. He offered to address Ms. McKeel's question about using two names. He said the proffers had been signed by Umansky.

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

Mr. Dill **moved** that the Board adopt the Ordinance 17-A(10) to approve ZMA201600023. The motion was **seconded** by Ms. Palmer.

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

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

ORDINANCE NO. 17-A(10)
ZMA 2016-00023 BROWN TOYOTA

**AN ORDINANCE TO APPROVE ZMA 2016-00023 BROWN TOYOTA
TO AMEND THE COUNTY'S STEEP SLOPES OVERLAY DISTRICT BOUNDARIES
ON TAX MAP PARCEL NUMBERS 07800-00-00-01400 AND 07800-00-00-014E0**

WHEREAS, the application to amend the Steep Slopes Overlay District boundaries by removing .05 acres of managed slopes and approximately .20 acres of preserved slopes and to establish a new area of approximately .25 acres of managed slopes on Tax Map Parcel Numbers 07800-00-00-01400 and 07800-00-00-014E0 (the "Property") is identified as ZMA 2016-00023 Brown Toyota ("ZMA 2016-23"); and

WHEREAS, staff recommended approval of ZMA 2016-23 with proffers; and

WHEREAS, the Planning Commission held a duly noticed public hearing on ZMA 2016-23 on October 31, 2017, and recommended approval, conditioned on the staff-recommended proffers; and

WHEREAS, on December 13, 2017, the Albemarle County Board of Supervisors held a duly noticed public hearing on ZMA 2016-23.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the staff report prepared for ZMA 2016-23 and its attachments, including the Rezoning Application Plan entitled "Brown Toyota & Mercedes Dealerships, 1357 and 1381 Richmond Road, Charlottesville, Virginia 22911, Re-Zoning Application Plan," prepared by B. Clark Gathright LLC, and dated September 26, 2017, proffers dated December 5, 2017, the information presented at the public hearing, the material and relevant factors in County Code §§ 18-30.7.6 and 18-33.6 and Virginia Code § 15.2-2284, the characteristics of managed slopes and preserved slopes stated in County Code § 18-30.7.1, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2016-23, with the Rezoning Application Plan entitled "Brown Toyota & Mercedes Dealerships, 1357 and 1381 Richmond Road, Charlottesville, Virginia 22911, Re-Zoning Application Plan," prepared by B. Clark Gathright LLC, and dated September 26, 2017, and the proffers dated December 5, 2017.

ZMA # 201600023
December 5, 2017

PROFFER STATEMENT

Date: December 5, 2017

ZMA #201600023

Tax Map and Parcel Number(s): PORTIONS OF ALBEMARLE COUNTY TAX MAP PARCELS 07800-00-00-01400, 07800-00-00-014E0, 07800-00-00-014C0 and 07800-00-00-014A0

Owner(s) of Record: UMANSKY PROPERTIES TOC, LLC, a Delaware limited liability company (formerly owned by Virginia's First Family of Fine Cars, Inc. and S & B Realty Venture, L.L.C.) and UMANSKY PROPERTIES MBOC, LLC, a Delaware limited liability company (formerly owned by S & B Realty Venture, L.L.C.) (the "Owner(s)").

Rezoning request for Application Plan (the "Application Plan") entitled "*BROWN TOYOTA AND MERCEDES DEALERSHIPS 1357 & 1381 Richmond Road Charlottesville, VA 22911 RE-ZONING APPLICATION PLAN*" prepared by *B. Clark Gathright, LLC*, dated August 17, 2017, last revised on September 26, 2017.

UMANSKY PROPERTIES TOC, LLC, a Delaware limited liability company is the owner(s) of Tax Map and Parcel Number 07800-00-00-01400 and 07800-00-00-014E0 (the "Property") which is the subject of rezoning application, a project known as "*BROWN TOYOTA*" (the "Project").

In order to accomplish the rezoning, a site plan amendment is required be made to the above Property and to Tax Map and Parcel Number 07800-00-00-014C0 owned by UMANSKY PROPERTIES TOC, LLC, a Delaware limited liability company and to Tax Map and Parcel Number 07800-00-00-014A0 owned by UMANSKY PROPERTIES MBOC, LLC, a Delaware limited liability company.

Pursuant to Section 33.3 of the Albemarle County Zoning Ordinance, the owners, or their duly authorized agent, hereby voluntarily proffer the conditions listed below which shall be applied to their property, if rezoned to the zoning district identified above. These conditions are proffered as a part of the requested rezoning and it is agreed that: (1) the rezoning itself gives rise to the need for the conditions; and (2) such conditions have a reasonable relation to the rezoning request.

1. Development shall be in general accord with Plan entitled "*BROWN TOYOTA AND MERCEDES DEALERSHIPS 1357 & 1381 Richmond Road Charlottesville, VA 22911 MINOR SITE PLAN AMENDMENT*" prepared by *B. Clark Gathright, LLC*, dated May 16, 2017, last revised on September 26, 2017, the primary features of which include: The proffered site plan will include a platted 2.47 acre preservation area for stormwater management and water quality purposes (see the attached plat dated September 28, 2017, captioned "New Forest/.Open Space Preservation Area TMP 78-14 and 78-14E Albemarle County" made by

Commonwealth Land Surveying, LLC). The site plan also delineates the current preserved and managed slopes areas that will be used to amend the County Zoning Maps.

OWNER:

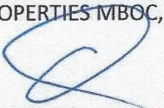
UMANSKY PROPERTIES TOC, LLC, a Delaware limited liability company

By: 
Danny Umansky, CEO

Date signed: 12/5/17

OWNER:

UMANSKY PROPERTIES MBOC, LLC, a Delaware limited liability company

By: 
Danny Umansky, CEO

Date signed: 12/5/17

Agenda Item No. 17. **Ordinance to Amend County Code Chapter 1, General Provisions.**
To receive public comment on its intent to adopt an ordinance to amend Chapter 1, General Provisions, of the Albemarle County Code by reorganizing the chapter, and amending definitions; rules of construction; provisions pertaining to amending the County Code; provisions pertaining to offenses, penalties, fines, costs, and remedies; and a provision pertaining to the authority of deputies and designees.
(Advertised in the Daily Progress on November 27 and December 4, 2017.)

The Executive Summary forwarded to the Board states that chapter 1 of the County Code contains definitions that apply to the County Code, rules for interpreting the County Code, the processes and effects of amending the County Code and other ordinances, and general punishments and penalties for violations of the County Code. Chapter 1 also imposes certain costs for cases heard in the County's courts, and other miscellaneous provisions.

The process of recodifying the County Code includes making formatting, style, organizational, and substantive changes. These changes are being addressed at the chapter level before the Board considers adopting a complete, recodified, County Code in 2018. To facilitate finding subject matter in Chapter 1, the chapter has been significantly reorganized into four articles, section headings have been clarified, and catchlines have been added to subsections.

To make the chapter easier to read, the text has been reworded as necessary by applying writing and style guidelines developed by the County Attorney's Office for the recodification process. Definitions of terms no longer used in the County Code, as well as one section (current section 1-112) that is no longer necessary, have been deleted.

Attachment A is the proposed ordinance recommended by staff for adoption. Attachment B is a version of the same ordinance with section-by-section comments explaining the recommended changes.

Adopting the proposed ordinance will have no budget impact.

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

Mr. Kamptner stated that he is not seeking action tonight but they would hold a public hearing. He said that Chapter 1 is the simplest part of the County Code and deals with basic, fundamental regulations. He said that it deals with the code, ordinances, definitions, rules of construction, how various provisions are interpreted, remedies for violations when not otherwise provided in other chapters, miscellaneous court fees, and delegated authority.

Mr. Kamptner presented a slide with the following proposed revisions for the Chapter:

- The current 21 sections were reorganized by subject matter.
- Language was simplified and clarified.
- Section headings were revised to be more descriptive.
- Catch lines were added to subsections to help the reader.
- Provisions based on State law had been reviewed and revised as necessary to be consistent with current State law.
- Obsolete or unnecessary provisions were deleted, such as definitions and terms that were no longer used.

Mr. Kamptner emphasized that some of these changes are to make it easier for the readers to find what they are looking for. He said the County Code was last re-codified in 1998 and that the process seeks to amend the entire code in one concerted effort, and they plan to bring most if not all chapters of the code before the Board next year, chapter by chapter. He said they had found obsolete provisions, their ordinance had not kept up with changes to the state code, and they would realign ordinances to the state code. He said the new code would be available online. Mr. Kamptner stated that he had conducted research on style writing, including formatting, fonts, and tab settings, which studies had shown aid in comprehension and reading speed. He said they would incorporate this into the ordinance. He admitted that the ordinance was filled with legalese and was difficult to read, and said they would look to address this with new writing styles that use active and positive voice instead of passive and negative voice, of which he provided a few examples. He said he plans to bring the final ordinance before the Board for action on January 10.

Ms. Mallek surmised that the 1976 version of the ordinance refers to people as "who" and "whom," and she requested that the updated version not refer to people as "that."

Mr. Randolph praised Mr. Kamptner for his code anti-disestablishmentarianism.

Ms. McKeel opened the public hearing.

As no one came forward to speak, Ms. McKeel closed the public hearing.

Mr. Randolph **moved** that the Board bring the proposed ordinance to amend the County Code back on the January 10, 2018 Consent Agenda. The motion was **seconded** by Ms. Mallek.

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

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

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

Item No. 18a. Gillums Ridge Road Quiet Zone Petition.

Ms. Palmer explained that she had consulted with Mr. Kamptner as to how to proceed to the next step of initial evaluation to determine if this is something the Board wants to get involved in.

Mr. Kamptner noted that he had spoken with Mark Graham the previous day and learned that Kevin McDermott was doing background work and would be contacting Buckingham Branch. He explained that safety measures were required, and the Gillums Crossing already has gates and flashing lights. He said a study would be conducted using a federal formula, and once they determine what is needed they must provide notice to railroads and neighbors as well as to other affected users.

Mr. Dill said he had not heard the train when he had passed by.

Ms. Palmer said she has heard complaints since she has been on the Board, and this is the first time a group has gotten together and submitted a petition to request the Board formally look into the matter. She noted that many people get used to the train over time.

Ms. McKeel expressed that she believed the complaint was about the train whistle that blows four times a day, and pointed out that she has neighborhoods along the Route 250 Bypass that has 24/7 noise.

Mr. Kamptner pointed out that additional safety measures would be a cost to the County.

Ms. Mallek indicated she would like to speak with Mr. McDermott before he spoke with Buckingham Branch, as she has spent 10 years establishing a relationship with the railroad and does not intend to have it damaged by mistake. She said if the County ratchets up problems for the railroad they will close the crossings, which they have done with two crossings in Crozet and have the right to do without a public process, and emphasized that extreme care is needed with this conversation. She said she has been trying to set up a conversation with Mr. Morris about other things for several months. Ms. Mallek stressed that Crozet is a railroad town and people should get used to the whistle, which is a safety measure to prevent people from getting killed.

Ms. McKeel added that they had a real concern about establishing precedent with quiet zones and pointed out that her constituents approached her all the time about installing a sound wall for the traffic noise from the bypass.

Ms. Palmer explained that when she initially approached Mr. Kamptner, she did not think they would do this, but she had learned that the process is different if the gate and flashing lights are already present and she would like to know more about the process and cost so she could better discuss it with people.

Ms. McKeel said she would like to know what they can do for Jake-braking and noise behind the bypass. She emphasized that they would likely have others approach them if they took this on, though it would be good to know the details and cost.

Mr. Kamptner replied that this would be a different process and the railroad issue is governed by a process established by the Federal Railway Administration.

Ms. Palmer said she has the Jake-braking issue in Batesville and Ms. Mallek has it on 743.

Mr. Randolph added that he has it on Route 20.

Mr. Sheffield pointed out that when purchasing a home, one must attest that they have been informed that the home is in proximity to a railroad.

Item No. 18b. CATEC/Rio Wildflower Meadow Project

Mr. Sheffield said he had thought they were going to include this item in immediate NIFI projects but as it was not, he requested the Board provide funding so they could implement this now and in the spring. He said that staff had proposed a funding source for \$15,000.

Ms. Mallek said she loves this idea as a pilot to show it can be done.

Mr. Sheffield described this as an easy win and anticipated they would receive more beautification requests. He explained that once this is approved, he would approach residents of Dunlora about taking on a bit of ownership and conducting weeds maintenance.

Ms. Mallek commented that the best solution was the encouragement of ownership for residents to do their own, with the many flower beds at intersections in Old Trail as an example.

Ms. McKeel added that this would encourage bees.

Mr. Sheffield **moved** that the Board adopt the proposed resolution to approve Appropriation #2018060 for the CATEC/Rio Wildflower Meadow Project. The motion was **seconded** by Ms. Mallek.

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

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

**RESOLUTION TO APPROVE
ADDITIONAL FY 18 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriation #2018060 is approved; and
- 2) That the appropriation referenced in Paragraph #1, above, is subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2018.

**COUNTY OF ALBEMARLE
APPROPRIATION SUMMARY**

| APP# | ACCOUNT | AMOUNT | DESCRIPTION |
|---------|---------------------------------|------------|---------------------------------|
| 2018060 | 3-1000-51000-351000-510100-9999 | 15,000.000 | SA2018060 General Fund fund |
| 2018060 | 4-1000-43206-443200-301210-1004 | 15,000.000 | SA2018060 FES Contract Services |
| TOTAL | | 30,000.000 | |

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

Item No. 19a. Year-in-Review.

Ms. Jody Saunders, Communications Coordinator, addressed the Board. She said she would reflect on and review the accomplishments of local government over the past year. She presented a six-minute slideshow with an accompanying music soundtrack, recognizing major projects, awards, and initiatives.

Agenda Item No. 20. Closed Session.

At 8:26 p.m., Mr. Randolph **moved** that the Board enter into a Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia, under Subsection (8), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to the negotiation of agreement for and the possible relocation of court facilities. Ms. Mallek **seconded** the motion.

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

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

At 9:09 p.m., Mr. Randolph **moved** that the Board certify by a recorded vote that to the best of each Supervisor's knowledge, only public business matters lawfully exempt 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. Sheffield, Mr. Dill, Ms. Mallek, Ms. McKeel, Ms. Palmer, and Mr. Randolph.
NAYS: None.

Agenda Item No. 21. Adjourn to December 18, 2017, 6:00 p.m., Lane Auditorium.

At 9:11 p.m., with no further business to come before the Board, Ms. McKeel adjourned the meeting to December 18, 2017 at 6:00 p.m. in Lane Auditorium.

Chairman

| |
|-------------------|
| Approved by Board |
| Date 03/14/2018 |
| Initials CKB |