

A regular night meeting of the Board of Supervisors of Albemarle County, Virginia, was held on January 10, 2018 at 6:00 p.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia.

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

ABSENT: None.

OFFICERS PRESENT: County Executive, Jeff Richardson, County Attorney, Greg Kamptner, Clerk, Claudette Borgersen, and Senior Deputy Clerk, Travis O. Morris.

Agenda Item No. 1. Call to Order. The meeting was called to order at 6:00 p.m., by the Chair, Ms. Mallek.

Agenda Item No. 2. Pledge of Allegiance.
Agenda Item No. 3. Moment of Silence.

Agenda Item No. 4. Adoption of Final Agenda.

Ms. Palmer **moved** that the Board adopt the final agenda. Mr. Dill **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Agenda Item No. 5. Brief Announcements by Board Members.

Ms. Palmer announced that the food pantry at Yancey Elementary School is operating and working well, with students from Walton School helping to hand out food. She said the pantry is open one day per month and 57 families had attended the most recent event, which demonstrates the need for the pantry in southern Albemarle.

Ms. Palmer announced that the Culpeper Soil and Water Conservation District is offering financial assistance to all residents in the five-county conservation district to remedy septic system malfunctions and perform preventative maintenance, with reimbursements up to \$150 for septic system pump-out and 50% of any required replacement expenses. She noted that contact information is on the Culpeper Soil and Water Conservation District's website and asked that it also be placed on the County's website. She emphasized that improperly maintained septic systems have impaired local waterways, such as the Hardware River, and she invited residents to clean out their systems and seek financial assistance if needed.

Ms. Mallek added that the Thomas Jefferson Soil and Conservation District is located on Forest Street in Charlottesville and offers the same program and could send a representative to residents' homes for guidance on septic issues.

Ms. Mallek announced that the State Workforce Program has been branded "Virginia Career Works." She stated that the program wants to have one identifier for job centers across the Commonwealth instead of the current situation where there are 55 different names. Ms. Mallek said the name of the locality would be more prominent, and it would be easier for job seekers and businesses to know where to go for assistance with employment questions.

Agenda Item No. 6. Proclamations and Recognitions.

There were none.

Agenda Item No. 7. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Ms. Sandra Juarez, resident of Southwood, addressed the Board. She said she has lived in Southwood for 10 years, expressed support for the redevelopment project, and asked all those in the audience who support the project to stand. Many individuals in the audience stood.

Mr. Thomas Sikes, resident of Earlysville, addressed the Board. He said he had moved to the area with his family in 1992, is a homeowner, and would address the water situation in Earlysville and the Rivanna District. Mr. Sikes stated that he uses a well and also participates in activities, such as hiking, fishing, and camping. He expressed alarm at the low water level and degraded condition of Sugar Hollow Reservoir, which he observed during a recent visit. He presented some pictures he had taken earlier in the day and the previous day of the dam, which he said is down by 20 feet. He said he believes this is a result of attempts to fill the Ragged Mountain Reservoir and described this as "robbing Peter to pay Paul."

He emphasized that the area is under moderate drought conditions that are not likely to improve and suggested they implement drought measures now to avoid a deficit like they experienced last year. He stated that population growth in the area will place increasing demand on water resources and implored the Board to begin addressing the issue now so future generations would have this precious resource.

Agenda Item No. 8. Consent Agenda.

(**Discussion:** Ms. Palmer pulled her assigned minutes of October 11, 2017.)

Mr. Dill **moved** that the Board approve the Consent Agenda. Ms. Palmer **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Item No. 8.1. Approval of Minutes: October 11, 2017.

By the above-recorded vote, the October 11, 2017 minutes were carried forward to the next meeting.

Item No. 8.2. Ordinance to Amend County Code Chapter 1: General Provisions.

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.

The Board held a public hearing on the ordinance on December 13, 2017. Staff requested that action on the ordinance be deferred to this date to allow the final ordinance to be revised prior to adoption. The revised ordinance has minor organizational and style changes, and a revised definition of "County" in section 1 -101.

Attachment A is the revised proposed ordinance recommended by staff for adoption. Attachment B is a compare version showing the revisions to the ordinance following the December 13, 2017 public hearing. Attachment C is the December 13, 2017 executive summary.

Adopting the proposed ordinance will have no budget impact.

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

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

ORDINANCE NO. 18-1(1)

AN ORDINANCE TO AMEND CHAPTER 1, GENERAL PROVISIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 1, General Provisions, is hereby amended and reordained as follows:

By Amending, Renumbering, and Reorganizing:

Current:

Sec. 1-100	How Code designated and cited.
Sec. 1-101	Definitions and rules of construction.
Sec. 1-102	Provisions considered continuations of prior ordinances.
Sec. 1-103	Catchlines of sections.
Sec. 1-104	References to chapters, articles, divisions or sections.
Sec. 1-105	History notes.
Sec. 1-106	Editor's notes and reference notes.
Sec. 1-107	Code not to affect prior offenses or rights.
Sec. 1-108	Repeal of ordinance not to revive former ordinances.
Sec. 1-109	Ordinances not affected by Code.
Sec. 1-110	Conflicting provisions.
Sec. 1-111	Amendments to Code; effect of new ordinances; amendatory language.
Sec. 1-113	Acts by deputy or designee.
Sec. 1-114	Severability of parts of Code.
Sec. 1-115	General penalty; continuing violation; injunctive relief.

Sec. 1-116	Classes of misdemeanors; definition; punishments.
Sec. 1-117	Unlawful or prohibited acts include causing, permitting, concealing.
Sec. 1-118	Fines and costs.
Sec. 1-119	Additional court costs.
Sec. 1-120	Penalty for returned checks or other payment.

New:

Article 1. The Albemarle County Code

Sec. 1-100	How the Albemarle County Code is designated and cited.
Sec. 1-101	Definitions.
Sec. 1-102	Rules of construction.
Sec. 1-103	Provisions of the Code are considered continuations of prior ordinances.
Sec. 1-104	Severability of parts of the Code.

Article 2. Ordinances

Sec. 1-200	Adopting ordinances that amend the Code.
Sec. 1-201	Adopting ordinances that are not part of the Code.
Sec. 1-202	Repealing a Code section or ordinance does not revive a previously repealed Code section or ordinance.
Sec. 1-203	Ordinances and other matters not affected by the Code.

Article 3. Offenses, Penalties, and Costs

Sec. 1-300	The Code does not affect prior offenses or rights.
Sec. 1-301	Punishment when not otherwise specified; continuing violations; injunctive relief.
Sec. 1-302	Punishment when class of misdemeanor specified.
Sec. 1-303	Penalty for returned checks or other payment
Sec. 1-304	Unlawful or prohibited acts include causing, allowing, permitting, and other specified acts.
Sec. 1-305	Fines and costs.
Sec. 1-306	Fees taxed as additional costs.

Article 4. Acts by Officers and Employees

Sec. 1-400	Acts by deputies.
Sec. 1-401	Acts by officers or employees to whom powers and duties delegated.

By Repealing:

Sec. 1-112	Interpretation of section numbers.
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Chapter 1. General Provisions

Article 1. The Albemarle County Code

Sec. 1-100 How the Albemarle County Code is designated and cited.

The ordinances codified in this chapter and in the following chapters and appendices compose, and may be formally cited as, the “Albemarle County Code of 1998,” and may also be referred to as the “Albemarle County Code,” the “County Code,” and the “Code.”

(Code 1967, § 1-1 Code 1975, Code 1988, § 1-1; Ord. No. 98-A(1), 8-5-98)

State law reference – Va. Code § 15.2-1433.

Sec. 1-101 Definitions.

The following definitions apply in the administration of the Code and any uncodified ordinance, unless the word or term is otherwise defined in another chapter of the Code or in the uncodified ordinance:

Board of Supervisors. The term “Board of Supervisors” means the Board of County Supervisors of the County of Albemarle, Virginia.

County. The term “County” means, in the appropriate context, the government known as the County of Albemarle, Virginia and which is a political subdivision of the Commonwealth, or the territory, including the airspace that is superjacent and subjacent, within its boundaries.

County Attorney. The term “County Attorney” means the County Attorney of the County of Albemarle, Virginia, or his duly authorized representative.

County Executive. The term “County Executive” means the County Executive of the County of Albemarle, Virginia, or his duly authorized representative.

Designee. The term “designee,” when it follows the title of a county officer, means the authorized agent, employee, or representative of the officer.

Director of Finance. The term “Director of Finance” means the Director of Finance of the County of Albemarle, Virginia, and any of his duly authorized deputies, assistants, employees, or agents.

Following. The term “following” means that which goes immediately after.

Highway. The term “highway” means the entire width between the boundary lines of every way or place open to the use of the public for the purposes of vehicular, pedestrian, and other lawful modes of travel within the County.

Month. The term “month” means a calendar month unless otherwise provided.

Oath. The term “oath” means an oath required by law and in the form required by law, or an affirmation that may be substituted for an oath as provided by law.

Ordinance. The term “ordinance” means an ordinance adopted by the Board of Supervisors of the County of Albemarle, Virginia, and all amendments thereto.

Person. The term “person” means any individual, corporation, partnership, association, cooperative, limited liability company, trust, joint venture, government, political subdivision, or any other legal or commercial entity and any successor, representative, agent, agency, or instrumentality thereof.

Personal property. The term “personal property” means any money, goods, movable chattels, things in action, evidence of debt, all objects and rights which are capable of ownership, and every other species of property that is not real property.

Preceding. The term “preceding” means that which goes immediately before.

Public place. The term “public place” means any public highway or street; any public stadium, athletic field, park, or playground; any public building or grounds appurtenant thereto; any public school building or grounds appurtenant thereto; any public parking lot; any public lands; and any places commonly open to the public including resorts, places of amusement, stadiums, athletic fields, parks, playgrounds, vacant lands, and the elevator, lobby, halls, corridors, and areas open to the public of any store, office, or apartment building.

Real property. The term “real property” means land, together with all improvements and other things attached to the land so as to become a part thereof.

Resolution. The term “resolution” means a resolution adopted by the Board of Supervisors of the County of Albemarle, Virginia, and all amendments thereto.

State. The term “State” means the Commonwealth of Virginia.

Street. The term “street” means the entire width between the boundary lines of every way or place open to the use of the public for the purposes of vehicular, pedestrian, and other lawful modes of travel within the County.

Virginia Code. The term “Virginia Code” means the Code of Virginia, 1950, as amended, including the latest edition or supplement unless otherwise indicated.

Year. The term “year” means a calendar year unless otherwise provided.

(Code 1967, § 1-2; Code 1975 § 1-2; Code 1988, § 1-2; Ord. No. 98-A(1), 8-5-98)

Sec. 1-102 Rules of construction.

The following rules of construction apply to the construction of the Code, unless the application of a rule would be contrary to the purposes of the Code or the context clearly indicates otherwise:

- A. *Catchlines of subsections.* The italicized catchlines of subsections within sections of the Code are intended as mere catchwords to indicate the contents of the subsection and are not part of the substance of the subsection.
- B. *Chapters, articles, divisions, sections, or subsections.* Any references to a chapter, article, division, section, or subsection of the Code is construed to be followed by the words “of the Albemarle County Code of 1998 unless otherwise provided.
- C. *Computation of time.* The manner in which to compute time is as follows:
 - 1. *Providing notice before a public hearing or other proceeding.* When notice is required to be given before a public hearing or other proceeding, the day on which the public hearing or other proceeding will be held is not counted against the time allowed, and the day on which notice is given may be counted against the time allowed.
 - 2. *Act to be performed after a decision or event.* When an act must be performed within a prescribed period of time after a decision or event, the day on which the decision or event

occurred is not counted against the time allowed.

3. *Effect of Saturday, Sunday, or legal holiday on time in which to perform an act.* When the Code requires, either by specification of a date or by a prescribed period of time, that an act be performed on a Saturday, Sunday, or legal holiday or on any day or part of a day on which the County office where the act to be performed is closed, the act may be performed on the next business day of the County that is not a Saturday, Sunday, legal holiday, or day on which the County office is closed. Any day on which the governor authorizes the closing of the State government shall be considered a legal holiday.
- D. *Conflicting provisions.* If any chapter, article, division, or section conflicts with another, the provisions of each chapter, article, division, or section shall control on all matters pertaining to the subject matter of that chapter, article, division, or section. If clearly conflicting provisions exist in different sections of the same chapter, the provisions of the section last enacted shall apply unless the construction is inconsistent with the meaning of that chapter.
- E. *Definitions within other chapters.* Any definition within a chapter shall apply only to that chapter unless otherwise provided.
- F. *Gender.* A word used in the masculine includes the feminine and the neuter.
- G. *Headlines of sections.* The bold-faced headlines of the sections of the Code are intended as mere catchwords to indicate the contents of the section and are not part of the substance of the section.
- H. *Including.* The word “including” is construed to be followed by the phrase “but not limited to.”
- I. *Interpretation of words and phrases, generally.* Words and phrases that are not defined in the Code shall be given their plain and natural meaning which is most appropriate in the context in which they are used; provided that technical words and phrases are presumed to be given their technical meaning and words and phrases having legal significance are presumed to be given their legal meaning.
- J. *May.* Depending on the context in which it is used, the term “may” is permissive or it is the grant of authority to act.
- K. *Notes following sections or subsections.* The legislative history notes and the State law references appearing after sections are not intended to have any legal effect but are merely intended to indicate the sources of the matter contained in the sections.
- L. *Number.* A word used in the singular includes the plural, and a word in the plural includes the singular.
- M. *Officers; employees; departments; boards; commissions; agencies.* Any reference to an officer, employee, department, board, commission, or agency is construed to be followed by the words “of the County of Albemarle, Virginia.”
- N. *Owner.* The term “owner,” when it is used in reference to a building or land, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety of the whole or a part of the building or land.
- O. *Shall.* The term “shall” is mandatory.
- P. *Signature.* A “signature” may be a mark when a person cannot write.
- Q. *Tense.* In the appropriate context, any word used in the past or present tense includes the future tense.
- R. *Written, writing, or in writing.* The terms “written,” “writing,” or “in writing” include any representation of words, letters, symbols, numbers, or figures, whether printed or inscribed on a tangible medium, or stored in an electronic or other medium and retrievable in a perceivable form.

Sec. 1-103 Provisions of the Code are considered continuations of prior ordinances.

The provisions of the Code, so far as they are in substance the same as the provisions of County ordinances or the Code of 1975 existing on the date of adoption of the Code, shall be considered to be continuations of those ordinances or Code provisions and not new enactments.

(Code 1967, § 1-3; Code 1975, § 1-3; Code 1988, § 1-3; Ord. No. 98-A(1), 8-5-98)

Sec. 1-104 Severability of parts of the Code.

It is the intention of the Board of Supervisors that any part of the Code is severable. If any part is declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, the unconstitutionality or invalidity shall not affect any other part of the Code.

(Code 1967, § 1-5, Code 1975, § 1-5, Code 1988, § 1-5; § 1-114, Ord. 98-A(1), 8-5-98)

Article 2. Ordinances

Sec. 1-200 Adopting ordinances that amend the Code.

- A. *Amending the Code.* The Code may be amended by ordinances adopted by the Board of Supervisors that change the content, add new content, repeal existing content, or any combination thereof.
- B. *Form of an ordinance amending the Code.* An ordinance amending the Code shall comply with all applicable requirements for ordinances required by the Virginia Code, and clearly indicate the text being changed, added, or repealed by generally identifying the proposed changes in the title page or pages of the ordinance and by specifically identifying proposed changed or added text by underlining and identifying replaced or repealed text by strikethrough. An ordinance amending the Code shall also use the organization and numbering system used in the Code.
- C. *Form of the codified amendment.* An ordinance adopted by the Board of Supervisors in the form prescribed in this section shall be incorporated into the Code. Any portion of the Code that is repealed by an ordinance amending the Code shall be excluded from the Code.

(§ 1-111, Ord. 98-A(1), 8-5-98)

Sec. 1-201 Adopting ordinances that are not part of the Code.

The Board of Supervisors may adopt ordinances that are not part of the Code. These ordinances may be referred to as “uncodified ordinances.” An uncodified ordinance may not amend the Code.

Sec. 1-202 Repealing a Code section or ordinance does not revive a previously repealed Code section or ordinance.

When an ordinance repeals a Code section or another County ordinance, and that repealing ordinance is itself repealed, the previously repealed Code section or ordinance is not revived.

(Ord. 98-A(1), 8-5-98)

Sec. 1-203 Ordinances and other matters not affected by the Code.

The Code and the ordinance adopting the Code do not affect the following when they are not in conflict with the Code:

- A. *Pending proceedings and rendered judgments.* Any prosecution, suit, or proceeding that is pending, or any judgment rendered, prior to the effective date of the Code.
- B. *Guarantees of money payment or authorizing the issuance of bonds.* Any ordinance or resolution promising or guaranteeing the payment of money or authorizing the issuance of any bonds of the County, any evidence of the County’s indebtedness, or any contract or obligation assumed by the County.
- C. *Tax levy.* Any annual tax levy of the County.
- D. *Right or franchise.* Any right or franchise conferred by ordinance or resolution on any person.
- E. *Purpose completed.* Any ordinance adopted for purposes that have been completed or accomplished.
- F. *Certain temporary and permanent ordinances.* Any ordinance which is temporary, although general in effect, or special, although permanent in effect.
- G. *Ordinances relating to compensation.* Any ordinance relating to the compensation of the county’s officers or employees.
- H. *Ordinances relating to streets and other rights-of-way.* Any ordinance naming, renaming, opening, accepting or vacating streets, alleys, easements, or other rights-of-way in the County.
- I. *Ordinances relating to zoning map amendments.* Any ordinance relating to a zoning map amendment.
- J. *Ordinances establishing fees or charges that are not codified.* Any ordinance establishing fees or charges which are not set out in the Code.

Any ordinance or resolution identified in this section shall be on file in the office of the clerk for the Board of Supervisors.

(Ord. 98-A(1), 8-5-98)

Article 3. Offenses and Penalties

Sec. 1-300 The Code does not affect prior offenses or rights.

The Code and the ordinance adopting the Code do not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing, before the effective date of the Code.

(Ord. 98-A(1), 8-5-98)

Sec. 1-301 Punishment when not otherwise specified; continuing violation; injunctive relief.

- A. *Punishment when not otherwise specified.* When the Code or any County ordinance declares an act or omission to be unlawful or prohibited and to be a misdemeanor, but does not specify the punishment, the maximum punishment shall be the punishment provided for a class 1 misdemeanor as provided in County Code § 1-302(A); provided that the punishment shall not exceed the punishment provided by the Virginia Code for a similar offense under State law.
- B. *Each day a separate violation.* Each day any violation of the Code or any County ordinance, or any order authorized to be issued by the Board or any County officer for which criminal punishment is authorized, continues shall constitute a separate violation, except where otherwise provided.
- C. *Injunctive relief.* The County, the Board of Supervisors, and any County officer authorized by law, may seek to enjoin the continuing violation of any provision of the Code or any County ordinance by bringing a proceeding for an injunction brought in any court of competent jurisdiction.

(Code 1967, § 1-6; Code 1975 § 1-6, Code 1988, § 1-6; Ord. 98-A(1), 8-5-98)

State law reference – Va. Code § 15.2-1429 (maximum penalty for violation of County ordinances); Va. Code § 15.2-1432 (authority to seek injunctive relief); Va. Code §§ 18.2-11 (penalties for misdemeanors where penalty not specified).

Sec. 1-302 Classes of misdemeanors; punishment.

The following punishments are authorized for conviction of a misdemeanor designated by the Code or any County ordinance when the misdemeanor class is specified:

- A. *Class 1 misdemeanors.* For class 1 misdemeanors, confinement in jail for not more than 12 months and a fine of not more than two thousand five hundred dollars (\$2,500), either or both.
- B. *Class 2 misdemeanors.* For class 2 misdemeanors, confinement in jail for not more than 6 months and a fine of not more than one thousand dollars (\$1,000), either or both.
- C. *Class 3 misdemeanors.* For class 3 misdemeanors, a fine of not more than five hundred dollars (\$500).
- D. *Class 4 misdemeanors.* For class 4 misdemeanors, a fine of not more than two hundred fifty dollars (\$250).

(Ord. 98-A(1), 8-5-98)

State law reference—Va. Code § 18.2-11.

Sec. 1-303 Penalty for returned checks or other payment.

If any check or other means of payment tendered to the County in the course of its duties is not paid by the financial institution on which it is drawn, because of insufficient funds in the account of the drawer, no account is in the name of the drawer, or the account of the drawer is closed, and the check or other means of payment is returned to the named payee unpaid, the amount thereof shall be charged to the person on whose account it was received, and his liability and that of his sureties, shall be as if he had never offered any such payment. A penalty of thirty-five dollars (\$35) shall be added to the amount. This penalty shall be in addition to any other penalty provided by law, except the penalty imposed by County Code § 15-103 shall not apply.

(Ord. No. 97-1(1), 2-12-97; Code 1988, § 1-9; Ord. 98-A(1), 8-5-98; Ord. 07-1(2), 10-3-07, effective 1-1-08)

State law reference—Va. Code § 2.2-614.1(C).

Sec. 1-304 Unlawful or prohibited acts include causing, allowing, permitting, and other specified acts.

When the Code declares an act or omission to be unlawful or prohibited, the unlawful or prohibited act includes causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of the act or omission.

(Ord. 98-A(1), 8-5-98)

Sec. 1-305 Fines and costs.

- A. *Fines tendered to Director of Finance.* All fines collected for violations of any provision of the Code or any County ordinance shall be tendered by the clerk of the circuit court to the Director of Finance, who shall credit the tendered fines to the County general fund.
- B. *Costs.* Costs shall be taxed in prosecutions under the Code in the same amounts and in the same manner as prescribed by the Virginia Code in misdemeanor cases.

(Code 1967, § 1-7, Code 1975, § 1-7, Code 1988, § 1-7; Ord. 98-A(1), 8-5-98)

State law reference—Va. Code § 16.1-69.48 (fines paid to County generally); Va. Code § 46.2-1308 (fines paid to County in traffic cases).

Sec. 1-306 Fees taxed as additional court costs.

- A. *Fee supporting court and jail facilities.* A fee of two dollars (\$2) shall be taxed as additional costs in each criminal, traffic, or civil case in the respective district or circuit courts of the County for the purpose of providing for the maintenance, construction, or renovation of the courthouse, jail, or court-related facilities located in and serving the County and to defray increases in the costs of cooling, heating, and electricity in these facilities. The Director of Finance shall segregate the fees collected pursuant to this section for the purposes stated above.
- B. *Fee supporting courthouse security.* A fee of ten dollars (\$10) shall be taxed as additional costs in each criminal or traffic case in the respective district or circuit courts of the County in which the defendant is convicted of a violation of any statute or ordinance. The fee shall be collected by the clerk of the court in which the case is heard, remitted to the Director of Finance, and held by the Director of Finance subject to appropriation by the Board of Supervisors to the sheriff's office for funding courthouse security personnel, and, if requested by the sheriff, equipment and other personal property used in connection with courthouse security.
- C. *Fee supporting processing arrested persons into regional jail.* A fee of twenty-five dollars (\$25) shall be taxed as additional costs in each criminal case in the respective district or circuit courts of the County in which the defendant is convicted of a violation of any statute or ordinance and is processed for admission into the regional jail as a result of the conviction. The fee shall be collected by the clerk of the court in which the case is heard, remitted to the Director of Finance, and held by the Director of Finance subject to appropriation by the Board of Supervisors to the sheriff's office for funding its costs to process arrested persons into the regional jail.
- D. *Fee supporting electronic summons system.* A fee of five dollars (\$5) shall be taxed as additional costs in each criminal or traffic case in the respective district or circuit courts of the County in which the defendant is convicted of a violation of any statute or ordinance. The fee shall be collected by the clerk of the court in which the case is heard, remitted to the Director of Finance, and held by the Director of Finance subject to appropriation by the Board of Supervisors to the appropriate law enforcement agency or agencies for funding software, hardware, and associated equipment costs for implementing and maintaining an electronic summons system.

(Ord. of 8-8-90; Ord. of 8-5-92, Code 1975, § 1-8, 6-17-89; Code 1988, § 1-8 Ord. 98-A(1), 8-5-98; Ord. 02-1(1), 6-5-02; Ord. 07-1(1), adopted 6-6-07, effective 7-1-07; Ord. 17-1(1), 8-2-17)

State law reference—Va. Code §§ 17.1-281, 53.1-120, 15.2-1613.1, 17.1-279.1.

Article IV. Acts by Officers and Employees

Sec. 1-400 Acts by deputies.

Any person appointed and classified as a deputy is authorized to act as a substitute for his department head, in the name of the department head and in his behalf, in matters in which the department head may act.

(Ord. 98-A(1), 8-5-98)

State law reference—Va. Code § 15.2-1502(B).

Sec. 1-401 Acts by officers or employees to whom powers and duties delegated.

A department head or his deputy may delegate, to a person reporting to him, his powers and duties unless it is a power or duty that is expressly forbidden by law to be delegated or requires the exercise of judgment for the public welfare. A delegation does not relieve the officer making the delegation of his legal obligations for the exercise of powers and the performance of duties of his office.

State law reference—Va. Code § 15.2-1502(D).

Item No. 8.3. Ringwood Farm Road Name Change.

The Executive Summary forwarded to the Board states that the property owner of TMP 40-39,

Nags Head Farm LLC, is requesting to change the road name of Ringwood Farm to Nags Head Farm.

The landowner of the property served by Ringwood Farm has submitted a request to change the road name of Ringwood Farm to Nags Head Farm. 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. Because Nags Head Farm LLC is the only property owner served by Ringwood Farm, this requirement has been met. Staff has reviewed the road name request for Nags Head Farm, and the property owner has signed a letter of agreement to the new road name.

New road signs will be fabricated to replace the existing Ringwood Farm signs and the property owner is responsible for the cost.

Staff recommends that the Board adopt the attached Resolution (Attachment C) approving changing the road name of Ringwood Farm to Nags Head Farm and authoring staff to implement the change.

By the above-recorded vote, the Board adopted the following resolution approving changing the road name of Ringwood Farm to Nags Head Farm and authored staff to implement the change:

**RESOLUTION TO CHANGE THE NAME OF
RINGWOOD FARM TO NAGS HEAD FARM**

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 Ringwood Farm has submitted a request to change the road name of Ringwood Farm to Nags Head Farm, and the above-referenced requirement has been met.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors hereby changes the name of Ringwood Farm to Nags Head Farm, 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. 8.4. Copy of letter dated December 29, 2017, from Mr. Ronald L. Higgins, Chief of Zoning/Deputy Zoning Administrator to Mr. John R. Thach of the Collett M. Thach Trust and the Edigh C Thach Trust c/o Hantzmon Wiebel, **RE: LOD2014-00022 - OFFICIAL DETERMINATION OF PARCELS OF RECORD & DEVELOPMENT RIGHTS - Tax Map 57, Parcel 72 (Property of Collett M, Thach Trust and Edith C. Thach Trust) Samuel Miller Magisterial District, was received for information.**

Agenda Item No. 9. Process to Approve Pantops Master Plan Update.

The Executive Summary forwarded to the Board states that Albemarle County's five master plans guide development, decision-making, and public and private investment in Albemarle County's Development Areas. Each master plan should be updated regularly on a five-year schedule. Adopted in 2008, the Pantops Master Plan is the oldest of the current master plans and most in need of an update. Master Plans for the Village of Rivanna and Crozet were last adopted in 2010. The Places29 master plan was approved in 2011 and the Southern and Western Urban Neighborhoods plan was adopted along with the Comprehensive Plan update in 2015.

To date, the County has not been able to keep pace with this schedule because of work on other plans such as the Comprehensive Plan update in 2015 and the Places 29 Rio Small Area Plan. With completion of the former and work nearing a close on the latter, staff is ready to begin work on the Pantops Master Plan update.

The Pantops Community Advisory Committee (CAC) and staff have put together a list of areas in need of specific attention with the update based on feedback from the public, County staff, the Planning Commission, and the Board of Supervisors. These critical focus areas (see bulleted list below) reflect the public's central areas of concern related to traffic, the need for greater walkability and bikeability, recreation, greenways and other recreational areas, preservation of environmentally sensitive areas, and redevelopment. In addition to the specific focus areas provided below, base maps will be updated to reflect construction since 2005. The Plan update will also involve further refinement, additional strategies, or other adjustments to the Master Plan to make the format more consistent with other master plans. Areas immediately abutting the Rivanna River will be studied with the Rivanna River Corridor Study and recommendations from that joint City- County plan will feed into this master planning process towards the end of the plan update.

Critical Focus Area issues that have been identified:

TRAFFIC AND TRANSPORTATION

- Street network - Review proposed street widening projects and interconnections; prioritize improvements and update recommendations
- Multi-modal options - Consider potential future transit hub and park and ride lots; prioritize sidewalks, paths and bicycle facilities

LAND USE AND DEVELOPMENT AREA BOUNDARY NORTH OF I-64

- Nodes - Identify potential nodes for high density mixed use development and transit
- Review land use designations near State Farm headquarters and Martha Jefferson Hospital and other key employment locations
- Review DA boundary - Consider existing zoned and developed adjacent areas

PARKS, RECREATION, AND GREENWAY TRAILS

- Parks/environmentally sensitive areas Greenway trails - Prioritize acquisition and construction of key segments; consider dedication of trails or pathway easements through residential developments

ECONOMIC DEVELOPMENT, SHADWELL INTERCHANGE, AND REDEVELOPMENT

- Redevelopment--Detail opportunities for redevelopment of Pantops Shopping Center and other older buildings along Route 250
- Martha Jefferson Hospital Area, Peter Jefferson Place, and other places for economic development
- Shadwell interchange - Study this area for economic development potential (in conjunction with economic development program)

IMPLEMENTATION

- Strategies and prioritization - Update and refine recommended projects; prioritize most important projects

All of the focus areas relate to each other and will be integrated together as the update unfolds. The public process will include a business stakeholders group, community meetings, social media, walking tours, the County's website, and other methods. Both the process and schedule (Attachment A) have been endorsed by the Pantops CAC.

Updating the Pantops Master Plan is part of Community Development's work program and no additional budget impacts are expected.

Staff recommends that the Board affirm the process and focus area topics.

Ms. Elaine Echols, Chief of Long-Range Planning, reported that the plan update is long overdue and she would review background, focus areas, and the participation plan. She presented a slide with the following key dates involved in the master plan update:

- | | |
|--------------------|--|
| ● Since 2013 | Pantops Community and CAC requests update |
| ● May – Sept. 2017 | CAC review of existing plan and issues |
| ● October 2017 | CAC review of focus areas and public participation |
| ● November 2017 | CAC recommends process |

She said the Neighborhood Funding Initiatives (NIFI) process was very helpful in assisting the CAC and community members to get a grasp on community happenings and opportunities. Ms. Echols stated that the CAC had voted unanimously to recommend the process and focus area topics.

Ms. Echols reviewed the partners involved in the process: the CCAC, local residents, businesses, staff, the Planning Commission, and the Board of Supervisors. She explained that staff facilitates meetings and brings topics to the CCAC, local residents, and businesses, and then make a recommendation to the Planning Commission. She said the Commission then holds a public hearing to make a recommendation to adopt the master plan to the Board of Supervisors. She listed the following study areas: traffic and transportation; land use and development area boundary north of I-64; parks, recreation, and greenway trails; economic development; Shadwell interchange; redevelopment; and implementation. Ms. Echols explained that traffic and transportation involves interconnections, prioritization of improvements, and more multimodal options. She said land use would identify potential nodes for higher density and transit, as well as some particular places in the land use plan they want to revisit. She said they will review the development area boundaries to determine if anything of importance should be reviewed. She commented that NIFI was helpful in providing direction for trail construction.

Ms. Echols mentioned that a new Director of Economic Development will be hired soon, with the economic development plan worked on over the past couple of years coming to completion and the Pantops area being a part of that plan. She reminded the Board that the Shadwell interchange had been discussed as a potential expansion area, though a study was postponed because it was not known what transportation improvements might be added. She added that now that they have a decision on transportation improvements, they can further explore the expansion area concept. She emphasized that they are trying to be consistent with all master plan updates and are looking at new ideas, including improvements to the format of the maps.

Ms. Echols listed steps in the public participation plan: community meetings, business owners' stakeholders group, Pantops CAC recommendations, Planning Commission study, Planning Commission public hearing, and Commission recommendation in November 2018. She presented a slide with key dates of the plan for the period from July 2018 – March 2019, at which time they expect to have the Board of Supervisors adopt the plan.

Ms. Echols listed key phases of the Rivanna River Corridor Plan: Phase 1 – reconnaissance and scope, July 2018; Phase 2 – overall plan begins in fall 2018; incorporate any agreed-to pieces of the river plan into the master plan recommendation in late 2018; and adopt river corridor plan into master plan, 2019. She stated that they were mindful to keep the master plan open and flexible for future areas they would work on with Charlottesville. She explained that the Pantops CAC and staff recommend that the Board affirm the public participation process and the list of focus areas, and she invited questions.

Mr. Gallaway asked Ms. Echols to repeat what she had said about the role of the Economic Development Director in the development of the plan. Ms. Echols explained that there are several areas in Pantops they are considering as economic development opportunities that were not in the current master plan, but they had put off discussions on this topic until the new Director is in place.

Ms. Mallek said the Board's aim for the economic development plan as a whole was to wait until the new Director was in place and had a chance to work with the Board.

Mr. Randolph asked if they are looking at the west or east side of I-64 for changes to the Shadwell interchange. Ms. Echols replied that they are looking at both, and she pointed to an area in red on the master plan map.

Mr. Randolph mentioned that this area had been dedicated as rural area, and if they allow development this does not mean they will allow for water and sewer hookup along this stretch of road, unless the Board were to change its policy.

Ms. Palmer thanked Mr. Randolph for bringing up this important point.

Mr. Dill asked for an update on plans for Peter Jefferson Place, noting that major developers there, such as Martha Jefferson Hospital and State Farm have been very helpful, cooperative and interested in what is going on. Ms. Echols replied that Peter Jefferson Place is a planned development that has opportunities for additional buildings and square footage, and a site plan for residential development with a potential request for rezoning to add density would be presented to them soon. She said that staff looks forward to working with the applicant in providing opportunities for trails along the river.

Mr. Dill acknowledged the presence of former Rivanna District Planning Commissioner, Cal Morris, at today's meeting. He said that Mr. Morris and Daphne Spain, the current Rivanna District Commissioner, are part of a great team consisting of the CAC and former members. He described Mr. Morris as good motivator.

Ms. McKeel praised officials of Martha Jefferson Hospital for providing access to their conference room and working with the County.

Ms. Mallek surveyed the Board and acknowledged its consensus to affirm the public participation process and the list of focus areas.

Agenda Item No. 10. Action Plan on Redevelopment of Southwood Mobile Home Park in Partnership with Habitat for Humanity.

The Executive Summary forwarded to the Board states that the Southwood Mobile Home Park (Southwood) is located on Hickory Street south of I-64 and east of Old Lynchburg Road in the Southern Urban Neighborhood and is located in one of the County's Development Areas. Southwood currently has 341 mobile homes and more than 1,500 residents and is the County's largest concentration of substandard housing. Habitat for Humanity ("Habitat") purchased Southwood in 2007 with a stated intention of redeveloping the site into a 700-800 unit, mixed income, mixed- use development, removing all 341 mobile homes and replacing them with a variety of housing unit types including site-built homes. Habitat has already invested more than \$2 million on deferred and emergency maintenance, including road improvements, sewer system upgrades, and emergency repairs.

County staff from multiple County operating departments, including Community Development, Economic Development, Housing, Social Services, Parks and Recreation, Facilities and Environmental Services and the County Executive's Office, have actively engaged with representatives of Habitat on creating a partnership to address the needs and opportunities in Southwood. This work includes preliminary identification of infrastructure needs in and around the Southwood project area. Due to the unique nature of this project with Habitat in the role as developer and for the good of the County and the collaborative effort, the Board adopted a Resolution (Attachment A) supporting a collaborative approach regarding the redevelopment of Southwood. This Resolution provides a clear and compelling indication of the Board's support for staff's proactive involvement with Habitat in the preparation of development plans and specific land use proposals associated with the Southwood project.

Since May 2017, County staff and representatives of Habitat have been collaborating on the development of an Action Plan. A cross-departmental and multidisciplinary team was formed to bring a depth of knowledge and expertise to the complex issues related to this innovative redevelopment project. This project, as envisioned by Habitat as indicated in its Action Plan Narrative and Design (Attachment B), represents a unique opportunity to make a distinct and meaningful lasting improvement in the health and welfare of the largest concentration of people living in substandard housing in the County. Habitat's plan to remove 341 mobile homes and replace them with safe and affordable structures, while advocating a community vision and non-displacement of current residents, would be transformative.

The County team worked with Habitat and Southwood residents to assist in the master planning process to identify the location and engineering/financial feasibility of Phase 1. The proposed Action Plan (Attachment C) outlines the schedule and respective responsibilities of each partner entity identified thus far.

County staff and Habitat are ready for the Board of Supervisors to review and consider endorsement of the proposed Action Plan that is intended to advance the redevelopment of the Southwood community. Due to the size, complexity and creativity involved in this project, Habitat requests leveraged funding support from the County to assist them with the implementation of the project. This funding request is tied directly to performance milestones in the Action Plan and is identified as follows:

- 1) Habitat requests a total of \$675,000 in calendar year 2018. Of this amount, \$400,000 has been identified to support the work effort in FY18 to include the submittal of the rezoning package to the Community Development Department, community engagement, and land development. The remaining \$275,000 would support FY19 rezoning deliverables, Phase 1 application plan, code of development and resident and leadership development. Details of this request can be found in Attachment D. Attachment E is the proposed performance agreement reflecting the County's commitment to the project and the expected benefits to eligible County residents, while ensuring that the County's contribution will result in the desired transformative redevelopment and affordable housing outcomes.
- 2) County staff has identified the need for part-time project management and part-time neighborhood planner resources in FY19 to act as the dedicated points of contact and key facilitators for the many departments, outside agencies and Habitat process owners to ensure successful collaboration, planning, scheduling, and coordinating of all work related to the Southwood Redevelopment. Staff and Habitat agree that these dedicated resources are key to a successful partnership and commitment to achieving the desired outcomes as represented in the proposed Action Plan. Alternatively, limited staff capacity with existing resources will require the County to shift from a proactive partnership with Habitat to a more responsive and reactive role that is typical with land development projects. In this scenario, staff and Habitat anticipate a longer timeline for redevelopment, which in turn, may affect the success of the project and diminish the overall return on investment for the County.

The \$675,000 in funding over FY 18 and FY 19 is recommended to be provided from the General Fund's fund balance. The Two-Year Fiscal Plan presented to the Board in November and December included \$1,000,000 in General Fund fund balance to establish a Housing Fund that could support a variety of housing initiatives, such as this request. If approved, staff will prepare an appropriation request for approval at a subsequent Board meeting for the FY 18 amount of \$400,000. The FY 19 amount of \$275,000 and additional funding needed for project management and planning services would be included as part of the FY 19 County Executive's Recommended Budget.

Staff recommends the Board adopt: 1) the attached Phase 1 Action Plan (Attachment C) as presented or as modified by the Board; and 2) the attached Resolution (Attachment F) supporting the performance agreement.

Ms. Kristy Shifflett, Senior Project Manager for Strategic Planning, and Mr. Dan Rosensweig, President and CEO of Habitat for Humanity of Greater Charlottesville, stated that they will discuss what has been done thus far and the team's recommendation, review of the action plan and next steps, and will provide an opportunity for questions. She reminded the Board that in fall 2016 it had approved a resolution of partnership between Habitat for Humanity and the County, and the FY17 strategic plan called for staff to develop an action plan with Habitat for Humanity to be completed by January 2018. She said the partnership was kicked off last May with the purpose of determining plan scope and development. Ms. Shifflett stated that an action plan team was formed, consisting of staff from Community Development, Housing, and Strategic Plan Project Management, with the team conducting regular meetings with Habitat throughout the summer along with planning meetings with residents, and a presentation to the Board at a September work session.

Ms. Shifflett reported that more recently they had been meeting with Habitat on a weekly basis, and she estimated that 2,000 hours of staff time had been dedicated to the project in 2017, at a cost of \$100K across several departments. She explained that they had learned about the project's complexity, large scope of multiple functions, and how best to use strengths and weaknesses. She emphasized that the community vision was at the heart and foundation of the plan, which would involve executive leadership from the County and Habitat – as well as representation from the Board of Supervisors and Planning Commission – for consistent communication, feedback, and input. She introduced Dan Rosensweig to continue the presentation.

Mr. Rosensweig thanked the Board for the opportunity to present and for sharing staff resources with his organization. He described County staff as responsive, creative, supportive, and everything one would want in a partnership. He reminded the Board that in 2007 his organization had purchased the 123-acre Southwood parcel, which contains 341 homes and 1,500 residents. He said their initial focus was on park stabilization because of significant maintenance challenges, such as sewage seepage and electrical fires. He said they have spent \$2.5 million on deferred maintenance items to make the area livable and safe in the near term and over \$20 million for general management of the park. He explained that they have figured out how to transform a trailer park without displacing residents.

Mr. Rosensweig recounted the Sunrise redevelopment project that began in 2004, which had been converted to a neighborhood with front and back porches, community open space, senior and family housing. He said they believe this was the first trailer park in the country to have been transformed without resident displacement, and they hope to improve Southwood on a much greater scale. He said they believe their mixed-income model of blended neighborhoods is a healthy way to live and they will work to achieve this vision in Southwood. He emphasized the importance of building trust with residents, which can only happen over time with the development of relationships and a shared vision. He stated that they would like to allow residents to develop the vision. Mr. Rosensweig reviewed core values: non-displacement of residents; increasing the number of units of affordable housing; and a community engagement asset-based approach. He explained that residents of Southwood had adopted an approach of "we over me," with the intention of ensuring that Southwood remain affordable and will embrace and welcome new residents.

Mr. Rosensweig described the three realms they have been working with: Property Management for Success, Community Engagement, and Land Development. He said that property management for success is a way for transforming ownership of Southwood to its residents and away from the current tenant/landlord relationship by empowering residents to make decisions about the neighborhood. He recounted the residents' participation in the building of a community soccer field as an example of this success. Mr. Rosensweig reviewed their community engagement effort to help residents define what will represent success in the various sectors of redevelopment. He explained that the services team will focus on assisting residents with achieving their dream in sectors such as transportation, amenities and safety. He said they are now focusing on master planning and have assembled a group of residents who are learning to be the architects, engineers and planners of their future – which he described as incredibly inspiring.

Mr. Rosensweig stated that they hope to have a Phase 1 rezoning master plan ready by the end of the year. He explained that Phase 1 would redevelop unoccupied areas of the park in order to minimize disruption and plan to rezone the area along Old Lynchburg Road and the Exchange parcel, which would provide the opportunity to build model villages into which trailer park residents could move. He said they expect to present a Phase 2 rezoning application around 2020, and he explained that they want Southwood to be a model of innovation and reinvestment in aging, urban infrastructure. Mr. Rosensweig reported that the estimated overall economic impact to the County is \$1.5 billion, with over \$200 million in direct investment and \$75 million in revenues required – of which \$30 million would be from Habitat private fundraising, \$28 million from outparcel sales, and \$17 million from direct or leveraged public support. Mr. Rosensweig reviewed benefits to the community, including 700+ homes, a transformed community, high-quality green design, \$21 million in displacement housing cost savings, 17 times gross tax revenue to the County over the present neighborhood, and a home equity pathway for 350-500 families.

Ms. Meghan Nedostup of the Department of Community Development addressed the Board and stated that she will review some key milestones in the action plan packet distributed to Supervisors. She explained that they are working on the rezoning application with Habitat for Humanity and residents of Southwood, with the plan to be submitted in February, with a community meeting in March followed by planning workshops and plan process training. She said the ZMA application will be completed by September, followed by a Planning Commission public hearing in October and presentation to the Board of Supervisors for action in December. She informed the Board that Habitat had requested \$400,000 for January – June of FY18 and \$775,000 for July – December of FY19, with details of the funding request outlined in Attachment D and a performance agreement in Attachment E.

Ms. Shifflett asked the Board for endorsement of Phase 1, which she said includes the partnership and team proposal presented, project management and planning support, the proactive collaboration approach with Habitat for Humanity, and a \$675,000 contribution to Habitat in two amounts. She said they also seek Board adoption of the resolution approving the performance agreement, either as presented or as modified by the Board. She invited questions.

Mr. Randolph noted that Mr. Rosensweig's presentation lists five tiers and five teams: executive, planning, funding, policy, and services. He noted they lack a leadership team and suggested they add a section to the work plan that outlines steps in leadership development and capacity building, which he said is implicit but could be explicit. He added that it would be helpful to the Board if Mr. Rosensweig would provide an overall estimate of full buildout costs so the County could determine what percentage of costs the County and taxpayers will contribute. He said it would also be helpful if Mr. Rosensweig would provide evidence for the assertion made in the letter and on Page 18, where he cited a \$1.5 billion economic impact, as well as the assertion of \$21 million in housing displacement cost savings. He said this would assist the Board to make sound decisions and be able to explain them to taxpayers.

Mr. Rosensweig agreed to provide this information.

Ms. Palmer asked Mr. Rosensweig for more detail on the \$17 million expected from federal, state, and local funds. Mr. Rosensweig explained that \$17 million is the gap in the land deal and there are many ways to close the gap. As one example, he said the County had decided in its master planning process that the entrance to Southwood should be connected to the Sunset Road interchange, which he described as a very expensive proposition that did not provide much public benefit. He said that Mr. David Benish had told him it was not really needed, which would save \$1.5 million from the deficit. He noted that a second way to close the gap would be to work with the County and Habitat to leverage Department of Conservation funds for recreational trail access that could help build some of the roads and sidewalks heading toward recreational facilities. He expressed his desire to leverage as much funding in as many creative ways as possible and to minimize the use of the general fund. Mr. Rosensweig emphasized that having a project manager would also bring costs down. He explained that development consultant, Don Franco, had built a pro forma estimate based on expected costs and revenues and zeroed out revenues for the land under affordable units, which made the land deal upside down. Mr. Rosensweig explained that they could choose to pay themselves and raise more money or zero out the cost of the land.

Ms. Palmer noted that the \$28 million in sales came from this. Mr. Rosensweig agreed, adding that as they get closer to a master plan and as residents develop a block by block site plan they would have a better sense of numbers.

Ms. Palmer asked if they had determined what the housing ownership model would be and inquired about his mention of "out sales." Mr. Rosensweig replied that they had become a developer as a result of necessity, rather than by choice, and this had now become part of what they do as a developer for charitable purposes. He explained that the outparcel sales would be to private entities, such as a market-rate builders or commercial entities. He said they hope the majority of homes would be Habitat partnership homes, though they could not force Southwood residents to buy homes if they preferred rentals.

Mr. Dill asked if there would be additional recreational facilities besides trails. Mr. Rosensweig responded that they had been working with the Department of Conservation and Recreation to jointly plan access to trails and amenities in Biscuit Run and had planned to reserve a section of the exchange parcel for County active use recreational facilities, though this may no longer be a priority of the County now that Biscuit Run is to be developed. He said they would prefer to provide access to Biscuit Run so more of the exchange parcel could be utilized for housing, though nothing is off the table at this point. He noted that the community has a lot of children, and it would be unthinkable to not have an amenity-based community.

Ms. McKeel asked Mr. Rosensweig to elaborate on the role of commercial enterprises. Mr. Rosensweig replied that part of the strength-based community model is to take what is already good and amplify it, and the community already has many existing businesses. He noted that they have just hired a coordinator and planner to assist business owners on a one-to-one basis, with a move towards business sustainability. He said a consultant had been hired and would create a program which they could connect to existing initiatives in the community, such as the Community Investment Collaborative and Cville Works.

Mr. Gallaway asked who could best address questions about funding commitments. Ms. Shifflett came to the podium to address Mr. Gallaway's question.

Mr. Gallaway asked if the past Board had already committed \$1 million to a housing fund. Ms. Shifflett replied that this was a recommendation in the Two-Year Fiscal Plan for use of positive variance funds, but had not yet been approved.

Mr. Gallaway asked if the \$675,000 in two installments would come from the \$1 million, and asked how the funds would be replenished in the housing fund. Ms. Shifflett confirmed that it would and said the \$1 million was recommended to be one-time funding.

Mr. Gallaway asked if the Board is being asked to make decisions for the next budget cycle. Ms. Shifflett replied that an appropriation for \$400,000 from this fiscal year's positive variance would be presented to the Board next month, with an additional \$275,000 incorporated in next year's budget.

Mr. Gallaway commented that any time a decision to commit money is made, it is important to consider what they are not committing to in terms of what other items the money could have been spent on.

Mr. Randolph agreed with Mr. Gallaway's comments about draining the fund and not having funds available in the future. He noted that at this morning's Residential Development Impact Work Group meeting, they had discussed this issue. He said they had discussed how affordable housing funds would be set aside in an affordable housing impact fund that would accrue and be available on an annual basis, which is something they had been seeking for years, in order to build the County's stock of affordable housing.

Mr. Gallaway commented that he had presumed they had this in mind with the establishment of a \$1 million housing fund.

Mr. Doug Walker, Deputy County Executive, explained that staff had contemplated the opportunity to use the FY17 year-end positive variance, which they had presented to the Board for this purpose. He said the proposed creation of the housing fund was not specifically designated for

Southwood, as the timing was not correct, and it is up to the Board to decide. He added that ongoing County support for project management and planning was assumed in the action plan, though they were not included in tonight's request, but would be upcoming.

Ms. Palmer thanked Ms. Shifflett for her work on the project. She asked for confirmation that projected use of staff time was not included in the \$675,000 request and that a separate request for staff contribution of time would be made.

Mr. Walker replied that they want to be fully transparent in the development of the action plan as to what they think is needed for success. He added that Ms. Shifflett, Mr. Rosensweig and the team could speak to implications if the Board were to not approve staff resources, as this would require a change to the action plan and re-managed expectations, though the project would not cease. He emphasized that they would not put the Board in a position where approval of the action plan would automatically make decisions on the budget that they have not yet considered.

Ms. Palmer asked for an estimate of the cost of staff time. Ms. Shifflett replied that they are not recommending that one position would support the project, but estimate \$90,000 for half-time project management and half-time planning.

Mr. Randolph asked if an appropriate analogy would be a startup corporation, which involves intense effort to become operational, with costs diminishing as responsibilities are transferred from County to Habitat for Humanity staff. He emphasized that not only would they be helping residents, they would also be training Habitat staff in how to interface with governmental agencies.

Ms. Shifflett agreed that anything new would take a lot of startup, and he described the role of County staff as serving in a consultative way as the scope of the project is beyond the expertise of many staff members. She said that to be transparent, they must continue to focus on project management, help Habitat understand the County's processes, and potentially alter some processes. She said they would learn and get better as they go.

Ms. Palmer asked if \$90,000 in staff time for FY18 included the time of two part-time people. Ms. Shifflett emphasized that this is an estimate and it is still early in the budget process. She said they have determined that they would need neighborhood planning support, with 50% of this person's time devoted to Southwood and 50% for the project management that she is currently doing for Southwood.

Mr. Gallaway commented that if they do not dedicate the \$90,000, then staff would not be able to work on something else.

Ms. Mallek affirmed her support, adding that a new culture of collaboration and development of new skillsets on the part of County and Habitat staff took effort. She said that what has been achieved so far is encouraging and represents an allocation of the work plan, with staff devoting a tremendous amount of their time to the project. She recognized the value of leveraging outside funds to make a valuable investment for taxpayers as well as of Habitat's mortgage model that creates future affordability.

Ms. Palmer asked for specifics on the mortgage model. Mr. Rosensweig explained that several mechanisms keep the housing affordable for generations, if not into perpetuity. He said that Habitat has retained the right of first refusal to repurchase the home and emphasized that of 200 homes they have built and sold in the community, only a small fraction is not occupied by the original purchasers. He said that Habitat typically buys back homes and then refurbishes them and sells them to another Habitat family. He added that in occasional situations, they sell the house on the market and share in gains with the family and reinvest these in another affordable home. Mr. Rosensweig stated that another mechanism is a trailing deed of trust that requires repayment.

Ms. Palmer asked Mr. Rosensweig to provide something that explains the intentions for the future use of the \$28 million from outside sales. Mr. Rosensweig replied that they may be mixing two different things. He explained that the \$28 million is from outparcel sales to market rate builders who would build market rate homes or commercial establishments. He said this will help Habitat pay off the \$6 million note and \$50 million in development costs, and he offered to meet with Ms. Palmer to review the details of the pro forma.

Mr. Gallaway asked for confirmation that there would be community input regarding the types of commercial establishments. Mr. Rosensweig confirmed this and said there will be a community meeting the following day to discuss uses of the exchange parcels as part of a use matrix that would be included in the rezoning application.

Mr. Dill asked how community members would know what the available options are and if there is an educational effort. Mr. Rosensweig replied that they have held weekly workshops on specific topics, with feedback solicited from residents. He observed that resident consensus had been to have the more impactful uses at the edge of the community along Old Lynchburg Road, and the amenities such as a Boys and Girls Club to be neighborhood/commercial.

Mr. Gallaway asked if there is a plan to allow residents to run their own businesses or to provide a coach. Mr. Rosensweig replied that the recently hired consultant will assist residents with ideas, with a goal of providing every possible avenue for them to do so.

Ms. McKeel stated that this is really exciting and addresses affordable housing in a more

sustainable way than the model the County has used in the past. She thanked everyone for their work on this huge undertaking.

Ms. Palmer noted the County does not yet have an affordable housing policy, and the proffer policy that sought to obtain some affordable housing is gone. She asked Mr. Walker if he would be able to determine a cost per unit for the project as they were able to do with the Brookdale development.

Mr. Randolph interjected that one difference is that labor for the Southwood project would be primarily donated by volunteers, which makes a comparison difficult.

Ms. Palmer explained that she is concerned with the cost of the County's taxpayer investment.

Mr. Walker replied that they are not yet at the point where they can understand exactly what the number per unit would be, and as they move to Phase 1 and get clarity as to how this phase would translate into affordable units, they will be better able to understand how local tax dollars and private contributions will equate to on a per-unit basis. He emphasized that the nature of this development does not lend itself to the same analysis as the Brookdale development, but that they eventually would be able to communicate both per-unit and in-kind costs of staff investment time to the Board.

Ms. Palmer expressed hope they would have this figure for Phase 1. She added that she would like to have an affordable housing policy.

Mr. Randolph **moved** that the Board adopt the Phase 1 Action Plan. Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

Mr. Randolph **moved** that the Board adopt the proposed resolution to approve the Performance Agreement with Habitat for Humanity. Ms. McKeel **seconded** the motion.

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

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

NAYS: None.

**RESOLUTION TO APPROVE THE PERFORMANCE AGREEMENT
BETWEEN THE COUNTY OF ALBEMARLE AND HABITAT FOR HUMANITY FOR THE
REDEVELOPMENT OF SOUTHWOOD MOBILE HOME PARK**

WHEREAS, the Board of Supervisors finds that it is in the best interest of the County to enter into a Performance Agreement with Habitat for Humanity regarding the redevelopment of the Southwood Mobile Home Park.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia hereby approves the Performance Agreement with Habitat for Humanity and authorizes the County Executive to execute the Agreement on behalf of the County once it has been approved as to substance and form by the County Attorney.

AGREEMENT

THIS AGREEMENT is made and entered into on January ____, 2018, by and between the **COUNTY OF ALBEMARLE, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (the "County"), and the **HABITAT FOR HUMANITY OF GREATER CHARLOTTESVILLE, INC.**, a Virginia corporation, ("Habitat") and its successors and assigns.

Recitals

- R-1** Southwood Charlottesville LLC, a limited liability company wholly-owned by Habitat, is the owner of those parcels identified as Tax Map Parcel Numbers _____, (the "Property"), which composes the Southwood Mobile Home Park ("Southwood") in Albemarle County; and
- R-2** Habitat intends to redevelop Southwood, which currently has the largest concentration of substandard housing in Albemarle County, into a mixed income, mixed use development by removing the existing 341 mobile homes and replacing them with approximately 700 to 800 dwelling units composed of a variety of housing unit types, and doing so through a community-developed vision that will not displace Southwood's current residents; and
- R-3** Habitat's redevelopment of Southwood presents a unique opportunity to significantly improve the health and welfare of the largest concentration of County residents living in substandard housing; and
- R-4** The County has received a one-time funding request for 2018 from Habitat in the amount of \$675,000 to support a variety of work related to planning for the Phase I rezoning of the redevelopment of Southwood; and

- R-5** Habitat projects approximately \$75,000,000 in revenues toward the redevelopment of Southwood, of which approximately \$28,000,000 will be from outparcel sales, \$17,000,000 will be from direct or leveraged public funds, and \$30,000,000 will be from private source fundraising; and
- R-6** The build-out of Phase I of Southwood is currently scheduled to be completed on or around 2023 and the build-out of Phase II is currently scheduled to be completed on or around 2034; and
- R-7** Habitat and County staff are working closely with each other, with current Southwood residents and with surrounding communities to develop a plan that improves quality of life in the southern section of the County's "urban ring" development area and, therefore, anticipate being able to move swiftly through the permitting process; however, given the desire to produce consensus, it may be necessary to extend certain deadlines in order to maximize community agreement and for other reasons; and the parties intend to negotiate in good faith at any time if a full or partial extension of any deadline in this Agreement is warranted; and
- R-8** The County is committed to timely review and act on all submittals related to this project including those related to land development activity, the release of funds, and any other aspect of the partnership as envisioned by this Agreement for which submittals are required.

Terms and Conditions for the County's Contribution and Habitat's Use of Funds

The parties agree as follows:

- 1. Authority.** The contributions by the County to Habitat as provided in this Agreement are made pursuant to Virginia Code § 15.2-953. The County, through its Board of Supervisors (the "Board of Supervisors") is enabled by Virginia Code § 15.2-953 to appropriate funds to charitable institutions. Habitat is a charitable institution that is eligible to receive appropriations of public funds under Virginia Code § 15.2-953.
- 2. Contribution by the County.** The County agrees to contribute to Habitat a total of \$675,000 as provided in Section 3 of this Agreement. The contribution by the County in any fiscal year is subject to nonappropriation by the Board of Supervisors as provided in Section 10 of this Agreement. Habitat warrants that this funding will be sufficient to achieve the deliverables herein and therefor agrees to not request further County funding contributions for this purpose for the remainder of calendar year 2018.
- 3. Timing of the Contribution of Funds by the County to Habitat and the Purposes for Which the Contributed Funds May be Used.** The County will make 2 contributions to Habitat at the times stated below and the funds shall be used by Habitat solely for the purposes stated below:
 - A. First contribution.** \$400,000 will be contributed by the County to Habitat on or before June 30, 2018. The contributed funds shall be used solely to pay for Habitat's cost, in whole or in part, to submit to the County before June 30, 2018 a complete application to amend the portion of the zoning map applicable to the Property for Phase 1 of the Southwood redevelopment project (the "Phase 1 Rezoning") and for related purposes. The related purposes for which the contributed funds may be used are those identified in the "FY 18 Traunch 1" column and its corresponding "Deliverables" column on Exhibit A, and as those deliverables are further described in Exhibit B. Exhibits A and B are incorporated into and made a part of this Agreement.
 - B. Second contribution.** \$275,000 will be contributed by the County to Habitat between July 1, 2018 and December 30, 2018. The contributed funds shall be used solely to pay for Habitat's cost, in whole or in part, to prepare and submit a proposed application plan and code of development for the Phase 1 Rezoning, and for related purposes. The related purposes for which the contributed funds may be used are those identified in the "Q1 + Q2 FY 19 Traunch 2" column and its corresponding "Deliverables" column on Exhibit A, and as those deliverables are further described in Exhibit B.
- 4. Return of Contributed Funds.** The County may require return of its contributed funds in part or in their entirety in either of the following circumstances:
 - A.** Habitat does not submit a complete application for the Phase I Rezoning by June 30, 2018.
 - B.** The County's Board of Supervisors is unable to take final action on the Phase I Rezoning by June 30, 2019 due to the actions or inaction of Habitat, its agents, or its independent contractors.

Additionally, the County shall require return of its contributed funds in part or in their entirety in any of the following circumstances:

- A.** Habitat loses its status as a charitable institution under the rules of the United States Internal Revenue Service on or before the County's Board of Supervisors takes final action on the Phase 1 Rezoning.

- B. Habitat ceases to own the Property on or before it expends all of the County's contribution, subject to the proviso in Section 7(C) of this Agreement.

5. Prorated Return of Contributed Funds. The County may require funds to be returned to the County on a prorated basis in the following circumstances.

- A. If Habitat does not submit to the County at least one complete initial site plan or preliminary subdivision plat, or a combination thereof, for review and approval for the first village in Phase 1 by December 18, 2019 due to the actions or inactions of Habitat, its agents, or its independent contractors, the County may require Habitat or its successors or assigns to return to the County \$300,000 of the contributed funds.
- B. If Habitat does not submit to the County at least one complete initial site plan or preliminary subdivision plat, or a combination thereof, for review and approval for the entirety of Phase 1, which likely will include residential villages, mixed income housing, and neighborhood commercial uses, by December 18, 2021 due to the actions or inactions of Habitat, its agents, or its independent contractors, the County may require Habitat or its successors or assigns to return to the County \$200,000 of the contributed funds.
- C. If Habitat does not obtain from the County final site plan or final subdivision plat approval or a combination thereof, due to the actions or inaction of Habitat, its agents, or its independent contractors, for the entirety of Phase 1 by December 18, 2022, the County may require Habitat or its successors or assigns to return to the County \$100,000 of the contributed funds.
- D. If Habitat does not obtain from the County building permits for one or more dwelling units and/or one or more commercial structures by December 18, 2023 due to the actions or inaction of Habitat, its agents, or its independent contractors, the County may require Habitat or its successors or assigns to return to the County \$50,000 of the contributed funds.

6. Security for the County's Contribution in the Event of Habitat's Failure to Satisfy Section 4.

The County, in its sole discretion, may record an instrument against the Property to secure the return of its contributed funds under any of the circumstances described in Section 4 of this Agreement. Habitat will sign the documents necessary to allow the County to record its instrument, and will not otherwise prevent, or seek to prevent, the County from recording its instrument. The County instrument will be subordinate to any instrument recorded by one or more financial institutions to secure its funding provided to Habitat for Phase 1. The County will sign the documents necessary to subordinate its instrument to the instrument recorded, or to be recorded, by the financial institution, and will not otherwise prevent, or seek to prevent, the financial institution from recording its instrument. The County will promptly and timely release any instrument that it records to secure the return of its contributed funds as provided under this Section when Habitat is no longer obligated to return contributed funds as provided under Section 4 of this Agreement. The County shall also provide prompt and timely release or partial release of any instrument required for outparcel sales in the normal course of development, irrespective of any amount that may still be subject to return by Habitat to the County pursuant to this Agreement. Habitat shall not be responsible for any costs, including recording costs, incurred by the County for it to record any instrument under this Section.

7. Obligations of Habitat. Habitat shall:

- A. Endeavor to submit to the County a complete application for the Phase I Rezoning by June 30, 2018.
- B. Maintain its status as a charitable institution under the rules of the United States Internal Revenue Service through 2023.
- C. Ensure that Southwood Charlottesville LLC continues to own the Property at least until December 31, 2018, provided that: (i) this subsection will be deemed to be satisfied if Habitat becomes an owner or a co-owner with Southwood Charlottesville LLC of the Property at least until December 31, 2018; (ii) this subsection will be deemed to be satisfied even though Southwood Charlottesville LLC or Habitat sells lots within the Property created by a subdivision plat approved by the County after the date of this Agreement; (iii) the Board of Supervisors may, in its sole discretion, determine that a change in the legal status of Habitat as a corporation (e.g., from a corporation to another entity) is not a change in ownership for purposes of this Agreement, and (iv) in the normal course of development, should a restructuring of any or all of the ownership of the parcels of land in Southwood currently subject by this Agreement be required in order to achieve the goals envisioned by this Agreement, the Board of Supervisors may, in its sole discretion, determine that the restructuring will not cause a default and trigger a repayment of the funds provided under this Agreement.

- D. From the date of this Agreement and until the design and construction of Habitat's redevelopment of Southwood is 100% funded, diligently conduct a public and private capital campaign and sell outparcels, contribute Habitat Store revenue, obtain financing, and take other actions and engage in other activities to pay for the cost of the design and construction of Southwood.
 - E. Not discriminate against any resident or potential resident of Southwood, or any other person or entity related in any way to the redevelopment and occupancy of Southwood, on any basis prohibited by federal or state law.
8. **No Goods or Services Received by the County.** The contribution of funds to be made by the County pursuant to this Agreement are solely to enable Habitat to plan and design Phase 1 of Southwood. The descriptions of the proposed redevelopment of Southwood state the public and charitable purposes that may be served by the County's contribution, and are not a description of any goods or services being procured by the County by this Agreement.
9. **No Agreement to Amend the Zoning Map.** Nothing in this Agreement constitutes an Agreement by the County or its Board of Supervisors to amend the portion of the zoning map applicable to the Property.
10. **Nonappropriation.** The obligation of the County to contribute funds as provided in Sections 2 and 3 of this Agreement is subject to, and dependent upon, appropriations being made from time to time by the Board of Supervisors. Under no circumstances shall this Agreement be construed to establish an irrevocable obligation on the County to contribute any funds to Habitat.
11. **Non-severability.** If any provision of this Agreement is determined by a court having jurisdiction to be unenforceable to any extent, the entire Agreement is unenforceable.
12. **Entire Agreement.** This Agreement states all of the covenants, promises, agreements, conditions, and understandings between the County and Habitat regarding the County's contribution of funds.
13. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia.
14. **Amendments.** This Agreement may be amended by a written amendment signed by the authorized representatives of the parties.
15. **Force Majeure.** In the event Habitat's timely performance of Section 4(A) or 4(B) (the first) of this Agreement is interrupted or delayed by any occurrence not occasioned by the conduct of either Habitat or the County, whether the occurrence is an Act of God such as lightning, earthquakes, floods, or other similar causes; a common enemy; the result of war, riot, strike, lockout, civil commotion, sovereign conduct, explosion, fire, or the act or conduct of any person or persons not a party to or under the direction or control of either Habitat or the County, then performance of Section 4(A) or 4(B)(the first) of this Agreement shall be excused for a period of time as is reasonably necessary after the occurrence to remedy the effects thereof.

WITNESS, the following authorized signatures:

**HABITAT FOR HUMANITY OF GREATER
CHARLOTTESVILLE, INC.**

Dan Rosensweig, President and Chief
Executive Officer

COUNTY OF ALBEMARLE, VIRGINIA

Ann H. Mallek, Chair
Albemarle County Board of Supervisors

EXHIBIT A					Performance Agreement Exhibit A	
Sources and Uses of Funds						
		FY18			Q1 + Q2 FY19	
		Draw 1	Deliverables		Draw 2	Deliverables
SOUTHWOOD REDEVELOPMENT	SOURCES OF FUNDS:					
	1 Income from trailer park operations	63,900			54,785	
	2 Public Fundraising (VHDA, DHCD)	105,000			175,000	
	3 Private Fundraising	36,700			21,835	
	4 County Grant Request*	400,000			275,000	
	5 TOTAL SOURCES OF FUNDS	605,600			526,620	
	USES OF FUNDS:					
	8 Ongoing Community Engagement initiatives	179,130			206,430	
	9 Office overhead	5,670			5,670	
	10 Professional development and training for staff	5,200	7, 12		8,320	7, 12
	11 Small business development consultant	30,000	13		0	
	12 Community Surveys + interviews	21,000	7, 13, 16, 17		12,000	10, 11, 13, 16, 17, 20
	13 Meeting facilitation for design consultants	4,110	1, 3, 4, 9		3,140	9, 11, 14, 15
	14 Interpretation for design meetings	6,950	3, 4, 9		5,940	9, 11, 14, 15
	15 Materials for workshops + redevelopment programming	21,490	3, 4, 6		18,220	6, 11, 14, 15
	16 Leadership program development	25,600	6, 9, 13, 17		21,400	6, 9, 10, 13, 17
	17 Tracking software	3,850	20		3,300	20
	18 Community Engagement	303,000			284,420	
	19 civil engineering	42,000	2, 3, 5, 8		36,000	14, 15, 18
	20 environmental engineering	21,000	5, 8		24,000	14, 15, 18
	21 architecture	105,000	1, 3, 4, 5, 8		90,000	11, 14, 18
	22 landscape architecture	49,000	3, 5, 8		36,000	14, 15, 18
	23 Engineering and Design	217,000			186,000	
	24 permit fees	20,000	8		0	
	25 ER, Phase I, traffic study	50,000	8		25,000	18
	26 Parcel Development	70,000			25,000	
	27 Trailer Acquisition	15,600	16		31,200	16
	28 Release of land from seller financing	0			0	
	29 Amenity Development	0			0	
	30 Other soft costs	0			0	
	31 TOTAL PLANNED USES OF FUNDS	605,600			526,620	
	32 NET ANNUAL PROJECT CASH FLOW	0			0	
	33					

*County Grant request items are highlighted in green and only include specific, direct redevelopment-related expenses that are necessary for producing the list of deliverables

Performance Agreement Exhibit B



Exhibit C

2018 Deliverables

1. **Action Plan** submitted to Albemarle County Board of Supervisors. The plan establishes a County-Habitat partnership structure, creating teams around the themes of Planning, Policy, Funding and Services. Cross-sectorial coordination is critical to holistic, sustainable redevelopment of Southwood, and each team will be staffed by the appropriate County and Habitat representatives in order to make innovative decisions in these fields.
2. **Traffic Study** completed by Habitat civil engineering consultant as part of the Phase I rezoning application.
3. **Conceptual Road Layout** for Phase I of redevelopment created by Habitat civil engineering consultant through work with Habitat landscape architecture consultant to create a logical, safe and interconnected roads system that respects the existing topography of the site and maintains a balance between development and preservation of existing natural features valued by Southwood residents
4. **Code of Development** written by Habitat architectural consultants in partnership with Albemarle County planning staff and reflecting the vision and goals of Southwood residents
5. **Phase I Application Plan** developed by Southwood residents and Habitat architectural, landscape architectural, civil engineering and environmental engineering consultants identifying uses, densities and other appropriate information for the development of Phase I of redevelopment
6. **Resident Planning + Leadership Development** through trainings and workshops led by Habitat Community Engagement staff and consultants to continue preparing residents to thoughtfully and intelligently interact with the rezoning and planning process
7. **Neighboring Community Outreach + Engagement** by Habitat Staff to incorporate the vision and aspirations of neighboring communities into the planning process and build a strong cohort of community support for Southwood rezoning and redevelopment
8. **Phase I Rezoning Application** submitted to Albemarle County by February with projected approval of Rezoning request by Albemarle County Board of Supervisors by December 2018.



9. **Planning 101** offered in partnership between Albemarle County Staff and Habitat Staff to inform residents on the County planning and approvals process to better equip community members to interact effectively with their local government
10. **Neighborhood Plan** Facilitated by Habitat Community Engagement staff through intensive work with Southwood residents as an expression of the community's future vision for a redeveloped neighborhood around themes like Amenities, Economic Opportunities, Education, Health, Housing, Safety, and Transportation.
11. **Expanded Housing Product Line** developed by Habitat staff and architectural consultants to ensure ample and innovative affordable housing solutions as well as solutions in the workforce and market rate housing spectrum
12. **Financial Coaching** by trained Habitat Community Engagement Staff working one-on-one with Southwood families to assess their housing goals and develop individual plans for homebuyer or rental readiness
13. **Entrepreneur and Microenterprise Identification** by Habitat staff and consultants through working with the aspirations and goals of Southwood small business owners to prepare them for success in the redeveloped Southwood, identifying potential economic development opportunities that may manifest in Phase I
14. **Conceptual Design of Multi-Modal Trail System** developed by Habitat environmental and civil engineering consultants in coordination with landscape architecture consultants that fit the Southwood resident vision for safe recreation and transportation routes that will also serve to connect the larger Albemarle County community to regional recreation opportunities like Biscuit Run State Park.
15. **Conceptual Design of Active and Passive Use Recreational Facilities** developed by Habitat environmental and civil engineering consultants in coordination with landscape architecture consultants that fit the Southwood resident vision for family-centered recreational amenities
16. **Resident Rehousing Strategy** development by Habitat staff, inclusive of likely proactive trailer acquisition, to ensure a redevelopment process that provides rehousing opportunities on site to ensure the retention of the existing Southwood community and culture

November 22, 2017



17. **Early Adopters Cohort** self-identify and work directly with Habitat Community Engagement staff to prepare for moving into the first Model Village
18. **Conceptual Design of First Model Village** developed by Habitat architectural, landscape architectural, civil engineering and environmental engineering consultants through direct partnership with Southwood Early Adopters
19. **Resource Development Plan** finalized by Habitat staff, identifying individual, corporate and foundation fundraising opportunities as part of Habitat's Capital Campaign and utilizing visual materials produced by consultants as part of the land development process
20. **Baseline Metrics** collected by Habitat staff and consultants to be able to demonstrate measurable improvement in resident quality of life through the process of Southwood redevelopment

(Note: Attendees applauded.)

Ms. Mallek welcomed the celebration and commented that they have accomplished so much and have learned a great deal over the past few years about affordable housing, which will be reflected in a new affordable housing plan once it is written.

Ms. Mallek apologized for not having recognized the present security officer, Officer Thomas and his colleague as officers of the day, as well as Senior Deputy Clerk, Travis Morris.

NonAgenda. The Board recessed their meeting at 7:25 p.m. and reconvened at 7:36 p.m.

Agenda Item No. 11. **SP201700017 Greenmont Hopworks.**

PROJECT: SP201700017 Greenmont Hopworks Processing Facility.

MAGISTERIAL DISTRICT: Samuel Miller.

TAX MAP/PARCEL(S): 12100-00-00-09200 LOCATION: 1463 Plank Road.

PROPOSAL: Construct a hops-processing facility, including a 10,000-square-foot structure.

PETITION: Commercial fruit or agricultural produce packing plant under section 10.2.2.23 of the Zoning Ordinance on a 5.75-acre parcel. No dwelling units proposed.

ZONING: RA Rural Area - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots).

OVERLAY DISTRICT(S): Entrance Corridor.

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

(Advertised in the Daily Progress on December 25, 2017 and January 1, 2018.)

The Executive Summary forwarded to the Board states that at its meeting on December 19, 2017, the Planning Commission voted unanimously to recommend approval of SP201700017 with conditions. Attachments A, B, and C are the Commission's action letter, staff report, and minutes, respectively.

The County Attorney has prepared the attached Resolution to approve the special use permit. Non- substantive changes were made to the conditions to clarify that the agricultural processing activities shall be contained within the agricultural-processing structure, and to insert the specific date of January 10, 2020 as the date that is two years from Board approval.

Staff recommends that the Board adopt the attached Resolution (Attachment D) to approve SP201700017.

Mr. Scott Clark, Senior Planner, reported that this request is for an agricultural produce packing plant on Plank Road in Keene. He presented a map of the property and surrounding area, which is located to the west of the Route 20 intersection. He pointed out a nearby post office and store. He said the facility will be for storage and processing of hops and will contain a building of up to 10,000 square feet. He said the facility will operate up to 24 hours per day from July to September with limited use during the rest of the year, and it will take in hops from local and regional producers. Mr. Clark presented a conceptual plan drawing of the facility and surrounding area and pointed out various features. He noted that all processing will take place indoors, with the only noise impact from air conditioners, and the applicant has agreed to not use refrigerated trailers but will instead have refrigerators inside the building. He said the proposal includes a 50-foot minimum setback between the property and adjacent parcels.

Mr. Clark explained that peak season deliveries will consist of six trailer loads of hop vines per day that will be emptied in the building and taken away. He stated that VDOT and Albemarle County Fire and Rescue have reviewed the proposal and do not have objections. He said the water impact will be minimal as it will be a drying facility not using much water, with storm water impacts to be reviewed during the site plan, and there is a commitment from the applicant to protect a 100-foot stream buffer at the rear of the property. He said the Comprehensive Plan supports activities that connect local growers with markets, which is what this facility does as it makes a highly perishable product more viable. He noted that the Comprehensive Plan addresses entrance corridor impacts at Route 20, and the approved conditions specify that the building must be outside of the 500-foot entrance corridor.

Mr. Clark presented two favorable factors: the proposed use supports the County's goal for maintaining and protecting agriculture in the Rural Area; and the impacts of the use on the surrounding area are minimal and can be managed through design limitations. He said there are no unfavorable factors.

Mr. Clark noted that the Planning Commission had recommended approval, with several conditions that he would quickly review. He said one condition was that the application be in general accord with the conceptual plan, with the retention of wooded areas, a 10,000-square-foot building limit, building location outside of the entrance corridor, nighttime processing limits to indoors, indoor refrigerated storage, standard condition for lighting cutoff fixtures, and a two-year time limit. He invited questions.

Mr. Randolph said he had recalled initial discussions about locating the building on the north side of Plank Road and not on the south side, as he thought the electrical box they would connect to is on the north side. Mr. Clark replied that none of the discussions with the applicant have involved the north side.

Ms. Mallek opened the public hearing.

Mr. Andrew Cox, Director of Business Development of Greenmont Hopworks, addressed the Board. He explained that the hops market has grown similarly to the craft beer market in Virginia and now has approximately 60 growers, with planted acreage increasing by 65% between 2005 and 2017. He

added that Virginia Tech, North Carolina State, and Virginia State universities are conducting research on how to increase regional crop yields, and brewers are looking for a processed hops product they can use at their discretion. He reviewed the hops processing cycle as follows: hops vines are harvested and stripped using a mechanical harvester; hops are sold to brewers wet or are dried to 10% moisture; and hops are palletized and packaged for later use, which allows them to stabilize. He presented a Virginia Cooperative Extension map of current growers and commented that three or four additional growers are likely to come online in Albemarle County within the next two years. He explained the operational process consists of harvesting, drying, packaging, and storage, and the operational period consists of hop harvest, order fulfillment, and facility dormancy. Mr. Cox indicated that the period from October through June would involve largely administrative and repackaging functions, with no harvesting during these months. He presented a graph of estimated delivery trips per day, delineated by each month, and the chart showed a peak delivery period during the months of July to September; with an estimated 14 employee and delivery trips per day, while in the winter and early spring there would be only 2 trips per day.

Mr. Cox listed the following positive impacts to Virginia industry from the facility: horticulture, brewing and distilling, tourism, and research. Under the category of horticulture, he reviewed the benefits of increased crop diversification and knowledge base as well as increased revenue to Virginia farmers. Under brewing and distilling he reviewed the benefits of greater availability of local hop products and the ability to produce more local beer products. Under tourism he reviewed the benefits to vineyards and wineries as well as hop yards. Under research he reviewed the benefit of more acreage available for higher quality research which would benefit Virginia Tech, Virginia State and North Carolina State Universities. He invited questions.

Ms. Mallek asked if the cultivars grown in the area taste good. Mr. Cox replied that the Cascade variety is the most popular hop in the world, as it is easy to grow and makes for a pleasing beer, and is used by many craft brewers for pilsners and lagers.

Mr. Randolph added that James River Brewery in Scottsville uses Mr. Cox's company's product.

Mr. Randolph asked if the facility was to originally be located on the north side of Plank Road due to its proximity to an electrical box. Mr. Cox replied that the electrical box is on the south side and his facility will run lines to it.

Ms. Palmer noted that there is a plethora of invasive plants in the area and asked if hops could be an invasive plant to neighboring properties.

Mr. Cox replied that they only use female plants, whereas it is the male plants that have spores that are invasive. He added that in the spring they would till up the rhizomes, which will prevent further lateral spreading across the ground. Additionally, he said they will do mowing and tilling to place fertilizer in the ground and to control roots, which he described as industry best practices.

Ms. McKeel asked if they will offer facility tours. Mr. Cox replied that they had not thought about or planned this, and the plant would be very hot during harvest.

Ms. Barbara West, resident of Samuel Miller District, addressed the Board. She said that she and her husband live across from the Keene Post Office on Esmont Road and would like to address some concerns. She noted the dangerous intersection at Route 20 South and Plank Road, which was deemed problematic for other ventures that were considered for the Keene area. She expressed concern over smell and related her experience living in Cedar Rapids, Iowa near a Quaker Oats plant, which produced foul odors. She said her family had lived 10 miles away, yet they breathed the putrid smell when the winds blew in a certain direction. She asked that before allowing a commercial/industrial plant in the rural agricultural residential area, they first have a government agency certify that the smell and noise would be totally within the building. She said it appears to her that the location is the most convenient place, but not the most appropriate place.

Mr. Hal West, resident of Samuel Miller District, addressed the Board. He stated that he wonders why a commercial/industrial enterprise is being considered for an area zoned for agriculture, and suggested the plant be located in a more practical area, such as the Scottsville tire plant, which has parking and access space. He pointed out that a spring that feeds into a stream leading into the James River and then the Chesapeake Bay is located between the proposed site and the post office, and he wonders whether federal and state agencies should be contacted for an inspection. He asked if chemicals or water would be dumped outside the plant during the processing.

Mr. Clark responded the facility is permitted within an agriculturally zoned district because it is an agricultural packing plant and an agriculturally-related use for processing of locally grown produce. Addressing the question of odors, he said this was discussed with the applicant and it was staff's understanding that there is no outlet to the outdoors and they will be conducting drying operations that do not vent with a chimney. He added that drying of hops has been occurring on the adjacent parcel as a by-right use of hops from their own farm, and no complaints about smell have been received. Addressing the issue of the presence of a nearby spring, he said the conceptual plan stream buffer of 100 feet is required under the County's water protection ordinance and the applicant has committed to maintaining the 100-foot buffer. Addressing the impact of chemical use, he said that questions about this were posed to the applicant and there were none identified.

Ms. Palmer commented that VDOT had looked at the intersection and made some adjustments.

Mr. Clark replied that VDOT's review did not mention the Route 20 intersection. He emphasized that at maximum use, there would only be 14 vehicle trips per day to the facility. He said that VDOT's focus was on the relocation of an old entrance to the property to what was proposed on the plan.

Ms. Megan Murray, resident of Esmont, addressed the Board. She said the plan includes a change to the entrance because of line-of-sight distance to restore the original driveway to the site, as this provides the best view for those entering and exiting. Addressing the issue of odors, she said the hop cone smells like beer as it gives beer its flavor. Addressing the issue of the facility's location in an agricultural district, she explained her understanding from speaking with Susan Stimart was that they had the right to process their own product, which they already do, and the purpose of the special use permit is to allow them to use products from other farms. She explained that the process involves applying heat and air to wet hops and then packaging and pelletizing them. She indicated there is a smell released, but it does not travel very far.

Mr. Clark pointed out on a map the location of the applicant's current drying facility.

Ms. Murray addressed the question as to why they are not using the Scottsville tire facility. She pointed out that the property is already owned by the applicant, who has experimented for two years with a small facility and now wants to expand to use hops from other farmers in an effort to make the process facility commercially viable.

Mr. Dill asked if there are limits to the facility's future expansion under agricultural use and if the facility is limited to the use of hops or if other crops could be processed in the same building. Mr. Clark replied that the conditions of the special use permit would limit expansion by the size of the building, and an amended special use permit would have to be approved for facility size expansion. He explained that the conditions do not limit the type of produce that may be processed as they do not want to require a new special use permit process when there is already a restriction on size.

Mr. Randolph recognized that more hops would be grown in the County as a result of the facility, which provides an economic development benefit, as the area would be one of only two in the country where locally grown hops are viable. He added that Virginia Tech had been encouraging farmers to move into growing hops as a viable cash crop in a blossoming industry.

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

Ms. Palmer thanked Mr. and Mrs. West for appearing and expressing their concerns and said that the applicant will be sensitive to their concerns so they should reach out to the applicant if a concern arises. She said there are other agricultural processing operations in her district that operate well with neighbors, and she has not heard complaints. She expressed her belief that the use of the property is very reasonable, is compatible with the Comprehensive Plan, and is a productive use of the applicant's property.

Ms. Palmer **moved** that the Board adopt the proposed Resolution to approve SP-2017-00017, subject to the conditions as recommended. Mr. Randolph **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

RESOLUTION TO APPROVE SP 2017-17 GREENMONT HOPWORKS PROCESSING FACILITY

WHEREAS, the Owners of Tax Map Parcel 12100-00-00-09200 filed an application to construct a hops-processing facility, including a 10,000-square foot structure, and the application is identified as Special Use Permit 2017-00017 Greenmont Hopworks Processing Facility ("SP 2017-17"); and

WHEREAS, on December 19, 2017, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2017-17 with conditions; and

WHEREAS, on January 10, 2018, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2017-17.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2017-17 and all of its attachments, the information presented at the public hearing, and the factors relevant to the use in Albemarle County Code § 18-10.2.2.23 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 2017-17, subject to the conditions attached hereto.

* * * * *

SP-2017-00017 Greenmont Hopworks Processing Facility Conditions

1. Development and use shall be in general accord with the conceptual plan titled "Special Use Concept Plan for Greenmont Hopworks," prepared by Shimp Engineering, and dated 11/22/2017 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in accord with the Conceptual Plan, development and use shall reflect the

following major elements within the development essential to the design of the development, as shown on the Conceptual Plan:

- All uses associated with the Special Use Permit are conducted within the boundary of the Conceptual Plan labeled "Limits of SP"
- All trees located within the area of the Conceptual Plan labeled as "Wooded Area to Remain" shall remain undisturbed unless approval for removal is obtained from the Zoning Administrator.

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

2. The agricultural-processing operation shall be contained within a single structure whose footprint shall not exceed ten thousand (10,000) square feet.
3. The agricultural-processing structure shall be located at least five hundred (500) feet from the Route 20 Entrance Corridor.
4. Agricultural processing activities shall be contained within the agricultural-processing structure between 7:00 p.m. and 7:00 a.m.
5. Refrigerated storage of agricultural goods shall only occur within the agricultural-processing structure.
6. All outdoor lighting shall be only full cut off fixtures and shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at all property lines to no greater than 0.3 foot candles shall be submitted to the Zoning Administrator or their designee for approval.
7. If the use, structure, or activity for which this special use permit is issued is not commenced by January 10, 2020, the permit shall be deemed abandoned and the authority granted thereunder shall thereupon terminate.

Agenda Item No. 12. **ZTA 2017-08 Manufactured Homes**. To receive comments on its intent adopt the following ordinance changes to the Albemarle County Code: Amend Sections 18-3.1, 18-5.3, 18-5.3.2, 18-5.3.2, 18-5.3.3, 18-5.3.4, 18-5.3.5, 18-5.3.6, 18-5.3.7, 18-5.3.7.1, 18-5.3.7.2, 18-5.3.7.3, 18-5.3.7.4, 18-5.3.7.5, 18-5.3.8, 18-5.3.8.1, 18-5.3.8.2, 18-5.3.8.3, 18-5.3.8.4, 18-5.3.8.5, 18-5.3.8.6, 18-5.3.8.7, 18-5.5, 18-5.5.1, 18-5.5.2, 18-5.5.3, 18-5.5.4, 18-5.5.5, 18-5.5.6, 18-5.6, 18-5.7, 18-5.7.1, 18-10.2.1, 18-10.2.2, 18-11.3.1, 18-12.2.1, 18-12.2.2, 18-12.4.3, 18-13.2.2, 18-14.2.2, 18-15.2.2, 18-16.2.2, 18-17.2.2, 18-18.2.2, and 18-24.2.1 to replace the term "mobile home" with manufactured home; Amend Sections 18-5.3, 18-5.5, and 18-5.7 to replace a numeric ordering system with an alphabetical and numeric ordering system; Amend Section 18-5.8 to establish new regulations for temporary industrialized buildings including a written statement provided by the site owner to the Zoning Administrator detailing the purpose and activities to be conducted in the temporary industrialized building, new diligent pursuit or good cause requirements for an extension of the temporary industrialized building's location on the site, and permitting the Zoning Administrator to impose reasonable conditions on temporary industrialized buildings; Amend Sections 18-5.3, 18-5.7, and 18-5.8 to capitalize the term Zoning Administrator; Amend Sections 18-5.3, 18-5.5, to capitalize the term Board of Supervisors; Amend Section 18-5.3 to remove the Planning Commission's authority to issue a special use permit for a manufactured home park, capitalize the terms Building Official and Fire Marshal, establish new design guidelines for streets located in manufactured home parks, replace the term Virginia Department of Highways and Transportation with Virginia Department of Transportation, and require all exterior lighting in a mobile home park to be approved by the Zoning Administrator; Amend Sections 18-5.3 and 18-5.8 to update manufactured home and temporary industrialized building skirting requirements; Amend Section 18-5.5 to replace the term conventional homes with single-family dwellings, remove the Planning Commission's authority to issue a special use permit for a manufactured home subdivision, and replace the term Code of Albemarle with County Code; Amend Section 18-5.6 to replace the term zoning districts with districts, and to restate that manufactured homes may only be used as primary residences on individual lots; Amend Section 18-5.7 to capitalize the term Building Official, delete the requirement that water and sewerage facilities must be approved by the Zoning Administrator and to restate that the property owner must certify the intended use of the manufactured home; and Amend Sections 18-22.2.1, 18-24.2.1, 18-26.2, and 18-30.6.5 to replace the term temporary mobile homes with temporary industrialized buildings.

(Advertised in the Daily Progress on December 25, 2017 and January 1, 2018.)

The Executive Summary forwarded to the Board states that on April 5, 2017, the Board of Supervisors adopted a resolution of intent to amend the Zoning Ordinance to update the term "mobile home" to "manufactured home" to bring the Ordinance into accordance with state and federal laws. HUD regulations classify all factory-built homes built after 1976 as "manufactured homes," while such homes built before 1976 are classified as "mobile homes." Currently, the Ordinance refers primarily to "mobile homes," and refers to outdated regulations and street standards for manufactured home parks. This amendment updates the ordinance to the current term for manufactured home, implements street width requirements for manufactured home park streets with on-street parking to create consistency with

current standards and practices, and adds back in diagrams that were mistakenly omitted from the current Ordinance. (See Attachment D.) Additionally, it clarifies that the special use permits allowing manufactured home subdivisions and parks may only be approved by the governing body of the County, as required by Virginia Code § 15.2-2286(A)(3).

The annotated draft ordinance (Attachment E) provides comments regarding the changes.

At its meeting on December 5, 2017, the Planning Commission voted unanimously to recommend adoption of ZTA 201700008. (See Attachments A, B, and C for the Planning Commission staff report, action memo, and minutes.)

The Commission was satisfied that the amendments proposed by staff were appropriate and recommended approval.

Staff and the Planning Commission recommend that the Board adopt the attached zoning text amendment (Attachment F).

Ms. Leah Brumfield, Senior Planner, stated that she would provide recommendations and staff's findings regarding a zoning ordinance update of all references to mobile homes changed to manufactured homes. She explained that the changes are fairly minor and pertain to Department of Housing and Urban Development (HUD) regulations of factory-built homes, also known as manufactured homes. She said the County's ordinance describes these as "mobile homes", but in the 1970's HUD made a distinction between factory-built homes with regulations and safety standards and the unregulated mobile homes constructed prior to 1976. She explained that the Code of Virginia recently incorporated this term change, which had prompted today's zoning text amendment. She pointed out that the term "manufactured home" does not apply to modular homes, which are regulated as stick-built, conventional, single-family dwellings or other conventional dwellings.

Ms. Brumfield listed dates in the process: April 5, 2017 – Board of Supervisors initiated this amendment with the adoption of a resolution of intent; and December 5, 2017 – Planning Commission voted unanimously to recommend adoption of the ZTA.

She explained that they had decided it was important to clean up the entire manufactured homes section of the ordinance as they prepared for recodification. She noted that this ZTA only addresses ordinance clarification and format and does not include larger policy shifts. She listed purposes for the ZTA as: update outdated and inaccurate language and referenced standards, prepare list formatting for recodification, address missing standards, and correct inaccuracies. She explained the changes: update the term "mobile home" with "manufactured home" throughout the ordinance, recognizing that as some older models are still in use they would continue to refer to these in common parlance as "mobile homes"; update formatting and correct inaccuracies; and clarify standards and incorporate street width standards for on-street parking in manufactured home parks and insert figure of manufactured home park street standards. She presented a slide that compared architectural drawings of the old mobile home park street standards with the updated manufactured home park street standards. She concluded and invited questions.

Ms. Mallek opened the public hearing.

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

Mr. Dill asked if there is a difference between mobile and manufactured homes or if they are just changing the vernacular. Ms. Brumfeld replied that many manufactured homes in the County are on rural lots, and the Code of Virginia regulates these the same as with stick-built homes. She said the changes to the ZTA would only affect manufactured home subdivisions and parks.

Ms. Palmer asked about homes that were put up in quadrant blocks and look like regular homes. Mr. Randolph responded that these are modular homes.

Ms. Echols added that they are pretty amazing and made to phenomenal standards. She explained that a recent development had been houses made of manufactured panels.

Ms. Palmer **moved** that the Board adopt the proposed ordinance to approve ZTA-2017-00008 Manufactured Homes. The motion was **seconded** by Mr. Dill. Roll was called and the motion carried by the following recorded vote:

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

ORDINANCE NO. 18-18(1)

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

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article I, General Provisions, Article II, Basic Regulations, Article III, District Regulations, and

Article IV, Procedures, are hereby amended and reordained as follows:

By Amending:

Sec. 3.1	Definitions
Sec. 5.3	Manufactured Home Parks
Sec. 5.3.1	Minimum Size Manufactured Home Parks
Sec. 5.3.2	Maximum Density
Sec. 5.3.3	Minimum Lot Sizes
Sec. 5.3.4	Location of Manufactured Homes
Sec. 5.3.5	Setbacks and Yards
Sec. 5.3.6	Application Plan Required
Sec. 5.3.7	Improvements Required –Manufactured Home Lots
	a. Utilities
	b. Markers for Manufactured Home Lots
	c. Outdoor Living and Storage Areas
	d. Additions to Manufactured Homes
	e. Installation of Manufactured Homes
Sec. 5.3.8	Improvements Required –Manufactured Home Park
	a. Off-Street Parking
	b. Internal Streets
	c. Recreational Requirements
	d. Pedestrian Access
	e. Service Areas and Accessory Uses
	f. Lighting
	g. Landscaping and Screening
Sec. 5.5	Manufactured Home Subdivisions
Sec. 5.5.1	Purpose
Sec. 5.5.2	Application
Sec. 5.5.3	Special Use Permit Required
Sec. 5.5.4	Minimum Size of Manufactured Home Subdivision
Sec. 5.5.5	Subdivision Control
Sec. 5.5.6	Application Plan Required
Sec. 5.6	Manufactured Homes on Individual Lots
Sec. 5.7	Temporary Manufactured Home Permit
Sec. 5.7.1	Expiration, Renewal
Sec. 5.8	Temporary Industrialized Building
Sec. 10.2.1	By Right
Sec. 10.2.2	By Special Use Permit
Sec. 11.3.1	By Right
Sec. 12.2.1	By Right
Sec. 12.2.2	By Special Use Permit
Sec. 12.4.3	Low and Moderate Cost Housing
Sec. 13.2.2	By Special Use Permit
Sec. 14.2.2	By Special Use Permit
Sec. 15.2.2	By Special Use Permit
Sec. 16.2.2	By Special Use Permit
Sec. 17.2.2	By Special Use Permit
Sec. 18.2.2	By Special Use Permit
Sec. 22.2.1	By Right
Sec. 24.2.1	By Right
Sec. 26.2	Permitted Primary and Accessory Uses and Structures; Prohibited Uses and Structures
Sec. 30.6.5	Development Exempt from Requirement to Obtain Certificate of Appropriateness

Chapter 18. Zoning

Article I. General Provisions

3.1 Definitions

. . .

Manufactured home: A structure subject to federal regulation which is transportable in one or more sections; is eight (8) body feet or more in width and forty (40) body feet or more in length in the traveling mode, or is three hundred twenty (320) or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The structure and use commonly known as a “mobile home” is a manufactured home. (Added 10-3-01)

. . .

Manufactured home lot: An area of land for the placement of a single manufactured home and for the exclusive use of its occupants.

Manufactured home park: One (1) or more contiguous parcels of land in which three (3) or more rental lots are provided for manufactured homes. (Amended 3- 5-86)

Manufactured home subdivision: A subdivision of land for the purpose of providing lots for sale for manufactured homes.

...

Travel trailer: A vehicular, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use; with the manufacturer's permanent identification "Travel Trailer" thereon; and when factory equipped for the road, being of any length provided its gross weight does not exceed four thousand five hundred (4,500) pounds, or being of any weight provided its overall length does not exceed twenty-nine (29) feet. For the purpose of this ordinance, a travel trailer shall not be deemed a manufactured home.

...

Article II. Basic Regulations

Section 5. Supplementary Regulations

...

Sec. 5.3 Manufactured home parks.

Sec. 5.3.1 Minimum size manufactured home parks.

A manufactured home park shall consist of five (5) or more contiguous acres.

Sec. 5.3.2 Maximum density.

A manufactured home park shall conform to the maximum gross density requirements of the district in which it is located.

Sec. 5.3.3 Minimum lot sizes.

Each manufactured home lot shall comply with the following area and width requirements:

- a. Manufactured home lots shall consist of at least four thousand five hundred (4,500) square feet, and shall have a width of at least forty-five (45) feet.
- b. Manufactured home lots served by either a central water or central sewerage system shall consist of at least forty thousand (40,000) square feet, and shall have a width of at least one hundred (100) feet.
- c. Manufactured home lots served by neither a central water supply nor a central sewerage system shall consist of at least sixty thousand (60,000) square feet and shall have a width of at least one hundred thirty (130) feet.

Sec. 5.3.4 Location of manufactured homes.

- a. Each manufactured home shall be located on a manufactured home lot. The lot shall provide space for outdoor living and storage areas and may provide space for a parking area.
- b. Each manufactured home lot shall front on an internal street.
- c. No manufactured home shall be located closer than fifty (50) feet from any service or recreational structure intended to be used by more than one (1) manufactured home.
- d. The minimum distance between manufactured homes shall be thirty (30) feet. The Albemarle County Fire Marshal may require additional space between manufactured homes if public water is not available or is inadequate for fire protection.

Sec. 5.3.5 Setbacks and yards.

- a. Manufactured homes and other structures shall be set back at least fifty (50) feet from the right-of-way of an existing public street.
- b. Manufactured homes and other structures shall be set back at least fifty (50) feet from the manufactured home park property line when it is adjacent to a residential or rural areas district.
- c. Manufactured homes and other structures shall be set back at least fifteen (15) feet from the right-of-way of internal private streets, common walkways and common recreational or service areas. This distance may be increased to twenty-five (25) feet for manufactured homes or structures at roadway intersections and along internal public streets.
- d. Manufactured homes and other structures shall be set back at least six (6) feet from any manufactured home space lot line.

Sec. 5.3.6 Application plan required.

An application plan shall be submitted as part of the application for a manufactured home park. The plan shall be reviewed by the site review committee, but shall be considered an initial site plan. Following approval of the special use permit, and prior to the issuance of a building permit or any clearing of the site, a final site plan shall be approved. The final site plan shall contain all the information required on the application plan in addition to all the information required in section 32.

The application plan shall contain the following information at a scale of one (1) inch equals forty (40) feet or larger:

- a. Location of the parcel by a vicinity map, and landmarks sufficient to identify the location of the property;
- b. An accurate boundary survey of the tract;
- c. Existing roads, easements and utilities; watercourses and their names; owners, zoning and present use of abutting lots, and location of residential structures on abutting lots;
- d. Location, type and size of ingress and egress to the manufactured home park;
- e. Existing and proposed topography accurately shown with a maximum contour interval of five (5) feet; areas shown with slopes of twenty-five (25) percent or greater;
- f. Flood plain limits;
- g. Proposed general road alignments and rights-of-way; general water, sewer and storm drainage lay-out; general landscape plan; common area with recreational facilities and walkways; service areas; common trash container locations; parking areas; a typical lot detail showing the manufactured home stand, outdoor living and storage areas, parking area, setbacks and utility connections; and any other information necessary to show that these requirements can be met.

Sec. 5.3.7 Improvements required – manufactured home lots.

- a. *Utilities.* Each manufactured home lot shall be provided with an individual connection to an approved sanitary sewage disposal system and an individual connection to an approved central water supply or other potable water supply.

Each manufactured home lot shall be provided with electrical service installed in accordance with the National Electrical Code.

- b. *Markers for manufactured home lots.* Each manufactured home lot shall be clearly defined on the ground by permanent markers. There shall be posted and maintained in a conspicuous place on each lot a number corresponding to the number of each lot as shown on the site plan.

- c. *Outdoor living and storage areas.* An outdoor living area shall be provided on each manufactured home lot. At least one hundred (100) square feet shall be hard surfaced.

Storage buildings not to exceed one hundred fifty (150) square feet shall be permitted in a designated area on each lot. Additional storage facilities may be provided in common areas.

- d. *Additions to manufactured homes.* Additions to manufactured homes are permitted, subject to the following conditions:

1. Albemarle County Building Official approval;
2. Applicable setbacks are met;
3. Total roof area lot coverage shall not exceed forty (40) percent of the manufactured home lot.

- e. *Installation of manufactured homes.* Installation of manufactured homes shall comply with the requirements of the Building Code.

Skirting shall be provided around the manufactured home from ground level to the base of the manufactured home within sixty (60) days of the issuance of a certificate of occupancy.

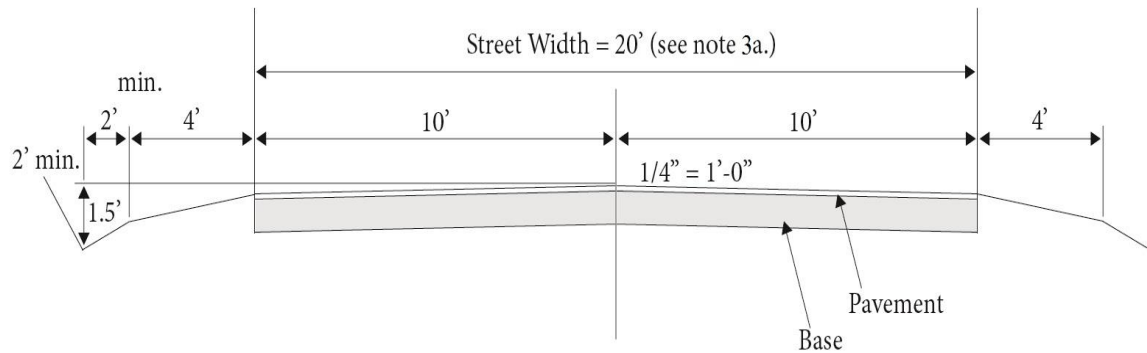
Sec. 5.3.8 Improvements required – manufactured home park.

- a. *Off-street parking.* Off-street parking for manufactured homes, recreational uses and service areas shall be provided in accordance with section 4.12 of this ordinance. Parking for manufactured homes may be provided on individual lots, or in convenient bays, in accordance with section 4.12.16. Additional parking area for recreational vehicles shall be provided in a common area at a rate of one (1) space per ten (10) units.

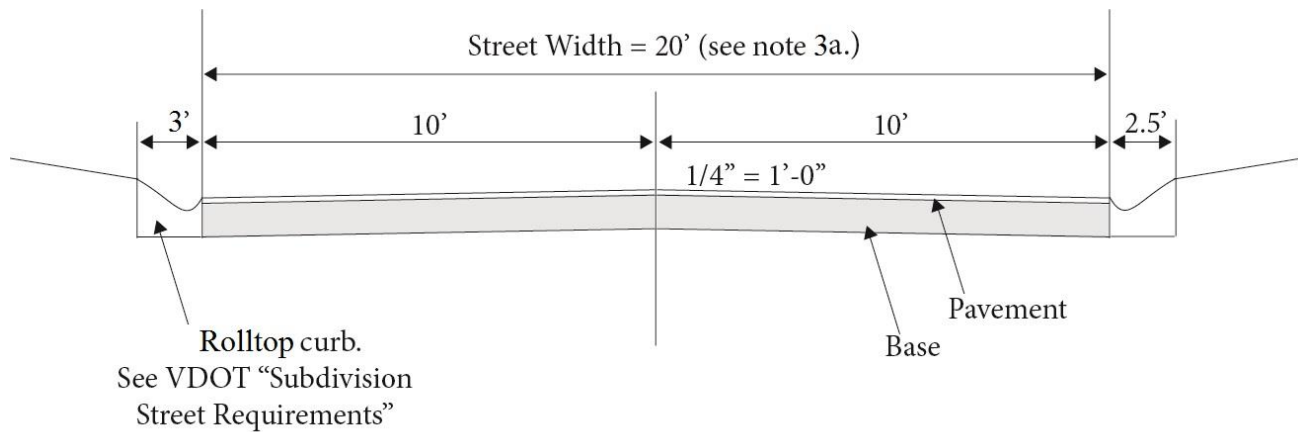
- b. *Internal Street.* A minimum right-of-way width of forty (40) feet shall be established on internal private streets for the purpose of measuring setbacks. The right-of-way shall be maintained clear of all obstructions.

Internal private streets shall be constructed to the following minimum standards:

1. Minimum typical section for access, entrance, or other connecting streets that do not abut manufactured home sites and for streets that do abut manufactured home sites where the lot frontage (measured at the manufactured home setback line) is an average of eighty-five (85) feet or greater.



2. Minimum typical section for all park streets that abut manufactured home sites where the lot frontage (measured at the manufactured home setback line) is an average of less than eighty-five (85) feet.



3. General Design Notes:
- (a.) Streets with no on-street parking serving up to fifty (50) manufactured home sites shall have a minimum width of twenty (20) feet. Streets with no on-street parking serving more than fifty (50) manufactured home sites shall have a minimum width of twenty-four (24) feet. Streets with on-street parking shall have a minimum clear width of at least twenty-two (22) feet, excluding parking space requirements.
 - (b.) Pavement shall be prime and double seal bituminous surface treatment. Base shall be six inches of 21A or 21B aggregate base.
 - (c.) Maximum longitudinal street grade is ten (10) percent.
 - (d.) Minimum vertical stopping sight distance is one hundred (100) feet.
 - (e.) Minimum horizontal centerline curve radius is two hundred and fifty (250) feet.
 - (f.) Cul-de-sacs shall have a minimum radius of forty-five (45) feet measured to the edge of pavement.
 - (g.) Minimum radius of edge of pavement at intersections is twenty-five (25) feet.
 - (h.) Roadside ditches shall be designed to contain the ten-year storm below the shoulder using Mannings "n" of 0.06 if lined with grass, or 0.015 if lined with concrete. Ditches may be grassed if the flow from the two-year storm does not exceed three feet per second for a Mannings "n" of 0.03. If the three foot per second velocity is exceeded, the ditches shall be paved with class A-3 concrete, four inches thick, to the depth of the ten-year storm. When the depth of the required roadside ditch (measured from the shoulder to the invert) exceeds 2.5 feet, the flow shall be piped in a storm sewer system.

- (i.) Driveway entrance culverts and culverts crossing streets shall be designed to contain the ten-year storm below the road shoulder using the appropriate Virginia Department of Transportation (VDOT) nomographs. When paved ditches are smoothly transitioned into the culverts, the culverts may be sized using Mannings formular. All culverts shall be concrete. Erosion control protection (VDOT standard EC-1) shall be placed at culverts when the outlet velocity exceeds five feet per second. Driveway culverts shall be a minimum of 12 feet long.
 - (j.) Driveways shall be paved the same as streets to the right-of-way line. Aggregate base may be four inches thick.
 - (k.) Curb drop inlets shall be placed along the tangent portions of the street or at the points of curve at intersections. Curb drop inlets shall be sized and located to prevent overtopping of the curb during the ten-year storm. Curb drop inlets shall be VDOT DI-3A, 3B, or 3C with a type "A" nose.
 - (l.) Storm sewers shall be designed in accordance with VDOT criteria.
 - (m.) All construction and materials shall be in accordance with current VDOT road and bridge standards and specifications.
- c. *Recreation requirements.* See section 4.16.
- d. *Pedestrian access.* The requirements of section 32.7.2.3 shall be met. (Amended 10-3-01)
- e. *Service areas and accessory uses.* Centrally located service buildings may provide common laundry facilities, office space for management and accessory uses as are customarily incidental to the operation and maintenance of a manufactured home park. Consolidation of the service building and indoor recreational facilities is permitted. Other uses may be established in accordance with the regulations of the district in which the park is located.
- f. *Lighting.* All proposed exterior lighting shall be shown. Lighting shall be directed away from manufactured homes, adjacent properties and roadways in a manner approved by the Zoning Administrator.
- g. *Landscaping and screening.* The requirements of section 32.7.9 shall be met. In addition, screening may be required in accordance with section 32.7.9.7 around the entire perimeter of the park, or part thereof, except where adequate vegetation already exists and a conservation plan has been submitted in accordance with section 32.7.9.4(b). (Amended 10-3-01)

(d: § 5.3.8.4, 12-10-80; Ord. 01-18(6), 10-3-01) (g: § 5.3.8.7, 12-10-80; Ord. 01-18(6), 10-3-01)

Sec. 5.4 (Repealed 3-5-86)

Sec. 5.5 Manufactured home subdivisions.

Sec. 5.5.1 Purpose.

This provision is designed primarily to benefit those who wish to acquire ownership or equity in a lot and occupy the premises themselves, but who may find it undesirable or difficult to construct a conventional single-family dwelling. Conventional single-family dwellings may be built in manufactured home subdivisions and owners of manufactured homes in these subdivisions may convert their residences from manufactured homes to single-family dwellings.

Sec. 5.5.2 Application.

These regulations shall supplement and be in addition to the regulations of the district in which any such subdivision shall be located, except that no regulation which is by its nature inapplicable to manufactured homes shall apply to manufactured homes.

Sec. 5.5.3 Special use permit required.

A manufactured home subdivision may be established by the Board of Supervisors by special use permit.

Sec. 5.5.4 Minimum size of manufactured home subdivision.

A manufactured home subdivision shall have at least ten (10) lots.

Sec. 5.5.5 Subdivision control.

All manufactured home subdivisions shall conform to the requirements of County Code Chapters 14 and 17.

Sec. 5.5.6 Application plan required.

A preliminary subdivision plat shall be submitted as part of the application for a manufactured home subdivision, and shall be reviewed by the site review committee. Following approval of the special use permit, and prior to the issuance of a building permit or any clearing of the site, a final plat shall be approved. (Added 3-5-86)

Sec. 5.6 Manufactured homes on individual lots (Amended 3-5-86; 11-11-92)

The County, in an effort to provide for affordable housing for all residents, permits manufactured homes to be situated on individual lots in certain districts. The following regulations shall apply:

- a. The manufactured home shall be located on a foundation approved pursuant to the Building Code;
- b. The manufactured home shall only be used as a primary residence.

Sec. 5.7 Temporary manufactured home permit.

The Zoning Administrator may issue a temporary manufactured home permit if the manufactured home is used only as interim housing during construction of a permanent dwelling. The manufactured home shall be removed within thirty (30) days after issuance of a certificate of occupancy for the permanent dwelling. Temporary manufactured home permits shall be subject to the following conditions:

- a. Albemarle County Building Official approval;
- b. The applicant and/or owner of the subject property shall certify the intended use of the manufactured home;
- c. Minimum frontage setback and side and rear yard setbacks shall be determined by the Zoning Administrator;
- d. Provision of potable water supply and sewerage facilities to the reasonable satisfaction of the Virginia Department of Health.

Sec. 5.7.1 Expiration, renewal.

Any temporary manufactured home permit ("permit") issued pursuant to section 5.7 shall expire eighteen (18) months after the date of issuance unless construction has commenced and is thereafter prosecuted in good faith. The Zoning Administrator may revoke any permit after ten (10) days written notice, at any time upon a finding that construction activities have been suspended for an unreasonable time or in bad faith. In any event, any such permit shall expire three (3) years from the date of issuance; provided, however, that the Zoning Administrator may, for good cause shown, extend the duration of the permit beyond three (3) years for up to two (2) successive periods of one (1) year each. (Amended 6-3-81)

Sec. 5.8 Temporary industrialized building.

A temporary industrialized building may be authorized by a zoning clearance issued by the Zoning Administrator provided the industrialized building is necessary to provide additional space for employees, students or other people as an activity area, and further provided that the building is not primarily used for storage. A temporary industrialized building also shall be subject to the following: (Amended 12-5-90, 8-9-17)

- a. *Site plan.* Before a building permit is issued for the temporary industrial building, the owner shall obtain approval of a site plan; (Amended 12-5-90)
- b. *Statement from site owner.* Before the Zoning Administrator issues a zoning clearance for the temporary industrialized building, the applicant and/or owner of the site shall submit a written statement to the Zoning Administrator explaining the purpose for the temporary industrialized building, the activities to be conducted therein, and the duration that the temporary industrialized building will be located on site;
- c. *Location.* A temporary industrialized building shall be located on the same site as the existing primary use for which additional space is needed;
- d. *Conditions.* In granting a zoning clearance for a temporary industrialized building, the Zoning Administrator may impose reasonable conditions to address any impacts arising therefrom, including but not limited to, conditions limiting the duration that the temporary industrialized building will be located on the site and requiring landscaping to screen the building from abutting properties and public rights-of-way;
- e. *Skirting.* Skirting shall be provided from the ground level to the base of the temporary industrialized building within sixty (60) days after the certificate of occupancy is issued;
- f. *Duration and extension.* No temporary industrialized building shall remain on the site for more than three (3) years after obtaining the zoning clearance; provided that the Zoning Administrator may extend the duration of the zoning clearance beyond three (3) years for up to two (2) successive periods of one (1) year each upon the owner demonstrating to the Zoning

Administrator's satisfaction either: (i) expansion of the primary structure has commenced and its completion is being diligently pursued; or (ii) other good cause. If the permanent structure serving the primary use is thereafter expanded at any time while the temporary industrialized building is on the site, the temporary industrialized building shall be removed within thirty (30) days after the issuance of a certificate of occupancy for the permanent structure;

- g. *Revocation of authorization.* The Zoning Administrator may revoke the zoning clearance for the temporary industrialized building after ten (10) days written notice, at any time upon a finding that construction activities have been suspended for an unreasonable time or in bad faith.

(§ 5.8, 12-10-80; 3-5-86; 12-5-90; Ord. 17-18(4), 8-9-17)

...

Section 10. Rural Areas District, RA

...

Sec. 10.2.1 By right.

...

- 15. Manufactured homes, individual, qualifying under the following requirements (reference 5.6):
 - a. A property owner residing on the premises in a permanent home wishes to place a manufactured home on such property in order to maintain a full-time agricultural employee.
 - b. Due to the destruction of a permanent home an emergency exists. A permit can be issued in this event not to exceed twelve (12) months. The Zoning Administrator shall be authorized to issue permits in accordance with the intent of this ordinance and shall be authorized to require or seek any information which he may determine necessary in making a determination of cases "a" and "b" of the aforementioned uses.

- 16. Temporary manufactured home in accordance with section 5.7.

...

- 19. Manufactured homes on individual lots (reference 5.6).

...

Sec. 10.2.2 By special use permit.

...

- 9. Manufactured home subdivisions (reference 5.5)

...

Section 11. Monticello Historic District, MHD

...

Sec. 11.3.1 By right.

...

- 18. Manufactured homes, individual, qualifying under the following requirements (reference 5.6):
 - a. A property owner residing on the premises in a permanent home wishes to place a manufactured home on such property in order to maintain a full-time agricultural employee.
 - b. Due to the destruction of a permanent home an emergency exists. A permit can be issued in this event not to exceed twelve (12) months. The Zoning Administrator shall be authorized to issue permits in accordance with the intent of this ordinance and shall be authorized to require or seek any information which he may determine necessary in making a determination of cases "a" and "b" of the aforementioned uses.

...

Section 12. Village Residential - VR

...

Sec. 12.2.1 By right.

...

- 14. Manufactured homes on individual lots (reference 5.6) (Added 11-11- 92)

...

Sec. 12.2.2 By special use permit.

...

- 9. Manufactured home subdivisions (reference 5.5).

...

Sec. 12.4.3 Low and moderate cost housing.

...

- e. Manufactured homes for rent in an approved manufactured home park shall be considered rental units under this section provided they qualify as low or moderate cost housing under the Housing and Urban Development Section 8 program; (Added 3-5-86)
- f. Manufactured home lots for rent in an approved manufactured home park shall qualify for this bonus provided the developer shall enter into an agreement with the County of Albemarle that the lots shall be available for rent to manufactured home owners for a period of five (5) years; (Added 3-5-86)
- g. Manufactured home lots for sale in an approved manufactured home subdivision shall qualify for this bonus provided the developer shall restrict the use of the lots to manufactured homes or other low or moderate cost housing for a period of five (5) years. (Added 3-5-86)

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Section 13. Residential - R-1

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Sec. 13.2.2 By special use permit.

...

- 8. Manufactured home subdivisions (reference 5.5).

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Section 14. Residential - R-2

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Sec. 14.2.2 By special use permit.

...

- 8. Manufactured home subdivisions (reference 5.5).

...

Section 15. Residential - R-4

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Sec. 15.2.2 By special use permit.

...

- 8. Manufactured home subdivisions (reference 5.5).
- 14. Manufactured home parks (reference 5.3). (Added 3-5-86)

...

Section 16. Residential - R-6

...

Sec. 16.2.2 By special use permit.

...

- 8. Manufactured home subdivisions (reference 5.5).
- 14. Manufactured home parks (reference 5.3). (Added 3-5-86)

...

Section 17. Residential - R-10

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Sec. 17.2.2 By special use permit.

...

- 8. Manufactured home subdivisions (reference 5.5).
- 17. Manufactured home parks (reference 5.3). (Added 3-5-86)

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Section 18. Residential - R-15

...

Sec. 18.2.2 By special use permit.

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8. Manufactured home subdivisions (reference 5.5).

...

17. Manufactured home parks (reference 5.3). (Added 3-5-86)

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Section 22. Commercial– C-1

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Sec. 22.2.1 By right.

...

b. The following services and public establishments:

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23. Temporary industrialized buildings (reference 5.8).

...

Section 24. Highway Commercial – HC

...

Sec. 24.2.1 By right.

23. Manufactured home and trailer sales and service.

...

40. Temporary industrialized buildings (reference 5.8).

...

Section 26. Industrial Districts - Generally

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Sec. 26.2 Permitted primary and accessory uses and structures; prohibited uses and structures.

...

Temporary Uses**				
Temporary construction headquarters (reference 5.1.18).	BR	BR	BR	BR
Temporary construction storage yards (reference 5.1.18).	BR	BR	BR	BR
Temporary events sponsored by local nonprofit organizations (reference 5.1.27).	SP	SP	SP	SP
Temporary industrialized buildings (reference 5.8).	BR	BR	BR	BR

...

Section 30. Overlay Districts

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Sec. 30.6.5 Development exempt from requirement to obtain certificate of appropriateness.

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The following development is exempt from the requirements of section 30.6:

- a. Primary and accessory dwelling units if no site plan is required by this chapter.
- b. Structures for agricultural or forestal uses if no site plan is required by this chapter.
- c. Temporary construction headquarters (section 5.1.18(a)), temporary construction yards (section 5.1.18(b)), and temporary industrialized buildings (section 5.7).

Agenda Item No. 13. **Ordinance to Authorize Monetary Bonus.** To receive public comment on its intent to adopt an ordinance to authorize the payment of a monetary bonus in the amount of up to \$25,000 to the former Interim County Executive for his service in that position. (Advertised in the Daily Progress on December 25, 2017 and January 1, 2018.)

The Executive Summary forwarded to the Board states that Douglas C. Walker, Deputy County

Executive, served as Interim County Executive for the County from February 1, 2017 until October 29, 2017. During that period, he served, to the extent possible, in both capacities.

Virginia Code § 15.2-1508 authorizes the Board of Supervisors to pay monetary bonuses to the County's officers and employees. The payment of the bonus must be authorized by ordinance. The proposed ordinance (Attachment A) authorizes a bonus payment of \$25,000 to Mr. Walker for his service as Interim County Executive.

The County Executive's Office will cover the monetary bonus from its FY18 budget, and no additional budget impact is expected.

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

Mr. Kamptner explained that Virginia Code Section 15.2-1508 authorizes the Board to pay a monetary bonus to County officers and employees. He noted that Doug Walker served as Interim County Executive from February to October 2017, while also performing his duties as Deputy County Executive.

Ms. Mallek opened the public hearing.

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

Ms. Mallek commented that since the former County Executive left, they had not paid out \$153K in salary for the position.

Ms. Palmer recognized the hard work of Mr. Walker during this time period and said she is very supportive of the bonus.

Ms. McKeel expressed appreciation to Mr. Walker for his hard work in two jobs.

Mr. Randolph recognized Mr. Walker for orchestrating a process, involving staff, working for the common good, and increasing the efficiency and sense of corporate identity for all staff.

Mr. Richardson stated that Mr. Walker's leadership has continued in an exemplary way in the first two and a half months since he has been on staff. He said Mr. Walker had set the tone for trying as hard as he could to prepare staff for a smooth transition, much of which is to Mr. Richardson's personal and professional benefit.

Ms. Palmer **moved** that the Board adopt the proposed ordinance authorizing a bonus payment of \$25,000 to Doug Walker for his service as Interim County Executive. The motion was **seconded** by Ms. Mallek. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ORDINANCE NO. 18-A(1)

AN ORDINANCE TO AUTHORIZE THE PAYMENT OF A MONETARY BONUS TO THE DEPUTY COUNTY EXECUTIVE FOR HIS SERVICE AS INTERIM COUNTY EXECUTIVE

WHEREAS, Douglas C. Walker, Deputy County Executive, served as Interim County Executive for the County of Albemarle from February 1, 2017 until October 29, 2017.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that, pursuant to the authority in Virginia Code § 15.2-1508, the payment of a monetary bonus in the amount of \$25,000.00 to Douglas C. Walker is authorized for his service as Interim County Executive.

Agenda Item No. 14. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Mr. Randolph notified the Board that he had received a communication in December from Mr. James Malin, a resident of the Scottsville District, which offered suggestions as to how to involve more citizens in highway cleanup. He said that Mr. Malin's suggestions involved ways to incentivize students and civic-minded organizations to be responsible for particular roads and stretches of roads, as well as for an annual road cleanup day. Mr. Randolph expressed support for establishing an annual cleanup day followed by a celebration at the County Office Building, and he hopes the Board can discuss how to put these ideas into action.

Mr. Randolph informed the Board that the Residential Development Impact Work Group had authorized him to let the Board know that they are near the end of the process and will make recommendations to the Board. He read a statement from them: "The RDIWG strongly supports reasonable, general impact fees to address gaps in infrastructure funding. There were currently efforts in the General Assembly to expand the impact fee enabling authority and the work group recommends the County be engaged in the General Assembly discussions which may result in broader review and discussion."

Mr. Randolph said he had notified David Blount that he would be interested in participating in these discussions in the General Assembly. He noted that Senate Bill 208, presented by Senator Richard H. Stuart of Stafford County, did not meet all of the County's needs and objectives but would permit counties to collect more in assessments. He explained that he spent last weekend in Collier County, Florida and learned that the Florida legislature had allowed counties to collect impact fees which had enabled Collier, a fast-growing county, to keep its capital improvement plan at 3.5% of the overall budget and maintain its AAA rating. He explained that Collier County imposed impact fees for many items such as roadwork, education, and libraries. Mr. Randolph said he hopes the Board can discuss this matter going forward.

Mr. Randolph recognized a recent email to Supervisors from CVEC that proposed the utility be used to provide broadband to traditionally underserved sections of the County. He said the Albemarle Broadband Authority will hold its meeting at the East Rivanna Volunteer Fire Company, at which CVEC will present what it can offer in terms of broadband connectivity, particularly to the Village of Rivanna.

Mr. Randolph referred to the fourth bullet point of Ms. Mallek's January 8, 2018 letter to the Charlottesville Mayor, Mike Signer, expressing the need for explanation about how land use matters would be connected to a conversation with the City. He expressed hope they would see increased visibility of this on the website, as well as a clarification of the goals and objectives in bringing this up in terms of the courts issue, and said he distributed his communication to Supervisors earlier this afternoon.

Ms. McKeel noted that Henrico County had been putting up signs at busy intersections to discourage drivers from giving money to panhandlers. She added that Albemarle Police Chief, Ron Lantz, had said this would be a great idea. Ms. McKeel said she had conferred with VDOT engineer, Joel DeNunzio, who informed her that VDOT would consider these signs to be similar to Child-At-Play signs. She surveyed the Board for consensus about directing Trevor Henry and Mr. Richardson to work on this.

Mr. Randolph and Ms. Mallek expressed their support.

Mr. Gallaway asked Mr. Richardson for a list of items to which they have committed funds from the positive year-end variance. Mr. Richardson offered to provide this to the entire Board.

Ms. Palmer recalled that staff had made suggestions as to how to allocate this money, but the Board did not commit to anything.

Mr. Richardson agreed.

Mr. Randolph said he had already made a request of Ms. Lori Allshouse to keep a running list and they could view the list.

Addressing Mr. Randolph's comments about ways to keep County roads beautiful, Ms. Palmer suggested they also consider ways to deal with illegal dumping along roads. She recounted a recent conversation with Mark Graham, who had informed her that the Department of Environmental Quality's perception is that there is more illegal dumping in Albemarle than in other communities because the County does not provide a facility for people to drop off trash, other than at Ivy where a fee is charged.

Ms. Mallek expressed support for a community pick-up day and celebration as a way to unify the many community efforts.

Ms. McKeel commented that she did not have to hold one of her community's Adopt-a-Highway trash pick-ups on Barracks Road because a pick-up team from the jail had beaten them to it.

Ms. Mallek stated that she would like the Board to hold a future discussion on the keeping of animals outside in the cold once the County's legal staff has done its work. She noted that Pennsylvania has a law that requires household pets to be kept inside when temperatures are above 90 degrees and below 32 degrees Fahrenheit.

Ms. Mallek informed the Board that some citizens have brought to her attention that residents without cell phones or cars who are trying to access services or get jobs have a difficult time as a phone call may be necessary and there are no pay phones anywhere. She said it is important to have a process that would enable these people to get the help they need.

Ms. Mallek stated that a citizen had asked that the County keep an eye out for General Assembly funding of state natural heritage funding becoming a budget line item through the Department of Conservation and Recreation, versus the current policy in which it was funded by grants. She described grant funding as a dicey situation, as it put pressure on the Soil and Water Conservation Districts and there would be more and more work that the state and localities would have to do for biodiversity and endangered species. She said that having this funding set aside in the budget for this part of DCR would be very important for the work they perform.

There were none.

Agenda Item No. 16. Closed Meeting.

At 8:51 p.m., Mr. Gallaway **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: 1) to discuss and consider appointments to boards, committees and commissions in which there were pending vacancies or requests for reappointment; and 2) discuss interviews with prospective candidates for the Director of Economic Development position; 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) activities on a preservation tract in a rural preservation development; 2) pending applications for communications facilities; and 3) a person's eligibility for county employment under federal law. Ms. Palmer **seconded** the motion.

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

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

Agenda Item No. 17. Certify Closed Meeting.

At 10:23 p.m., Mr. Gallaway **moved** that the Board of Supervisors certify by a recorded vote that to the best of each Supervisor's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting, were heard, discussed, or considered in the closed meeting. Ms. Palmer **seconded** the motion.

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

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

Agenda Item No. 18. Boards and Commissions:
Item No. 18a. Board Member Committee Appointments.
Item No. 18b. Vacancies and Appointments.

Mr. Dill **moved** that the Board approve the following appointments:

- **appoint** Supervisors Norman Dill and Liz Palmer to the Solid Waste Alternatives Advisory Committee (SWAAC) with said terms to expire December 31, 2018.
- **appoint** Supervisor Rick Randolph to the Thomas Jefferson Planning District Commission (TJPDC) Foundation Board with said term to expire December 31, 2019.
- **appoint** Supervisor Ann Mallek to the Workforce Investment Board with said term to expire December 31, 2018.

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

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

Mr. Dill **moved** that the Board approve the following appointments/reappointments:

- **reappoint** Mr. J. Timothy Keller as the At-large representative to the Planning Commission with said term to expire December 31, 2019.
- **reappoint** Mr. Bruce Dotson as the Rio District representative and Ms. Karen Firehock as the Samuel Miller District representative to the Planning Commission with said terms to expire December 31, 2021.
- **appoint** Mr. Julian Bivins as the Jack Jouett District representative to the Planning Commission with said term to expire December 31, 2021.
- **appoint** Mr. David Mitchell to the Public Recreational Facilities Authority (PRFA) with said term to expire December 13, 2021.

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

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

Agenda Item No. 19. Adjourn to January 18, 2018, 2:00 p.m., Northrup Grumman, 1000 Research Park Blvd., Charlottesville, Virginia.

At 10:26 p.m., there being no further business to come before the Board, Ms. Mallek adjourned the meeting until January 18, 2018.

Chairman

Approved by Board
Date 06/06/2018
Initials CKB