

An adjourned meeting of the Board of Supervisors of Albemarle County, Virginia, was held on May 9, 2018, at 1:00 p.m. The meeting was adjourned from May 3, 2018. The regular night meeting was held at 6:00 p.m., with meetings held in the Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. Norman G. Dill, Mr. Ned 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 1:03 p.m., by the Chair, Ms. Mallek.

Agenda Item No. 2. **Presentation:** High School 2022 Project Overview.

Dr. Matt Haas, Deputy Superintendent of Schools, introduced Mr. Dean Tistadt, Chief Operating Officer, and Ms. Rosalyn Schmitt, Chief Operating Officer effective July 1, 2018. He thanked the Board and explained that he would not give a lecture about the CIP request or make a persuasive argument, but is hopeful that at the end of the hour they will all understand that the School Division's CIP funding request represents the addition of a 600-student center as well as modernization work for the overall 4,000-student high school program. He reminded the Board that more than two years earlier they had begun to look at ways to address capacity needs as well as what high schools could be with a program shift and accompanying renovated spaces to facilitate that shift. Mr. Haas stressed that when considering what schools could be, they have looked for answers that are fiscally responsible and data-driven.

Mr. Haas recounted that four years earlier, a team walked the more than 900 classrooms and looked for factors that facilitate learning such as natural light, adequate electricity, flexible and ergonomically appropriate furniture and equipment, transparency, etc., to develop a report that represents the state of the division. He said the modernization work has taken on deficiencies systemically while adding capacity and improving the educational effectiveness of facilities across the County. Mr. Haas stated that the goal of the recent bond referendum was to touch every school with improvements to security, access to electricity, better lighting, more open and flexible use of spaces, more planning spaces for teachers, and improved furniture. He noted that the bond referendum had a 74% approval rating, which he described as a true vote of confidence in the Board of Supervisors and School Board.

Mr. Haas said the high school facilities program reflects a programmatic shift, which he does not believe has been properly communicated to the Board of Supervisors. He explained that while the first center project is an essential start for their contemporary high school work, it is primarily a way to gain capacity and alleviate overcrowding at Albemarle High School and increase capacity pressure at Western Albemarle High School. Mr. Haas presented an architectural drawing of High School Center #1 and summarized the following features: a 600-student center, 12-acre site, 90,000 square feet, a two-story building, scheduled to open for the 2021-2022 school year, and a cost of \$35 million. He said the center represents another fiscally responsible choice by the School Board, as it is much less expensive than to build a comprehensive high school, which could cost up to \$120 million, and does not require redistricting.

Mr. Haas emphasized that all school staff and students would have access to the center and that expanded hours of operation would enable students from all County high schools to attend classes and special programs, as well as to participate in internship programs offered by community partners. He emphasized that the new student center is only one part of a larger plan to improve educational effectiveness at each high school through targeted improvements and classroom renovations and reconfigurations, which will facilitate a student-centered learning experience whereby teachers strive to prepare students to work and learn today and in the future.

Mr. Haas presented a slide with the CIP request for high school modernization with the following information:

<u>School</u>	<u>Total Cost</u>	<u>Completed By</u>
Albemarle	\$22.3 million	8/2023
Western Albemarle	\$11.9 million	8/2022
Monticello	\$9.4 million	8/2024
Murray	\$3.3 million	8/2023

Mr. Haas explained that High School 2022 supports their vision of a contemporary high school and that the five year request is less expensive than to build one high school that would only serve 25% of high school students. He reviewed the work of the consultant contracted to determine if high school facilities support contemporary learning. He said they conducted an educational adequacy assessment of the four high schools using an Education Facilities Effectiveness Instrument (EFEI), which he described as a room-by-room quantitative facilities analysis of 26 factors scored as excellent, satisfactory, borderline, poor, or inadequate. He presented a color-coded slide of the 26 factors considered as part of the analysis and noted that many were rated as borderline or poor.

Mr. Randolph asked if the categories are defined by square footage and what criteria was used to determine a rating. Mr. Haas responded that each of the criteria consists of five standards and presented a slide that showed the five standards used to determine if learning spaces at schools were flexible. He pointed out that the older schools received lower scores for flexibility and the four schools overall were rated as borderline.

Mr. Randolph acknowledged his understanding of the rationale for placing a premium on flexibility, but said he recognizes the value of having a predictable space for students to go to, and he asked if there could be a compromise under which some classrooms would have break-out space and others would not. Mr. Haas replied that he shared the same concerns and acknowledged that some items listed may seem more progressive than where the division is now, while some resonated – although it was hard to deny that they existed as an issue. He said the question was how these issues should be prioritized and explained that the way to address an issue was to speak with stakeholders such as parents, teachers, and students. He pointed out that sustainability scored red, which is the lowest score.

Ms. Palmer asked for an explanation of “local signature.” Mr. Randolph asked for a definition of “sustainability.” Ms. Rosalyn Schmitt explained that focus groups were utilized to develop criteria. Local signature refers to items at a school’s entrance that demonstrates and displays the school’s mission, emphasizing that it is part of the community. She explained that sustainability refers to locations, walkability, public transportation, parks, and use of photovoltaics as well as use of local material.

Mr. Randolph commented that the presence of a solar array at Monticello High School makes it a leading, sustainable high school.

Mr. Haas explained that project cost estimates are on a square-foot basis. He said the educational adequacy tool enables the schools to address the unique needs of each school and to bring them up to contemporary specifications. He pointed out that drawings in the consultant’s report showed large-scale reconfiguration of space at each high school and he emphasized that drawings probably represent the most extreme version of the changes that could be enacted in high school spaces. He emphasized they are not using a one-size-fits-all approach, but would develop a specific plan for each school based on the criteria and stakeholder input. The continuum of the scope of work was accompanied by a great deal of professional development prior to facilities changes. He explained that they will take the list of criteria to the school community for direction.

Ms. McKeel recalled discussions during the planning of Monticello High School when teachers were upset at the amount of open space planned. Mr. Haas agreed and added that as a result of the time and effort put towards professional development at Monticello High School, they pulled out locker bays and spaces – and now students and teachers gravitate to these spaces and use them in the way they were designed. He presented a photograph of a hallway with student lockers at Albemarle High School and noted that the lockers were painted black and that both the walls and the floor used to also be painted black, with the picture showing that the walls and floor are now white while the lockers are still painted black. He noted that students do not use lockers as much as in the past, as they carry their things with them in a backpack. Mr. Haas explained the criteria of watering holes and cave space, explaining that a watering hole is a place where students gather while a cave space is one where students could go to work by themselves. He presented a photograph of a hallway where student lockers were removed, which created a space for students to gather and socialize, noting that the space includes a bench for sitting and a whiteboard for students to write notes.

Mr. Haas next reviewed a renovation of science labs at Albemarle High School that will take place over the summer, which will create more spaces for collaboration. He explained how collaboration with teachers and professional development informed the design. He presented a photograph of the current layout of a science lab and compared it to a photograph of what it would look like after renovation. He presented several photographs of recently renovated science labs at Jack Jouett Middle School where pullout spaces had been created for students to work together and individually, and pointed out the presence of ergonomically appropriate chairs that reduce back problems and fatigue.

Mr. Haas then summarized the benefits to be gained from the addition of the new student center and additional projects: 1) addresses capacity concerns with a fiscally conservative, innovative approach; 2) creates parity and educational adequacy for contemporary high school teaching and learning to prepare students for the job market, careers, and college; and 3) learning space modernization at several elementary and middle schools. He expressed his belief that a referendum would be successful if they emphasize that the improvements would enhance learning at every facility, commenting that anything less than a referendum would not get them where they need to be. Mr. Haas concluded and invited questions.

Mr. Randolph referred to the third year of the five-year CIP funding request, Red Hill School Phase 2, \$4.8 million, and asked if the reason it was planned for the third year is because it is not as urgent a project as some others. He also asked if the \$6.3 million to be allocated to learning space modernization was delineated by school.

Mr. Haas asked Ms. Schmitt to reply to the question about allocation of the \$6.3 million. Ms. Schmitt explained that they could provide the allocation by locality. She added that it affects every elementary and middle school, with the exception of Woodbrook and Red Hill, which has been comprehensively done. She said that renovations at Scottsville and Red Hill both address undersized gyms, but the work at Scottsville will be more comprehensive as it will include the addition of classrooms.

She explained that trailers at Red Hill are used for auxiliary functions while those at Scottsville are used for classes, which explains why this project was prioritized over Red Hill.

Ms. McKeel said it appears the phases of the school modernization build on each other to create a systemic change. Mr. Haas responded that if they are to construct a new high school, there would be a period of time where disparities in quality of education would exist among the facilities – whereas if the student center was constructed, they could provide a facility at which all County students would have access.

Mr. Gallaway commented that it is critical to think of it as one high school system. He said the School Board is addressing capacity issues as well as programmatic change, and if they were to only do a chunk of the system, it might not be the wisest use of funds as it would be like building a quarter of a new high school.

Ms. McKeel emphasized that they have attempted to be wise stewards of public dollars and have incrementally implemented programs over the years with the understanding that they could not be successful without full buildout, though unfortunately this has not always happened. She added that some programs have not been as successful as they should have been. She agreed with Mr. Gallaway's point that the County should look at this as a systemic change of the high schools and not just the relieving of pressure at one school.

Mr. Gallaway explained that he made the mistake of looking at each individual project and that it could be misleading to look at line items as it does not provide the big picture. He said the School Board decided how to spend the money and has determined the student-centered model addressed both what they were trying to do philosophically and the capacity issue, and it is the Board of Supervisor's responsibility to decide what the best use of the money is and to avoid looking at items in a piecemeal way so as not to undercut the project.

Ms. McKeel agreed that Supervisors are accustomed to looking at line items.

Mr. Dill stated that using the CIP to budget items seems like an odd approach, and he wonders if it might be better to address items such as electrical upgrades and new ergonomically correct chairs individually as they arise as part of regular maintenance and upgrades. He expressed his view that a referendum should be used for something like the construction of a new school but that all the various upgrades could be addressed in regular budgeting, which would allow for more flexibility because in some years they have more funding available than in others. He emphasized that needs could also change and that funding projects in the CIP several years in advance would not allow as much fluidity as funding through the regular budget process.

Mr. Haas acknowledged his understanding of Mr. Dill's suggested approach. He explained that this has been their approach and it resulted in disparities and a backlog of projects. He said the improvements should be made systemically to avoid the creation of haves and have nots.

Mr. Dill expressed that his concern is not with the amount of dollars to be spent but with the strategy. He said he initially was pleased when he reviewed the plan, as it seemed to allow for flexibility and for keeping options open.

Mr. Haas explained that the student center would be flexible so if in the future it is determined it is no longer needed, it could be sold since it is not designed as a school. He said the School Division is trying to be responsible with the dollars.

Ms. Palmer asked for the cost of the total high school package. Mr. Haas presented a slide with the cost listed as \$91.8 million.

Mr. Randolph expressed his appreciation for the work of the School Board and School Division as well as their creative thinking in creating an alternative approach. He agreed with Mr. Gallaway's comments and said it takes a while to appreciate that the sum is greater than the parts as they elevate a learning philosophy. He said he understands the merits of the argument to fund the projects through a referendum but is concerned the cost may make it difficult to persuade voters to approve it. Mr. Randolph said they are all looking to find the best way to approach this politically and economically while continuing to move the ball down the field. He emphasized that the Board supports public education as a primary service provided by the County, though they will have to struggle with how best to address these issues.

Mr. Haas replied that both he and School staff appreciate the enormous decision-making responsibility held by the Board.

Mr. Dill emphasized that the issue of teacher salaries in Virginia have been in the news and wonders if it might become an issue with next year's budget and blow everything up.

Mr. Haas replied that they have been out in front of this and had a consultant conduct a study of the County's teacher pay versus the market and the pay scale. He said this year's funding request includes a 2% pay raise and used a concave scale to apply compensation increases with a competitive scale. He explained that those in the middle of the pay scale will move up rapidly as a result of the change and they will have to remain competitive with the pay offered by Charlottesville.

Ms. Mallek expressed her appreciation for the use of a systemic approach to address inequities. She said in some neighborhoods, families are moving so their children can attend a better school – and if there is more equalization among the schools, there will not be a crisis when the time comes to redistrict.

Ms. McKeel commented that it is helpful to think of the difference between having a school system versus a system of schools.

Ms. Palmer expressed her appreciation to the schools for their work. She commented that she wished they could make all the changes within the five-year CIP but is struggling with trying to understand what kind of tax increase this might entail, as some residents may have to move to another county.

Agenda Item No. 3. FY19 Resolution of Appropriations.

The Executive Summary forwarded to the Board states that the Board of Supervisors adopted the County's FY 19 Operating and Capital Budgets totaling \$432,190,800 during the April 17, 2018 Board meeting. At the Board's May 9, 2018 meeting, staff will ask the Board to consider four items.

1) Approval of Annual Resolution of Appropriations: To provide the authority from the Board to spend these funds, an Annual Resolution of Appropriations for the fiscal year ending on June 30, 2019 is required. The attached FY 19 Annual Resolution of Appropriations includes amendments to reflect the impact of changes in health insurance employer contribution rates and an option to accommodate the School Board's April 26 adoption of its budget for the School Fund.

2) School Board Request: At its February 8, 2018 meeting, the School Board adopted a resolution <<http://esb.k12albemarle.org/attachments/bf41233e-fc5e-42be-ac21-b8b8f89fc997.pdf>> requesting that the Board of Supervisors appropriate the School Division's FY 19 operating fund in a single category and the special revenue fund in a single category as allowed by state statute.

3) General Government Reserve for Contingencies: At its April 17, 2018 meeting, the Board requested further information on the \$180,893 placed in the General Fund Reserve for Contingencies as a result of updated revenue projections.

4) Official Intent to Reimburse Expenditures with Proceeds of a Borrowing: In addition, the Board's approval of a Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing is required to provide the County with the authority to use bond proceeds to reimburse capital program expenditures for the specified projects.

1) Approval of Annual Resolution of Appropriations The appropriation resolution appropriates the total County budget, including both general government and school operating and capital funds, School Self-Sustaining Funds, and Other General Government Fund appropriations in a single resolution. The Annual Resolution also includes the following:

Budget Amendments

A) On April 9, 2018, the County's Health Care Consultant, March and McLennan Agency, provided an updated claim utilization review of the County's Medical Plan. The result of its review noted that total claims in the County's Health Care Fund decreased by 25.9% in CY 2017 when compared to CY 2016. These cost reductions in 2017 reduced the consultant's projections for the plan year beginning in October 2018. The consultant's recommendations were incorporated into the County's long-range health care fiscal planning model and result in savings to the County and School Division's FY 19 Budgets.

The Health care-related reductions described above provide net cost savings in the School Fund of \$2,021,600 and the General Fund of \$741,132. The School Division desires to redirect the School's Health Care savings to balance its FY 19 budget. Staff recommends that savings in the General Fund are used to establish a Health Care Stabilization Fund.

B) The School Operating Fund and Special Revenue Fund budgets adopted by the School Board on April 26, 2018 are \$89,965 less than the budgets approved by the Board of Supervisors. This net change is due to adjustments in local and state revenues and transfers.

These adjustments result in a total decrease to the FY 19 Adopted Budget of \$173,286. These amendments do not exceed one percent of the FY 19 total budgeted expenditures and therefore do not require a public hearing.

This Annual Resolution of Appropriations for FY 19 allocates a total of \$432,017,514 to General Government and School Division operating, capital improvement, and debt service accounts for expenditure in FY 19 and provides administrative authority to the County Executive to make budget adjustments and transfers as outlined in the attached Resolution.

General Fund	\$291,693,934
General Fund School Reserve Fund	\$ 1,024,735
School Fund	\$186,800,503
School Special Revenue Funds	\$ 19,861,772
Other General Government Funds	\$ 25,558,247
Capital Projects	\$101,288,735

<u>Debt Service</u>	\$ 24,022,755
Subtotal	\$650,250,681
Less Inter-fund Transfers	(\$218,233,167)
TOTAL (New appropriations)	\$432,017,514

County Executive Authority

The appropriation resolution continues to authorize the County Executive to do the following things:

A) Transfer funding from specific Board approved FY 19 non-departmental reserve accounts to the appropriate department accounts for expenditure. For FY 19, these specific reserve accounts are: 1) the General Government's Training Pool, 2) the Innovation Fund, 3) the Salary Reserve, 4) the Strategic Priority Support Reserve, and 5) the Transformational Initiatives Reserve.

B) Administratively approve budget transfers of unencumbered funds for up to \$50,000.00 per fund in the fiscal year from one classification or project to another within the same general government fund and to allocate the County-wide salary lapse budget between department budgets to appropriately reflect where salary lapse actually occurs.

C) Administratively transfer funding that is initially estimated and budgeted for specific capital projects' project management services to other projects, when necessary and appropriate, to fully reflect where the project management services are actually performed and authorizes the County Executive to carry forward grants awarded in FY 19 into FY 20 without re-appropriation.

In accordance with current practice, all of these transfers or distributions will be reported to the Board of Supervisors as part of the County's quarterly financial reports.

2) School Board Request

At its February 8, 2018 meeting, the School Board adopted a resolution <http://esb.k12albemarle.org/attachments/bf41233e-fc5e-42be-ac21-b8b8f89fc997.pdf> requesting that the Board of Supervisors appropriate the School Division's FY 19 operating fund in a single category and the special revenue fund in a single category as allowed by state statute. The Office of Management and Budget studied the School Board's request and is including the results of this analysis in Attachment A.

Attachment B includes the first resolution of appropriation option, which is an Annual FY 19 Resolution that provides the same appropriation authority as previous years.

Attachment C provides an alternative Annual Resolution based on the School Board's request for the Board's consideration. The School Division's budget document and quarterly reports will continue to show both actual and budgeted expenditures by each of the State categories.

3) Options for \$180,893 Reserve

At its April 17, 2018 meeting, the Board requested further information on the \$180,893 placed in the General Fund Reserve for Contingencies as a result of updated revenue projections. Staff recommends the Board consider the following options in priority order:

Option 1 - Stormwater Capital Improvements Fund: Funding would be provided as an initial step to address stormwater capital improvements. This option is consistent with the Board's direction at its April 11, 2017 meeting to look at strategies to fund the stormwater program that only focus on the General Fund.

Option 2 - Sustaining a Quality Organization Reserve: Funding would be held in reserve to provide ongoing support for any items identified during FY 19 that may be desired to begin prior to FY 20 that are aligned with this budget goal. For example, this could include implementation of recommendations from the County's recently completed Use of Technology Assessment.

Option 3 - Reserve for future Strategic Plan Discussions Reserve: Funding would be held in reserve to support any items identified in the Board's future Strategic Plan discussions that may be desired to begin prior to FY 20.

Option 4 - Capital Improvements Fund: Funding would be provided as cash/equity for the Capital Improvements Program.

Staff will bring back an appropriation at a subsequent Board meeting to reflect the option selected by the Board of Supervisors. The Annual Resolution of Appropriation continues to show this funding held in the Reserve for Contingencies.

4) Official Intent to Reimburse Expenditures with Proceeds of a Borrowing

Attachment D: The Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing allows the County to use up to \$66,826,982 in bond proceeds to reimburse capital program expenditures in the FY 19 Capital Budget.

1) Staff recommends the approval of the Resolution of Appropriations including the budget amendments described above.

2) Staff recommends the Board adopt Option 1 (Attachment B) or Option 2 (Attachment C) to appropriate the FY 19 budget.

3) Staff recommends the Board provide direction on use of the \$180,893 reserve currently budgeted in the Reserve for Contingencies. Staff will bring back an appropriation to amend the budget at a subsequent Board meeting. 4) Staff recommends approval of the attached Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing (Attachment D).

Ms. Lori Allshouse, Director of the Office of Management and Budget, stated that the executive summary consists of four parts and that today's Resolution of Appropriations is more complicated than usual.

Ms. Allshouse presented an agenda:

1. Review annual Resolution of Appropriations that includes two budget amendments.
2. Review School Board request and annual Resolution of Appropriations (Attachment B or C).
3. Provide direction on use of \$180,893 General Government Reserve Contingencies for future appropriation.
4. Approve Official Intent to Reimburse Expenditures with Proceeds of a Borrowing (Attachment D).

Ms. Allshouse presented a slide with the two amendments that total \$173,286 decrease:

- A. Health Insurance Reallocation resulting in a net \$83,321 decrease in revenues
 - School Fund: \$2,021,600 – School Board redirected funding to balance the School Division's FY19 budget.
 - General Fund: \$741,132 – Staff recommends this amount is used to establish a Health Care Stabilization Fund.
- B. School Board budget adoption on April 26, 2018
 - Total was \$89,965 less due to adjustments in local and state revenues and transfers.

She said that staff recommends the approval of the Resolution of Appropriations, including these two budget adjustments, noting that this action is recommended after consideration of the next topic.

Ms. Mallek asked if the health fund is paid for in part by premiums charged to workers. She said it would trouble her if this is used for a non-insurance item with the schools. Mr. Richardson offered to explain and confirmed that the health fund is funded by employee premiums as well as with employer contributions. He explained that a reduction in the County's contribution freed up funds for schools and general government. He said the employer contributed 83% of the premium while employees contributed 17%. He said they are working with Human Resources to place an employee premium holiday in effect for one month to reduce the premium over a one-year period.

Ms. Mallek confirmed her understanding of Mr. Richardson's explanation. She suggested they reduce the deductibles instead, as people will not utilize health care services if they cannot afford to get in the door, and the County may be pricing itself out of the market with large deductibles. She recalled that several years ago, during the last crisis, premiums tripled – and they have not come down.

Ms. Allshouse reviewed the second item on the agenda: School Board requests that the Board of Supervisors appropriate funding to the School Division as a single appropriation by fund as allowed by state statute.

Mr. Randolph asked Ms. Mallek if she would like to see the surplus dedicated to a reserve fund instead of dedicated. Ms. Mallek replied that she strongly supports keeping the local government side in the health stabilization fund.

Mr. Randolph noted that the Charlottesville/Albemarle region was rated as the highest-cost area in the United States under the Affordable Care Act and that costs will not come down since there is a duopoly with UVA and Martha Jefferson Health System, noting that Ms. Mallek has a valid argument.

Mr. Richardson said the healthcare fund is performing exceedingly well, beyond expectations, which benefits the schools and County government. He said he is hearing from Ms. Mallek that this is the time to take a look at employee and employer premiums, as well as to study the costs to an employee to access healthcare services in terms of deductibles and copays.

Ms. McKeel clarified for the public that the high costs for care in the area mentioned by Mr. Randolph are the costs for those who purchased insurance on the market and not the same as those faced by County employees. She added that they are in a good place currently in comparison to prior years when they saw double-digit increases, though this is something that should always be reviewed. She commented that the health insurance contract is renewed each October, which she does not feel is a convenient time for the County.

Mr. Bill Letteri, Chief Financial Officer, added that a change to a calendar year cycle is being considered. He explained that one of their objectives has been to maintain stable premiums for employees.

Mr. Randolph suggested that as they consider the proposal to have a one-month employee premium holiday, they also look at boosting the reserve to put them in a strong position should costs increase in the future.

Ms. Allshouse continued her presentation of the second item, explaining that the School Board has requested that the Board of Supervisors appropriate funding to the School Division as a single appropriation by fund as allowed by State statute. The Schools have a School fund and a special revenue fund. She explained that OMB has reviewed the practices of 12 Virginia counties and found that two appropriates by the seven state categories, nine appropriates as a single appropriation, and one appropriates its school contribution as one appropriation. She listed items to consider before moving to a single-category appropriation: budgetary review and approval, transparency, administrative efficiency, and impact on the County's ability to compare to other jurisdictions or year-to-year comparisons. She said it would not impact the County's ability to compare.

Ms. Palmer asked why the County does it the way it does it now. Ms. Allshouse replied that historically they had used the seven categories.

Mr. Dill asked if other counties have changed in the last few years. Ms. Allshouse replied that she is not aware of any. Mr. Kamptner replied that the statute that allows a total appropriation was last amended in 1989 and prior to that in 1980.

Ms. Palmer asked for clarification that it is easier for the Office of Management and Budget to have one appropriation. Mr. Letteri responded, "yes", though as a practical matter it would not make a big difference as there are not many occasions when they have to move money. He added that it might be more beneficial to local government as it has more occasions to move money around than the School Division.

Ms. Palmer asked if it would be more or less transparent to do a single appropriation. Mr. Letteri responded that with a single appropriation, they would only have to track one account, although the transparency issue could be addressed by providing the information in the quarterly report.

Mr. Gallaway pointed out that the budget document is the transparent item that lists everything and through the budget process they review recommended vs. actual items. He said he does not understand how the appropriation change would make things more transparent. Ms. Allshouse responded that OMB's research found that in the appropriation narrative, one appropriation would have a single line and the other approach would have seven categories. She said the transparency is related to the appropriation category, but she agrees the budget documents offer clarity.

Mr. Randolph said the efficiency argument is very powerful but there has to be assurance the Board will get the accountability it is desiring, which could be obtained if the schools are required to share information about transfers among categories with the Board of Supervisors as part of a quarterly financial report. He expressed support to have the Board appropriate quarterly to increase budgetary control. He said the impact could be mitigated by including supplemental information within the resolution of appropriations, including details about the amount of funding budgeted by the school each quarter. He said this could actually increase information available to the public about School Division finance operations. Mr. Randolph said he could support this, provided the Board has these added supplements.

Mr. Gallaway said he does not see how this increase or decreases, as the information is the same.

Ms. Mallek said it is the timing that is different, as they currently learn about changes before they occur and under the new system would learn about them after. She said this is where the perception of transparency is bigger than the reality, in the public's mind. She related that in speaking with colleagues at the VACO meeting, those who have given up categorical authority expressed regret and those who have not had categorical authority were sorry they did not have it. Ms. Mallek stated that if all the reports have to be done for the state anyway, then it would not create more work for the schools to do it the way it is being done now. She expressed her preference to leave it alone.

Mr. Gallaway remarked that the perception argument is different than the transparency one. He asked how many employees are involved to make this happen under the current policy.

Ms. McKeel asked Mr. Tistadt to come forward to address these questions. She said she does not want to make things more bureaucratic nor worsen the problem they are trying to address. Mr. Gallaway remarked that if it comes down to making a decision of perception of transparency vs. efficiency or control, he would have to make that call.

Ms. McKeel said that there are two elected bodies, and the School Board works very hard on transparency and good stewardship of dollars, emphasizing that it is important for the two boards to work together as a team.

Mr. Dean Tistadt explained that the School Board's budget consists of a series of line items in the seven categories they are required to report to the state, and the County Executive issues a budget

recommendation that references these seven categories. He said the Board of Supervisors approves a budget that refers to these seven categories. He said the Annual Comprehensive Financial Report (CAFR) and quarterly reports to the School Board on expenditures by line item also refers to the seven categories, and he emphasized that none of these processes will change. Mr. Tistadt explained that the only change would be a more expedited process when a request is made to move money among categories, and these occurrences would be reflected in budgetary quarterly reports available to the School Board, Board of Supervisors, and the public. He emphasized that the change would result in an efficiency gain and has nothing to do with transparency.

Ms. Mallek commented that if an emergency arises, it should not be a problem to schedule a special meeting to address things.

Ms. McKeel recalled a situation with a structurally unsound wall at Greer Elementary several years earlier at which time the School Division did not have sufficient funds in the right category to cover the repair costs, and meetings were held to determine the source from which to obtain funds. She asked Mr. Tistadt if this was an example of the type of situation that the new process could more efficiently address. Mr. Tistadt confirmed this, adding that things change and they want to be able to react to them quickly.

Mr. Dill wondered if as a result of allowing schools to make changes more efficiently, this may tempt them to make even more changes. Mr. Tistadt responded that they have the flexibility to do this now, within the broad categories. The change would allow for the transfer of funds between categories, which is not done often. He said they do not have a vested interest in the more casual movement of funds other than for gainful purposes approved by the School Board.

Ms. Palmer asked if there has been a change in the percentage of money allocated to the seven categories over the years or if they had been relatively the same. Mr. Tistadt replied that they have been relatively stable, although he believes the percentage of the budget allocated to instructional education is modestly higher than it was ten years ago.

Ms. McKeel praised the schools for the relatively low administrative costs of the school budget. She also praised local government for the same. She asked Mr. Richardson to come forward and comment on the proposed change.

Mr. Richardson emphasized that the proposal is not generated from County government staff and has been discussed for several years, noting that they benchmarked the County against 12 other counties to look at trend data. He said the issue is about timing of the funding allocation and the removal of one step in the process to streamline efficiencies from an operational standpoint. Mr. Richardson stated that they have tried to demonstrate in the staff analysis that if this step were removed, there are other things that could be done to show the Board these activities on the back end. He expressed that staff is willing to work with the Board in whichever way it decides to go.

Ms. McKeel asked Mr. Richardson to address the suggestions made by Mr. Randolph. Mr. Randolph reiterated his suggestions: 1) schools could be required to share information with the Board of Supervisors about any transfers that occur between categories as part of the quarterly financial report; 2) the Board of Supervisors could elect to appropriate on a quarterly basis; and 3) include supplemental information within the Resolution of Appropriations to include further details on the amount of funding budgeted for each category. Mr. Tistadt added that quarterly reports are already prepared by the School Division, although they may not come to the Board of Supervisors.

Mr. Letteri interjected that they include these in the summary annual report at the end of the year.

Mr. Gallaway remarked that if they want perceived transparency then these financial reports should come to the Board, which would make this decision immaterial, as they are getting more detail than what this decision would impact. The Schools quarterly report hits some of the bigger moves within each category.

Ms. Mallek commented that having this presented as a board-to-board report rather than in a chart would be useful. She added that an email link to something that shows the numbers is not as informative as having someone standing before the Board and explaining.

Ms. Palmer said she understands Ms. Mallek's concern about perceived transparency and commented that it is fine with her if it is more efficient. She said she likes the idea of getting quarterly reports to force her to look at them.

Mr. Tistadt said there would be no additional work since they already do these reports and the Board would know what is going on with the school side of the budget.

Ms. McKeel remarked that anything that improves communication between the two sides, improves efficiencies, and is less bureaucratic and a win-win.

Mr. Randolph emphasized to the School Board that this is not an effort to intercede into their area, but is intended to have the Board of Supervisors notified of any significant transfers and changes.

Ms. Mallek remarked that this allows the Board to do its job as the taxing authority.

Mr. Gallaway remarked that if the quarterly report is tied to the appropriation, then if a future Board decides to return to the other form of appropriation, the quarterly report would be killed. He said they want the quarterly report no matter what they do with the appropriation.

Ms. Mallek asked what action was requested of the Board.

Mr. Kamptner suggested that the Board have two motions, with the first approving Attachment C, the Resolution of Appropriations, and the second motion requesting that the Superintendent or School staff provide quarterly reports to the Board.

Ms. McKeel **moved** that the Board adopt the FY 19 Resolution of Appropriations – Option 2, as provided by staff. The motion was **seconded** by Mr. Randolph.

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

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

NAYS: Ms. Mallek.

**ANNUAL RESOLUTION OF APPROPRIATIONS
OF THE COUNTY OF ALBEMARLE
FOR THE FISCAL YEAR ENDING June 30, 2019**

A RESOLUTION making appropriations of sums of money for all necessary expenditures of the COUNTY OF ALBEMARLE, VIRGINIA, for the fiscal year ending June 30, 2019; to prescribe the provisions with respect to the items of appropriation and their payment; and to repeal all previous appropriation ordinances or resolutions that are inconsistent with this resolution to the extent of such inconsistency.

BE IT RESOLVED by the Albemarle County Board of Supervisors:

SECTION I - GENERAL GOVERNMENT

That the following sums of money be and the same hereby are appropriated from the GENERAL FUND to be apportioned as follows for the purposes herein specified for the fiscal year ending June 30, 2019:

Paragraph One: ADMINISTRATION

Board of Supervisors	\$699,182
County Executive	\$1,415,324
Human Resources	\$875,181
County Attorney	\$1,199,448
Finance Department	\$6,029,904
Management and Budget	\$618,824
Information Technology	\$3,405,585
Voter Registration/ Elections	<u>\$664,854</u>
	\$14,908,302

Paragraph Two: JUDICIAL

Circuit Court	\$106,349
General District Court	\$39,900
Magistrate	\$4,150
Juvenile Court	\$124,668
Public Defender's Office	\$80,307
Clerk of the Circuit Court	\$929,825
Sheriff's Office	\$2,654,434
Commonwealth's Attorney	<u>\$1,384,180</u>
	\$5,323,813

Paragraph Three: PUBLIC SAFETY

Police Department	\$18,760,618
Fire Rescue Services	\$16,130,015
Inspections and Building Codes	\$1,502,753
Emergency Communications Center	\$2,473,584
Albemarle Charlottesville Regional Jail	\$3,979,272
Community Attention Home	\$30,874
Juvenile Detention Center	\$512,387
Foothills Child Advocacy Center	\$43,486
Offender Aid and Restoration (OAR)	\$159,034
OAR Therapeutic Docket Reserve	\$55,000
SPCA Shelter Contribution	\$604,403
Virginia Juvenile Community Crime Control	<u>\$52,231</u>
	\$44,303,657

Paragraph Four: PUBLIC WORKS

Facilities and Environmental Services	\$5,272,118
Rivanna Solid Waste Authority	\$838,579
	\$6,110,697

Paragraph Five: HEALTH AND WELFARE

Department of Social Services	\$14,170,160
Transfer to Bright Stars Fund	\$999,959
Transfer to Children Services Act (CSA) Fund	\$2,194,720
Tax Relief for Elderly/Disabled	\$950,000
Health Department	\$731,396
Region Ten	\$738,260
Region Ten Treatment Center	\$75,000
Agency Budget Review Team (ABRT)	\$18,900
Boys & Girls Club	\$55,000
The Bridge Line	\$15,450
Charlottesville Free Clinic	\$116,699
ReadyKids	\$70,340

Computers 4 Kids	\$13,780
Jefferson Area Board for Aging (JABA)	\$377,985
Jefferson Area Children's Health Improvement Program (CHIP)	\$310,545
JAUNT	\$1,937,049
Legal Aid Justice Center	\$38,700
Literacy Volunteers	\$26,046
Monticello Area Community Action Agency (MACAA)	\$44,500
Piedmont CASA	\$9,500
Sexual Assault Resource Agency (SARA)	\$21,218
Shelter for Help in Emergency (SHE)	\$90,721
Thomas Jefferson Area Coalition for the Homeless (TJACH)	\$20,852
United Way	\$159,978
Women's Initiative	<u>\$14,420</u>
	\$23,201,178
Paragraph Six: EDUCATION	
Piedmont Virginia Community College	\$24,255
Paragraph Seven: PARKS, RECREATION AND CULTURE	
Department of Parks & Recreation	\$3,072,702
Jefferson-Madison Regional Library	\$4,583,927
African American Festival	\$3,000
Ashlawn Opera	\$3,800
Municipal Band	\$8,000
Paramount Theater	\$2,500
Arts and Culture Initiative Contingency	\$50,000
Rivanna Conservation Alliance - FLOW Festival	\$4,700
Virginia Discovery Museum	\$2,500
Virginia Festival of the Book	\$10,000
Virginia Film Festival	\$10,000
Visitor's Bureau	<u>\$839,004</u>
	\$8,590,133
Paragraph Eight: COMMUNITY DEVELOPMENT	
Department of Community Development	\$5,541,049
Virginia Cooperative Extension Service	\$218,878
Soil & Water Conservation	\$116,006
Office of Economic Development	\$420,766
Albemarle Housing Improvement Program (AHIP)	\$412,000
Charlottesville Area Transit	\$1,178,382
Central Virginia Small Business Development Center (CVSBDC)	\$12,000
Piedmont Housing Alliance	\$35,757
Piedmont Workforce Network	\$15,857
Planning District Commission	\$129,209
Rivanna Conservation Alliance - Streamwatch Program	<u>\$15,000</u>
	\$8,094,904
Paragraph Nine: REVENUE SHARING AGREEMENT	
Revenue Sharing Agreement	\$15,696,360
Paragraph Ten: TAX REFUNDS, ABATEMENTS, & OTHER REFUNDS:	
Refunds and Abatements	\$141,000
Paragraph Eleven: OTHER USES OF FUNDS	
Transfer to School Fund - Recurring	\$131,312,821
Transfer to Debt Service Funds	\$23,362,083
Transfer to Capital Projects Funds	\$4,034,586
Transfer to Water Resources Fund	\$1,289,120
Transfer to Housing Fund	\$600,000
Bond Referendum Contingency	\$50,000
Health Care Reserve	\$741,132
Board's Strategic Priorities Support	\$145,000
Grants Leveraging Fund	\$60,000
Innovation Fund	\$300,000
Training Pool	\$65,000
Reserve for Contingencies	\$780,893
Salary Reserve	\$1,150,000
Pay-for-Performance Reserve	\$290,000
Transformational Initiatives	\$500,000
Early Retirement	<u>\$619,000</u>
	\$165,299,635
Total GENERAL FUND appropriations for the fiscal year ending June 30, 2019:	<u>\$291,693,934</u>
To be provided as follows:	
Revenue from Local Sources	\$254,874,580
Revenue from the Commonwealth	\$24,532,350
Revenue from the Federal Government	\$6,050,598
Transfers In from Other Funds	\$3,865,990
Use of Fund Balance	\$2,370,416
Total GENERAL FUND resources available for fiscal year ending June 30, 2019:	<u>\$291,693,934</u>
<u>SECTION II: GENERAL FUND SCHOOL RESERVE FUND</u>	
That the following sums of money be and the same hereby are appropriated for GENERAL FUND SCHOOL RESERVE FUND purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2019:	

Paragraph One: GENERAL FUND SCHOOL RESERVE FUND

Transfer to the School Fund	\$1,024,735
Total GENERAL FUND SCHOOL RESERVE FUND appropriations for fiscal year ending June 30, 2019:	\$1,024,735
To be provided as follows:	
Use of Fund Balance	\$1,024,735
Total GENERAL FUND SCHOOL RESERVE FUND resources available for fiscal year ending June 30, 2019:	\$1,024,735

SECTION III: REGULAR SCHOOL FUND

That the following sums of money be and the same hereby are appropriated for SCHOOL purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2019:

Total REGULAR SCHOOL FUND appropriations for fiscal year ending June 30, 2019:	\$186,800,503
To be provided as follows:	
Revenue from Local Sources (General Fund Transfer)	\$131,312,821
Revenue from Other Local Sources	\$2,230,825
Revenue from the Commonwealth	\$48,263,009
Revenue from the Federal Government	\$2,997,473
Transfers	\$971,640
Transfer from General Fund School Reserve Fund	\$1,024,735
Total REGULAR SCHOOL FUND resources available for fiscal year ending June 30, 2019:	\$186,800,503

SECTION IV: OTHER SCHOOL FUNDS

That the following sums of money be and the same hereby are appropriated for the purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2019:

Total OTHER SCHOOL FUND appropriations for fiscal year ending June 30, 2019:	\$19,861,772
To be provided as follows:	
Revenue from Local Sources	\$10,564,463
Revenue from the Commonwealth	\$1,476,064
Revenue from the Federal Government	\$5,433,935
Transfers	\$2,125,010
Use of Fund Balance	\$262,300
Total OTHER SCHOOL FUND resources available for fiscal year ending June 30, 2019:	\$19,861,772

SECTION V: OTHER GENERAL GOVERNMENT FUNDS

That the following sums of money be and the same hereby are appropriated for OTHER PROGRAM purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2019:

Paragraph One: OTHER GENERAL GOVERNMENT FUNDS

Computer Maintenance and Replacement	\$451,641
Commonwealth's Attorney Delinquent Fines and Fees	\$60,000
Victim-Witness Program	\$173,241
Problem Oriented Police (POP) Grant	\$139,900
Regional Firearms Training Center	\$278,336
Regional Firearms Training Center - Capital	\$90,000
Fire Rescue Services Fund	\$244,000
Criminal Justice Grant Programs	\$731,081
Water Resources	\$1,500,916
Facilities Development	\$1,271,109
Courthouse Maintenance	\$29,581
Old Crozet School Operations	\$80,400
Vehicle Replacement	\$1,168,014
Bright Stars Program	\$1,605,084
Children's Services Act	\$11,608,951
Martha Jefferson Hospital Health Grant	\$5,000
Housing Fund	\$600,000
Darden Towe Memorial Park	\$305,794
Tourism Enhancement	\$1,715,199
Economic Development Authority	\$80,000
Housing Assistance Fund	\$3,420,000
Total OTHER GENERAL GOVERNMENT FUNDS appropriations for fiscal year ending June 30, 2019:	\$25,558,247
To be provided as follows:	
Revenue from Local Sources	\$2,259,132
Revenue from the Commonwealth	\$7,701,011
Revenue from the Federal Government	\$3,553,744
Transfers In from Other Funds	\$10,648,215
Use of Fund Balance	\$1,396,145
Total OTHER GENERAL GOVERNMENT FUNDS resources available for fiscal year ending June 30, 2019:	\$25,558,247

SECTION VI - GENERAL GOVERNMENT CAPITAL IMPROVEMENTS FUND

That the following sums of money be and the same hereby are appropriated from the GENERAL GOVERNMENT CAPITAL IMPROVEMENTS FUND to be apportioned as follows for the purposes herein specified for the fiscal year ending June 30, 2019:

Paragraph One: COURTS

Court Facilities Addition/Renovation	<u>\$1,358,023</u>
--------------------------------------	--------------------

Paragraph Two: PUBLIC SAFETY

Police Community Response Truck Replacement	\$80,000
Police County 800Mhz Radio Replacements	\$353,105
Police Evidence Processing and Special Vehicle Storage Design	\$50,000
Police Mobile Data Computers Replacement	\$35,710
Police Patrol Video Cameras Replacement	\$134,400
Fire Rescue Apparatus Replacement Program	\$1,610,750
Fire Rescue Mobile Data Computers Replacement	\$208,000
Fire Rescue Station Alerting System Replacement	\$851,745
Fire Rescue Volunteer Facilities Maintenance Program Pilot	<u>\$253,336</u>
	<u>\$3,577,046</u>

Paragraph Three: PUBLIC WORKS

City/County Co-Owned Facilities Maintenance/Replacement	\$178,804
County Owned Facilities Maintenance/Replacement	\$1,371,668
Ivy Fire Station 15 Maintenance Obligation	\$50,000
Ivy Landfill Remediation	\$220,000
Ivy Recycling Convenience Center	\$350,000
Moore's Creek Septage Receiving Station	\$109,441
Regional Firearms Training Center Capital Reserve - County Share	<u>\$39,600</u>
	<u>\$2,319,513</u>

Paragraph Four: COMMUNITY/NEIGHBORHOOD DEVELOPMENT

Connector Road Study: Berkmar Dr Extended - Lewis and Clark Drive	\$21,005
Sidewalk Construction Program	\$126,595
Transportation Leveraging Program	<u>\$1,512,118</u>
	<u>\$1,659,718</u>

Paragraph Five: HEALTH AND WELFARE

PVCC Advanced Technology Center Sitework	\$140,000
Senior Center at Belvedere	<u>\$500,000</u>
	<u>\$640,000</u>

Paragraph Six: PARKS, RECREATION & CULTURE

City/County Co-Owned Parks Maintenance/Replacement	\$253,883
County Owned Parks Maintenance/Replacement	\$1,520,371
Crozet Park Maintenance/Replacement and Improvements	\$299,138
Parks Restroom Renovation/Modernization	\$8,079
Pilot Fundraising Parks Project	<u>\$79,039</u>
	<u>\$2,160,510</u>

Paragraph Seven: TECHNOLOGY AND GEOGRAPHIC INFORMATION SYSTEMS (GIS)

County Server/Infrastructure Upgrade	<u>\$442,865</u>
--------------------------------------	------------------

Paragraph Eight: OTHER USES OF FUNDS

Borrowed Proceeds Transfer	\$40,155,308
Transfer to School Division Capital Improvements Fund	\$95,864
Cost of Issuance	\$843,005
Project Management Services - General Government	<u>\$38,823</u>
	<u>\$41,133,000</u>

Total GENERAL GOVERNMENT CAPITAL IMPROVEMENTS FUND appropriations for fiscal year ending June 30, 2019:	<u>\$53,290,675</u>
--	----------------------------

To be provided as follows:

Revenue from Local Sources (General Fund Transfer)	\$3,134,324
Revenue from Local Sources (Other Transfers)	\$592,658
Revenue from Other Local Sources	\$233,898
Borrowed Funds	\$45,671,666
Use of Fund Balance	\$3,658,129

Total GENERAL GOVERNMENT CAPITAL IMPROVEMENTS FUND resources available for fiscal year ending June 30, 2019:	<u>\$53,290,675</u>
---	----------------------------

SECTION VII: SCHOOL DIVISION CAPITAL IMPROVEMENTS FUND

That the following sums of money be and the same hereby are appropriated from the SCHOOL DIVISION CAPITAL IMPROVEMENTS FUND for the purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2019:

Paragraph One: EDUCATION (SCHOOL DIVISION)

Administrative Technology	\$263,000
High School Capacity and Improvements	\$35,187,250
Instructional Technology	\$575,000
Learning Space Modernization - 2016 Referendum Project	\$121,182
Albemarle County Board	\$35,982
School Bus Replacement	\$1,200,000
School Maintenance/Replacement	\$7,589,930
School Security Improvement Referendum Projects	\$75,940
Scottsville Elementary School Sitework Improvements	\$20,197
State Technology Grant	\$700,000
Telecommunications Network Upgrade	\$150,000

Western Albemarle High School Science Labs Addition Phase 2 - 2016 Referendum Project	\$32,315
Woodbrook Elementary School Addition-Modernization	\$16,158
Total SCHOOL DIVISION CAPITAL IMPROVEMENTS FUND appropriations for fiscal year ending June 30, 2019:	\$45,966,954
To be provided as follows:	
Revenue from the Commonwealth	\$960,000
Revenue from Local Sources (General Govt Capital Programs Transfer)	\$40,251,172
Use of Fund Balance	\$4,755,782
Total SCHOOL DIVISION CAPITAL IMPROVEMENTS FUND resources available for fiscal year ending June 30, 2019:	\$45,966,954

SECTION VIII: WATER RESOURCES CAPITAL IMPROVEMENTS FUND

That the following sums of money be and the same hereby are appropriated from the WATER RESOURCES CAPITAL IMPROVEMENTS FUND for the purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2019:

Paragraph One: WATER RESOURCES PROJECTS	
Chapel Hill Stream Restoration Projects	\$21,651
Drainage Infrastructure Maintenance/Repair Program	\$622,588
Hollymead Dam Spillway	\$78,687
Large-Scale Best Management Practice	\$4,039
Project Management Services - Water Resources	\$27,964
Reimburse General Fund for Lickinghole Creek Project	\$456,185
Water Quality Mandated Total Maximum Daily Load (TMDL) Projects	\$719,992
Water Resources Non-Mandated TMDL Projects	\$100,000
Total WATER RESOURCES CAPITAL IMPROVEMENTS FUND appropriations for fiscal year ending June 30, 2019:	\$2,031,106
To be provided as follows:	
Revenue from Local Sources (Transfer from Water Resources Fund)	\$640,061
Revenue from Local Sources (Transfer from General Fund)	\$456,185
Lickinghole Creek Fund Balance	\$456,185
Use of Fund Balance	\$478,675
Total WATER RESOURCES CAPITAL IMPROVEMENTS FUND resources available for fiscal year ending June 30, 2019:	\$2,031,106

SECTION IX: DEBT SERVICE

That the following sums of money be and the same hereby are appropriated for the function of DEBT SERVICE to be apportioned as follows from the GENERAL GOVERNMENT DEBT SERVICE FUND and the SCHOOL DIVISION DEBT SERVICE FUND for the fiscal year ending June 30, 2019:

Paragraph One: SCHOOL DIVISION DEBT SERVICE FUND	
Debt Service - School Division	\$14,809,591
Total SCHOOL DIVISION DEBT SERVICE appropriations for fiscal year ending June 30, 2019:	\$14,809,591
To be provided as follows:	
Revenue from Local Sources (Transfer from General Fund)	\$14,363,448
Revenue from Local Sources (Transfer from General Government Capital Fund)	\$25,502
Revenue from Other Local Sources	\$115,254
Revenue from the Commonwealth	\$226,507
Revenue from the Federal Government	\$78,880
Total SCHOOL DIVISION DEBT SERVICE resources available for fiscal year ending June 30, 2019:	\$14,809,591
Paragraph Two: GENERAL GOVERNMENT DEBT SERVICE FUND	
Debt Service - General Government	\$9,213,164
Total GENERAL GOVERNMENT DEBT SERVICE appropriations for fiscal year ending June 30, 2019:	\$9,213,164
To be provided as follows:	
Revenue from Local Sources (Transfer from General Fund)	\$8,998,635
Revenue from Local Sources (Transfer from Stormwater Fund)	\$197,189
Revenue from Local Sources (Transfer from General Government Capital Fund)	\$17,340
Total GENERAL GOVERNMENT DEBT SERVICE resources available for fiscal year ending June 30, 2019:	\$9,213,164
GRAND TOTAL - DEBT SERVICE FUNDS	\$24,022,755

**TOTAL APPROPRIATIONS INCLUDED IN
SECTIONS I - IX OF THIS RESOLUTION
FOR THE FISCAL YEAR ENDING June 30, 2019**

RECAPITULATION:

Appropriations:

Section I	General Fund	\$291,693,934
Section II	General Fund School Reserve Fund	\$1,024,735
Section III	School Fund	\$186,800,503
Section IV	Other School Funds	\$19,861,772
Section V	Other General Government Funds	\$25,558,247
Section VI	General Government Capital Improvements Fund	\$53,290,675
Section VII	School Division Capital Improvements Fund	\$45,966,954
Section VIII	Water Resources Capital Improvements Fund	\$2,031,106
Section IX	Debt Service	<u>\$24,022,755</u>
		\$650,250,681
Less Inter-Fund Transfers		(\$218,233,167)

GRAND TOTAL - ALBEMARLE COUNTY APPROPRIATIONS	\$432,017,514
--	----------------------

SECTION X: EMERGENCY COMMUNICATIONS CENTER

That the following sums of money be and the same hereby are appropriated from the EMERGENCY COMMUNICATIONS CENTER FUND for the purposes herein specified to be apportioned as follows for the fiscal year ending June 30, 2019:

Paragraph One: EMERGENCY COMMUNICATIONS CENTER FUND

Emergency Communications Center	<u>\$5,752,162</u>
Total EMERGENCY COMMUNICATIONS CENTER FUND appropriations for fiscal year ending June 30, 2019:	\$5,752,162

To be provided as follows:

Albemarle County	\$2,473,584
City of Charlottesville	\$1,568,966
University of Virginia	\$866,428
Revenue from Other Local Sources	\$293,385
Revenue from the Commonwealth	\$545,922
Revenue from the Federal Government	<u>\$3,877</u>
Total EMERGENCY COMMUNICATIONS CENTER FUND resources available for fiscal year ending June 30, 2019:	\$5,752,162

SECTION XI

All of the monies appropriated as shown by the contained items in Sections I through X are appropriated upon the provisos, terms, conditions, and provisions herein before set forth in connection with said terms and those set forth in this section. The Director of Finance and Clerk to the Board of Supervisors are hereby designated as authorized signatories for all bank accounts.

Paragraph One

Subject to the qualifications in this resolution contained, all appropriations are declared to be maximum, conditional, and proportionate appropriations - the purpose being to make the appropriations payable in full in the amount named herein if necessary and then only in the event the aggregate revenues collected and available during the fiscal year for which the appropriations are made are sufficient to pay all of the appropriations in full.

Otherwise, the said appropriations shall be deemed to be payable in such proportion as the total sum of all realized revenue of the respective funds is to the total amount of revenue estimated to be available in the said fiscal year by the Board of Supervisors.

Paragraph Two

All revenue received by any agency under the control of the Board of Supervisors included or not included in its estimate of revenue for the financing of the fund budget as submitted to the Board of Supervisors may not be expended by the said agency under the control of the Board of Supervisors without the consent of the Board of Supervisors being first obtained, nor may any of these agencies or boards make expenditures which will exceed a specific item of an appropriation.

Paragraph Three

No obligations for goods, materials, supplies, equipment, or contractual services for any purpose may be incurred by any department, bureau, agency, or individual under the direct control of the Board of Supervisors except by requisition to the purchasing agent; provided, however, no requisition for items exempted by the Albemarle County Purchasing Manual shall be required; and provided further that no requisition for contractual services involving the issuance of a contract on a competitive bid basis shall be required, but such contract shall be approved by the head of the contracting department, bureau, agency, or individual, the County Attorney, and the Purchasing Agent or Director of Finance. The Purchasing Agent shall be responsible for securing such competitive bids on the basis of specifications furnished by the contracting department, bureau, agency, or individual.

In the event of the failure for any reason of approval herein required for such contracts, said contract shall be awarded through appropriate action of the Board of Supervisors.

Any obligations incurred contrary to the purchasing procedures prescribed in the Albemarle County Purchasing Manual shall not be considered obligations of the County, and the Director of Finance shall not issue any warrants in payment of such obligations.

Paragraph Four

Allowances out of any of the appropriations made in this resolution by any or all County departments, bureaus, or agencies under the control of the Board of Supervisors to any of their officers and employees for expense on account of the use of such officers and employees of their personal automobiles in the discharge of their official duties shall be paid at the rate established by the County Executive for its employees and shall be subject to change from time to time.

Paragraph Five

All travel expense accounts shall be submitted on forms and according to regulations prescribed or approved by the Director of Finance.

Paragraph Six

The County Executive is authorized to:

1) administratively approve budget transfers of unencumbered funds of up to \$50,000.00 per fund in the fiscal year from one classification, department, or project to another within the same general governmental fund;

2) allocate funding from the below identified classifications to appropriate budget line-items for expenditure:

Expenditure Classifications Eligible for Transfer Under this Resolution:

- Training Pool
- Innovation Fund
- Salary Reserve
- BOS Strategic Priority Support
- Transformational Initiatives

3) allocate salary lapse between department budgets;

4) administratively approve budget transfers of unencumbered capital project management services funds in the fiscal year from one project to another within the same general governmental fund; and

5) administratively approve the carry forward of outstanding grants received and appropriated in FY 19 into FY 20.

Paragraph Seven

The Director of Finance is hereby authorized to transfer monies from one fund to another, from time to time as monies become available, sums equal to, but not in excess of, for the appropriations made to these funds for the period covered by this appropriation resolution.

Paragraph Eight

All resolutions and parts of resolutions inconsistent with the provisions of this resolution shall be and the same are hereby repealed.

Paragraph Nine

This resolution shall become effective on July first, two thousand and eighteen.

Ms. McKeel **moved** that the Board request the Superintendent to provide Quarterly Financial reports from the School Division detailing the nine (9) categories as they are now reported to the Department of Education, and to detail any transfers of funds between categories. The motion was **seconded** by Ms. Mallek.

Ms. Mallek added that she thinks it is important that this information be a verbal presentation. She asked if the additional supplemental information for the resolution would start next year. Ms. Allshouse responded, "yes".

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

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

NAYS: None.

Ms. Allshouse continued her presentation with Part 3, to provide direction on the use of \$180,893 general government reserve contingencies for future appropriation. She said staff seeks the Board's guidance and staff will bring back an appropriation to amend at a subsequent Board meeting. She listed four options that staff recommends the Board consider: 1) Stormwater Capital Improvements Fund, 2) Sustaining a Quality Organization Reserve, 3) Reserve for Future Strategic Plan Discussions, and 4) Capital Improvements Fund.

Mr. Dill asked if the money could be kept in the General Fund reserve. Ms. Allshouse responded that the money is currently in the General Fund Reserve for Contingencies.

Mr. Gallaway pointed out that in the past they did not know they were under budget and the extra went to a positive year-end variance, whereas now they are specifically saying there is \$180,893 they are putting in reserve for positive year-end variance. He said that if they park it under one of the four options listed, they have to be clear that they are not saying they would budget this amount to that fund every year. Mr. Gallaway stated that the \$180,893 should be put in a place to either provide services or to fund a capital project, emphasizing that he is open to suggestions but does not believe it should be parked in a general reserve.

Mr. Richardson reminded Mr. Gallaway that the surplus had resulted from a stronger economy and agreed that if all things stay the same next year, this would be a recurring amount of money. He said that next year's review dates would be pushed close to the dates when the tax rate ceiling is set to provide the Board with programming ability, while the budget process is open and at an earlier stage. He stated that the Board will review revenues next year, and this does not lock the \$180,893 into that fund but pushes it back into undesignated revenue from which the Board can allocate. Mr. Richardson agreed that the Board could go back into the budget process and attach the monies to ongoing services. He noted that the staff is doing this to some degree with the Sustaining a High Quality Organization reserve and future strategic planning discussions – at which time the Board will see how certain objectives are moving forward. He emphasized that the Board could do whatever it wants with the surplus but staff is looking at options that line up better, considering the May timeframe.

Mr. Gallaway said he appreciates the four options, but there are a lot of needs brought forth that were not funded and Supervisors should be aware that they have options beyond the four presented. He pointed out that they have set up reserve funds from one-time money last year. He wondered whether putting the \$180,000 in a one-time reserve is the proper use and whether there is another recurring service or place for this that could be debated with the four options presented.

Ms. Mallek agreed with Mr. Gallaway and proposed the Board temporarily leave it where it is and give staff a chance to confer with department heads as to their needs.

Mr. Gallaway said if the Board is debating on putting the funds in a contingency, he would prefer that it go to high priority positions that should be funded, which is also transparent.

Mr. Richardson suggested the staff follow Ms. Mallek's suggestion and provide a staff recommendation to the Board, or the Board could attach \$180,000 to a recurring service or resources that require dedicated funding.

Ms. Palmer expressed her approval of Mr. Richardson's offer. She reminded the Board that they are about to have a discussion about a bond referendum and they are all challenged by what they would like to do and what they can reasonably do. She suggested the Board place the funds in the CIP this year and then program the funds next year.

Mr. Gallaway reiterated that he is open to the Board having a conversation of where the funds should go, but where it gets programmed is important. The Board already has reserves and contingencies in its budget that it does not need to further add.

Mr. Randolph said he takes exception to Mr. Gallaway's comments because he is linking this in terms of time, and in six months the Board may have other pressing issues for which \$180,000 would be valuable to utilize. He said Mr. Gallaway should remind his voters that \$180,000 represents one-ninth of a penny and an infinitesimal part of the \$430 million budget. He said he does not feel any pressure to make a decision today, as his three years of experience on the Board has shown that every year they have a need for funds – and he is willing to wager that they will end up spending this money on a key need that has not been identified in the four categories.

Ms. Mallek commented that the \$180,000 could be used to leverage matching funds for a project.

Mr. Gallaway responded that it is a matter of perspective and that although \$180,000 may be a relatively small amount, it could represent two police positions.

Mr. Randolph said that is an ongoing expense.

Mr. Gallaway replied that this is precisely his point; it is ongoing money.

Mr. Dill asked if this is ongoing money. Ms. Palmer interjected that it is recurring money and that staff had informed the Board that it would be budgeted next year in the regular budgeting process. She said that if they allow staff to budget the money, it is like one-time funds – but if the Board budgets this money it is recurring.

Mr. Richardson apologized for the confusion explaining that it had occurred unlike any budget process in the past. He stated that after all the revenues were reported, there was a shortfall in the School Division budget created by the composite index, at which time the staff consulted with economic forecasters and provided an update that generated an additional \$950,000 of ongoing revenue for next year. Staff applied the 60/40 split to schools and general government, at the Board's direction. He said that this created approximately \$500,000 to schools and \$400,000 to general government. He explained that the Board reviewed some priorities and stopped the process when the funding got down to \$180,000. Mr. Richardson stated that the primary reason for providing the four options was that it gave the Board control in the future to do something different with this money. He said that the staff will move revenue projections later in the budget to a point at which they would only deal with this issue as they go through the methodology and steps of bringing the budget process to closure. He explained that next year, this step would become embedded in the Board's process.

Mr. Dill suggested the Board select one of the four options and not have staff spend more time on this.

Ms. Mallek said she does not think it would be very taxing for staff to check with five or six department heads to figure out their needs.

Ms. McKeel said she has a question about Option 2, Sustaining a Quality Organization Reserve. She recounted that she recently attended a meeting for the rollout of the technology report the Board received that discussed how they have systems that do not talk to each other and they pay people to transcribe data from one system to another when technology can do that – and these positions could be used in other ways. She said it also discussed the efficiency of the phone system, customer service, and the website. She emphasized that a technology upgrade is coming, will cost money, and is critical for the organization. She asked if someone would comment on the technology assessment and recommendation.

Mr. Richardson commented that Ms. McKeel's categorization of the technology needs assessment report falls within Sustaining a Quality Organization Reserve as it looks at operations and identifies pinch points and areas for improvement. He said that next year they will try to optimize performance, customer service, business practices, and technology implementation.

Ms. McKeel said she knows the County has been struggling with technology and systems that do not communicate, and she believes that by addressing technology and improving efficiencies, it would ultimately be able to put money into other areas and may have to make an expenditure to get that done.

Mr. Richardson replied that if the Board selects Option 2, then staff would look at ongoing, unfunded, high-priority items that were brought up in the budget process and put together a recommendation sheet and come back before the Board. He emphasized that the Board would still have the opportunity to select one of the other options.

Ms. McKeel **moved** that the Board approve Option #2 to place \$180,893 into a reserve for sustaining a quality organization, and to direct staff to provide a list of options, with an appropriation. The motion was **seconded** by Mr. Dill.

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

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

Ms. Allshouse continued her presentation with the fourth agenda item, Approve Official Intent to Reimburse Expenditures with Proceeds of a Borrowing (Attachment D). She explained that the resolution allows the County to use up to \$66.8 million of bond proceeds to reimburse capital program expenditures in the FY19 capital budget. She said staff recommends approval of the attachment.

Ms. Palmer **moved** that the Board adopt the Resolution of Official Intent to Reimburse Expenditures with Proceeds of Borrowing. The motion was **seconded** by Ms. Mallek.

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

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

RESOLUTION OF OFFICIAL INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF A BORROWING

WHEREAS, the Albemarle County Board of Supervisors, Virginia (the "Borrower") intends to acquire, construct and equip the items and projects set forth in Exhibit A hereto (collectively, the "Project"); and

WHEREAS, plans for the Project have advanced and the Borrower expects to advance its own funds to pay expenditures related to the Project (the "Expenditures") prior to incurring indebtedness and to receive reimbursement for such Expenditures from proceeds of tax-exempt bonds or taxable debt, or both.

NOW, THEREFORE, BE IT RESOLVED by the Albemarle County Board of Supervisors that:

1. The Borrower intends to utilize the proceeds of tax-exempt bonds (the "Bonds") or to incur other debt to pay the costs of the Project in an amount not currently expected to exceed \$66,826,982.
2. The Borrower intends that the proceeds of the Bonds be used to reimburse the Borrower for Expenditures with respect to the Project made on or after the date that is no more than 60 days prior to the date of this Resolution. The Borrower reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds or other debt.
3. Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure); (b) a cost of issuance with respect to the Bonds; (c) a nonrecurring item that is not customarily payable from current revenues; or (d) a grant to a party that is not related to or an agent of the Borrower so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Borrower.
4. The Borrower intends to make a reimbursement allocation, which is a written allocation by the Borrower that evidences the Borrower's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Borrower recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years.

5. The Borrower intends that the adoption of this Resolution confirms the “official intent” within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.

6. This Resolution shall take effect immediately upon its passage.

Exhibit A

**CAPITAL IMPROVEMENT PROGRAM
BOND FUNDED PROJECTS
FY 2018/19**

<u>School Division</u>	<u>Amount (\$)</u>
High School Capacity and Improvements	\$32,643,000
School Bus Replacement Program	\$ 940,000
School Maintenance/Replacement Program	\$ 6,572,310
School Subtotal	\$40,155,310
<u>General Government</u>	<u>Amount (\$)</u>
Cost of Issuance	\$ 843,005
Court Facilities Addition/Renovation	\$ 1,348,516
County-Owned Facilities Maintenance/Replacement	\$ 587,340
County Owned Parks Maintenance/Replacement	\$ 924,250
County Server Infrastructure Upgrade	\$ 110,716
Crozet Park Maintenance/Replacement and Improvements	\$ 255,750
Fire Rescue Apparatus Replacement Program	\$ 135,000
Fire Rescue Station Alerting System Replacement	\$ 651,000
Fire Rescue Volunteer Facilities Maintenance Program	
Pilot	\$ 235,602
Ivy Recycling Convenience Center	\$ 262,500
Police Community Response Truck Replacement	\$ 74,400
Police County 800Mhz Radio Replacements	\$ 88,276
General Government Subtotal	\$ 5,516,355
Total Debt Issue - FY 18/19 Projects	\$45,671,665

Exhibit A

PREVIOUSLY APPROPRIATED PROJECTS TO BE BOND FUNDED

<u>School Division</u>	<u>Amount (\$)</u>
Learning Space Modernization Referendum Project	\$ 1,827,683
School Bus Replacement Program	\$ 900,000
School Maintenance/Replacement Program	\$12,346,608
School Security Improvements Program – 2016 Referendum Project	\$ 205,125
Scottsville Elementary School Sitework Improvements	\$ 195,440
Western Albemarle High School Environmental Studies Academy	
Phase 2 –2016 Referendum Project	\$ 440,820
Woodbrook Elementary School Addition-Modernization – 2016 Referendum Project	\$ 18,890
School Subtotal	\$15,934,566
<u>General Government</u>	<u>Amount (\$)</u>
COB McIntire Windows Replacement	\$ 153,925
Cost of Issuance	\$ 441,896
County Owned Parks Maintenance/Replacement	\$ 279,822
County Server Infrastructure Upgrade	\$ 269,476
County-Owned Facilities Maintenance/Replacement	\$ 377,772
Court Facilities Addition/Renovation	\$ 26,091
Crozet Park Maintenance/Replacement and Improvements	\$ 215,453
Police County 800Mhz Radio Replacements	\$ 275,629
Police Mobile Command Center Replacement	\$ 175,391
Transportation Leveraging Program	\$ 2,940,000
General Government Subtotal	\$ 5,155,455
<u>Water Resources</u>	<u>Amount (\$)</u>
Hollymead Dam Spillway Improvement	\$ 65,296
Water Resources Subtotal	\$ 65,296
Total Debt Issue - FY 18/19 Projects	\$21,155,317
TOTAL DEBT ISSUE – ALL PROJECTS	\$66,826,982

Recess. The Board recessed its meeting at 3:22 p.m. and reconvened at 3:32 p.m.

Agenda Item No. 4. 2018 Bond Referendum - Project Identification.

The Executive Summary forwarded to the Board states that on March 1 and March 5, 2018, as part of the budget development process, the Board of Supervisors held work sessions on the Capital Improvement Program. During the work sessions, the Board reviewed the Recommended FY 19 Capital Budget (which is the first year of the FY 19 - FY 23 Capital Improvement Plan (CIP)) as well as the information that was included in the Recommended Budget document about other longer-term capital requests and resource implications. During these work sessions, the Board discussed potential referendums, and reviewed debt management information.

On March 27, as part of the Budget Work Session, the Board received an overview from School Division staff on the High School Capacity and Improvement Project CIP request including the timing and cost estimates of the phases envisioned for this project. The Board chose to include Phase 1 of the High School Capacity and Improvement Program at \$35.1 Million in the Proposed FY 19 Capital Budget anticipating future discussion as to whether the project would be included in a 2018 Bond Referendum. On March 29, the Board received further details from School Division staff regarding the School Division's High School pilot center which was included in its operating budget as well as other phases of the High School Capacity and Improvement project. The Board also reviewed five potential FY 19 - FY 23 CIP scenarios and the associated cost estimates and directed staff to bring back additional scenario models on April 10.

On April 10, the Board of Supervisors reviewed three additional CIP scenario models. It also reviewed potential local government projects and the potential impacts on future tax bills based on current assumptions included in the scenario models. The Board stated that it desires that the County pursue a November 2018 Bond Referendum for the Phase 1 (Center 1) of the High School Capacity and Improvement project. The Board further directed staff to prepare for a May 9 CIP Work Session in which it would determine what additional projects to include in the 2018 Bond Referendum.

On April 17, the Board approved the 2018 Tax Rate and the FY 19 Operating and Capital Budgets.

On May 9, the Board of Supervisors will discuss potential projects to include on a 2018 Bond Referendum. Representatives from the School Division will also provide additional information on the High School 2022 project. To meet the Bond Referendum schedule provided by the County Attorney's Office (Attachment A), the School Board would be required to request the Board of Supervisors take action on School-related Bond Referendums by May 24. On June 6, the Board would be required to approve the FY 19 - FY 23 Capital Improvement Plan which would include Bond Referendum projects. On June 13, the Board would be required to adopt a resolution requesting the Circuit Court to order the election, stating the purposes of projects funded in whole or in part by the bond proceeds, and the maximum amount of the bonds that may be issued.

The size and scope of the 2018 Bond Referendum would impact the amount of future debt that would be issued by the County.

Staff recommends that the Board determine the maximum dollar amount of the bonds to be issued and identify the projects to be funded in whole or in part by the bond proceeds in a 2018 Bond Referendum.

Ms. Allshouse reported that the desired outcome of today's discussion is to obtain the Board's guidance on the FY 19-23 Capital Improvement Plan and potential November 2018 bond referendum. She said staff seeks direction on a maximum dollar amount and identification of projects to include. She presented a timeline of future steps in May and June, if the Board were to approve the referendum. She emphasized that the next steps are determined so they can comply with the legal framework. The schedule is presented as follows:

- May 9: Board provides direction.
- May 24: School Board requests Board take action on bond referendum.
- June 6: Board approves CIP to include projects to include in the referendum.
- June 13: Board requests Circuit Court to order election, stating purposes of bond and maximum amounts.

Mr. Kamptner clarified that the dates presented are recommended but not absolute, as they have some wiggle room.

Ms. Allshouse recapped where they had been, presenting a slide with a list of dates of past actions that had led to where they are today. She reminded the Board that on March 29, the Board reviewed five scenarios, and directed staff to research Scenario 3, Enhanced Foundation and High School Phase 1, and to provide additional options within this scenario. She said the projected cost was \$198.3 million and would require additional resources, resulting in a tax increase of 3.8 cents.

Ms. Palmer asked for confirmation that the 3.8-cent tax increase includes the 1.3 cents anticipated from the 2016 bond referendum and does not include the stormwater tax, which was estimated to be 1.5 cents. Mr. Letteri confirmed this.

Ms. Palmer asked if the bond referendum they are about to consider would be for \$25.1 million. Ms. Allshouse replied that the \$25.1 million represents additional funds they will need over what they modeled in the current CIP, is equivalent to 3.8 cents, and includes the high school Phase 1 center. She reminded the Board that when staff came back on April 10, they reviewed Scenario 3 as well as 3A, 3B, and 3C. She presented a slide with the descriptions and cost estimates of the additional scenarios. She reviewed the results of the April 10 work session, during which the Board recommended the County pursue a November 2018 referendum for High School Capacity and Improvements, Phase 1 (Center 1) and asked to hold a work session on May 9 to determine whether the referendum should include additional projects, what the maximum cost should be, and under what categories/projects the funding would be shared. She presented a list of criteria considerations that the CIP Oversight Committee reviewed in January for a potential bond referendum: geographic diversity, quality of life, non-mandated projects, high scoring projects in TRC per category, timeliness, importance to citizens, conditions of facilities, project diversity, and strategic initiatives. She next presented a slide that contained lists of potential local government projects, based on Board feedback, for referendum in the four categories of Transportation, Community Facilities and Greenspace, and Public Safety, and she listed eight projects. Ms. Allshouse noted that some projects were listed in purple, which means they were cited by three or more Supervisors. Staff also asked Supervisors to think of the maximum amount they wanted to put on a referendum based on their most current information; four Supervisors said they would consider funding \$10 million or less in projects for a potential total 2018 referendum that would not exceed \$45.1 million.

Ms. McKeel noted that under Safe Routes to Schools, they learned that at least two projects have been funded through a grant program, and she asked if the fact that it appears on the list means they are seeking additional funding beyond what has been provided. Mr. Kevin McDermott, County Transportation Planner, explained that when staff included the projects on the list, it did not know if they were going to receive the Safe Routes to School grant through the Transportation Alternatives program. He said it looks like they will receive this grant and will remove the project from the list. He explained that the listed cost estimates should be viewed as examples of top priority projects but the funds required to move all of these projects forward would exceed what could be raised in a bond referendum, and staff would want to nail down these costs further if they are to move forward with a referendum.

Ms. McKeel noted that the Safe Routes to Schools included the Cale, and Greer/Jouett projects, which were both Neighborhood Improvements Funding Initiatives. She asked if they would be funded without the \$1.8 million. Mr. McDermott confirmed that they are already funded and can be removed from the list.

Ms. Mallek remarked that there could be other projects to substitute for Cale and Greer within this category if the Board leaves the funds in, and they should not sweep this money as they may need it to complete the project.

Mr. McDermott said they would remove these two projects from the list and if the full \$1.8 million were approved, they would use this money to get the rest of the projects built completely. He acknowledged that they do not often know what projects would cost until they get to the design phase and then must remove some elements. He asked the Board for direction as to which projects they should pursue.

Ms. Mallek asked if direction must be given now or could wait until after they develop a more detailed list.

Ms. Allshouse asked Mr. Kamptner if a question on the bond referendum could be worded in a way so that it could be adjusted later to be more specific. Mr. Kamptner replied that the bond referendum question needs to be carefully worded to allow this flexibility. He said there is room within the total amount to move if the projects are not itemized and funds cannot be moved from one itemized project to another.

Ms. McKeel noted that the Thomas Jefferson Planning District Commission is conducting a study on bicycle/pedestrian connections around the urban ring, and she asked how that is linked to what they may do with the referendum. Mr. McDermott replied that the projects shown are those that were in the previous TJPDC plan, have been vetted and would definitely be included in their plan. He said the County is hoping to get additional future projects from the TJPDC plan.

Ms. Palmer asked if the Board did something that would result in a four-cent tax increase it would take place over five years unless they were to receive funding unexpectedly. Mr. Letteri confirmed that this is their estimate, based on their expectations for growth over this time period.

Ms. Mallek asked if the funds could be raised through natural growth if future years are like the past year. Mr. Letteri explained that their projections assumed an increase in assessments and that 100% of tax rate increases are dedicated to the capital program.

Ms. Palmer asked if teacher salary increases would require an additional increase. Mr. Letteri responded that it would unless the economy grows faster than expected in which case some of this could be absorbed.

Mr. Gallaway questioned whether they would need a bond referendum if they were to increase the tax rate by four cents, noting that he has heard Supervisors say that the purpose of a referendum was to judge the public's appetite for what they would like to see. He said that capping the tax rate does not give them the full menu. He said the question of whether to raise the tax rate by four cents is a different question from asking the public to determine which projects they support under a certain tax increase.

Ms. Palmer said she likes the idea of a bond referendum because it gives the community input as to where to spend money; however, she does not at this time want to put the community in a position where it would entail a particularly large tax increase. She expressed concern over what people could handle in their budgets and noted the tremendous disparity in incomes.

Mr. Randolph commented that he thinks the entire Board is on the pain/gain spectrum of considering the amount of a tax increase to address long term capital needs. He said they put themselves in this position because they tried to lighten the load between FY08–FY13, while simultaneously the County was growing by 1,300 people per year. He emphasized that they cannot afford to not add capacity for high school students and try to get by solely with the three existing main high schools. He noted that there are other vital demands, besides schools, and posed the question as to whether all the gain should be put towards schools. Mr. Randolph stated that he agrees that Phase 1 with the learning center is essential, but the additional projects should be up for consideration. The Board may decide to not fund all of the projects if it would entail too much for voters to absorb in tax increases.

Ms. Palmer said she recognizes that the Board select a figure, and it is the School Board that chooses the projects.

Ms. McKeel said she can tell from emails she received that many residents do not realize the tax increase from the last bond referendum had been delayed, which she believes is a huge problem.

Mr. Dill emphasized that the bond referendum is not the equivalent of tax increases alone but also a statement from the Board of Supervisors and school system as to what their goals are. He said they can raise money in other ways and if they are to have a smaller referendum now, they could still borrow money in the future. He expressed a preference for minimizing the referendum since they are still paying off the previous one, noting that it would also allow for more flexibility as they would not be committing themselves to all the projects.

Mr. Letteri clarified that what they will be asking the public is if it would support the issuance of debt to fund projects, though it does not commit the Board to doing the projects.

Mr. Dill remarked that though they may not be legally obligated, if they hold a referendum to fund a project they have to do the project or something that fills that need.

Ms. Palmer said there are a lot of citizens who want the money to go into schools, and there will be a lot of pressure on the Board to move in that direction. She added that there are lot of "haves" and "have nots" in this community and that needs to be balanced.

Ms. McKeel asked for confirmation that they could put out a referendum that asks the public to select projects. Mr. Kamptner replied that they could list a series of questions and allow the public to vote "yes" or "no" on each one.

Mr. Randolph said it would be important to make the public aware of the resulting tax increase from each project approved by including this in the literature that is disseminated.

Mr. Kamptner explained that by statute, his office is required to prepare an impartial statement. He noted that the literature for the 2016 referendum spoke to a 1.3-cent tax rate increase along with an estimate of what this would amount to in dollars for the median value home.

Ms. McKeel reiterated that many people who voted to approve the referendum believed they were paying the increased tax, not realizing that it was postponed, which puts the Board in an awkward position now.

Mr. Randolph added that there was a silent 1.3-cent increase for which the public does not know the context, though the benefit was that for two years the Board did not need to put this in due to the improved economy. He then proposed that the Board reach an agreement on projects they all support, figure out the total tax increase, and then determine whether this is too much. He proposed that the Board also discuss whether there should be any projects included outside of the School Division.

Ms. Palmer emphasized that not everything has to be in a referendum and suggested they go with what the School Board said it would do first – the Phase 1 Center and the Scottsville project.

Mr. Kamptner offered to put this in context and said the Board is giving preliminary direction to the School Board as to how much indebtedness they are willing to consider. He stated that the School Board will then consider a resolution if they decide to ask the Board of Supervisors to proceed with a referendum, and the Board of Supervisors will be in a position to say "yes" or "no".

Ms. McKeel remarked that it does not sound like the Board will approve all the proposed projects, which would entail a cost of \$146.7 million. She said the discussion should be about which projects and the amounts of money. She asked Ms. Allshouse for the costs to fund Phases 1 and 2 with and without

Scottsville. Ms. Allshouse responded that Phases 1 and 2 would cost \$69.5 million and entail a 3 to 4-cent tax increase, without Scottsville.

Ms. Mallek pointed out that the \$37 million for the center was 3.8 cents by itself and another \$34 million could not be just one more penny. Ms. Allshouse responded that she cannot calculate the numbers on the spot as there are various factors involved. She asked Mr. Letteri to weigh in.

Mr. Letteri explained that the timing of the projects affects things. He said that if they were to add Phases 1 and 2 and Scottsville, it would likely be above 4.3 cents and approaching 5 cents.

Ms. Allshouse emphasized that the sooner a tax increase is enacted, the more effect it has since it is cumulative.

Ms. Mallek asked if there is support for a non-school bucket to do some local government projects that have been languishing for many years. Mr. Dill expressed support for bicycle and pedestrian construction.

Ms. Palmer commented that the inclusion of Scottsville may not be wise to include in a referendum for which they are seeking approval from the entire community, and the high school might be a better bet. She said she prefers to keep the referendum manageable, pointing out that they did a \$35 million referendum before that worked well, and she would feel comfortable going over this amount but not to triple it.

Ms. McKeel said her thought is that it is more affordable.

Mr. Gallaway asked if the Board of Supervisors dictated an amount to schools for the last referendum or if the schools had come up with projects that totaled \$35 million. Mr. Letteri recalled that the question was very broadly stated to include various school projects, including Woodbrook and modernization projects.

Mr. Gallaway said he is referring to the time before the School Board made the resolution to the Board of Supervisors when there was a general agreement to hold a bond referendum. He asked if at that time the Board of Supervisors had agreed to an amount and allowed the schools to determine the projects or if they agreed to hold a referendum and asked the schools what would be on it. Ms. Rosalyn Schmitt, Chief Operating Officer, recalled that the School Board had made a petition to consider a referendum to fund unmet needs.

Mr. Gallaway recalled that the amount was dictated by the projects. Mr. Kamptner stated the School Board's resolution requested \$35.5 million and the Board's resolution requested a bond of \$35 million.

Mr. Gallaway said he is hearing separate reasons for going to a bond referendum. The Board does not seem to be in line as to why it would use a referendum – whereas the last time it was very clear.

Ms. Mallek said she thinks they had different perspectives even then.

Ms. Palmer said that maybe the Board should say what it is comfortable with and allow the schools to propose their projects.

Mr. Kamptner said he thought the specific projects are being discussed in the context of coming up with an ultimate amount the Board is comfortable with, and the schools would come back with specific projects and may ask for more or less.

Ms. McKeel remarked that the schools may say that Phase 1 without Phase 2 would not work.

Ms. Palmer said that some people had said this.

Ms. McKeel said she is prepared to pick the projects they Board would like to see go to a bond referendum to allow the community to make a determination of what people feel are worthwhile projects to be funded. She expressed support for Phases 1 and 2 and said is willing to entertain some government projects as well. She remarked that they have gone for years with only addressing critical maintenance issues and have a backlog of capital improvement projects for which she would like to give the public the opportunity to weigh in on.

Ms. Palmer suggested they include completion of the Northtown Trail.

Mr. Dill said that could also be done with a survey instead of in a bond referendum.

Ms. Mallek proposed that the Board support Phases 1 and 2 plus \$12 million in local government projects, to be determined. She noted that some of the items could obtain matches for outside funding, and they could partially fund some of the bigger projects and get community involvement to do the rest. She supports funding for Hedgerow and for some athletic fields, adding that the \$79 million cost is horrifying but she would like to put this out there.

Mr. Randolph asked that they hold a vote to determine support for Phases 1 and 2. He said they have to reach an agreement on what they will do with the schools before talking about other things. The Board can then see if there is any interest in adding any non-education related items.

Mr. Gallaway said he is interested in retaining flexibility, emphasizing that the School Board has not yet weighed in. He is fine with a higher ceiling.

Mr. Dill asked if it is better to have specific projects or an amount. Mr. Kamptner suggested that they communicate to the School Board the bond amount they are comfortable with.

Ms. McKeel **moved** that the Board direct staff to move forward with a \$70 million general obligation bond referendum for school projects. The motion was **seconded** by Ms. Mallek.

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

AYES: Mr. Gallaway, Ms. Mallek, and Ms. McKeel.

NAYS: Ms. Palmer, Mr. Randolph and Mr. Dill.

Mr. Gallaway asked those who voted “no” if their concern is with the amount or with the funding for both schools and local government. Ms. Palmer responded that she wants to have some local government projects but the amount is too much for her.

Mr. Dill **moved** that the Board direct staff to move forward with a \$35 million general obligation bond referendum for school projects. The motion was **seconded** by Ms. Palmer.

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

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

NAYS: Mr. Gallaway and Ms. McKeel.

Ms. Mallek **moved** that the Board direct staff to move forward with a general obligation bond referendum for \$12 million for local government projects. The motion was **seconded** by Mr. Dill.

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

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

NAYS: Mr. Randolph.

Mr. Randolph stated that he voted no because he feels that Scottsville Elementary deserves to be funded.

Ms. Palmer said this is \$2 million more than her original suggestion, Scottsville Phase 1 plus \$10 million for local projects. She said she is comfortable if the \$10 million were increased to \$12 million, adding that she does not know if Scottsville is a good project to put in the referendum.

Ms. Mallek added that this would be \$60 million instead of \$70 million.

Ms. McKeel asked Ms. Schmitt to come forward to clarify. Ms. Schmitt emphasized that the slide of projects presented was for illustrative purposes and the School Board has not discussed priorities for a referendum of only \$12 million.

Ms. McKeel said she thought they were going to present projects on the referendum from which voters could select.

Ms. Palmer said she completely agrees with Ms. McKeel but to her it is a question of what they do in one year.

Mr. Dill praised the high school program as innovative and well-conceived and he feels it could sell well in a referendum. He expressed support for bike and pedestrian trails, which he said he heard more about by far than any other need or want. He expressed support to include these two items in the referendum but would like to see the other items funded through the CIP.

Mr. Richardson summarized where they were after the three motions and clarified that they have approved funding for \$47 million in the referendum.

Ms. Palmer proposed they postpone further decisions until the School Board comes back, which she believes is what Mr. Gallaway proposed.

Mr. Gallaway said it would be helpful for the School Board to make its request and allow him to say “yes” or “no” to the amount. He explained that if the Board provide an amount to the School Board, it would dictate their conversation – whereas if the Board leave this open it would allow the School Board to have a more open discussion. He said he would like to keep the ceiling high as they would still have a veto authority.

Ms. Palmer recalled that Mr. Haas had proposed \$12 million for Scottsville and \$35 million for Phase 1, equal to \$47 million.

Mr. Gallaway explained that his takeaway from Mr. Haas' presentation was that these amounts probably would not be part of a referendum, and if he were to ask the School Board to propose a referendum it would be an ask of at least \$90 million for their high school program. He said it seems that the amount should be between \$47 million and \$90 million to get a substantive conversation from the School Board.

Ms. McKeel then **moved** that the Board direct staff to move forward with a general obligation bond referendum of \$70 million dedicated for school projects and \$12 million for local government projects. The motion was **seconded** by Ms. Mallek.

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

AYES: Mr. Gallaway, Ms. Mallek, and Ms. McKeel.

NAYS: Ms. Palmer, Mr. Randolph, and Mr. Dill.

Mr. Gallaway asked Mr. Kamptner for confirmation that the School Board could make the ask without the Board's imposition of a dollar amount. Mr. Kamptner confirmed this and said this action is just to give an indication to the School Board.

Ms. McKeel asked how they could get the message to the School Board since the motions have failed. Mr. Kamptner said he is sure Mr. Tistadt and Ms. Schmitt will communicate to the School Board.

Mr. Tistadt said the School Board will meet the following night and could have a conversation, though he believes it will be difficult for the School Board to provide a revised prioritization list with no parameters. He expressed his personal opinion that if the Board were to approve just the Center, it should not go to a referendum as a referendum should have most of the people in a community vested in the outcome, with something to gain. A Center that does not touch all parts of the County runs the risk of being unsuccessful.

Mr. Gallaway suggested the Board hold a series of votes and work their way down from \$70 million.

Ms. Palmer said Mr. Tistadt made a good point and that if the Board cannot get four votes for Phases 1 and 2, then the Board should consider doing this through the CIP and see what their priority projects would be. She said there is the possibility that if the Board gives the School Board a smaller amount, they could decide on more modernization projects along with Phase 1 that does hit the rest of the community.

Ms. McKeel remarked that if the Board were to support \$70 million plus \$12 million, they would not be locking themselves into anything and they could at least hear back from the School Board.

Mr. Gallaway asked Supervisors who voted against the \$70 million if it was because they were capped at the amount or if one would consider going higher than \$35 million. Ms. Palmer said she is willing to go higher than \$35 million, but does not want to give the false impression that she would go with \$70 million.

Mr. Randolph remarked that they have already voted down \$70 million and he does not see a need to revisit this. He said he wants to include the funds for Scottsville so if the School Division decides to do Scottsville, the money is there – and he is comfortable adding \$12 million to the request. He said that if the School Board chooses not to do Scottsville, then he would vote according to his reaction to that.

Mr. Gallaway noted that they are at \$59 million.

Mr. Randolph then **moved** that the Board direct staff to move forward with a general obligation bond referendum for \$59 million for school and local government project. The motion was **seconded** by Ms. Palmer.

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

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

NAYS: None.

Ms. McKeel remarked that the Board has limited itself and she believes voters need the opportunity to support projects.

Ms. Allshouse then again reviewed the referendum timeline and next steps.

Agenda Item No. 5. **Presentation:** Rural Long Range Transportation Plan.

The Executive Summary forwarded to the Board states that TJPDC staff presented to board members at the onset of the 2040 Rural Long Range Planning process to inform them of the need to update the existing plan (2035 Rural Long Range Plan). TJPDC staff is returning with an update on the plans findings and recommendations as they relate to Albemarle County. The Rural Long Range Plan 2040 (RLRP 2040) plan was developed with extensive input from VDOT Culpepper District and the

Albemarle County Planning Department. This presentation is an opportunity for the Board of Supervisors to review the draft plan and provide any feedback they might have.

The United Jefferson Area Mobility Plan (UnJAM), has already analyzed the deficiencies and needs of the region's transportation network, including the rural areas. The first of these plans was UnJAM 2025 which was prepared by the TJPDC and adopted by the MPO Policy Board in 2004. The plan was updated in 2009 with the adoption of UnJAM 2035. Since the adoption of UnJAM 2035 the MPO has adopted a separate urban Long-Range Transportation Plan (Charlottesville and Albemarle) called LRTP 2040 and a Rural Long-Range Transportation Plan called RLRP 2035. With this update of the plan, the planning horizon year has been advanced by five years to 2040. This represents the year for which the plan must address the anticipated impacts of population and employment growth upon the transportation system.

2040 RLRP is a regionally focused plan for the rural portions of the Thomas Jefferson Planning District. The plan contains information on the regional transportation network along with an analysis of needs based on available funding programs. The plan then provides a list of project recommendations that address these needs and deficiencies. Projects are prioritized based on their potential performance for the Smart Scale process (Smart Scale is the Commonwealth's performance driven process for selecting and funding transportation projects). A copy of the plan can be reviewed at <http://tjpd.org/rural-transportation-planning/>. The plan is located at the bottom of the page under Active Projects.

TJPDC staff have completed a draft version of the 2040 Rural Long Range Transportation Plan which includes updated to the regional overview, demographics, transportation system, safety, public transportation, freight and inter-regional transit, employer locations (rural), freight generators, travel demand management, land use, bridge sufficiency, and an overall deficiency system.

TJPDC staff are asking for the Albemarle County Board of Supervisors for input on the 2040 Rural Long Range Transportation Plan. If there are any questions or comments, please contact Wood Hudson at whudson@tjpd.org or (434)422-4825.

Mr. Christian Zimmerman of the Thomas Jefferson Planning District Commission addressed the Board and stated that the 2040 Rural Long Range Transportation Plan updated the 2035 RLRP plan, incorporating new data and relying on the most recent trends in transportation. He said it adopted a performance-based approach from Vtrends 2040, which will be used by the State to prioritize Smart Scale transportation funding projects. He said transportation systems were evaluated and roadway, rail, transit, air, bicycle, and pedestrian plans were then developed in the recommendations. He reviewed how they arrived at this point, stating that in 2004, UNJAM 2025 was developed and in 2009, UNJAM 2035 was developed. He explained that they are unified urban/rural plans written by TJPDC, and the RLRPs were developed with a statewide consultant. He reviewed some County demographic data as follows: median age = 39, population = 105,000, median income = \$70,000, Associates Degree = 6%, Bachelor's Degree = 26%, Graduate/Professional = 26%. He reviewed vehicle ownership as follows: no vehicle = 2%, one vehicle = 19%, two or more vehicles = 80%, mean commute time = 22 minutes.

In looking at data on minority, elderly, low income and disability, Mr. Zimmerman said the County is below the State average in every area except the elderly, with State average at 14% and the County is 16%.

Mr. Zimmerman presented a copy of a deficiency map with a portion darkened to represent areas with intersections for which there are potential safety improvements, as well as segment deficiencies as identified by VDOT and local government.

Ms. Palmer asked what they would do to areas that are geometric. Mr. Zimmerman replied that geometric would be the configuration of the roadway, which could be angles and at the curves. He provided Board members with a copy of list of 13 road projects identified to address deficiencies.

Mr. Zimmerman presented a graphic of next steps, noting that Rural Tec will meet May 15, 2018, to make a recommendation for adoption to the TJPDC Commission, followed by a June 7, 2018, TJPDC Commission meeting at which they may move to adopt the 2040 rural plan, after which localities may adopt this plan into their respective comprehensive plans.

Ms. Palmer stated that it would identify problems, but not indicate what is going to be done about them. Mr. Zimmerman confirmed that this identifies and prioritizes projects, but does not address solutions.

Agenda Item No. 6. Closed Meeting.

At 5:09 p.m., Mr. Gallaway **moved** that the Board enter into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- Under Subsection (1), to consider:
 1. Appointments to boards, committees, and commissions in which there are pending vacancies or requests for reappointments;
 2. To conduct the annual performance reviews of the Board Clerk and the County Attorney, and the mid-year performance review of the County Executive; and
 3. The assignment of attorneys in the County Attorney's Office.

- Under Subsection (3) to discuss and consider:
 1. The acquisition of real property in the Rivanna Magisterial District, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County; and
 2. The disposition of real property in the City of Charlottesville related to court facilities, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County.
- Under Subsection (7), to consult with legal counsel and briefings by staff members pertaining to probable litigation, where the consultation or briefing in open meeting would adversely affect the negotiating or litigation posture of the Board, regarding:
 1. A claim brought by Virginia Youth Club of America arising from an incident at 29 Place on March 4, 2017; and
 2. Threatened litigation brought by Crozet Center Partners LLC regarding the properties commonly known as the Crozet Depot and Crozet Square.
- Under Subsection (8), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to:
 1. The negotiation of an agreement for, and the possible relocation of, court facilities; and
 2. The recommended terms of an agreement pertaining to the tourism bureau.

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

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

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

Agenda Item No. 7. Certify Closed Meeting.

At 6:09 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. The motion was **seconded** by Ms. McKeel.

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

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

Mr. Dill **moved** that the Board adopt the proposed resolution to authorize the acquisition of real property. The motion was **seconded** by Ms. Mallek.

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

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

RESOLUTION TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY

WHEREAS, the County of Albemarle desires to acquire for public use that certain real property identified as Tax Map Parcel 03300-00-00-001G0 within the County; and

WHEREAS, the County is authorized to acquire title to real property pursuant to Virginia Code § 15.2-1800(A).

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby authorizes the County Executive to execute any agreements necessary to acquire Tax Map Parcel 03300-00-00-001G0 for a sum not to exceed \$250,000.00 plus any incidental costs related to the acquisition; and

BE IT FURTHER RESOLVED that the Board hereby authorizes the County Executive to execute any instrument by which the title in Tax Map Parcel 03300-00-00-001G0 is conveyed to the County, which shall be in a form substantially similar to the instrument attached hereto, and to accept the conveyance on behalf of the County; and

BE IT FURTHER RESOLVED that any agreement or instrument authorized to be executed by the County Executive pursuant to this Resolution is subject to the prior approval as to substance and form by the County Attorney.

Prepared by:
Justin A. Ritter VSB # 82573
McCallum & Kudravetz, P.C.
250 E. High Street
Charlottesville, VA 22902

Return to:
Albemarle County Attorney's Office
401 McIntire Road, Suite 325
Charlottesville, VA 22902
(434) 972-4067

Tax Map No.: 03300-00-00-001G0

2018 Assessed Value: \$230,500.00
Consideration: \$250,000.00

This instrument is exempt from the recording tax imposed on Grantees pursuant to Virginia Code Section 58.1-811A.3. and from Clerk's fees under Virginia Code § 17.1-266.

DEED OF BARGAIN AND SALE

THIS DEED is made this 30th day of May, 2018, by and between **WOOD PROPERTY INVESTMENTS LLC**, a Virginia limited liability company, the Grantor; and **COUNTY OF ALBEMARLE, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, the Grantee, whose address is 401 McIntire Road, Charlottesville, VA 22902;

WITNESSETH:

THAT for and in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantor does hereby GRANT, BARGAIN, SELL and CONVEY with GENERAL WARRANTY and ENGLISH COVENANTS OF TITLE unto the Grantee, the following described property located in the County of Albemarle, Virginia (the "Property"):

SEE ATTACHED EXHIBIT A

This conveyance is made subject to any easements, restrictions, reservations and conditions contained in duly recorded deeds, plats, and other instruments constituting constructive notice in the chain of title to the Property, which have neither expired by time limitation time contained therein nor otherwise become ineffective.

[SIGNATURES APPEAR ON THE FOLLOWING SIGNATURE PAGES]

[SIGNATURE PAGE TO DEED OF BARGAIN AND SALE]

IN WITNESS WHEREOF Wood Property Investments, LLC, a Virginia limited liability company, has caused this instrument to be executed on its behalf by its duly authorized officer.

WOOD PROPERTY INVESTMENTS, LLC,
a Virginia limited liability company

By: Ann T. Wood, Manager (SEAL)
Ann T. Wood, Manager

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Charlottesville, to-wit:

The foregoing instrument was acknowledged before me, Deborah Powell Johnson, Notary Public, this 30th day of May, 2018, by Ann T. Wood, Manager of Wood Property Investments, LLC, a Virginia limited liability company, on its behalf.

Notary Seal



Deborah Powell Johnson
Notary Public

Notary registration number: 102303
My commission expires: May 31, 2020

[SIGNATURE PAGE TO DEED OF BARGAIN AND SALE]

The County, acting by and through its County Executive, duly authorized by resolution adopted by the Board of Supervisors of the County of Albemarle, Virginia, accepts this conveyance of this property pursuant to *Virginia Code* § 15.2-1803, as evidenced by the County Executive's signature hereto and the recordation of this Deed.

COUNTY OF ALBEMARLE

By: Jeffrey B. Richardson
Jeffrey B. Richardson
County Executive

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Charlottesville:

The foregoing *Deed of Bargain and Sale* was signed, sworn to and acknowledged before me this 30th day of May, 2018, by Jeffrey B. Richardson, County Executive, on behalf of the County of Albemarle, Virginia, Grantee.

Cheryl L. Skeen
Notary Public

My Commission Expires: Oct. 31, 2019
Notary Registration Number 7153762

Approved as to form:

By: Jeffrey B. Richardson
County Attorney

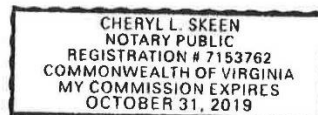


EXHIBIT A

All that certain lot or parcel of land, with the improvements thereon and appurtenances thereto belonging, situate on the East side of U.S. Route 29 and on the West side of Herring Run in Rivanna District, Albemarle County, Virginia, containing 0.93 acres, more or less, as shown on a plat thereof of record in the Clerk's Office of the Circuit Court of Albemarle County, Virginia, in Deed Book 534, page 260.

BEING a portion of the property conveyed to the Grantor herein by deed from T.E. Wood a/k/a T. Earl Wood and Thomas E. Wood and Ann T. Wood, husband and wife, dated May 5, 2010, recorded in the aforesaid Clerk's Office in Deed Book 3878, page 380.

Agenda Item No. 8. Boards and Commissions: Vacancies and Appointments.

This item was moved to later in the meeting.

Agenda Item No. 9. Call back to Order.

At 6:11 p.m., Ms. Mallek called the regular meeting to order and welcomed attendees to the evening portion of the May 9, 2018 meeting.

Agenda Item No. 10. Pledge of Allegiance.

Agenda Item No. 11. Moment of Silence.

Agenda Item No. 12. Adoption of Final Agenda.

Ms. McKeel requested that the Board have a discussion at the end of tonight's meeting about getting options for having property rezoned while the cash proffer policy is still in place. She said the Board's committee has met and made a recommendation and developers are awaiting Board direction.

Ms. Mallek said this could be placed at 22b.

Ms. Mallek **moved** that the Board adopt the final agenda, as proposed. The motion was **seconded** by Ms. McKeel.

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

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

NAYS: None.

Agenda Item No. 13. Brief Announcements by Board Members.

Ms. Mallek introduced the presiding security officer, Officer Zambrotta, and County staff around the dais.

Mr. Randolph announced that Mayor Nancy E. Gill won reelection in the Town of Scottsville on May 1, with 93.75% of the vote. He said he is delighted to have her back. Additionally, he announced that Mr. Dan Gritsko was reelected to Scottsville Town Council along with Mr. Stewart Munson, Ms. Laura Mellusi, Mr. Zachary Bullock, Mr. Josh Peck and Mr. Ed Payne, who were all elected to two-year terms.

Ms. Palmer announced that Batesville Day was held this past weekend and a parade was held with the Henley Middle School marching band performing. She said the band was very good, the rain held off, and it was a good day.

Ms. Mallek said she attended the ribbon-cutting ceremony earlier that morning for the granular-activated carbon facility at the water treatment plant in Crozet. She recounted how she and Ms. Kathy Galvin worked with the four boards – the Board of Supervisors, City Council, Rivanna Water and Sewer Authority, and Albemarle County Service Authority, to make a real turnaround in the process to keep the community's water clean and safe. She said a study of the water at the Scottsville plant had shown a 90% reduction in byproducts, and everyone should be grateful that citizens have caused this to happen.

Ms. Palmer announced that she and Mr. Dill had attended the opening at South Fork Rivanna and had the same impression.

Ms. Mallek announced the Third Community Salute ceremony was held the previous Saturday, at which students about to graduate high school were sworn into military divisions. She said it was a fabulous program and 66 graduates will join the Army, 11 will join the Navy, 50 will join the Marines, and 24 will join the Air Force.

Ms. Mallek announced that she attended a VDOT hearing the previous day on the Six-Year Plan, with Mr. Kevin McDermott representing the County very well.

Mr. Dill announced that he attended a celebration of the solar car competition held on the Downtown mall, sponsored by the University of Virginia. He said they will race on a circular track in Nebraska and if they qualify, they will go to South Dakota and drive to the Pacific Ocean on the West Coast. He said the participants are full-time engineering and business students at UVA.

Mr. Dill announced that the Property Assisted Clean Energy (PACE) is a new financing method in which Mr. Bill Letteri is involved has solar programs becoming a part of tax assessment making it more likely that banks would provide financing.

Ms. McKeel reported that the Albemarle County Police Department Citizens Advisory Committee meeting was held on May 8, 2018, at which Mr. Bucky Walsh was elected Chair and Mr. Xavier Jackson was elected Vice-Chair. She praised County police officers for having attended over 400 community events last year and recounted that officers told her how important the new records clerk position will be and will improve morale. She said she learned that they have a bilingual victim's service support person who is proving to be very helpful. Ms. McKeel stated that the Animal Control Department has been renamed the Animal Protection Department, and a new, dedicated supervisor has increased the productivity for the department.

Ms. McKeel informed the Board that this year, Foxfield was a much more positive experience for the community, police officers, and the University, which she attributed to proactive prevention efforts whereby students were informed of the rules and expectations. She added that whatever was done improved the quality of life for the residents of Barracks Road.

Agenda Item No. 14. Proclamations and Recognitions: Proclamation Recognizing May 13 – 19, 2018 as Police Week, and May 15 2018, as Peace Officers Memorial Day.

Ms. McKeel read the following resolution for presentation to Lt. Mike Wagner and **moved** its' adoption.

**POLICE WEEK
May 13 – 19, 2018**

WHEREAS, in 1962, President John F. Kennedy signed the first proclamation recognizing May 15th as Peace Officers Memorial Day and the week in which it falls as National Police Week, "to pay tribute to the law enforcement officers who have made the ultimate sacrifice for our country and to voice our appreciation for all those who currently serve on the front lines of the battle against crime;" and

WHEREAS, the safety and well-being of Albemarle County citizens being of the utmost importance to the prosperity and livelihood of Virginia's families and communities; and police officers throughout Albemarle County are dedicated to protecting and serving Albemarle County communities – our neighborhoods, schools, and families; and

WHEREAS, police officers risk their lives each and every day in order to ensure public safety and enforce the laws of the land; and

WHEREAS, Albemarle County values the courage and devotion of our police officer, as our collective prosperity depends on the integrity with which our law enforcement officers maintain peace and security; and

WHEREAS, Police Week and Peace Officers Memorial Day are opportunities to honor the officers who have fallen in the line of duty, and recognize the sacrifices made by the families of those officers and the families of those who continue to protect and serve our communities.

NOW, THEREFORE BE IT PROCLAIMED that the Albemarle County **Board of Supervisors**, do hereby recognize

**May 13 – 19, 2018
as
POLICE WEEK**

and **May 15, 2018, as PEACE OFFICERS MEMORIAL DAY** in Albemarle County, and call these observances to the attention of all our citizens.

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

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

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

NAYS: None.

Lt. Wagner thanked the Board for its continued support throughout the year and for declaring the proclamation for National Police Week. He said there were 135 line of duty officer deaths in 2017, of which six were related to 9/11 illnesses and 46 were killed by gunfire – of which about one-half were by ambush. He said it is important as a nation to recognize the sacrifices of officers and their families every day. Lt. Wagner stated that this year the Fraternal Order of Police will put two bricks in the memorial wall for the two officers, Troopers Cullen and Bates, killed in the line of duty last August.

Agenda Item No. 15. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Ms. Laura Brunk, Samuel Miller District; Mr. Andrew Gneiting, Rivanna District; Mr. Sid Carver, Samuel Miller District; and Mr. Ahmed Eitta, Rivanna District, students from Monticello High School, addressed the Board, as part of their CAP Stone project. Ms. Brunk explained that they are a group of citizens that have been looking at the Southwood redevelopment project as a way to become more civically informed. She said that their research they found that there is a lot of debate surrounding who is responsible for public/lower income housing assistance with most seeing two options: public and private. She said the Southwood redevelopment project has shown an effective third option with County government collaborating with Habitat for Humanity by providing funding, waiving specific zoning laws, and hands-on personal support at community meetings. The community of Southwood has been able to be maintained and now redesigned to benefit its inhabitants.

Ms. Brunk said they had found that the project was effective for all parties involved and allows Habitat for Humanity to move forward with its aid, allows the government to avoid having a displaced community, forms an entirely new project, and provides the Southwood community with a better way of life. She said the project's success may enable it to become a nationwide model that it allows government to aid and increase the impact of private organizations like Habitat, which are not responsible for these citizens in the same way as government but are looking to add more ways to help. She thanked the Board for dedicating time and resources, taking a risk on this new form of private collaboration, and for providing effective support for all citizens. On behalf of the students, they hope that the Board will collaborate with other non-profit organizations with worthy causes in the future.

Ms. Anne Khatada, Rivanna District; Ms. Elise Moya, Scottsville District; and Mr. Jackson D'Errico, Rivanna District; students from Monticello High School, addressed the Board, as part of their CAP Stone project. Ms. Khatada said they are students at Monticello High School and have studied the Southwood mobile home redevelopment project. She explained that they learned it is a unique model and one of the first of its kind in the country, with a well-developed plan to uplift and support the community that has shown to be very successful. She said they would like to thank local government for its hand in the process, without which the project would not be where it is today. She thanked the Board for choosing to approve and continue with Southwood redevelopment, as they believe its completion will lead to an improved community and a change in the way local government interacts with private companies such as Habitat for Humanity – and they hope to see this model used in future redevelopment projects across the country.

Mr. William Comberg, White Hall District; Ms. McKinsey Bryant, Samuel Miller District; and Ms. Cyra from Scottsville District students from Monticello High School, addressed the Board, as part of their CAP Stone project. Mr. Comberg said he would speak about the Ragged Mountain Reservoir and give the group's opinion. He said they have spoken with both City and County residents. They conducted their own research, and believe it should have been resolved in court by now. He said that after speaking with experts on water treatment, it seems as though activities such as biking and jogging will not really harm the water quality in the ways it has been stated, and they do not see a reason why the City should not be allowed to lift the regulations. He thanked the Board for its time and expressed hope the Board will take their words into consideration.

Ms. McKeel asked Mr. Kamptner to address the reasons for the delay in the issue coming to court. Mr. Kamptner explained that three months earlier, the County made a proposal to attorneys of the City to schedule a hearing but have not yet heard back. He has again asked County staff to proceed with coordinating a hearing date.

Mr. Gary Vaclavicek, Samuel Miller District; on behalf of students from Monticello High School, addressed the Board, as part of their CAP Stone project. He said his group researched the closing of Yancey and has been formulating opinions on what should be done with it. He said they agree the school should be closed for economic reasons and the drain it put on the County with its limited economic results. The group believes it can have a better use than a police station. He expressed support to have the building sold or an agreement with UVA reached to establish a walk-in clinic, which would greatly benefit Esmont and surrounding communities by providing service to those who do not have the time to wait or who cannot make the trip to Scottsville or Charlottesville. He said the building could still be useful to the community, and it would be a waste to let it sit empty.

Mr. Randolph informed Mr. Vaclavicek that the Yancey committee is due to report to the Board next month on long-term uses.

Ms. Hannah Baylink and Mr. Nicholas Van Epp, Scottsville District; students from Monticello High School, addressed the Board, as part of their CAP Stone project. Ms. Bailey said they researched the ongoing issue of courthouse relocation in the downtown district. She said there has been discussion for almost eight years about whether the courthouse should stay downtown or moved. She noted the current location is kind of a nuisance for all visitors due to lack of accessible parking, outdated technology, and lack of space. She said they believe that if the court was moved to Route 29, it would be better suited for the public, with an abundance of parking and space, but it would provide the perfect opportunity for businesses to move to the Fashion Square area. She said the current facility could be converted to a historical museum.

Mr. Gabriel Rakoski, Scottsville District; Ms. Jordan Bradley, Samuel Miller District; and Ms. Sarah Cohen, Rivanna District; students from Monticello High School, addressed the Board, as part of their CAP Stone project. Mr. Rakoski said they are seniors at Monticello High School and have worked on a project involving the closing of Yancey Elementary School. He said they have been lucky to have the opportunity to involve themselves with the Esmont community, spending countless days conducting research of the community, school and the education students were receiving. He acknowledged that Yancey has a long tradition in the community. He explained that they had concluded the building should be sold, as the building is located in a remote part of the County with a decreasing population, and the amount of money required would yield very little in return. He said the proceeds from a sale could be used for things that are more beneficial to the community and ensure it does not become a money drain for the rest of the County. He thanked everyone in the Esmont community for being helpful and assisting them to reach this conclusion.

Mr. Harrison Wehmann and Ms. Madison Plecker, Rivanna District; students from Monticello High School, addressed the Board, as part of their CAP Stone project. Mr. Wehmann said his group conducted research on funding of the Bright Stars program. He acknowledged there is a preschool program that help fill in the gaps when Bright Stars and Head Start may not be able to meet the needs of children in the area. He summarized the positive outcomes of the Bright Stars program, as participants have shown to enter kindergarten at the same level as their peers who have not been identified as at-risk. He explained that the program's family coordinators are able to work with families after graduation from the program to ensure long term success. He said their research has shown the program is successful because of its funding, which partially comes from the Virginia Preschool Initiative, an initiative that also funds Head Start and other programs. He praised the Board of Supervisors for having consistently provided the extra funding and encouraged the Board to change the funding status from discretionary to non-discretionary. He said this would draw a hard line and demonstrate the Board's unwavering support of the program and its commitment to the support of early childhood education.

Ms. Mallory Yowell and Mr. Forest Veechoff, Scottsville District, and Ms. Jenna Driskill, Rivanna District; students from Monticello High School, addressed the Board, as part of their CAP Stone project. Ms. Yowell said they will discuss the Ragged Mountain Reservoir, for which they have researched the jurisdiction issue between the City and County in regards to regulation of activities. She noted that the reservoir lay within County boundaries, though the City owns the land. She explained that the reservoir's original purpose was to protect the watershed from development and to provide designated the public area for hiking, fishing, and wildlife observation. She noted the County enacted Code Section 11-303, which states that any unlisted activity not mentioned above is prohibited. She explained that the City defied this Code by permitting mountain biking, which also violates Virginia Code 15.2-1725, which prevents the City from enacting an ordinance in another County. She said the lack of communication over mountain biking led to a lawsuit against the County, which would not have been necessary had more direct discussion transpired. She said her team interviewed both the City and County Parks and Recreation Directors and learned that they offered similar solutions. She said Mr. David Hannah, Albemarle County Natural Resource Manager, proposed a 250-meter buffer if mountain biking were permitted, as well as an alternate site. She explained that Mr. Chris Zenjic had a similar notion and said the trails built higher up would withstand erosion from mountain biking and maintain the quality of the reservoir. She said they understand this issue has larger implications and expressed their gratitude to the Board for listening.

Ms. Emily Porter, Scottsville District; on behalf of students from Monticello High School, addressed the Board, as part of their CAP Stone project. She said her group researched the issue of County courthouse relocation. They concluded that although the expense may seem large, relocation is the better option for the long term. She reviewed three reasons for their support of the relocation, with the first being cost. She said that estimates for a renovation and additional parking downtown ran as high as \$40 million, while the cost to relocate to the urban ring could be \$7 million - \$9 million less. The second reason she is the time to renovate; as it would take a long time to complete the renovation downtown, during which time there would be dense traffic downtown and essentially transform the City into a construction zone. She said the third reason her group supports relocation is to prepare for the County's future population growth, as remaining downtown would only postpone the inevitable.

Mr. Ryan Smith and Ms. Stuart Thomas, Scottsville District; students from Monticello High School, addressed the Board, as part of their CAP Stone project. Ms. Thomas said they are seniors at Monticello High School and have been researching the Bright Stars program. She remarked that after reviewing the program with past president Ms. Ann McAndrew and current president Ms. Claire Fox, they have gained a better understanding. They came to the realization that children need preschool and that those who cannot afford it needs to be in this program. She said that everything seems to be on track with the program, as space and funding are no longer issues. She said they all believe the program is beneficial to the early learning development of preschool children from both an educational and social standpoint, and believe the Board should continue support due to its positive impact on the community and to those who gain an educational opportunity they would have not had otherwise. She said that without the program, children may not receive the proper boost to ensure their success in the future. She said that she is a Bright Stars alumnae and have worked in a Bright Stars classroom at Stone Robinson Elementary. She expressed her group's thanks to the Board for providing support and funding as well as to teachers, family coordinators and to the head coordinator.

Ms. Ma'ayan Amar, Rivanna District; and Mr. Jack Watkins, Scottsville District; students from Monticello High School, addressed the Board, as part of their CAP Stone project. Mr. Watkins said he will address the Board about the ongoing issue of open burning. He explained that many County citizens are conducting open burning with incorrect planning due to a lack of knowledge of regulations. He said the policy's lack of specificity created loopholes in the law that led to conflict over ideologies. He urged the County to create a more detailed law that clarifies its mission and establishes open burning guidelines. He used the example of the 4 p.m. burn law, which does not permit open burning before 4 p.m. between February 15–April 30 if it takes place within 300 feet of woodland, brush land, or fields containing dry grass or other flammable materials. He explained the purpose of the regulation, as this is a dry time of year and a fire could expand quickly and winds tend to be stronger before 4:00 p.m. He said the law is not specific and does not guarantee safety, as nature does not ensure the wind will not be blowing hard after 4 p.m. He said the policy does not have a definite wind speed but only states a period of time when burning is allowed. He said they had conversations with Supervisor Randolph and Fire Marshall, Mr. Howard Lagomarsino, and have concluded that the most productive way to diminish dangerous outcomes would be to strengthen current regulations. He thanked the Board for listening to their ideas and for allowing them a platform to express their ideas on this issue.

Mr. Randall Snow, Samuel Miller District on behalf of students from Monticello High School, addressed the Board, as part of their CAP Stone project. He said they would like to express grievances about the rain tax. He explained that those living in the rural areas feel as if the pressure is more on them as pollutants in the water – but it would come right back to them since they have wells. He said the proposal sounds like a good idea on paper, and he does not have any ideas to make it work, but it should be focused more in the urban areas. He thanked Supervisors who voted “no” and asked those who voted “yes” to reconsider their positions.

Ms. Cassidy Wells, Samuel Miller District; Ms. Natalie Steinberg, Rivanna District; Ms. Angela Lopez-Ruiz, Samuel Miller District; and Ms. Tiffany Johnson, Rivanna District; students from Monticello High School, addressed the Board, as part of their CAP Stone project. Ms. Wells said they became intrigued with the stormwater utility policy and recently had a conversation with the City's utility representative that offered insight as to how it worked and could benefit the County. She said her group favors enactment of this policy to help fund rehabilitation of water structures and to better manage the County's water. She thanked the Board for their time.

Mr. Jaylen Purvis, Rio District; and Ms. Ixchael Bashore, Samuel Miller District; students from Monticello High School, addressed the Board, as part of their CAP Stone project. Ms. Bashore said they researched the stormwater utility fee over the past few months, as this has become a source of debate in the County and surrounding areas. She said they spoken with several important figures involved with planning for the fee and learned what it would entail and what it would cover, particularly in terms of what the community can do to keep streams and rivers cleaner and prevent runoff. She stated that cleaner water is important for everyone, as is understanding the thoughts of the community and using them to make an informed decision for all citizens. In their opinion the current campaign for a stormwater utility fee is a positive step for the County, and she looks forward to seeing how it can be implemented. She thanked the Board for looking out for the community and for trying to make a change for the better.

Mr. Dan O'Neill, of the White Hall District addressed the Board regarding Item 16.8 on the consent agenda, Bucks Elbow ECC Replacement Tower. He said this special exception would authorize construction of a 150-foot radio tower on Bucks Elbow Mountain, which immediately overlooks downtown Crozet. He explained that the proposed tower would replace an existing 116-foot tower in the same location, which is owned and operated by the Emergency Communication Center. He said the current tower is barely visible and looks like another treetop due to tree growth and a steep viewing angle. He expressed concern that the new tower would be conspicuous as it would be 30–35 feet taller, rise above the ridgeline, and would have dishes and reflectors attached. He emphasized that the Bucks Elbow ridge forms the whole background of the mountain view at Crozet. He said the Board is being asked to approve an exception to the building permit that would waive the setback ordinance, and if the Board approves this then construction will begin on the project. He urged the Board to postpone its decision until staff can do a full study of what the structure would look like. He reminded the Board that the County has worked

hard over the last 20 years to protect its mountain ridges and to make Crozet the showpiece of the Comprehensive Plan Neighborhood Model. He reiterated asking the Board to postpone a decision and request staff to study the request more comprehensively.

Mr. Morgan Butler, of the Southern Environmental Law Center, addressed the Board. The SELC has been working to improve the Route 29 corridor for over 20 years and he has been with them long enough to know that the progress made over the past few years has been truly significant. He said the recent transportation improvements, Rio grade separation, Berkmar Drive Extended, and traffic signal coordination are making a big difference in reducing travel times and accidents. He said there is still more to be done, which is why the City, County, VDOT and Metropolitan Planning Organization have been collaborating for over a year on the Hydraulic Planning Advisory Panel. The SELC has participated as a community stakeholder and described the process as impressive, as they have refined a common vision to advance the common good. Mr. Butler stated that Ms. McKeel and Mr. Graham have served on the panel and have contributed significantly to shaping the panel's recommended projects. The SELC urges the Board to approve and endorse the resolution so transportation projects can be submitted for funding in the upcoming Smart Scale process. He said the projects have been fleshed out and evaluated far more than is typical at this state of the process, though they could be further refined – and the panel still has work to do to determine how best to package the projects in the application. He stated that the community is at a critical juncture and the Board's endorsement is needed to help keep the process and progress going.

Mr. Dill commented, for the purpose of the Monticello High School students, that key for getting involved in the community, if they turn 18 years of age, before election day, they can register to vote, and vote in the upcoming election.

Mr. Matthew Nicholson, Samuel Miller District; Mr. Garrett Porterfield, Scottsville District; and Ms. Tamara Hawkins, Rivanna District; students from Monticello High School, addressed the Board, as part of their CAP Stone project. Mr. Nicholson said they are seniors at Monticello High School and have researched the topic of open burning, which he described as a restriction on the time and materials that may be burned. He said that in 2006, there were over 1,200 reported wildfires in the County – and since then the Charlottesville and Albemarle fire departments and the Board of Supervisors have made restrictions to prevent more wildfires from occurring. He expressed his group's thanks to the Albemarle County Fire/Rescue Department and Board of Supervisors for all they do to protect the people and environment of the community.

Ms. Mallek recognized Dr. Honeycutt in the audience and applauded the work of the students under his guidance. She said she has enjoyed all the interviews with him over many years.

Agenda Item No. 16. Consent Agenda.

(Discussion: Ms. Mallek asked to pull her minutes of August 22, 2017, January 4, 2018 and January 10, 2018.

Ms. Palmer asked to pull her minutes of February 14, February 16 and February 20, 2018.

Regarding Item No. 16.8, Ms. Palmer said her understanding was that it would not be visible and would have the mountain in the back.

Ms. Mallek responded that this was the understanding they had from reviewing the plans at the Crozet Community Advisory Council meeting when it was presented by representatives of the Emergency Communications Center. She said its visibility depends on where one is sitting. She said it is very important for the ECC, as the existing tower is very old and falling apart.

Regarding Item 16.15, Mr. Gallaway said he would like to flag the transient occupancy tax revenue increase contained in the quarterly report. He mentioned that the report revealed the County is at a disadvantage due to the construction of new hotels in Charlottesville, noting that the jump was significant and he would like the Board to try to understand the reason for it.

Ms. Mallek said she wonders whether there is a correlation between those receipts and the increased numbers of registrations due to those who finally registered and paid because of last year's rules change.

Mr. Randolph said he and Planning Commission member, Ms. Pam Riley, discussed this topic this morning, and they were struck by the 20% increase.

Ms. McKeel said she is satisfied with getting an explanation in an email.

Ms. McKeel **moved** that the Board approve the consent agenda, as amended. The motion was **seconded** by Ms. Palmer.

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

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

Item No. 16.1. Approval of Minutes: August 22, 2017; January 4, January 10, February 7, February 13, February 14, February 16, and February 20, 2018.

Ms. McKeel had read her assigned minutes of February 7 and February 13, 2018, and found them to be in order.

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

Item No. 16.2. FY 2018 Appropriations.

The Executive Summary forwarded to the Board states that Virginia Code §15.2-2507 provides that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget; provided, however, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The Code section applies to all County funds, i.e., General Fund, Capital Funds, E911, School Self-Sustaining, etc.

The total increase to the FY 2018 budget due to the appropriations itemized in Attachment A is \$3,141,914.12. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

Staff recommends that the Board adopt the attached Resolution (Attachment B) to approve appropriations #2018078, #2018081, #2018082, #2018083, #2018084, #2018085, and #2018086 for local government and school division projects and programs as described in Attachment A.

Appropriation #2018078		\$0.00
Source:	Compression Reserves*	\$ 428,000.00
	Salary Reserves*	\$ 243,910.00

*This appropriation does not increase or decrease the total County budget.

This request is to appropriate \$671,910.00 from the Compression and Salary Reserves to departments to address salary compression issues across Local Government departments. During the FY 18 budget development process, funding was set aside to be distributed once final adjustments were made to salaries.

Appropriation #2018081		\$0.00
Source:	Old Lynchburg Road Sidewalk*	\$ 18,136.86

*This appropriation does not increase or decrease the total County budget.

This request is to appropriate \$18,136.86 from the Old Lynchburg Road Sidewalk and Pedestrian Safety Improvements project to the Crozet Avenue, State Farm Boulevard, and South Pantops Drive Sidewalks project. This funding is comprised of \$9,068.43 in State revenue from the Virginia Department of Transportation (VDOT) Revenue Sharing Program and \$9,068.43 in General Government CIP Fund fund balance. The VDOT administrative expenses charged to the Crozet Avenue, State Farm Boulevard, and South Pantops Drive Sidewalks project exceeded the original estimate.

Appropriation #2018082		\$1,914.12
Source:	State Revenue	\$ 1,914.12

This request is to appropriate \$1,914.12 in state revenue for the County of Albemarle's share of the Virginia Land Conservation Foundation (VLCF) transfer fee stewardship fund. These funds will be used to support monitoring and enforcement of the conservation and preservation purposes of donated land interests, as directed by the VLCF.

Appropriation #2018083		\$15,000.00
Source:	Local Revenue - Donations	\$ 15,000.00

This request is to appropriate \$15,000.00 from the Fire Rescue Donations Fund to the Department of Fire Rescue. These donations will support various efforts, such as station recruitment and retention efforts, the car safety seat program, public education, and one-time equipment or station furnishing purchases.

Appropriation #2018084 **\$40,000.00**

Source: Federal Revenue \$ 40,000.00

This request is to appropriate \$40,000.00 in Federal revenue provided to the County through the Commonwealth of Virginia Department of Housing and Community Development's Community Development Block Grant (CDBG) program. This grant will be used for planning comprehensive neighborhood improvements, including housing and infrastructure needs, as part of the Southwood Redevelopment Phase 1 project.

Appropriation #2018085 **\$3,035,000.00**

Source: General Fund Fund Balance \$10,213,515.00
CIP Fund Fund Balance (\$7,178,515.00)

This request is to appropriate \$10,213,515.00 of FY 17 General Fund year-end undesignated funds for the following uses, pursuant to the Board's direction during the FY 19 annual budget development process.

Transfer to Capital Improvement Funds
Cash Equity \$ 7,178,515
Fire Rescue Mobile Burn Unit \$ 180,000
Public Safety Tactical Robot \$ 85,000
Ivy Materials Utilization Center (MUC) front-end loader \$ 270,000
Subtotal, Transfer to Capital Improvement Funds \$ 7,713,515
Economic Development Fund Contribution \$ 2,300,000
Broadband Incentives (Match) \$ 200,000

Total \$ 10,213,515

This proposed use of the General Fund fund balance will not reduce the County's 10% unassigned fund balance or 1% Budget Stabilization Reserve; however, it does reduce the amount of FY 17 undesignated funds that would be available for other uses in the future.

Appropriation #2018086 **\$50,000.00**

Source: General Fund Fund Balance \$ 50,000.00

This request is to appropriate \$50,000.00 of FY 17 General Fund year-end undesignated funds to the Jefferson Area Board for Aging (JABA) pursuant to the Board's direction at its April 17, 2018 meeting. This funding will provide onetime support for JABA's Memory Care Unit at Mountainside Senior Living that opened during FY 18.

This proposed use of the General Fund fund balance will not reduce the County's 10% unassigned fund balance or 1% Budget Stabilization Reserve; however, it does reduce the amount of FY 17 undesignated funds that would be available for other uses in the future.

By the above-recorded vote, the Board adopted the following Resolution to approve appropriations #2018078, #2018081, #2018082, #2018083, #2018084, #2018085, and #2018086 for local government and school division projects and programs as described:

**RESOLUTION TO APPROVE
ADDITIONAL FY 18 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2018078, #2018081, #2018082, #2018083, #2018084, #2018085 and #2018086 are approved; and
- 2) That the appropriations referenced in Paragraph #2, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2018.

**COUNTY OF ALBEMARLE
APPROPRIATION SUMMARY**

APP#	ACCOUNT	AMOUNT	DESCRIPTION
2018078	4-1000-12030-412030-110000-1001	3560	SA2018078 Compression Distribution
2018078	4-1000-12030-412030-210000-1001	270	SA2018078 Compression Distribution
2018078	4-1000-12030-412030-221000-1001	440	SA2018078 Compression Distribution
2018078	4-1000-12142-412140-110000-1001	4330	SA2018078 Compression Distribution
2018078	4-1000-12142-412140-210000-1001	330	SA2018078 Compression Distribution
2018078	4-1000-12142-412140-221000-1001	530	SA2018078 Compression Distribution
2018078	4-1000-12144-412140-110000-1001	2230	SA2018078 Compression Distribution
2018078	4-1000-12144-412140-210000-1001	170	SA2018078 Compression Distribution
2018078	4-1000-12144-412140-221000-1001	280	SA2018078 Compression Distribution
2018078	4-1000-12150-412150-110000-1001	13860	SA2018078 Compression Distribution
2018078	4-1000-12150-412150-210000-1001	1060	SA2018078 Compression Distribution

2018078	4-1000-12150-412150-221000-1001	1710	SA2018078 Compression Distribution
2018078	4-1000-12150-412150-241000-1001	180	SA2018078 Compression Distribution
2018078	4-1000-12200-412200-110000-1001	3990	SA2018078 Compression Distribution
2018078	4-1000-12200-412200-210000-1001	310	SA2018078 Compression Distribution
2018078	4-1000-12200-412200-221000-1001	490	SA2018078 Compression Distribution
2018078	4-1000-12200-412200-241000-1001	50	SA2018078 Compression Distribution
2018078	4-1000-13020-413020-110000-1001	8130	SA2018078 Compression Distribution
2018078	4-1000-13020-413020-210000-1001	620	SA2018078 Compression Distribution
2018078	4-1000-13020-413020-221000-1001	1000	SA2018078 Compression Distribution
2018078	4-1000-13020-413020-241000-1001	110	SA2018078 Compression Distribution
2018078	4-1000-21070-421070-110000-1002	16460	SA2018078 Compression Distribution
2018078	4-1000-21070-421070-210000-1002	1260	SA2018078 Compression Distribution
2018078	4-1000-21070-421070-221000-1002	2030	SA2018078 Compression Distribution
2018078	4-1000-21070-421070-241000-1002	220	SA2018078 Compression Distribution
2018078	4-1000-31013-431010-110000-1003	153720	SA2018078 Compression Distribution
2018078	4-1000-31013-431010-210000-1003	11760	SA2018078 Compression Distribution
2018078	4-1000-31013-431010-221000-1003	18940	SA2018078 Compression Distribution
2018078	4-1000-31013-431010-241000-1003	2010	SA2018078 Compression Distribution
2018078	4-1000-34050-434050-110000-1003	9020	SA2018078 Compression Distribution
2018078	4-1000-34050-434050-210000-1003	690	SA2018078 Compression Distribution
2018078	4-1000-34050-434050-221000-1003	1,110.000	SA2018078 Compression Distribution
2018078	4-1000-34050-434050-241000-1003	120.000	SA2018078 Compression Distribution
2018078	4-1000-35600-435600-700001-1003	100,480.000	SA2018078 Compression Distribution
2018078	4-1000-43204-443200-110000-1004	840.000	SA2018078 Compression Distribution
2018078	4-1000-43204-443200-210000-1004	60.000	SA2018078 Compression Distribution
2018078	4-1000-43204-443200-221000-1004	100.000	SA2018078 Compression Distribution
2018078	4-1000-43204-443200-241000-1004	10.000	SA2018078 Compression Distribution
2018078	4-1000-43205-482040-110000-1004	170.000	SA2018078 Compression Distribution
2018078	4-1000-43206-443200-110000-1004	4,150.000	SA2018078 Compression Distribution
2018078	4-1000-43206-443200-210000-1004	320.000	SA2018078 Compression Distribution
2018078	4-1000-43206-443200-221000-1004	510.000	SA2018078 Compression Distribution
2018078	4-1000-43206-443200-241000-1004	50.000	SA2018078 Compression Distribution
2018078	4-1000-43207-443200-110000-1004	720.000	SA2018078 Compression Distribution
2018078	4-1000-43207-443200-210000-1004	60.000	SA2018078 Compression Distribution
2018078	4-1000-43207-443200-221000-1004	90.000	SA2018078 Compression Distribution
2018078	4-1000-43207-443200-241000-1004	10.000	SA2018078 Compression Distribution
2018078	4-1000-53010-453010-110000-1005	36,920.000	SA2018078 Compression Distribution
2018078	4-1000-53010-453010-210000-1005	2,820.000	SA2018078 Compression Distribution
2018078	4-1000-53010-453010-221000-1005	4,550.000	SA2018078 Compression Distribution
2018078	4-1000-53015-453010-110000-1005	1,360.000	SA2018078 Compression Distribution
2018078	4-1000-53015-453010-210000-1005	100.000	SA2018078 Compression Distribution
2018078	4-1000-53015-453010-221000-1005	170.000	SA2018078 Compression Distribution
2018078	4-1000-71012-471010-110000-1007	11,450.000	SA2018078 Compression Distribution
2018078	4-1000-71012-471010-210000-1007	880.000	SA2018078 Compression Distribution
2018078	4-1000-71012-471010-221000-1007	1,410.000	SA2018078 Compression Distribution
2018078	4-1000-71012-471010-241000-1007	150.000	SA2018078 Compression Distribution
2018078	4-1000-81021-481020-110000-1008	67,190.000	SA2018078 Compression Distribution
2018078	4-1000-81021-481020-210000-1008	5,140.000	SA2018078 Compression Distribution
2018078	4-1000-81021-481020-221000-1008	8,280.000	SA2018078 Compression Distribution
2018078	4-1000-81021-481020-241000-1008	880.000	SA2018078 Compression Distribution
2018078	4-1000-81023-481020-110000-1008	2,750.000	SA2018078 Compression Distribution
2018078	4-1000-81023-481020-210000-1008	210.000	SA2018078 Compression Distribution
2018078	4-1000-81023-481020-221000-1008	340.000	SA2018078 Compression Distribution
2018078	4-1000-81030-481030-110000-1008	1,450.000	SA2018078 Compression Distribution
2018078	4-1000-81030-481030-210000-1008	110.000	SA2018078 Compression Distribution
2018078	4-1000-81030-481030-221000-1008	180.000	SA2018078 Compression Distribution
2018078	4-1000-81030-481030-241000-1008	20.000	SA2018078 Compression Distribution
2018078	4-1000-31013-431010-930200-1003	4,350.000	SA2018078 Compression Distribution
2018078	4-1000-53010-453010-930208-1005	780.000	SA2018078 Compression Distribution
2018078	4-1000-43100-443100-312366-1004	1,650.000	SA2018078 Compression Distribution
2018078	4-1000-71002-471000-700007-1007	7,410.000	SA2018078 Compression Distribution
2018078	4-1000-99900-499000-999950-9999	-326,500.000	SA2018078 Compression Distribution
2018078	4-1000-99900-499000-999908-9999	-202,610.000	SA2018078 Compression Distribution
2018078	4-1225-31012-431010-110000-1003	3,590.000	SA2018078 Compression Distribution
2018078	4-1225-31012-431010-210000-1003	270.000	SA2018078 Compression Distribution
2018078	4-1225-31012-431010-221000-1003	440.000	SA2018078 Compression Distribution
2018078	4-1225-31012-431010-241000-1003	50.000	SA2018078 Compression Distribution
2018078	3-1225-51000-351000-512004-9999	4,350.000	SA2018078 Compression Distribution
2018078	4-1553-51155-453010-110000-1005	640.000	SA2018078 Compression Distribution
2018078	4-1553-51155-453010-210000-1005	50.000	SA2018078 Compression Distribution
2018078	4-1553-51155-453010-221000-1005	80.000	SA2018078 Compression Distribution
2018078	4-1553-51155-453010-241000-1005	10.000	SA2018078 Compression Distribution
2018078	3-1553-51000-351000-512004-9999	780.000	SA2018078 Compression Distribution
2018078	4-1805-32011-432010-110000-1003	5,660.000	SA2018078 Compression Distribution
2018078	4-1805-32011-432010-210000-1003	430.000	SA2018078 Compression Distribution
2018078	4-1805-32011-432010-221000-1003	700.000	SA2018078 Compression Distribution
2018078	4-1805-32011-432010-241000-1003	70.000	SA2018078 Compression Distribution
2018078	4-1805-32012-432010-110000-1003	1,040.000	SA2018078 Compression Distribution
2018078	4-1805-32012-432010-210000-1003	80.000	SA2018078 Compression Distribution
2018078	4-1805-32012-432010-221000-1003	130.000	SA2018078 Compression Distribution
2018078	4-1805-32012-432010-241000-1003	10.000	SA2018078 Compression Distribution
2018078	4-1805-32013-432010-110000-1003	2,110.000	SA2018078 Compression Distribution
2018078	4-1805-32013-432010-210000-1003	160.000	SA2018078 Compression Distribution
2018078	4-1805-32013-432010-221000-1003	260.000	SA2018078 Compression Distribution
2018078	4-1805-32013-432010-241000-1003	30.000	SA2018078 Compression Distribution
2018078	4-1805-32015-432010-110000-1003	108,940.000	SA2018078 Compression Distribution
2018078	4-1805-32015-432010-210000-1003	8,330.000	SA2018078 Compression Distribution
2018078	4-1805-32015-432010-221000-1003	13,420.000	SA2018078 Compression Distribution

2018078	4-1805-32015-432010-241000-1003	1,430.000	SA2018078 Compression Distribution
2018078	4-1805-99900-499000-999950-1003	-101,500.000	SA2018078 Compression Distribution
2018078	4-1805-99900-499000-999908-1003	-41,300.000	SA2018078 Compression Distribution
2018078	4-1925-43100-443100-110000-1004	1,360.000	SA2018078 Compression Distribution
2018078	4-1925-43100-443100-210000-1004	100.000	SA2018078 Compression Distribution
2018078	4-1925-43100-443100-221000-1004	170.000	SA2018078 Compression Distribution
2018078	4-1925-43100-443100-241000-1004	20.000	SA2018078 Compression Distribution
2018078	3-1925-16000-316000-160560-1004	1,650.000	SA2018078 Compression Distribution
2018078	4-4200-71002-471010-110000-1007	6,110.000	SA2018078 Compression Distribution
2018078	4-4200-71002-471010-210000-1007	470.000	SA2018078 Compression Distribution
2018078	4-4200-71002-471010-221000-1007	750.000	SA2018078 Compression Distribution
2018078	4-4200-71002-471010-241000-1007	80.000	SA2018078 Compression Distribution
2018078	3-4200-16000-316000-160503-9999	7,410.000	SA2018078 Compression Distribution
2018081	4-9010-41350-441200-950524-9999	-18,136.860	SA2018081 Old Lynchburg Road Sidewalk
2018081	4-9010-41350-441200-950038-9999	18,136.860	SA2018081 Crozet North, So. Pantops, St Farm Blvd Sidewalks
2018082	3-9010-24000-324000-240766-1007	1,914.120	SA2018082 Albemarle share of VLCF Stewardship Fund for ACE
2018082	4-9010-81010-481020-580409-1240	1,914.120	SA2018082 Albemarle share of VLCF Stewardship Fund for ACE
2018083	3-8405-51000-351000-510100-9999	15,000.000	SA2018083 App Fund Balance
2018083	4-8405-93010-493010-930050-9999	15,000.000	SA2018083 Transfer to FR Fund
2018083	3-1805-51000-351000-512008-9999	15,000.000	SA2018083 Transfer from Fund #8405
2018083	4-1805-32016-432010-580015-1003	15,000.000	SA2018083 Donations - Misc
2018084	4-1222-81030-481030-300205-1008	40,000.000	SA2018084 Southwood CDBG Planning Grant Administrative Fees
2018084	3-1222-33000-333000-330009-1008	40,000.000	SA2018084 Southwood CDBG Planning Grant Revenues
2018085	3-1000-51000-351000-510100-9999	10,213,515.000	SA2018085 CIP, Econ Dev, and Broadband
2018085	4-1000-93010-493010-930027-9999	7,713,515.000	SA2018085 Year End Undesignated Funds
2018085	4-1000-93010-493010-930237-9999	2,300,000.000	SA2018085 Year End Undesignated Funds
2018085	4-1000-93010-493010-930238-9999	200,000.000	SA2018085 Year End Undesignated Funds
2018085	3-9010-51000-351000-510100-9999	-7,178,515.000	SA2018085 GF Year End Undesignated Funds
2018085	3-9010-51000-351000-510109-9999	7,713,515.000	SA2018085 GF Year End Undesignated Funds
2018085	4-9010-32010-432010-811301-3140	180,000.000	SA2018085 Mobile Burn Unit
2018085	4-9010-31010-431010-800510-3110	85,000.000	SA2018085 Public Safety Tactical Robot
2018085	4-9010-42042-442040-800100-1210	270,000.000	SA2018085 Ivy MUC Front End Loader
2018085	3-1820-51000-351000-512004-9999	2,300,000.000	SA2018085 GF Year End Undesignated Funds
2018085	4-1820-99900-499000-999987-1008	300,000.000	SA2018085 Opportunities Fund
2018085	4-1820-99900-499000-999954-1008	2,000,000.000	SA2018085 Investment Pool
2018085	3-4300-51000-351000-512004-9999	200,000.000	SA2018085 GF Year End Undesignated Funds
2018085	4-4300-91097-491097-950030-9999	200,000.000	SA2018085 Broadband Incentives
2018086	3-1000-51000-351000-510100-9999	50,000.000	SA2018086 GF FB - JABA Memory Care Unit
2018086	4-1000-59000-459000-563200-1005	50,000.000	SA2018086 GF FB - JABA Memory Care Unit
TOTAL		26,769,238.240	

Item No. 16.3. Parks and Recreation Staffing Authorization.

The Executive Summary forwarded to the Board states that at the April 11 Board of Supervisor's meeting, Mike Svetz of Pro's Consulting provided an update to the Board on the Community Recreation Needs Assessment that contained some preliminary recommendations, including the addition of 1 FTE in the Recreation Program Supervisor position.

The Board's adopted FY 18 budget included \$90,000 for Parks and Recreation needs including staffing. The purpose of this report is to request that the Board approve \$12,804.00 of that funding for the Recreation Program Supervisor as supported by the Recreation Needs Assessment's initial analysis.

The FY18 budget provided funds for Parks and Recreation needs including staffing. Staff is requesting that a portion of these funds be approved for the Recreation Program Supervisor, the job description for which is provided in Attachment A. This position will be primarily responsible for managing the County's:

- middle school sports programs
- athletic programs
- community center programs
- fee based classes
- community recreation activities, and the
- summer camp programs.

Currently, the Director and Assistant Director of the department are sharing these responsibilities. The fulfillment of this request will provide P&R with the necessary organizational capacity to achieve improvement in the following areas:

- Sustainable leadership structure and efficient alignment regarding coaching/mentoring individual professional development/success at all functional levels
- Departmental strategic objectives/planning and implementation coming out of the forthcoming Community Recreation Needs Assessment
- Proactively contribute to community outreach and improved response time to internal and external customers
- Maintenance of relationships with citizen stakeholder groups, partnership development and volunteer recruitment and retention

- Management of large and complex acquisitions and their associated projects
- Ability to better achieve best practice operating standards

The cost of this position of FY18 is projected to be \$12,804.00. The FY19 full-year cost for this position is projected to be \$76,814.00. Funding for both fiscal years is available in the Parks and Recreation Department's operating budget based on FY18 Adopted and FY19 Adopted Budgets. Those budgets include a contingency as a designed source of funding to address Parks and Recreation support needs, which may include additional staffing based on the ongoing Community Recreation Needs Assessment. Because this funding is already included in the FY18 and FY 19 Parks and Recreation Department budgets, no further appropriation in FY18 or FY 19 will be needed after approval of this position.

Staff recommends that the Board authorize Parks and Recreation to increase its staffing by one full time Recreation Supervisor position.

By the above-recorded vote, the Board authorized Parks and Recreation to increase its staffing by one full time Recreation Supervisor position.

Item No. 16.4. Memorandum of Understanding (MOU) for Use of the Levy House.

The Executive Summary forwarded to the Board states that the Levy House, located at 350 Park Street, Charlottesville, Virginia, was purchased jointly by the County and the City on April 27, 2005. The building was used to temporarily house the Juvenile and Domestic Relations (J&DR) Court during the renovation and construction of that Court's permanent facility. Since the relocation of the J&DR Court to its current location in August 2009, the building has, for the most part, been unoccupied. The County continued to use a portion of the building's annex for record storage until March 2017 when the City's Code Compliance official determined the building could not be occupied or used for storage since there was no running water, no electrical service, no operational heating or cooling system, and no operational fire protection system.

The City has undertaken a project to renovate their Circuit Court building. During that renovation, they would like to temporarily use a portion of the Levy House for their Circuit Court. The proposed MOU (Attachment A) was drafted detailing the conditions of that use. The City's Circuit Court will occupy approximately one third of the building's floor space as depicted on the renovation drawings (Attachment B) until August 31, 2019. The City would be responsible for all costs associated with renovating and operating this space. The proposed MOU provides for a \$4,500 per month holdover rent should the City fail to vacate the building by the expiration date of the MOU. The current estimated construction start date of the Albemarle County General District Court project is Summer 2020, if approved by the Board to proceed.

If the Board wishes to approve the proposed MOU, staff recommends that the Board adopt the attached resolution (Attachment C) approving an MOU with the City to use a portion of the Levy House and authorizing the County Executive to execute an MOU once it has been approved as to form and substance by the County Attorney.

By the above-recorded vote, the Board adopted the following resolution approving an MOU with the City to use a portion of the Levy House and authorized the County Executive to execute an MOU once it has been approved as to form and substance by the County Attorney:

**RESOLUTION TO APPROVE A MEMORANDUM OF UNDERSTANDING
BETWEEN THE COUNTY OF ALBEMARLE AND THE CITY OF CHARLOTTESVILLE**

WHEREAS, the Board finds it in the best interest of the County to authorize the City of Charlottesville to use a portion of the Levy House located at 350 Park Street, Charlottesville, Virginia during the renovation of its Circuit Court.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the Memorandum of Understanding Between the County and the City, and authorizes the County Executive to execute the Memorandum of Understanding once it has been approved as to form and substance by the County Attorney.

MEMORANDUM OF UNDERSTANDING

THIS **MEMORANDUM OF UNDERSTANDING** (MOU), is made by and between the COUNTY OF ALBEMARLE, VIRGINIA (hereinafter, the "County"), the CITY OF CHARLOTTESVILLE, VIRGINIA ("City"), and the City Sheriff, the City's Circuit Court Clerk, and the City's Circuit Court Judge (hereinafter, collectively referred to as the "Circuit Court Users").

WHEREAS, the City and County jointly own certain real estate, located within the City of Charlottesville, Virginia, at 350 Park Street, Charlottesville, Virginia, which is identified as Parcel 109 on City Real Property Tax Map 53, including a building containing approximately 23,565 square feet and land improved as paved parking (the "Levy House"); and

WHEREAS, the City and County desire to provide and allocate rights for the use and occupancy of the Levy House by the Circuit Court Users, as set forth herein, for their convenience, and during a period in which the City's Circuit Court building will be undergoing renovations;

NOW, THEREFORE, in consideration of the premises and covenants herein set forth, the parties hereby set forth their agreement and understanding for the use and occupancy of the Levy House:

A. TEMPORARY USE AND OCCUPANCY

1. **City Use and Occupancy Authorized.** The City and County hereby authorize the Circuit Court Users to temporarily use a portion of the Levy House and the improved land on which the Levy House sits (the "Premises") to the exclusion of the City and County's rights of possession, for occupancy and use by the City Circuit Court, City Sheriff, and City Circuit Court Clerk's as courtroom and related functions, during a period of time in which the City's Circuit Court building is undergoing renovation. For the purposes of this MOU, "Premises" shall not include (a) those areas shown as "out of scope/off limits" in Attachment X, or (b) those seventeen parking spaces depicted on page C100 of Attachment X and labeled "AlbCo".
2. **Duration of Use and Occupancy.** The Circuit Court Users may exercise their rights to use and occupy the Premises during a period that commences on April 1, 2018 ("Commencement Date") and that expires automatically at midnight on August 31, 2019 ("Expiration Date"). On or prior to the Expiration Date, the Circuit Court Users shall vacate the Premises, remove all of their personal property and equipment, and surrender the Premises in good order and condition, ordinary wear and tear excepted. This period may be extended upon request of the Circuit Court Users, if necessary for the completion of the Circuit Court renovation project, with the prior written agreement of the City and County; upon any such extension, the last day of the extended period shall be considered the date on which the Circuit Court Users will be required to vacate and surrender the Premises in accordance with this paragraph.

3. **Rent.** In the event that the Circuit Court Users fail to vacate the Levy House and surrender those premises on the Expiration Date, then the County shall have the rights to (a) evict the Circuit Court Users, and (b) recover holdover rent. Holdover rent, in the amount of \$4,500, shall be due and payable on the first month following the Expiration Date, and again on the first day of each subsequent calendar month, until the Circuit Court Users vacate the Levy House premises as required by this MOU. In seeking to exercise its rights to eviction and/or holdover rent, the County shall give thirty (30) days' advance written notice to the City.
4. **Utilities and Maintenance.** During the City's occupancy of the Levy House, the City shall be responsible for one hundred percent (100%) of the cost of utilities and public services (cable television, trash/waste removal, snow and ice removal, etc.) and any maintenance and repairs incurred for and in relation to the Premises. The cost of specific repairs may be shared equally only upon mutual written agreement of both parties. The parties shall continue to share equally in all other costs of building maintenance and repair. Throughout the term of the occupancy, the City shall provide regular, detailed reports of the costs of such exceptions, not less than once per quarter and not more than two months following the end of each fiscal year. Any data or fiber optics extended to the Levy House, for the sole use by the Circuit Court Users, shall be at the City's expense.
5. **Restricted Use.** The Premises shall be used by the Circuit Court Users only for the purposes contemplated within this MOU. If required by the City's Building Official, an updated certificate of occupancy for the Premises shall be obtained by the City. The Circuit Court Users shall use all electrical, plumbing, heating, ventilating and air conditioning facilities and appliances in a safe and reasonable manner. The Circuit Court Users shall not destroy, damage or remove any part of the Premises, or permit any other person to do so, and shall not change or add locks without notifying the City and providing the City with duplicate keys to such locks.
6. **Interior alterations.** The City may make, or cause to be made, interior non-structural alterations or improvements to the Premises, as necessary to facilitate operations of the Circuit Court Users.
 - a. The City will undertake, at its sole expense, minor interior alterations to the premises as indicated in **Attachment X**. The City shall obtain all required governmental permits and approvals for such alterations, additions or improvements, including, without limitation, those which may be required by the Virginia USBC and the VSFPC.
 - b. On or after the Expiration Date, the County may require the City to remove any alterations, improvements and fixtures made to the Premises, at the City's sole cost and expense. Upon receipt of a written notice from the County requiring such removal, (i) the City shall be responsible for the repair of all damage caused by the installation or removal thereof, and (ii) if the City fails to properly remove such alterations, improvements and fixtures or provide for the repair of the

Premises, the County may perform the same at the City's cost and expense. Alternatively, at the County's sole option, the County may elect to allow any or all alterations, improvements or fixtures installed by the City to remain on the Premises, without reimbursement or any other liability to the City for the cost or value thereof.

- c. Other than as detailed above, no other such alterations or improvements shall be commenced unless the County's consent shall have first been obtained in writing, and provided that the Party performing the alterations or improvements shall obtain all required governmental permits for such alterations, additions or improvements.

7. **No Waiver of Rights.** By agreeing to allow the Circuit Court Users to temporarily have exclusive use and occupancy of the Premises, neither the City nor the County waives its respective right to possession and occupancy of the Levy House, or any portion thereof, for or with respect to any period of time other than that specified within Paragraph A.2, preceding above.

8. **Insurance.** The City shall maintain the following insurance coverages for the property: General Liability, Excess Liability; and Property.

B. MISCELLANEOUS

1. **Notices.** Any notice, demand, request or other instrument which may be, or are required to be given under this MOU, shall be in writing and delivered in person or by United States certified mail, postage prepaid, and shall be addressed:

- a. if to the County, at
County of Albemarle
County Executive's Office
401 McIntire Road
Charlottesville, Virginia 22902
or at such other address as the County may designate by written notice; and
- b. if to the City, at
City of Charlottesville
City Manager's Office
Post Office Box 911
Charlottesville, Virginia 22902
or at such other address as the City shall designate by written notice.

COUNTY OF ALBEMARLE, VIRGINIA

By: _____
Jeffrey B. Richardson, County Executive

Approved as to form:

Albemarle County Attorney

CITY OF CHARLOTTESVILLE, VIRGINIA

By: Maurice Jones
Maurice Jones, City Manager

CHARLOTTESVILLE CIRCUIT COURT

By: Richard D. Moore
Richard Moore, Circuit Court Judge


By: Lleze Dugger
Lleze Dugger, Circuit Court Clerk

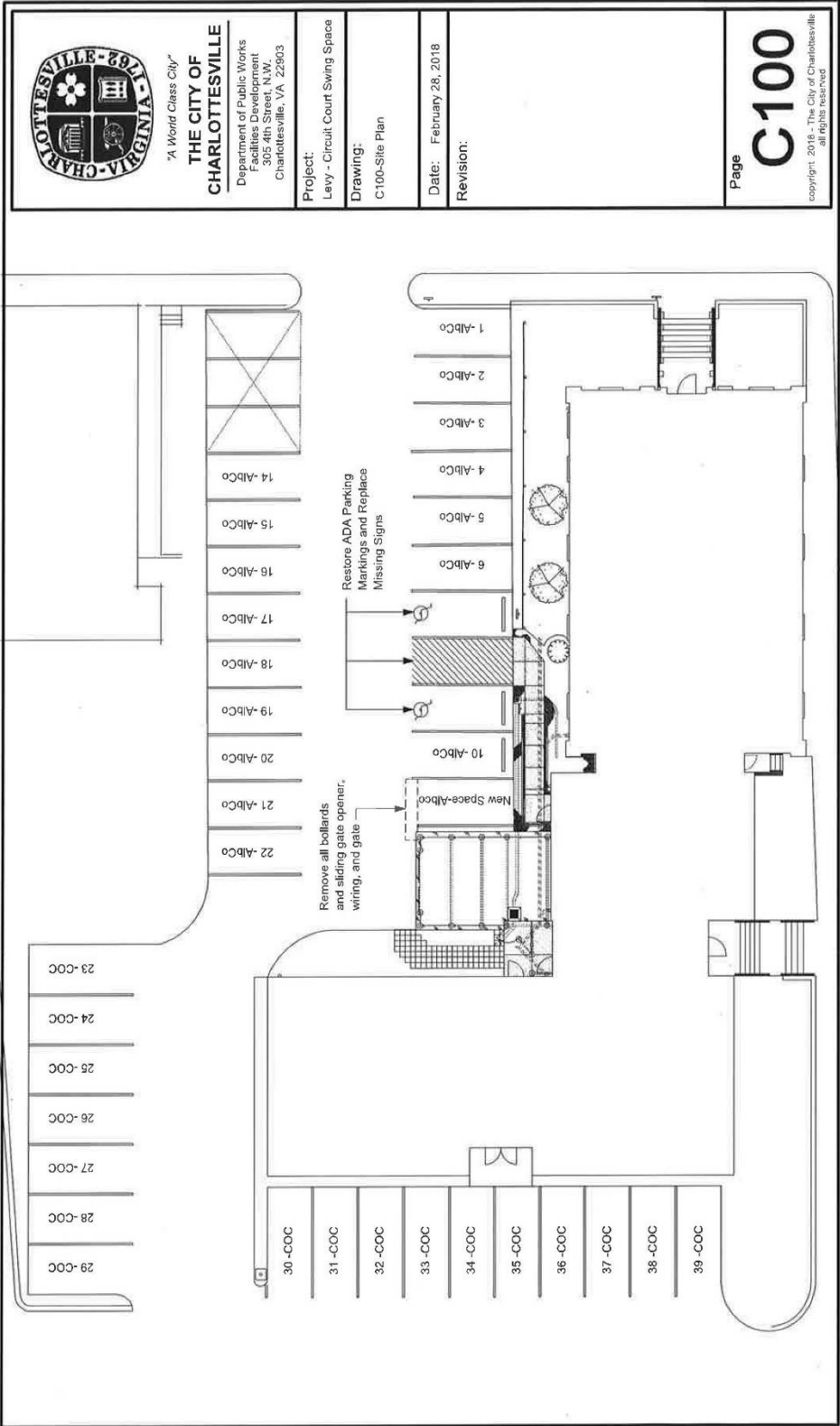
CHARLOTTESVILLE CITY SHERIFF

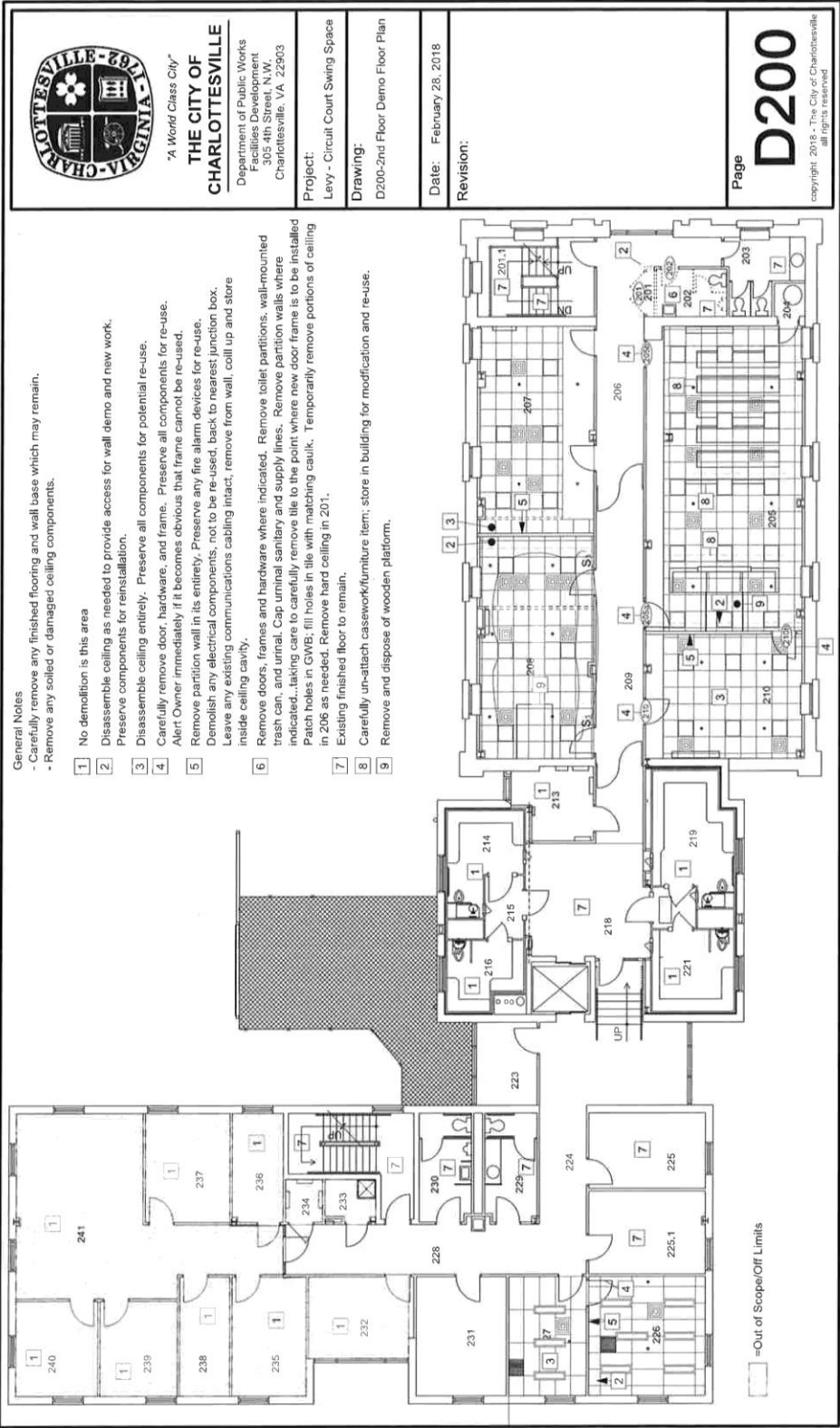
By: James E. Brown
James Brown, Sheriff

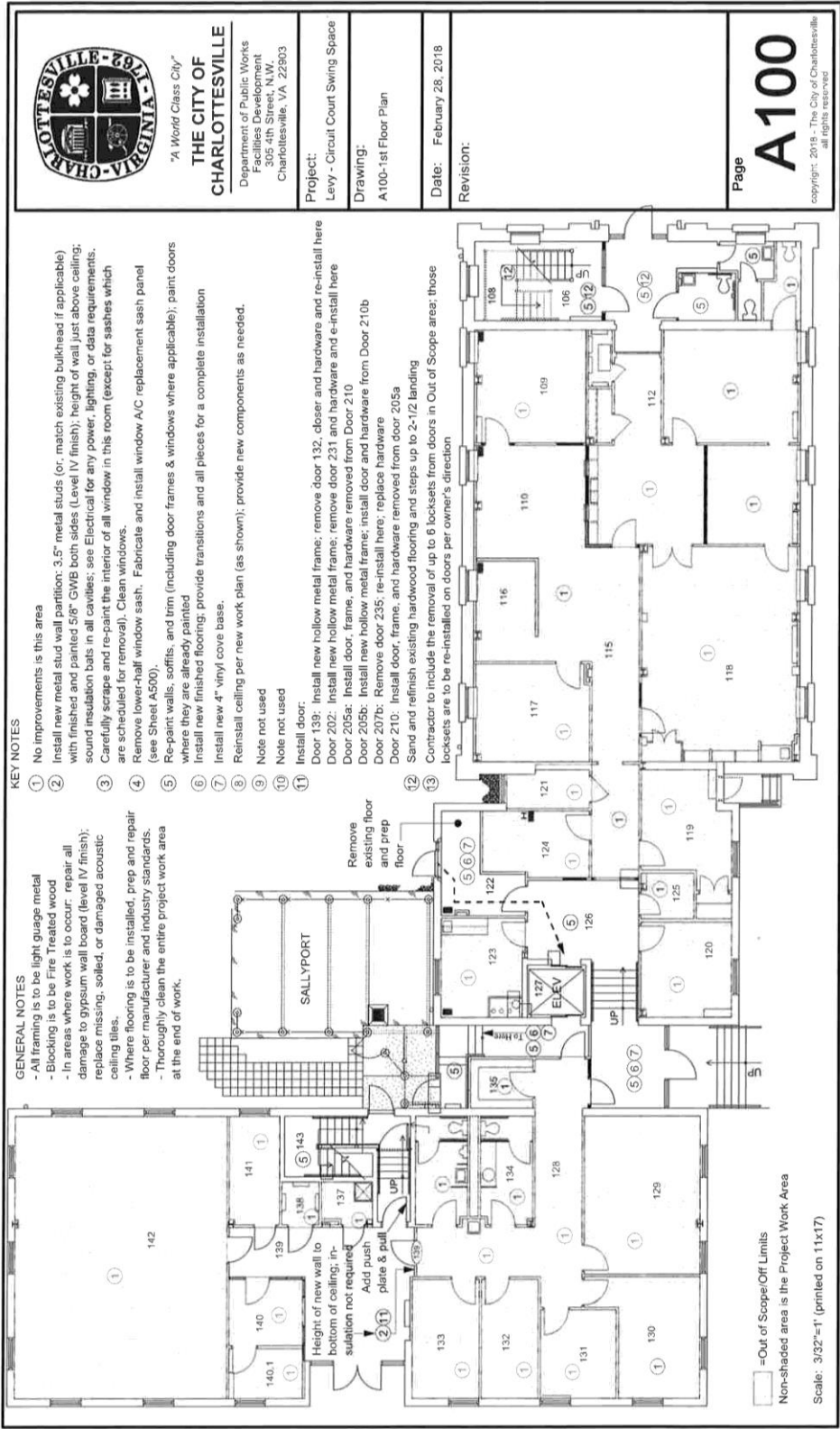
Approved as to form:

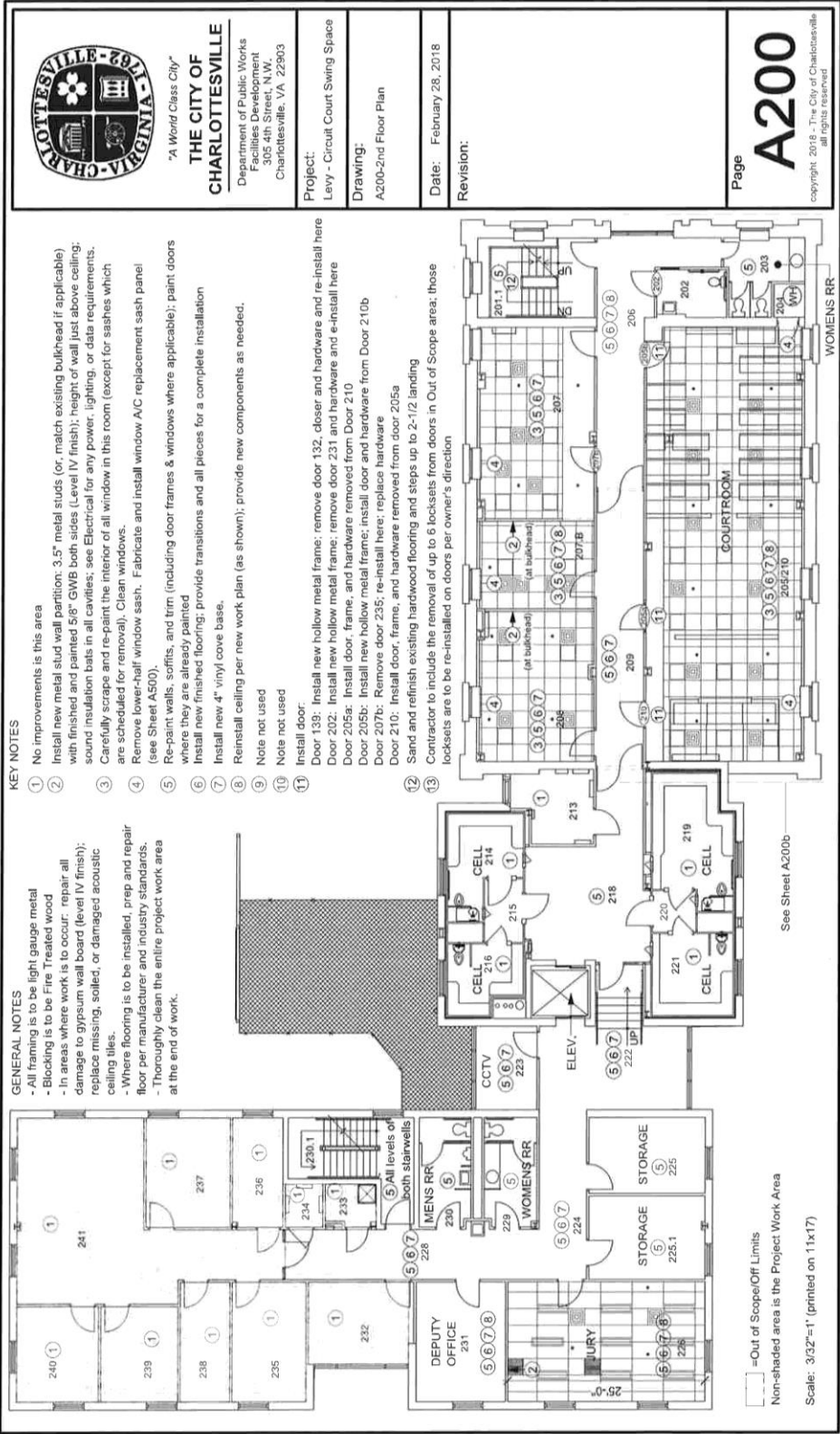
Lisa Roberts
Charlottesville City Attorney

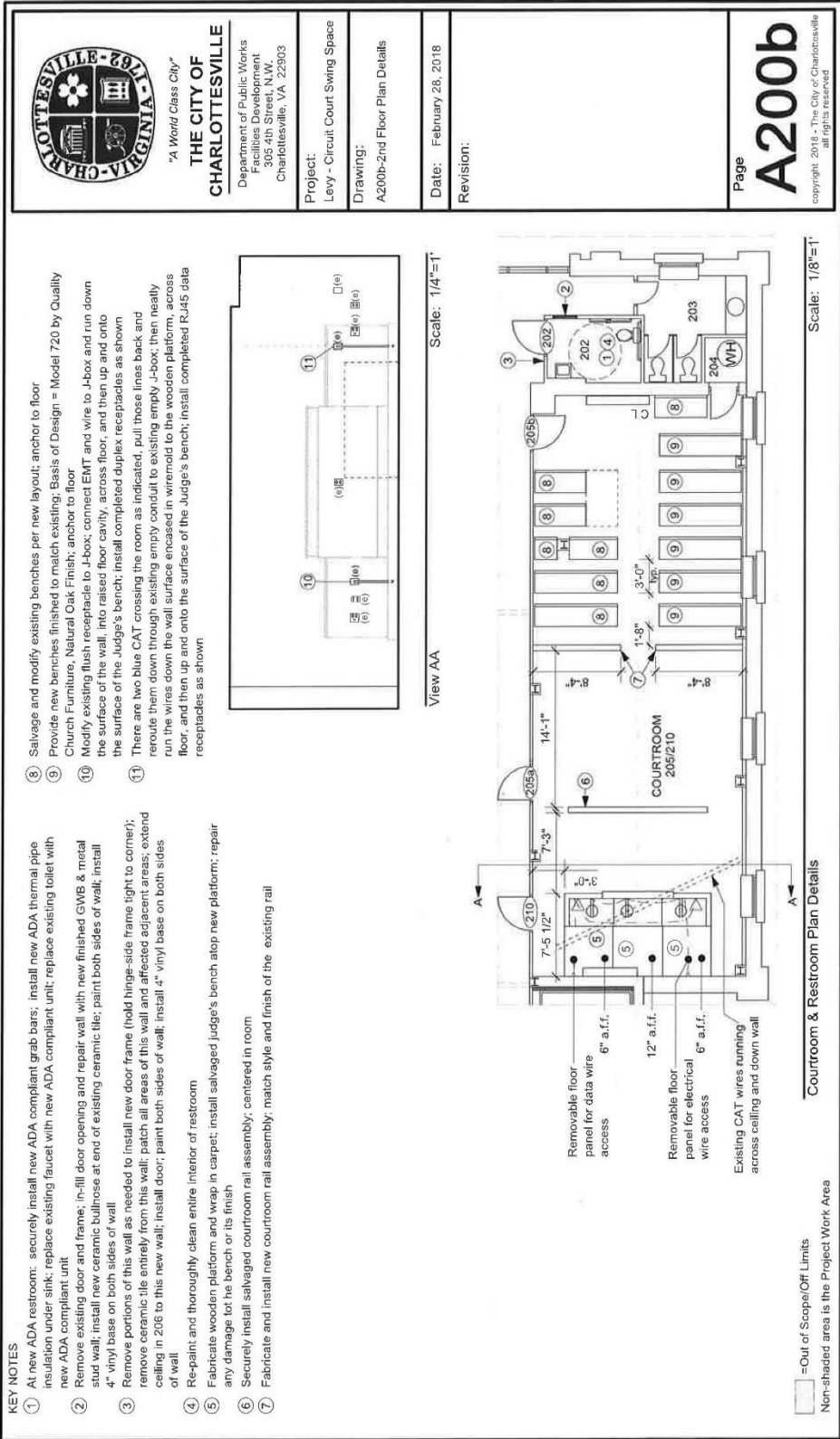
<div>ATTACHMENT 'X'</div> <div>CHARLOTTEVILLE CIRCUIT COURT COURTROOM SWING SPACE</div> <div>LEVY BUILDING RESTORATION FOR TEMPORARY COURT SPACE 350 Park Street, Charlottesville, Virginia</div> <div>DRAWING INDEX C100 - Site Improvements D200 - 2nd Floor Demolition Plan A100 - 1st Floor Plan A200 - 2nd Floor Plan A200b - 2nd Floor Plan Details A300 - 3rd Floor Plan A400 - 2nd Floor Ceiling Plan A500 - Window AC Details E100 - 1st Floor Electrical Plan E200 - 2nd Floor Electrical Plan E300 - Third Floor Electrical Plan M200 - 2nd Floor HVAC Plan</div>	<div><div><div>"A World Class City"</div><div>THE CITY OF CHARLOTTEVILLE</div><div>Department of Public Works 305 4th Street, N.W. Charlottesville, VA 22903</div></div></div> <div>Project: Levy - Circuit Court Swing Space</div> <div>Drawing: Cover</div> <div>Date: February 28, 2018</div> <div>Revision:</div> <div>Page Cover</div> <div>copyright: 2018 - The City of Charlottesville all rights reserved</div>
--	---

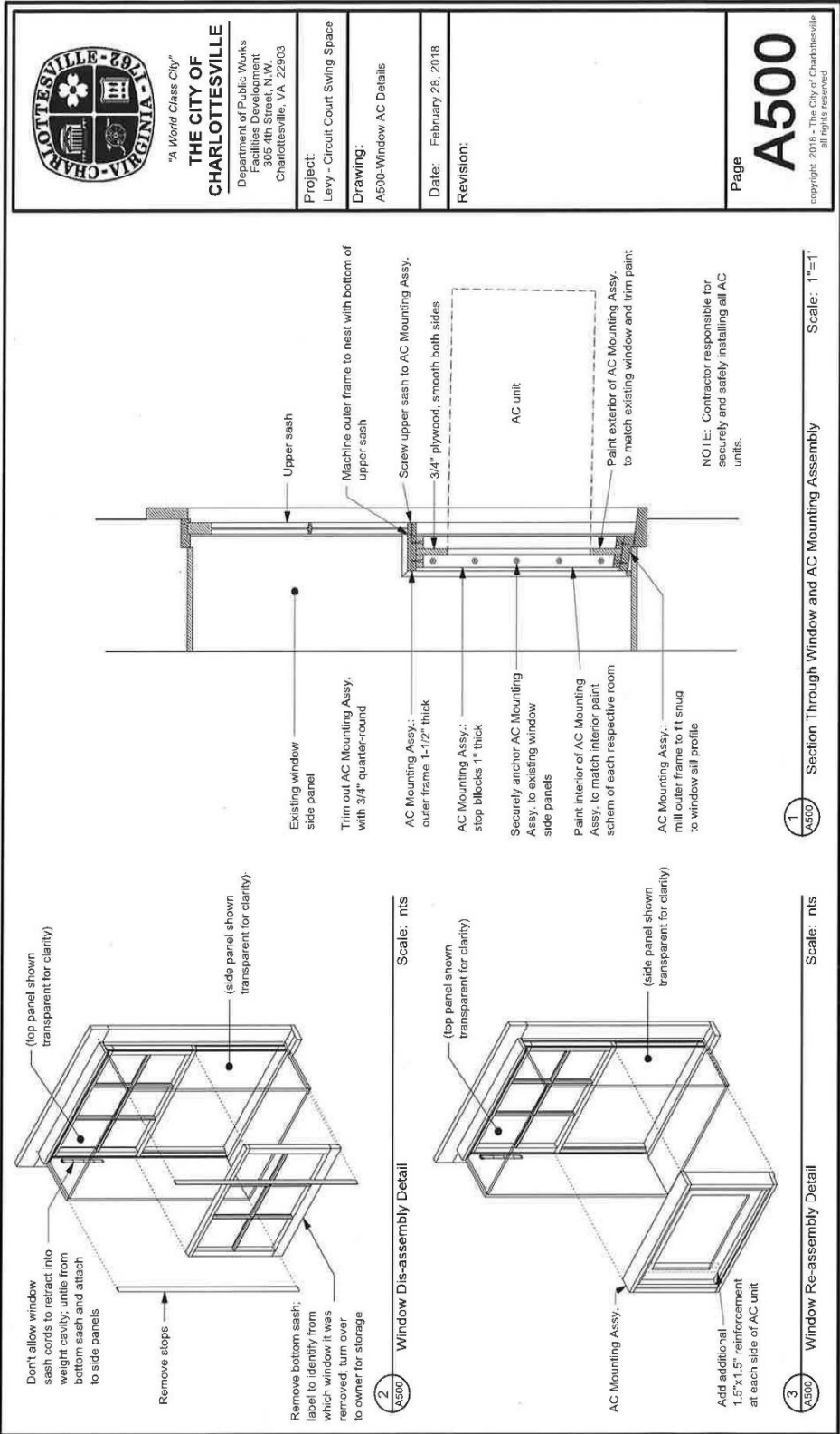


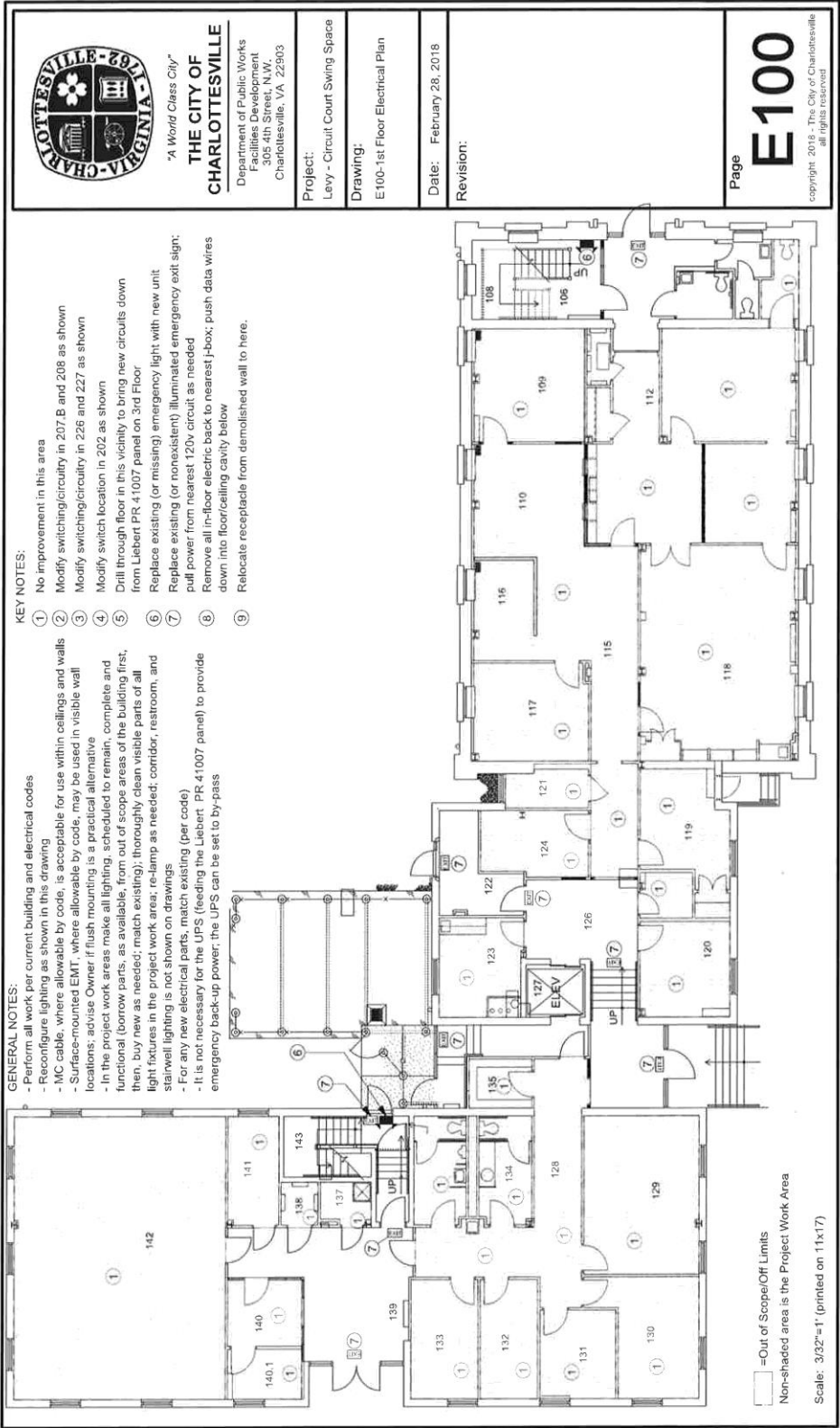


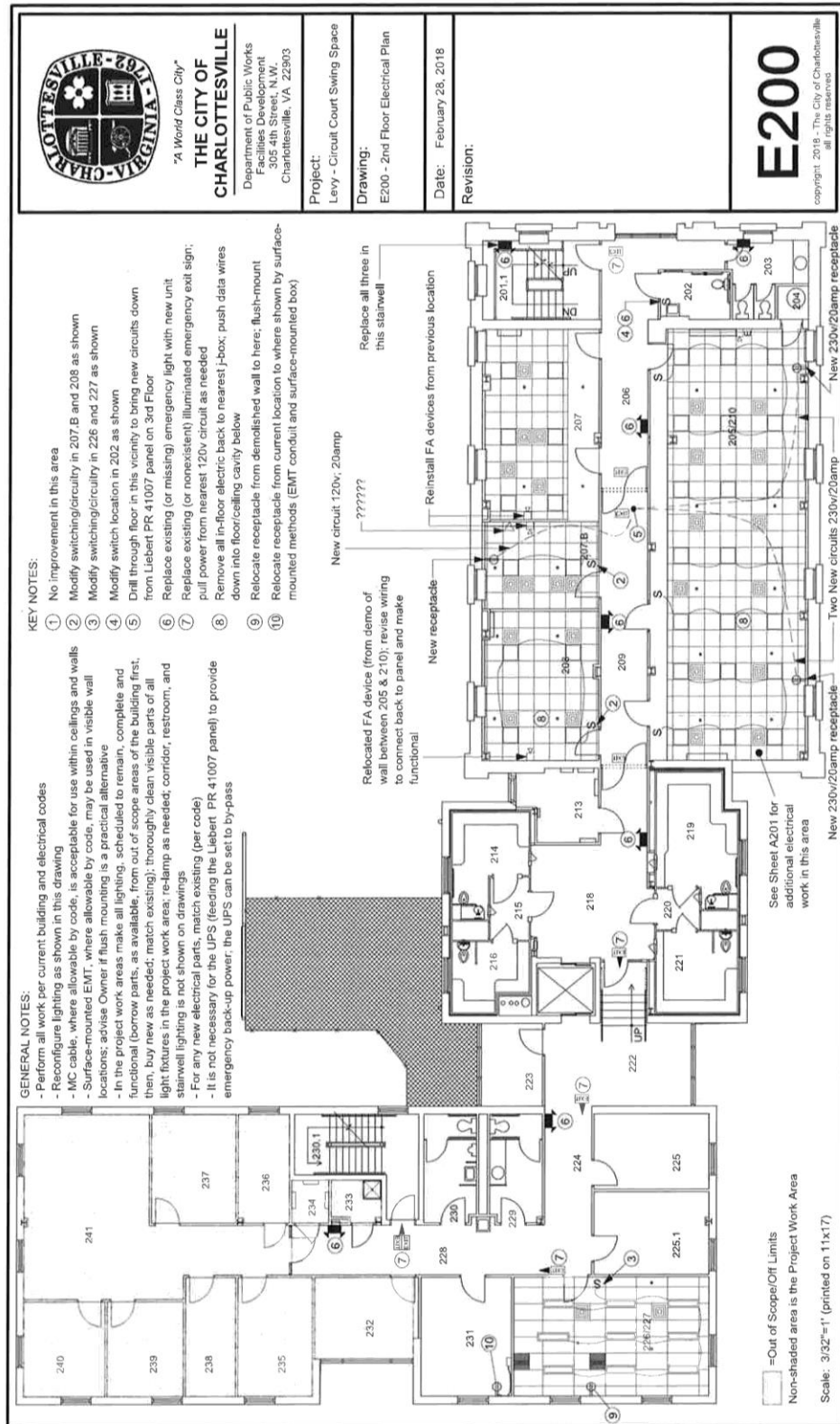


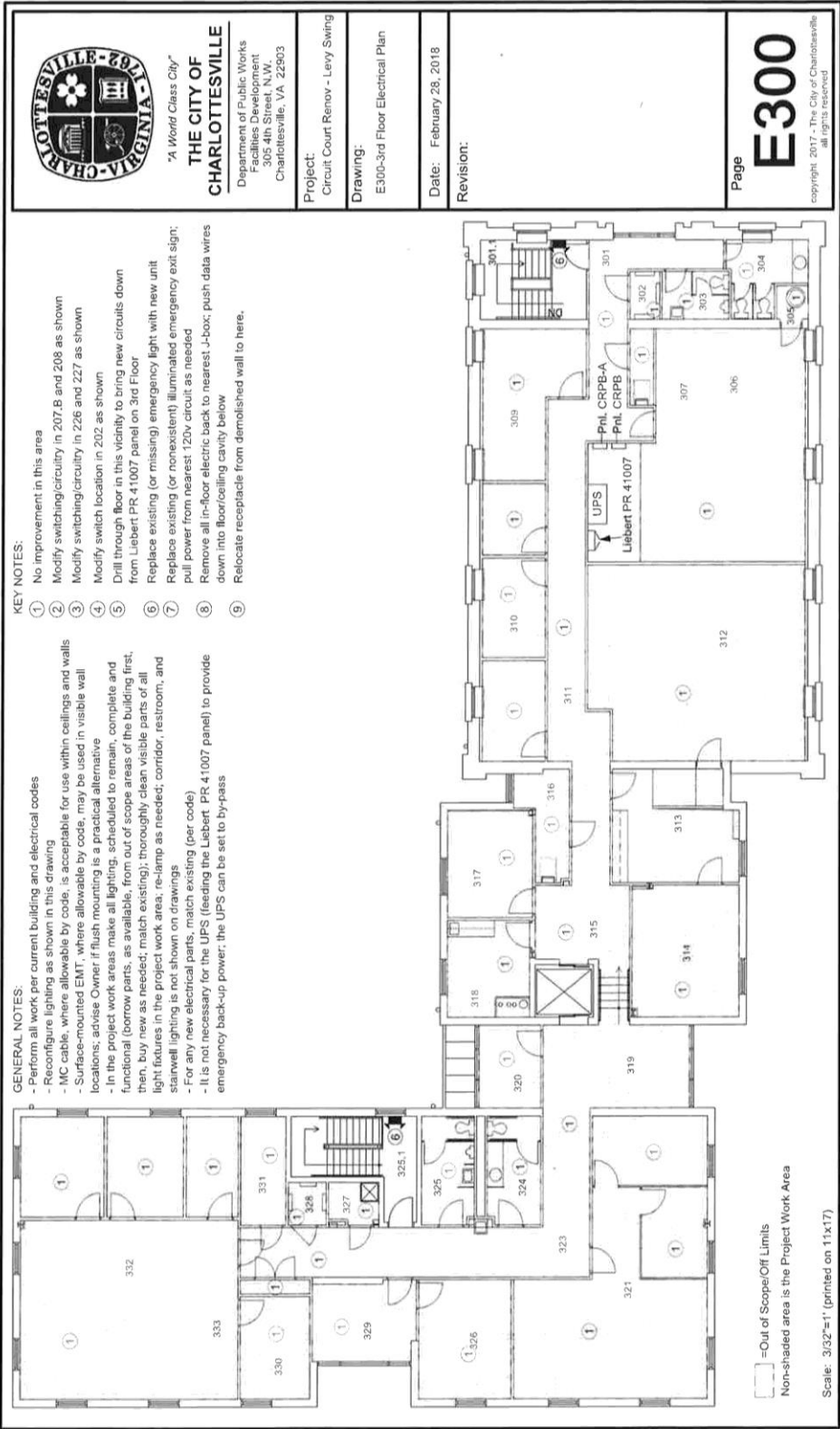


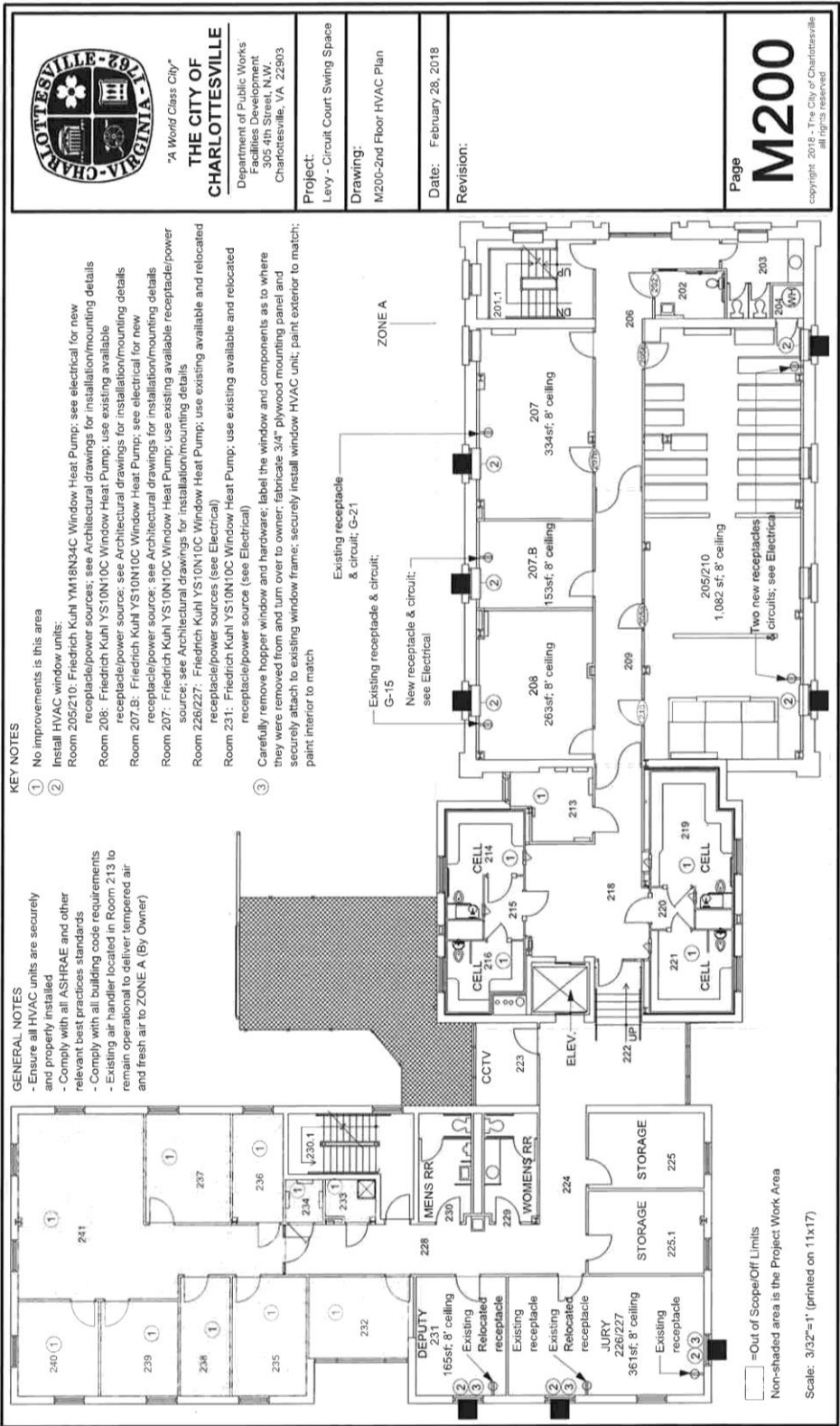












Item No. 16.5. Ordinance to Amend County Code Chapter 13, Solid Waste/Recycling.

The Executive Summary forwarded to the Board states that the Board has directed the County Attorney's Office to conduct a comprehensive review and recodification of the County Code. Chapter 13 pertains to the dumping, accumulation, storage, removal, recycling, and disposal of solid waste.

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 Code later in 2018.

Substantive changes are proposed for some provisions of Chapter 13 to be consistent with recent amendments to State law, and to repeal obsolete regulations and unnecessary regulations.

The attached draft ordinance (Attachment A), with any changes made pursuant to direction from the Board on May 9, will be forwarded to the County's Solid Waste Alternatives Advisory Committee for its review and comment. The Board's public hearing on the ordinance will be scheduled thereafter.

Adopting the proposed ordinance will have no budget impact.

Staff recommends that the Board direct staff to forward the attached proposed ordinance to the Solid Waste Alternatives Advisory Committee for its review and comment, and schedule a public hearing to consider adoption of the proposed ordinance on September 12, 2018.

By the above-recorded vote, the Board directed staff to forward the proposed ordinance to the Solid Waste Alternatives Advisory Committee for its review and comment, and scheduled a public hearing to consider adoption of the proposed ordinance on September 12, 2018.

Item No. 16.6. Strawberry Hill ACE Easement.

The Executive Summary forwarded to the Board states that in 2008, the Virginia Outdoors Foundation (VOF) and the County jointly acquired an open-space (ACE) easement on Tax Map Parcel 05000-00-00-04500, a property known as Strawberry Hill Farm, a 330 acre cattle farm near Cismont. VOF helped fund this acquisition through a \$565,000, or 50%, matching grant.

A Central Virginia Electric Cooperative (CVEC) electric transmission line runs along the eastern boundary of the property to a small substation. This line is the final portion of a proposed transmission network upgrade from Cash's Corner Substation to Zions Substation. The upgrade, from a 46kV to 115kV line, would enhance the reliability and redundancy to growing areas served by this line. Because the new line would require a utility pole height increase from 55 feet to 75 feet and an enlargement of the right-of-way (ROW) by 0.106 acres (over which the new lines would hang), it is subject to the review and approval of VOF and the County, as easement co-holders. Specifically, Section II(2)(iv) of the deed of easement provides: "Public and private utilities that do not serve the Property shall not cross the Property unless Grantees [VOF and the County] determine that the construction and maintenance of such utilities will not impair the conservation values of the Property and give its prior written approval for such construction and maintenance."

Because of VOF's experience in responding to similar utility requests statewide, County staff agreed that VOF should take the lead in reviewing this request. After consultation with County staff, the owners of Strawberry Hill, and CVEC project managers and engineers, Brian Fuller, VOF's Assistant Director of Stewardship for VOF, presented his review and recommendations on behalf of VOF at the March 12 ACE Committee meeting.

Based on Mr. Fuller's extensive analysis (Attachment A), VOF concluded that the proposed upgrades would not impair the conservation values of the property. VOF therefore recommended approval of CVEC's upgrade request subject to the following conditions:

1. A proposed Deed of Amendment for the ROW to increase the height limitation from 55' to 75' and to add the required 0.106 acres for review and approval by VOF Counsel.
2. No above-ground structures or uses other than aerial electric transmission lines shall be permitted within the expanded ROW.
3. Additional screening (landscape buffer of evergreen trees) shall be required along the fencing of the southern side of the Cash's Corner Substation to better minimize the visual impacts of the substation from the open-space easement property and farmhouse.

Again, because the County is the co-holder of this easement, this request is also subject to County review and approval. At its March 12 meeting, with the concurrence of County staff, the ACE Committee unanimously recommended acceptance of VOF's recommendations.

Following the March 12 ACE Committee meeting, CVEC requested that communications and electric distribution lines also be permitted within the expanded right-of-way. The request to allow communication lines is part of CVEC's endeavor to provide fiber optic, broadband internet along its electrical distribution system. The proposed communication line would add another small "cable/wire" to the existing and/or proposed electric towers. VOF has always been a supporter of co-location of utilities, where possible, and reliable internet is an increasing need in rural areas. Neither VOF nor County staff objects to this additional request either.

All of the above recommendations are now before the Board for its consideration.

No budget impact is expected.

Staff recommends that the Board adopt the attached Resolution (Attachment B) to approve the proposed CVEC lines across a portion of Strawberry Hill Farm, subject to the conditions listed therein.

By the above-recorded vote, the Board adopted the following Resolution to approve the proposed CVEC lines across a portion of Strawberry Hill Farm, subject to the conditions listed therein:

**RESOLUTION APPROVING A REQUESTED UTILITY EASEMENT
ACROSS A COUNTY-OWNED OPEN-SPACE EASEMENT
ON TAX MAP PARCEL 05000-00-00-04500**

WHEREAS, by deed dated August 15, 2008, and recorded in the Albemarle County Circuit Court Clerk's Office in Deed Book 3658, pages 8-30, the County and the Virginia Outdoors Foundation (VOF) acquired an open-space (ACE) easement across Tax Map Parcel 05000-00-00-04500; and

WHEREAS, the Central Virginia Electric Cooperative (CVEC) has requested an additional utility easement across Tax Map Parcel 05000-00-00-04500 to upgrade its existing facilities on that parcel; and

WHEREAS, Section II(2)(iv) of the County's deed of open-space easement provides in part: "Public and private utilities that do not serve the Property shall not cross the Property unless Grantees [the County and VOF] determine that the construction and maintenance of such utilities will not impair the conservation values of the Property and give its prior written approval for such construction and maintenance;" and

WHEREAS, after reviewing CVEC's request for an additional utility easement, VOF staff has determined that the construction and maintenance of the proposed utilities would not impair the conservation values of the Property and is prepared to give its approval for such construction and maintenance; and

WHEREAS, after reviewing VOF staff's report at its March 12 meeting, the County's ACE Committee unanimously accepted VOF staff's determination and recommended approval of the requested utility easement.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby determines, pursuant to Section II(2)(iv) of the County's deed of open-space easement, that the construction and maintenance of the utilities proposed by the Central Virginia Electric Cooperative on Tax Map Parcel 05000-00-00-04500 will not impair the conservation values of that Property; and

BE IT FURTHER RESOLVED THAT the Board of Supervisors hereby gives its prior written approval for the construction and maintenance of the proposed utilities, subject to the following conditions:

1. A proposed Deed of Amendment for the ROW to increase the height limitation from 55' to 75' and to add the required 0.106 acres shall be submitted to VOF Counsel for review and approval.
2. No above-ground structures or uses other than aerial electric transmission, distribution, and communication lines shall be permitted within the expanded ROW.
3. Additional screening (landscape buffer of evergreen trees) shall be required along the fencing of the southern side of the Cash's Corner Substation to better minimize the visual impacts of the substation from the open-space easement property and farmhouse.

Item No. 16.7. B201800516TWR Shentel Proffit Road Special Exception.

The Executive Summary forwarded to the Board states that several special exception requests have been submitted by NB+C, LLC on behalf of Shentel, associated with NB+C, LLC's building permit application to add an antenna array to an existing Dominion Virginia Power transmission tower between 2550 and 2582 Proffit Road. (See Attachment B-Location Map and Attachment C-Plans).

County Code § 18-5.1.40.a(12) allows special exceptions to waive or modify the requirements of County Code § 18-5.1.40 for personal wireless service facilities. The applicant has requested two special exceptions:

- 1) Modify County Code § 18-5.1.40(b)(2)(c) projection of antennas and mount type
- 2) Waive County Code § 18-5.1.40(b)(3) tree conservation plan

Staff analysis of the requests is provided as Attachment A.

Staff recommends that the Board adopt the attached Resolution (Attachment D) approving the special exceptions, subject to the conditions attached thereto.

By the above-recorded vote, the Board adopted the following Resolution approving the special exceptions, subject to the conditions of approval:

**RESOLUTION TO APPROVE SPECIAL EXCEPTIONS FOR
B201800516TWR SHENTEL – 69203 PROFFIT ROAD**

WHEREAS, Shenandoah Personal Communications, LLC "Shentel" filed an application for a building permit to add an antenna to the existing Dominion Virginia Power transmission tower located on Tax Map Parcel Number 04600-00-00-035B1, which application is identified as Building Permit 2018-516TWR Shentel-69203 Proffit Road ("BP 2018-516"); and

WHEREAS, BP 2018-516 included a request for a special exception to modify the requirements of County Code 18-5.1.40(b)(2)(c) and to waive the requirements of County Code § 18-5.1.40(b)(3); and

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

WHEREAS, Albemarle County Code § 18-5.1.40(b)(3) requires that the Applicant submit a tree conservation plan.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared in conjunction with the application, all of the factors relevant to the special exceptions in County Code §§ 18-5.1.40(b)(2)(c), 18-5.1.40(b)(3), 18-33.5, and 18-33.9, and the information provided at the

Board of Supervisors meeting, the Albemarle County Board of Supervisors hereby approves the special exceptions to modify the requirements of County Code 18-5.1.40(b)(2)(c) and to waive the requirements of County Code §§ 18-5.1.40(b)(3), subject to the conditions attached hereto.

* * * * *

**B201800516TWR Shentel – 69203 Proffit Road
Special Exception Conditions**

1. No trees or vegetation shall be removed.
2. The antenna shall not project more than ten (10) feet above the transmission tower as depicted on Sheet C-6 of the site plan referred to as "Site Name: Proffit Road", prepared by Timmons Group, dated January 3, 2018.
3. No antenna authorized by this special exception shall project more than three and one-half feet (3.5') from the center pole to the back of the antenna.

Item No. 16.8. Building Permit #B201702432TWR Bucks Elbow ECC Replacement Tower Special Exception.

The Executive Summary forwarded to the Board states that this is a request to replace a 120' guyed tower with a 150' self-supporting lattice tower within an existing 100' x 100' fenced gravel compound. The property is owned by the County of Albemarle and managed by the Charlottesville-UVA-Albemarle Emergency Communications Center. The site provides public safety and public service radio communications for multiple regional agencies. A location map is provided as Attachment B.

County Code § 18-4.10.3.1 of the ordinance requires that communication towers be located no closer in distance to any lot line than the height of the structure. County Code § 18-4.10.3.1(c) allows waivers or modifications to the setback to be considered, and the following is requested:

1) Modify County Code § 18-4.10.3.1(b) to allow a reduced setback for the proposed replacement tower. The proposal is to reduce the required setback from 150' to no closer than 5' to the property line.

Staff analysis of the requests is provided as Attachment A.

Staff recommends that the Board adopt the attached Resolution (Attachment D) approving the special exception, subject to the conditions attached thereto.

By the above-recorded vote, the Board adopted the following Resolution approving the special exception, subject to the conditions of approval:

**RESOLUTION TO APPROVE SPECIAL EXCEPTION FOR
B201702432TWR BUCKS ELBOW ECC REPLACEMENT TOWER**

WHEREAS, the Charlottesville-UVA-Albemarle Emergency Communications Center filed an application for a building permit to replace the existing 120' guyed tower with a 150' self-supporting lattice tower within an existing 100' x 100' fenced gravel compound on Tax Map Parcel Number 03900-00-00-001B1, located on Bucks Elbow Mountain, which application is identified as Building Permit 2017-2432TWR Bucks Elbow ECC Replacement Tower Special Exception ("BP 2017-2432"); and

WHEREAS, BP 2017-2432 included a request for a special exception to modify the requirements of County Code 18-4.10.3.1(b) to allow a reduced setback from the base of the tower to the side and rear property lines from 150 feet to 5 feet.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared in conjunction with the application, all of the factors relevant to the special exceptions in County Code §§ 18-4.10.3.1(b), 18-4.10.3.1(c), 18-33.5, and 18-33.9, and the information provided at the Board of Supervisors meeting, the Albemarle County Board of Supervisors hereby approves the special exception to modify the requirements of County Code 18-4.10.3.1(b), subject to the conditions attached hereto.

* * * * *

**B201702432TWR Bucks Elbow ECC Replacement Tower
Special Exception Conditions**

1. The height of the communications tower shall not exceed one hundred fifty feet (150') above ground level.
2. The setback from the base of the tower to any property line shall be no less than five feet (5').

Item No. 16.9. Special Exception, SDP 201700057 Old Trail Block 22, Variation of Sidewalk and Planting Strip Requirements.

The Executive Summary forwarded to the Board states that the applicant is requesting a variation to the previously approved Planned Development Application Plan specifically for Block 22 (45 single-family attached and townhome units). The requested modification to reverse the location of the planting strip and sidewalk would allow the street trees to be installed behind the sidewalk instead of between the road and sidewalk. The request is to also to eliminate sidewalk along a portion of one road (Guildford Place). Sidewalk will be installed along one side of this road and other sidewalk connections will be installed in this area to maintain safe and convenient pedestrian access.

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

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

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

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR SDP 201700057 TO MODIFY APPLICATION PLAN
APPROVED IN CONJUNCTION WITH ZMA201500001 OLD TRAIL**

WHEREAS, the Owner of Tax Map Parcel Number 055E0-01-22-00000 filed a request for a special exception in conjunction with SDP 201700057 Old Trail to vary the Application Plan approved in conjunction with ZMA201500001 Old Trail to modify the street cross section in Block 22 to allow the relocation of the planting strip, sidewalk, and street trees as depicted on the pending plans under review by the County's Department of Community Development.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the Memorandum prepared in conjunction with the special exception request and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-8.5.5.3, 18-33.5, and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to modify the street cross section in Block 22, subject to the condition attached hereto.

* * * * *

**Special Exception for SDP 201700057 to Vary ZMA201500001 Old Trail
Application Plan Special Exception Condition**

1. The special exception shall apply to Block 22 as depicted on sheets 4 and 5 of the Site Plan entitled "Final Plan Block 22 Final Site Plan, Old Trail Village Final Site Plan," prepared by Roudabush, Gale & Associates, Inc., dated September 11, 2017.

Item No. 16.10. Special Exception to ZMA200700001 Hollymead Town Center Area A-2.

The Executive Summary forwarded to the Board states that the applicant is requesting a change to the Application Plan for Hollymead Towncenter Area A2, which currently shows a vehicular connection between the existing shopping center and Area A2. This connection would extend Community Street to Berkmar Drive through Block D1. In lieu of making this vehicular connection, the applicant is requesting to provide an ADA accessible pedestrian and bicycle connection. This request proposes to change the overall form of development, but the overall density will remain the same with a maximum of 1,222 dwelling units.

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

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

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

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR ZMA200700001 HOLLYMEAD TOWN CENTER (AREA A2)
TO VARY STREET LAYOUT IN BLOCK D1 WITHIN APPLICATION PLAN**

WHEREAS, the Owner of Tax Map Parcel Number 03200-00-00-04500 filed a request for a special exception to vary the Application Plan approved in conjunction with ZMA200700001 Hollymead Town Center (Area A2) to vary the street layout in Block D1 to allow an ADA accessible pedestrian and bicycle connection to be constructed in place of a vehicular connection between the existing shopping center and Area A2, as shown on Exhibit C of Applicant's January 22, 2018 Application, prepared by Collins Engineering, and entitled "Exhibit C – ADA Accessible Pathway Connection".

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the Memorandum prepared in conjunction with the special exception request and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to the special exceptions in Albemarle County Code §§ 18-8.5.5.3, 18-33.5, and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to vary the Application Plan approved in conjunction with ZMA200700001 Hollymead Town Center (Area A2), as described hereinabove, subject to the conditions attached hereto.

* * * * *

**Special Exception to Vary ZMA200700001 Hollymead Town Center (Area A2)
Application Plan Special Exception Conditions**

1. The concrete ADA accessible route shall be a minimum of eight (8) feet in width from Berkmar Drive to its connection with the existing sidewalk on Community Street as labeled in Exhibit C of Applicant's January 22, 2018 Application, prepared by Collins Engineering, and entitled "Exhibit C – ADA Accessible Pathway Connection."
2. An access easement shall be provided over the entire length of the ADA accessible route and pedestrian stairwell.

Item No. 16.11. Special Exception: ZMA2003-00004 Cascadia.

The Executive Summary forwarded to the Board states that the applicant is requesting a change to the Code of Development (COD) for Cascadia, specifically Block 1 Lots 259, 260, 261, 262, 263, 264, 265 & 266, to allow "detached single family" residential uses. The COD allows many residential use type within Block 1, including semi-detached and attached single family residential uses, but does not allow detached single family residential uses within the block. Detached single family residential uses are allowed within four blocks in Cascadia including Block 2, which is adjacent to Block 1.

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

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

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

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR ZMA200200004 CASCADIA
TO VARY BLOCK 1 IN TABLE A WITHIN THE CODE OF DEVELOPMENT**

WHEREAS, the Owner of Tax Map Parcel Numbers 078H0-00-01-25900, 078H0-00-01-26000, 078H0-00-01-26100, 078H0-00-01-26200, 078H0-00-01-26300, 078H0-00-01-26400, 078H0-00-01-26500 and 078H0-00-01-26600 filed a request for a special exception to vary the Code of Development approved in conjunction with ZMA200200004 Cascadia to vary the type of dwelling units allowed in Block 1 to include detached single family residential unit types as shown on the Exhibit entitled "Letter of Revision for Cascadia Blocks 1-3" prepared by Dominion Engineering and dated February 26, 2018.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the Memorandum prepared in conjunction with the special exception request and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to the special exceptions in Albemarle County Code §§ 18-8.5.5.3, 18-33.5, and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to vary the Code of Development approved in conjunction with ZMA200200004 Cascadia, as described hereinabove, subject to the condition attached hereto.

* * * * *

**Special Exception to Vary ZMA200200004 Cascadia Code of Development
Special Exception Condition**

1. The special exception shall apply to Lots 259, 260, 261, 262, 263, 264, 265, and 266 within Block 1 as shown on the Exhibit entitled “Letter of Revision for Cascadia Blocks 1-3” prepared by Dominion Engineering and dated February 26, 2018.

Item No. 16.12. Set public hearing for June 13, 2018, on an ordinance to amend Chapter 2, Administration, of the Albemarle County Code, **to amend Section 2-202, Compensation of board of supervisors**, to increase the compensation of the members of the Board of Supervisors by an inflation factor of 2% effective July 1, 2018.

By the above-recorded vote, the Board set the proposed public hearing for June 13, 2018.

Item No. 16.13. Change start time of June 6, 2018, Day Meeting from 1:00 p.m. to 9:00 a.m.

By the above-recorded vote, the Board changed the starting time of the meeting to begin at 9:00 a.m., on June 6, 2018.

Item No. 16.14. County Grant Application/Award Report, **was received for information.**

The Executive Summary forwarded to the Board states that pursuant to the County's Grant Policy and associated procedures, staff provides periodic reports to the Board on the County's application for and use of grants.

The attached Grants Report provides brief descriptions of six (6) grant applications submitted during this time period, of which four (4) are submissions to the Department of Criminal Justice Services. This report also includes a comprehensive look at potential Five Year Financial Plan implications if projects and/or programs that are supported by grants are continued with local funding after the grants end. As grant funding ends, recommendations will be included in the County Executive's proposed annual budgets for the Board's consideration as to whether local funding should be used to continue those projects and programs. No County funds will be used to fund the continuation of those projects and programs without Board approval.

The budget impact is noted in the summary of each grant.

This report is to provide information only. No action is required.

GRANT REPORT ACTIVITY – February 17, 2018 through April 12, 2018

Applications made during this time.

Granting Entity	Grant Project	Type	Amount Requested	Match Required	Match Source	Department	Purpose
Virginia Commission for the Arts	Creative Communities Partnership	State	\$4,500	\$4,500	County's Contribution to the Charlottesville Opera and the Paramount	Office of Management and Budget	This grant will provide funding for local arts activities in Albemarle County. Specifically, the funding will be provided support for the educational programs of the Charlottesville Opera and the Paramount.
Virginia Department of Criminal Justice Services	FY18/19 One Time Byrne/JAG Offering	Federal	\$17,980	None		Police	This grant will provide funding to upgrade equipment and software for the Albemarle County Police Department (ACPD) Police Department's interview room.
Virginia Department of Criminal Justice Services	FY 19 Justice Assistant Grant – Problem Oriented Policing (POP)	State	\$34,975	\$104,925	Police Department	Police	This grant will be used to provide continued funding for a police Sergeant position to lead the ACPD Problem Oriented Policing (POP) Team. This is year 4 of a four-year grant.
Virginia Department of Criminal Justice Services	Community Corrections and Pretrial Services	Federal	\$975,427	\$75,000	OAR – Central Virginia Jail	Offender Aid and Restoration (OAR)	This annual grant provides funds to OAR to support pretrial services and community corrections.
Virginia Department of Criminal Justice Services	FY19 – Victim Witness Program	Federal State	\$134,326	None		Police	This continuation grant provides funds for staffing, equipment, training, and victim assistance costs.
Thomas Jefferson Soil and Water Conservation District	Charlottesville Conservation Assistance Program	Local	\$4,932	None		General Services - FES	This grant will provide funding to replace dead and diseased plantings with new native plants between the McIntire COB parking lot and McIntire Road.

Comprehensive Look at Potential Five Year Financial Plan Grant Impacts:

The following chart includes grants that are expected to end within the next five years and an estimate of the County's cost over the next five years if the grant-supported position, project or program is continued after the grant ends. The continuation of those positions, projects and programs will be considered as part of the County's annual budget process.

Grant Entity	Grant Name	Summary	# of FTE	Designation of Current Budget Match	Expected End Date	FY17 Grant Amount*	Potential Financial Impact - Includes Five Year Plan salary assumptions				
							FY18	FY19	FY20	FY21	FY22
Virginia Department of Criminal Justice Service	FY16 Byrne/Justice Assistance Grant (JAG) Law Enforcement	This grant provides funding for a current police Sergeant position to form and lead the new Problem Oriented Policing (POP) Team and includes overtime/equipment/ supporting costs. This grant requires the local match to increase each year with the goal at the end of the grant to be for a full time employee to be hired and associated costs to be absorbed in the department.	1	Grants Leveraging Fund	6/30/2020	\$104,925.00	\$ 69,754.50	\$ 104,631.75	\$ 139,509.00	\$ 139,509.00	\$ 139,509.00
Virginia Department of Criminal Justice Service	FY16 Byrne/Justice Assistance Grant (JAG) Crime Analysis	This grant provides funding for the current Crime Analyst position. The grant requires the local match to increase each year with the goal at the end of the grant to be for a full time employee to be hired.	1	Police Department	6/30/2017	\$16,939.00	\$ 69,313.00	\$ 69,313.00	\$ 69,313.00	\$ 69,313.00	\$ 69,313.00
*does not include local match funds							\$139,067.50	\$ 173,944.75	\$ 208,822.00	\$ 208,822.00	\$ 208,822.00

The following chart includes an estimate of the County's cost over the next five years for the replacement of equipment that was purchased with grant funding. The replacement of such equipment will be considered as part of the County's annual budget process.

Grant Name	Summary	# of FTE	Designation of Current Budget Match	Actual End Date	Potential Financial Impact				
					FY18	FY19	FY20	FY21	FY22
2006 Assistance to Firefighters	This grant provided funds for the purchase of turnout gear in 2006. The equipment life is now expiring and the estimated amount of approximately \$140,000, which is typically budgeted in a given year for this expense, is now estimated to be inadequate to replace the equipment over time. The additional funds listed in this chart reflects the additional costs estimated to replace this equipment each year. Costs in the out years is estimated to decrease due to the newly centralized management process and expected efficiencies.	0	Fire Rescue Fund	6/30/2006	\$ 236,700.00	\$191,800.00	\$ 147,090.00	TBD	TBD
Equipment Grant	This grant provided funds for the purchase of fitness equipment. The equipment life span is expiring.	0	Fire Rescue Fund	6/30/2009	\$ 40,356.00	\$ 53,345.00	\$ 54,934.00	TBD	TBD
					\$ 277,056.00	\$245,145.00	\$ 202,024.00	\$ -	\$ -

Item No. 16.15. Q3 FY 18 Quarterly Financial Report; Q3 FY 18 General Fund Revised Financial Projections Report; and Q3 FY 18 Quarterly Economic Indicators Report, ***was received for information.***

The Executive Summary forwarded to the Board states that the attached Quarterly Financial Report (QFR) (Attachment A) provides information regarding the County's FY 18 General Fund and School Fund performance as of March 31, 2018. The General Fund Revised Financial Projections Report (Attachments B and C) includes projected General Fund revenues and expenditures for FY 18. The Quarterly Economic Indicator Report (Attachments D and E) provides an overview of recent general economic conditions in the County. Early in the FY 19 Budget Work-session process, the Office of Management and Budget will include a discussion of the variances between actual revenues and expenditures as compared to FY 18 Budget, the Current Year End Fund Balance, and the recommended uses of Fund Balance in the Recommended FY 19 Budget.

Quarterly Financial Report

The Quarterly Financial Report (QFR) reflects year-to-date (YTD) data through March 31, 2018, the end of the third quarter (Q3) of FY 18. The data in the attached QFR is organized in a way that is consistent with Exhibit 12 of the County's Comprehensive Annual Financial Report (CAFR). Most line item titles in the QFR match the line item titles in the CAFR.

Highlights from the QFR include:

Revenues - YTD Actual

YTD total revenues in Q3 FY 18 were \$151,158,340 compared to \$143,606,745 in Q3 FY 17. In percentage terms, FY 18 YTD actual revenues as a percentage of FY18 Revised Budget revenues were 54.23%,

Expenditures - YTD Actual

YTD total expenditures in Q3 FY 18 were \$203,364,889 compared to \$192,208,415 in Q3 FY 17. In percentage terms, FY 18 YTD actual expenditures as a percentage of FY 18 Revised Budget expenditures were 72.96%, compared to 74.19% in FY 17.

County Executive Authorized Transfers and Appropriations

A table listing the County Executive authorized transfer and appropriations made during the first and second quarters of FY 18 is included on page 8.

ACPS Quarterly Financial Report

As requested by the Board, the Albemarle County Public Schools Quarterly Financial Report as of March 31, 2018 is included as a table on page 11 of the QFR.

An *Investment Activity Summary* for the Quarter Ended March 31, 2018 is included on page 12.

General Fund Revised Financial Projections Report

The General Fund Revised Financial Projections Report (GFRFPR) (Attachment B) provides a streamlined summary of forecasted revenues and expenditures. The GFRFPR indicates that by June 30, 2018, actual revenues, including transfers, are forecasted to be above appropriated revenues by \$1.058 million. This result reflects better-than-expected growth in many major revenue streams. Expenditures, including transfers, are projected to be \$5.343 million above currently appropriated expenditures. The difference between appropriated expenditures and forecasted expenditures is due to projected transfers to Capital, Debt, and Other funds. The result of the surplus in revenues plus the anticipated volume of expenditures is a projected net decline (rounded) of \$4.286 million in fund balance by the end of FY 18.

In evaluating the results of operations per the Projections Report, it is important to recognize that variances in both Revenues and Expenditures are impacted significantly by our use or non-use of fund balance. For example, projected revenues before transfers are expected to exceed budgeted revenues by \$5.8 million. However, given this strong revenue growth, we do not expect to use fund balance to support revenues as budgeted which has the effect of reducing excess revenues over budgeted revenues per the report. Similarly, total expenditures include our intentional use of fund balance for capital and other funds which creates the impression that expenditures will come in over budget, when in fact the departments are projected to under spend their budgets by \$3.6 million.

Quarterly Economic Indicators Report

The Quarterly Economic Indicators Report (QEIR) (Attachment D) shows the state of the County's economy. The QEIR contains data taken from the most recently available quarter and compares this data with data from the same quarter of previous fiscal years. General economic activity, as measured by five select revenue streams, grew substantially between Q3 FY 17 and Q3 FY 18. The unemployment rate in Albemarle declined between Q2 FY 17 and Q2 FY 18, going from 3.37% to 3.07%. This year-over-year decline was consistent with drops in national and state rates. Nominally, the County appears to have reached "full employment." The County's jobs base, meanwhile, appears to have experienced robust growth between Q1 FY 17 and Q1 FY 18, again the most recent quarter for which information is available. The total number of jobs increased from 53,530 to 55,871 or by 4.37%. This growth of 2,341 positions is consistent with a healthy local labor market. Note, however, that the inflation-adjusted average weekly wage apparently dropped by \$43 between Q1 FY 17 and Q1 FY 18. This decline of 4.05% likely is a statistical fluke, but staff will continue to monitor the situation. The Inflation-adjusted Federal Housing Finance Agency's House Price Index for the region, meanwhile, rose by 3.33% between Q2 FY 17 and Q2 FY 18. Overall, the data suggests that the County's economy grew at a healthy pace in the most recent year, a situation that is consistent with the U.S. and state economies. The outlook for the County's economy in coming quarters generally looks good, although there exist foreseeable scenarios under which the direction of the County's economy could reverse.

Revenues and expenditures data contained in the UQFR reflects the state of the County's FY 18 budget-to-actual financial performance as of March 31, 2018. Year-end projections contained in the GFRFPR are subject to change, based on the result of actual collections and expenditures through June 30, 2018. Data shown in the QEIR reflects economic variables that impact the County's current and future revenues and expenditures.

These reports are for information only. Staff welcomes the Board's feedback regarding the content and presentation of these reports.

Item No. 16.16. Capital Projects Status Report, 1st Quarter CY 2018, ***was received for information.***

Item No. 16.17. Environmental Quarterly Report – 3rd Quarter FY 18, ***was received for information.***

Item No. 16.18. Board-to-Board, April 2018, *A monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors, was received for information.*

Item No. 16.19. VDOT Monthly Report (May) 2018, ***was received for information.***

Agenda Item No. 17. CPA201800001 Hydraulic/29 Resolution.

The Executive Summary forwarded to the Board states that at its meeting on April 17, 2018, the Planning Commission approved the attached resolution of intent by a vote of 5-0. A copy of the Executive Summary provided at that meeting is provided as Attachment A, a draft copy of the Planning Commissions Actions is provided as Attachment B, the draft April 17 minutes are provided as Attachment C, and the adopted resolution is provided as Attachment E. The resolution was subsequently revised to make several non-substantive changes. The Board is requested to approve the revised resolution (Attachment F) for the purpose of providing direction on a Smart Scale application for road improvements to be made by the Metropolitan Planning Organization (MPO).

Transportation improvements shown in Attachment D are being proposed for a Smart Scale application to be made by the MPO. The deadline for submitting the initial application is May 31, 2018, with a final application no later than August 1, 2018. The MPO will consider this application at their May meeting. As one of the County's representatives on the Hydraulic/29 Advisory panel, staff is requesting the Board to support this application and for its representatives on the MPO to provide their support of the application when it is considered. Further refinement of the proposed application (Attachment D) is anticipated.

Staff recommends that the Board adopt the attached resolution of intent (Attachment F).

Mr. Mark Graham, Director of Community Development, thanked Supervisors for their attention to this matter. He noted that Charlottesville City Council considered and approved the resolution on May 7, 2018. He noted that the draft minutes provided from the Planning Commission meeting have not been proofread and apologized for any grammatical errors.

Mr. Graham presented a slide that listed four purposes of the attached resolution:

- endorse preferred transportation improvements (Scenario 1) for consideration with the Hydraulic/29 Small Area Plan.
- support the Metropolitan Planning Organization (MPO) making Smart Scale applications, including some or all of the preferred transportation improvements.
- adopt a resolution of intent to consider amending the Places 29 Master Plan to include the Hydraulic/29 Small Area Plan.
- include the transportation improvements in a planned 2019 re-adoption of an official map for right of way at Hydraulic/29.

He next presented an aerial photograph of the area with preferred transportation improvements marked as letters A–H, as shown for Scenario 1, page 113 of Attachment D (copy on file). He briefly summarized each of the proposals indicated on the map:

- a) US Route 29 Hydraulic Road intersection improvement – grade separation
- b) Hydraulic Road and District Avenue roundabout
- c) Hydraulic Road and Hillsdale Avenue roundabout
- d) Zan Road grade-separate pedestrian/bike/vehicle connection over US Route 29
- e) Angus Road grade-separated intersection and signalization US Route 29 southbound U-turn
- f) Hillsdale Drive connection to Holiday Drive (note: replaces “g”)
- g) relocation of westbound US Route 250 ramps to Hillsdale Extension
- h) extend eastbound US Route 250 left-turn lane at Hydraulic Road.

Mr. Graham noted that there are three Smart Scale options to be considered by the Metropolitan Planning Organization: 1) all, which could potential cost over \$100 million if done at one time; 2) a, b and c, the most critical improvements at a cost of \$83 million; and 3) d, e, f, and g, a potential cost of \$33 million. He emphasized that the cost estimates were preliminary with some refinements to be done, and some money set aside for Hillsdale Drive improvements as well as unspent money for this study could be assigned here. He further added that all the costs are quite high, and staff has been told by VDOT that the highest cost project funded under Smart Scale, to date, in the Culpeper District is about \$26 million.

Mr. Graham said that staff has received questions about pedestrian and bicycle access across Route 29 and that a shared-use bicycle/pedestrian tunnel is proposed for Hydraulic Road as it passes underneath Route 29. He pointed out the proposed tunnel on a diagram of the interchange. He also pointed out bicycle/pedestrian paths along either side of Route 29.

Mr. Graham presented a slide with a list of Smart Scale next steps:

May 23: MPO votes to support Smart Scale applications
June 1: deadline for submission of pre-applications
June – July: applications refined and revised as needed
August 1: deadline for submission of final applications
August – December: projects reviewed and scored
January 2019: release evaluation of projects with funding recommendations
February – April: Commonwealth Transportation Board considers evaluated projects for inclusion in Six Year Improvement Plan
June 2019: CTB adopts Six Year Improvement Plan for project funding
2019 – 2025: projects funded and constructed

He concluded by saying that staff recommends approval of the resolution as provided in Attachment F, and he invited questions.

Ms. McKeel remarked that she has learned a lot and is really excited about the projects. Mr. Graham commented that this has been amazing process and VDOT has done more than he thought they could. Ms. McKeel said they frequently discussed bicycle/pedestrian access, green space, and walkability. She emphasized that three of the four corners around Stonefield are located in the City.

Mr. Graham pointed out the County's portion of the core urban area, which he acknowledged is all within the Stonefield property. He said the land use plan proposed through the Hydraulic Small Area

Plan is already possible under the existing plan with Stonefield, and the County is looking at the bigger picture rather than at the core area – whereas the City is trying to rush through a comprehensive plan update to reflect the land use shown on the map.

Ms. McKeel emphasized that Stonefield was very much a part of the discussion, and Northrup Grumman favored the Zan Road connection, which made the County solid with business partners on the recommendation. She said they have to prove to the State that they will be able to move traffic north and south on Route 29, and she believes this plan does that. She noted that the Hydraulic Road intersection is the most dangerous within the Culpeper District and one of the most dangerous in the State, and they need to do something about it. She said they are also attempting to address the bottleneck that occurs coming west on the Route 250 Bypass onto Hydraulic Rod, for which there are already some plans and suggestions.

Ms. Mallek added that there has been discussion on the panel about economic development and safety benefits of D, even though it is in the second tier.

Ms. McKeel responded that the Zan Road piece Ms. Mallek was referencing is critical, as it is the City/County economic development connection to pass over Route 29 without having to get on Route 29.

Mr. Dill asked if it would be a wide and fancy entrance with a welcome sign or just a functional purpose. Mr. Graham responded that the intent is that it has a strong pedestrian orientation with two lanes.

Ms. McKeel added that it would also serve to get local traffic across to Hillsdale Drive without having to access Route 29 and also has a pedestrian/bike focus. She stated that they also discussed the role of transit, and they had a representative from DRPT in Richmond at the table to help with transit questions. Mr. Graham added that they not only discussed the current transit system but also anticipated future transit.

Ms. McKeel noted that the bridge across Route 29 would also provide transit service.

Mr. Dill asked how far down Emmett Street the development would go, as it seems like the road narrow and then arrive at the University. Mr. Graham replied that the project just goes to the Route 250 Bypass.

Mr. Randolph noted that A, B, C, D, E, & F come to \$116 million and asked Mr. Graham for his estimate of what the City and County would have to put in to VDOT's Smart Scale. He noted that double levels of government, pedestrian/bicycle, and economic development all appeal to Smart Scale, but they will have to put in money. Mr. Graham said he is hopeful that the anticipated \$18 million they are being given access to through Hillsdale Drive and planning efforts will reflect the local government share.

Mr. Gallaway asked if Angus Road would go over Route 29 and if vehicles would continue on Route 29 to get on Route 250. Mr. Graham confirmed this and said that there would be a separated overpass from Angus Road to Holiday Inn. He pointed out the proposed connection to Hillsdale Drive on the map and noted how vehicles would access Route 29. He explained that this was designed to remove the light for traffic through movements and to limit vehicles cutting through the Meadows neighborhood, whose residents expressed concerns.

Mr. Gallaway pointed out a U-turn at the overpass over Route 29. Mr. Graham confirmed that the U-turn on the southbound side is intended to be able to go north, and it is believed this can be done without signalization.

Ms. McKeel **moved** that the Board adopt the proposed Resolution of Intent. The motion was **seconded** by Ms. Mallek.

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

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

NAYS: None.

Ms. Mallek thanked Ms. McKeel, Mr. Graham and Mr. Morgan Butler for all the hours they put into this project. Ms. McKeel thanked Mr. Graham for all his work.

RESOLUTION OF INTENT

WHEREAS, the Future Land Use Plan and Transportation Network section of the Places 29 Master Plan (hereinafter "Places 29") includes land use designations and transportation recommendations for the Hydraulic Road/US Route 29 ("Hydraulic/29") area; and

WHEREAS, Places 29 recognizes this as a key subarea needing further study and more detailed plans using a Small Area Planning process to develop the ultimate land use and transportation recommendations; and

WHEREAS, Places 29 identifies the southern portion of the Places29 area where the County of Albemarle and City of Charlottesville abut each other as a particular opportunity for the two localities to partner in the funding of transportation and other improvements; and

WHEREAS, Places 29 lists the design and construction of improvements to the Hydraulic/29 intersection as a high priority implementation project subject to City and County input and public hearing processes; and

WHEREAS, this area is within the County's northern Urban Development Area (UDA) established in accordance with the requirements of Virginia Code §15.2-2223.1 in 2011 as a place for compact, mixed use urban development that can accommodate 10 to 20 years of growth under improved coordination between transportation and land use; and

WHEREAS, Places 29 identifies this area within the County's Priority Area 2 where it is intended that public investment be focused where new development has been approved and redevelopment is encouraged; and

WHEREAS, Virginia Code § 15.2-2233 enables the Planning Commission to make an Official Map showing the location of any future or proposed public street; and

WHEREAS, the Albemarle County Board of Supervisors adopted an Official Map on December 2, 2009 establishing the limits of right of way dedication needed for a possible future interchange in the northwest quadrant of the Hydraulic/29 intersection, re-adopted the Official Map on November 5, 2014 and must again re-adopt the Official Map by November 5, 2019, as required by Virginia Code § 15.2-2236; and

WHEREAS, a Small Area Plan guided by a 12 member Advisory Panel comprised of local City and County representatives was commissioned in 2017 to provide guidance and a new vision for redevelopment and transportation solutions associated with the Hydraulic area as one of several projects funded through the US Route 29 Solutions Projects; and

WHEREAS, the Hydraulic Small Area Plan developed under the guidance of the Advisory Panel proposes:

A small block network more conducive to pedestrians. Grade separated crossings at Angus Road and Route 29 in the City, Hydraulic Road at Route 29 and a new pedestrian/bike friendly local street at Route 29 and Zan Road that fully supports multi-modal travel. A Core Area that provides more detail for the proposed Zan Road corridor along the boundary of Stonefield and Northrup Grumman; and

WHEREAS, on November 1, 2017 the Board of Supervisors endorsed the Hydraulic Small Area Plan for consideration as a Comprehensive Plan Amendment (CPA) that is limited to the Core Area; and

WHEREAS, Transportation Improvement options for the Hydraulic Small Area Plan area have been further developed and analyzed under the guidance of the Advisory Panel, including three scenarios for the Hydraulic/29 intersection; and

WHEREAS, based upon the evaluation criteria used to screen the scenarios, the consensus of the Advisory Panel on March 22, 2018 is a preference for the identified improvements inclusive of Scenario 1 for improvements to the Hydraulic/29 intersection (see attached exhibits):

Grade separation that depresses Hydraulic Road under US 29. Northbound and southbound left turns from US 29 to Hydraulic accommodated with depressed left-turn lanes to reach Hydraulic Road below. Existing traffic signal at the intersection removed; US 29 through traffic to be free flow. Free flow right turns onto Hydraulic Road from US 29 and onto US 29 from Hydraulic Rd. Through movements on Hydraulic Road accommodated. Left turns onto US 29 prohibited; and

WHEREAS, these Transportation Improvements for the Hydraulic Small Area Plan were identified in anticipation of funding opportunities through Virginia's "Smart Scale" program and the County's Comprehensive Plan needs to demonstrate consistency with the transportation projects included in the Smart Scale application.

NOW, THEREFORE, BE IT RESOLVED THAT the Albemarle County Planning Commission and Board of Supervisors each endorse the Transportation Improvements for the Hydraulic Small Area Plan reflected in the attached exhibits; and

BE IT FURTHER RESOLVED THAT the Board of Supervisors requests that application be made for the Transportation Improvements for the Hydraulic Small Area Plan reflected in the attached exhibits in the 2018 Virginia "Smart Scale" program; and

BE IT FURTHER RESOLVED THAT for purposes of public necessity, convenience, general welfare and good land use planning practices, the Board of Supervisors hereby adopts a resolution to consider amending the Places 29 component of the Albemarle County Comprehensive Plan to incorporate the Transportation Improvements for the Hydraulic Small Area Plan reflected in the attached exhibits; and

BE IT FURTHER RESOLVED THAT the Planning Commission shall hold a public hearing on the Comprehensive Plan Amendment proposed by this resolution, and make its recommendation to the Board of Supervisors, at such time as determined to be necessary to appropriately incorporate these Transportation Improvements into the Comprehensive Plan; and

BE IT FURTHER RESOLVED THAT the Transportation Improvements as amended into the Comprehensive Plan be included in the re-adoption of the Official Map by November 5, 2019.

Agenda Item No. 18. **PUBLIC HEARING: SP201700019 1640 Seminole Trail Auto Dealership Outdoor Storage and Display.**

PROJECT: SP 2017-00019 1640 Seminole Trail Auto Dealership.

PROPOSAL: To establish an auto dealership with outdoor display/storage/sale of vehicles.

ZONING: Highway Commercial - commercial and service; residential by special use permit (15 units/acre).

COMPREHENSIVE PLAN: Urban Mixed Use (in areas around Centers) commercial and retail uses that are not accommodated in Centers in Neighborhood 1 - Places 29.

ENTRANCE CORRIDOR: Yes.

AIRPORT IMPACT AREA: Yes.

LOCATION: 1640 Seminole Trail.

TAX MAP/PARCEL: 061000000120P0.

MAGISTERIAL DISTRICT: Rio.

(Advertised in the Daily Progress on April 23 and April 30, 2018.)

The Executive Summary forwarded to the Board states that at its meeting on March 20, 2018, the Planning Commission voted 7:0 to recommend approval of SP201700019 with the conditions recommended by staff.

This special use permit request is for motor vehicle sales, display and storage in the Entrance Corridor Overlay district. The use is accessory to motor vehicle sales, which is by right in the Highway Commercial zone; the focus of the review is strictly on the visual impacts of the use on the Entrance Corridor. The request is consistent with the Comprehensive Plan and the Architectural Review Board has reviewed the request and has no objection, but recommends conditions of approval.

Staff recommends that the Board adopt the attached resolution to approve SP201700019 with conditions.

Ms. Heather McMahon, Senior Planner, stated that she is presenting a special use permit application for the outdoor storage, display and sale of vehicles in the entrance corridor. She explained that a special use permit is required because the site falls within the Entrance Corridor Overlay District. She presented an aerial photograph of the site and surrounding area and noted that the parcel lay on the west side of Seminole Trail, approximately 300 feet southwest of the intersection with Rio Road West. She noted that both Route 29 and Rio Road are designated entrance corridors. The project was reviewed for its impacts on Route 29, and is not expected to have impacts on the Rio Road entrance corridor.

Ms. McMahon explained that this use is considered accessory to motor vehicle sales, which is one of the permitted commercial uses by right within the highway/commercial zoning district. She emphasized that the Board is not considering the general sale of motor vehicles use but the outdoor display aspect. She presented a street level photograph of the property and explained the purpose of requiring a special use permit for outdoor storage, display and/or sales is to allow for review of the potential visual impacts of the activity on the entrance corridor. She informed the Board that Section 30.6 of the Zoning Ordinance states that the intent of the Entrance Corridor Overlay District is to ensure quality development that is compatible with the County's important scenic, historic, architectural and cultural resources. She said that Entrance Corridor Design Guidelines was adopted to make sure this intent is met.

Ms. McMahon presented the applicant's concept plan and remarked that the majority of the site is dedicated to parking, including three display spaces adjacent to Route 29 and two vehicular storage areas that include three inventory spaces to the north of the building and 3,440 square feet of inventory in the rear or western portion of the lot. She explained that the Architectural Review Board (ARB) has applied the County's Entrance Corridor Design Guidelines to the review and had no objection to the request, with conditions that are related primarily to the location of parking and the method of screening. She said the ARB requested additional landscaping on the southern and eastern, Route 29-frontage property lines, to meet EC Design Guidelines, which the applicant has met in the proposed concept plan.

Ms. McMahon reviewed the factors favorable as determined by staff: 1) the request is consistent with the Comprehensive Plan; and 2) the ARB did not object, with conditions. She said that no unfavorable factors were found. Ms. McMahon informed the Board that the proposal was unanimously approved by the Planning Commission on March 20, 2018, with the conditions recommended by staff. There have been no revisions since the Planning Commission hearing. She reported that staff recommends approval with the conditions listed in the staff report

Ms. Mallek opened the public hearing and invited the applicant or representative to address the Board.

Mr. Tim Carson, of Real Estate III, introduced himself as the buyer and applicant's representative. He stated that Downtown Auto Sales is the applicant. Mr. Carson said they looked forward to getting this done and expressed appreciation to County staff for their work. He invited questions.

As no one else came forward to speak or ask questions, Ms. Mallek closed the public hearing.

Mr. Gallaway **moved** that the Board adopt the proposed resolution and conditions outlined to approve SP-2017-00019, 1640 Seminole Trail Auto Dealership. The motion was **seconded** by Ms. McKeel.

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

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

NAYS: None.

**RESOLUTION TO APPROVE
SP 2017-19 1640 SEMINOLE TRAIL AUTO
DEALERSHIP OUTDOOR STORAGE AND DISPLAY**

WHEREAS, Downtown Auto Sales, LLC submitted an application for a special use permit to establish outdoor storage, display, and/or sales of vehicles on Tax Map Parcel Number 06100-00-00-120P0, and the application is identified as SP201700019 1640 Seminole Trail Auto Dealership Outdoor Storage and Display ("SP 2017-19"); and

WHEREAS, on March 20, 2018, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2017-19 with conditions; and

WHEREAS, on May 9, 2018, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2017-19.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2017-19 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code §§ 18-30.6.3 and 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2017-19, subject to the conditions attached hereto.

* * * * *

**SP 2017-19 1640 Seminole Trail Auto Dealership
Outdoor Storage And Display Special Use Permit Conditions**

1. Use of this site shall be in general accord with the concept plan "SP2017-19: 1640 Seminole Trail Auto Dealership (TMP 06100-00-00-120P0) - Application Plan," last revised January 29, 2018, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with this plan, development and use of the site shall:
 - a. reflect the general size, arrangement, and location of the vehicle display and storage areas, which shall be striped/marked on the site;
 - b. preclude any vehicle display and storage areas from being located on any existing grass or landscape areas;
 - c. reflect the landscape plan with the final selection of plant species subject to approval of the Director of Planning or his designee.Permitted modifications may include those required by the Architectural Review Board, those necessary to satisfy the conditions of this special use permit, and additional landscaping/screening approved by the Site Plan Agent.
2. Vehicles shall not be elevated anywhere on the site.

Agenda Item No. 19. **PUBLIC HEARING: SP201700028 Woodard Dock.**

PROJECT: SP201700028 Woodard Dock.

MAGISTERIAL DISTRICT: Rio.

TAX MAP/PARCEL(S): 04500-00-00-01000.

LOCATION: 1775 Earlysville Road PROPOSAL: Floating boat dock.

PETITION: Water related uses such as boat docks and canoe liveries under section 30.3.11 of the Zoning Ordinance on a 9.49-acre parcel. No new dwelling units proposed.

ZONING: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots). FH Flood Hazard – Overlay to provide safety and protection from flooding. Water related uses such as boat docks and canoe liveries (30.3.11).

OVERLAY DISTRICT(S): Entrance Corridor, Flood Hazard Overlay District.

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 April 23 and April 30, 2018.)

The Executive Summary forwarded to the Board states that at its meeting on March 6, 2018, the Planning Commission voted 5:0 (Firehock, More absent) to recommend approval of SP201700028 with the conditions recommended by staff. The Planning Commission staff report, action letter, and minutes are attached (Attachments A, B, and C).

The request is for a special use permit to permit the installation of a floating dock for private use by the property owner. Section 30.3.11 of the Zoning Ordinance requires a special use permit to allow a boat dock in the Flood Hazard Overlay district.

Staff recommends that the Board adopt the attached resolution (Attachment D) to approve SP201700028.

Mr. David Benish, Chief of Planning, stated that the proposal is to construct a 168-square-foot, low-profile floating dock. The design has been approved by the Rivanna Water and Sewer Authority (RWSA) and there were no objections from the City of Charlottesville, which owns the reservoir property. He presented a map of the area and property, which he said is located at 1775 Earlysville Road on the east and south sides of the reservoir near the Woodlands Road intersection. He presented a second map of the property and identified the City and property owner's boundaries outlined in purple, noting that access to the proposed dock is served by an old roadway bed.

Mr. Benish summarized that the design meet the requirements of RWSA and would not require earth disturbance other than installation of posts mounted to the shoreline, with the existing roadbed to be used for access. He presented an architectural drawing of the proposed dock design, which he indicated is roughly 24 feet long by 6-8 feet wide. He listed favorable factors identified by staff: 1) no direct impact to the water supply or neighboring properties; 2) no increase in flood levels; and 3) the dock is supported by and has received the appropriate approvals from Charlottesville and RWSA. He said they have not identified any unfavorable factors.

Mr. Benish informed the Board that the Planning Commission reviewed the proposal on March 6, 2018 and voted unanimously to approve it, with three standard conditions recommended by staff and included in the resolution. He presented a slide with the three conditions, which he explained specify the lighting and location.

Ms. Palmer asked how long it usually takes to go through this process with RWSA, the City and the County to get a floating dock. Mr. Benish responded that a special use permit review typically takes 60-90 days on the County's part. He indicated that the longest delay was in getting the item on the Board's agenda.

Ms. Mallek asked about canoe and kayak racks, which would require tree clearing and things they stipulated they were not going to do. Mr. Benish said they have a stand in the woods about halfway down the trail where the old road hit the opening, and there appears to be sufficient area so they will not need to clear trees, though this is a standard condition that allows for the establishment of something that raise the canoes off the ground.

Ms. Mallek opened the public hearing.

Mr. Keith Woodard, owner of the property at 17457 and 75 Earlysville Road, addressed the Board. He described the property as sort of a "family compound" where his kids and grandkids gather. He said they want to have a place to store kayaks. Addressing Ms. Palmer's question about the length of the process, he said it took about the same amount of time to get through the RWSA and the City. They began the process at the end of last year with the intent to obtain approval by summertime. He explained the process he went through with RWSA, followed by the City of Charlottesville.

Mr. Dill asked what the cost was to go through three stations in the permitting process. Mr. Woodard acknowledged there were costs such as \$400 to advertise, as required by the Planning Commission, and \$2,200 to submit the special use permit request to the County. Mr. Woodard stated that they acquired the property in 2003 and are in the process of building their retirement home. They are fortunate to have an old driveway for access to the dock. He said they plan to keep the property wooded and as natural as possible. All of it will remain as such with the exception of the portion they had to remove for their house and septic field.

Ms. Mallek asked if the dock will be assembled offsite and hitched up or if it will be constructed onsite. Mr. Woodard replied that they will build it in components, bring down the driveway, put the deck on the floats, launch and then assembled.

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

Mr. Gallaway **moved** that the Board adopt the proposed resolution to approve SP-2017-00028, Woodard Dock subject to recommended conditions. The motion was **seconded** by Ms. Palmer.

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

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

**RESOLUTION TO APPROVE
SP 2017-28 WOODARD DOCK**

WHEREAS, the Owner of Tax Map Parcel 04500-00-00-01000 (the "Property") filed an application to permit the installation of a floating dock on the Property for private use by the Property owner, and the application is identified as Special Use Permit 2017-00028 Woodard Dock ("SP 2017-28"); and

WHEREAS, on March 6, 2018, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2017-28 with conditions; and

WHEREAS, on May 9, 2018, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2017-28.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2017-28 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code §§ 18-30.3.11 and 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2017-28, subject to the conditions attached hereto.

* * * * *

SP-2017-00028 Woodard Dock Special Use Permit Conditions

1. There shall be no lighting within twenty-five (25) horizontal feet of the Reservoir, measured from the elevation of normal pool, which is Elevation 382 (North American Vertical Datum of 1988).
2. There shall be no removal of vegetation or earth disturbance within the two hundred (200)-foot stream buffer associated with the installation of the boat dock. The stream buffer is measured from the edge of the floodplain, which is Elevation 390.
3. Structures and improvements located in the two hundred (200)-foot stream buffer shall be limited to those shown on the Woodard Dock Plan, dated November 13, 2017, and a storage rack for kayaks and canoes. There shall be no other structures, such as decking or stairs, constructed in the two hundred (200)-foot stream buffer.

Agenda Item No. 20. **PUBLIC HEARING: SP201700010 City Church.**

PROJECT: SP201700010 City Church.

MAGISTERIAL DISTRICT: Rio.

TAX MAP/PARCEL(S): 06100-00-00-153A1.

LOCATION: 1010 and 1012 Rio Road E, Charlottesville, VA 22901.

PROPOSAL: Amend existing special use permit, SP200400045, to remove the existing 10,400 sq. ft. church building and replace with a new two-story church building with a gross floor area of up to 43,000 sq. ft. The application also proposes reconfiguration of the existing parking lot and additional parking spaces.

PETITION: Religious assembly in the R4 Zoning District on a 4.23 acre parcel under Section 15.2.2.12 of the Zoning Ordinance. No dwellings proposed.

ZONING: R4 Residential (4.0 units/acre) OVERLAY DISTRICT(S): Airport Impact Area, Steep Slopes – Managed.

COMPREHENSIVE PLAN: Urban Density Residential which allows residential uses (6.01 – 34 units/ acre) and supporting uses such as religious institutions, schools, commercial, office and service uses in Neighborhood 2 of the Places 29 Master Plan.

(Advertised in the Daily Progress on April 23 and April 30, 2018.)

The Executive Summary forwarded to the Board states that at its meeting on March 20, 2018, the Planning Commission voted to recommend approval of SP201700010 with the conditions outlined in the staff report and with modified conditions #2, #5, and #7. The Commission's staff report, action letter, and minutes are attached (Attachments A, B, and C).

The Planning Commission's changes to staff's recommended conditions related to the need for architectural elements on the side of the church facing Rio Road, modified setbacks, and the time period to commence the use. As seen in the Planning Commission action letter (Attachment B), fenestration was identified as the preferred architectural element to be incorporated into the building facades facing Rio Road E. The Commission also added, "trellises with vegetation," as another element that could be incorporated into the building facades to meet condition #2. For condition #5, staff noted to the Commission that residential non-infill setbacks should be referenced rather than commercial setbacks as stated in the staff report. With condition #7, the Commission was concerned that three years might not be sufficient time for the applicant to acquire the necessary funding to redevelop the site and commence the use. As a result, they recommended a five-year expiration date be applied to this special use permit. All of these changes are included with conditions for approval which can be seen in Attachment D.

Staff recommends that the Board adopt the attached Resolution to approve SP# 201700010 City Church (Attachment D).

Mr. Cameron Langille, Senior Planner, addressed the Board. He said the request is to allow a religious assembly use, which is a special use within this zoning district. He said this is an amendment to an existing special use permit application, SP-2004-45. Mr. Langille presented an aerial photograph of the property and surrounding area, informing the Board the property is located on the west side of East Rio

Road directly across from the intersection with Belvedere Blvd, adjacent to CATEC and to the municipal boundary between the County and City. The property measures 4.231 acres. He said the property is zoned R4 and is in the Airport Impact Overlay zoning district, with some minor areas of managed, steep slopes at the rear of the property.

Mr. Langille reported that the property was occupied by City Church, which had a 6,300-square-foot, two-story building and a small mobile classroom at the rear of the lot. He pointed to the structures on a map and noted that the property is within Neighborhood 2 of the Places 29 Master Plan. He said the recommended land use for the property is Urban Density Residential, which allows for other classifications such as offices and religious institutions. He presented the application plan and noted that the applicant proposes to demolish the existing structure and construct a new 21,000-square-foot church, including one level of underground parking with 70 spaces, with the rest of the site to consist of surface parking as well as sidewalks and landscaped medians.

Mr. Langille stated that the facility will connect to Albemarle County Service Authority water and sewer, and the parking lot will be designed to allow for a potential interconnection between City Church parcel and CATEC. He pointed out the two driveways to be constructed on the site, with one to allow for full in and out access and the second under a VDOT-approved access management exception request to allow a right out only, as it did not meet their minimum separation requirements. He said the proposal meets all neighborhood model principles and staff found no unfavorable factors.

Mr. Langille said that on March 20, 2018, the Planning Commission unanimously approved the special use permit with amended conditions as recommended by staff. He presented a slide that did not include all the conditions, but included the three conditions that were revised. He said the first one dealt with the building design, as the applicant has not hired an architect to do renderings or a full floorplan. He said staff has worked with the applicant to come up with language that would allow them to evaluate the building permit application when it comes in, to make sure it complies with the pedestrian orientation and building and spaces of human scale principles of the neighborhood model of the Comprehensive Plan. He noted that the original staff report had a mistake regarding setbacks; staff made changes, which are reflected in Condition 5. He said the Planning Commission wanted to extend the special use permit expiration to five years from the normal three years, which is Condition 7. He presented a slide with the recommended motions, concluded the presentation, and invited questions.

Mr. Gallaway said he noticed in the report text that there was conversation about transportation and traffic, most of which seemed to be heavy on Sunday. He noted that a church across the street was also undergoing renovation, and that the presence of two growing churches on the same street is an interesting issue. He said that Belvedere will add a lot more units, and the Senior Center will break ground this year. This is a hot spot that came up with residents, and VDOT indicated that they do not plan to install a traffic signal at the Belvedere Blvd intersection. He said the area is rapidly changing and most people exiting Belvedere make a right and then a U-turn to go left, and he expressed hope that these issues will be addressed.

Ms. McKeel said her daughter lives in Belvedere and she has concerns with approving this project considering all the development going on in that area.

Ms. Mallek emphasized that churches have school programs and there is often traffic on days other than Sunday.

Mr. Langille said the special use permit does not include a proposal for a school, and one of the recommended conditions was that they would have to obtain another special use permit to operate a school.

Ms. McKeel asked Mr. Benish about traffic discussions. Mr. Benish replied that it has been on staff's radar screen and they are aware of concerns. He said Mr. DeNunzio of VDOT has agreed to continue to monitor things and to periodically conduct warrant studies to see when and if a warrant threshold is met.

Mr. Randolph emphasized that every application includes a traffic dimension, and he would find it helpful when a project is coming into a congested corridor to formalize a request to VDOT to provide information regarding the number of vehicles per day on weekdays and weekends, for the Planning Commission and the Board's review.

Ms. Mallek reminded Mr. Randolph that more than a year earlier, they discussed improving the scope of the required traffic reports. Mr. DeNunzio had suggested to staff about a different level – which they have every right to request. Ms. Mallek said Mr. DeNunzio said this would get them bona fide traffic counts for situations like this. She asked if they are allowed to impose any traffic conditions and if they have the authority to require that the applicant have its own traffic enforcement present, as the Board has required that of some schools for special events.

Mr. Kamptner commented that with this type of use, there is intense traffic impact for a short period of time, and Covenant Church across the street hired a police officer to control traffic while church was letting out.

Mr. Gallaway noted that it is concerning to watch a police officer in four lanes of traffic, and it is not a two-lane situation that one officer can easily handle.

Ms. Mallek responded that perhaps they could hire two.

Mr. Gallaway suggested that both groups could possibly work together in addressing this; he is not sure if all of their people were there at one time.

Mr. Randolph asked where the youth program would be located during reconstruction. Mr. Langille said this question could be better answered by the applicant, though he knows the church has other properties where they hold other services and they may relocate there.

Mr. Randolph said he carefully read the minutes of the Planning Commission's discussion about the application, and there was discussion about fenestration – but he did not see anything in the minutes nor in the staff report that mentioned trellises with vegetation. He said he was struck by the fact that in the April 12, 2018 report to Terra Engineering's, Mr. Steve Driver, reporting on the Planning Commission's March 20, 2018 unanimous approval of the application, fenestration was identified as preferred trellises with vegetation. He commented that is the first time he has seen something boldfaced in a letter to an applicant, and he did not have any context for this.

Mr. Langille replied that the trellises and preferred fenestration were part of a Planning Commission revision brought up by Mr. Bruce Dotson at the March 20 meeting. Mr. Langille said he will check to see why this was not in the minutes. He said the boldface likely meant it was a revision.

Ms. McKeel commented that the church was adding a lot of parking, which would mean a lot of drainage. She read from the application: "storm water passes through the site and will be re-routed to bypass the proposed church." She asked what they would be doing in terms of re-routing. Mr. Langille replied that the applicant has identified two areas where they can potentially install storm water devices. The County Engineering Division has determined viable locations to capture storm water. He pointed to the locations on a site map. He also noted that the applicant will have to submit a Water Protection Ordinance application with the County once they reach the site plan stage.

Ms. Mallek opened the public hearing.

Mr. Chris Becker, Operations Pastor of City Church, addressed the Board. He said they have had a great working relationship with CATEC for 20 years, and they have proposed a connection at the rear of the building to address parking and traffic flow by allowing people to exit by the CATEC traffic light, which would serve as a third exit. He said he is also concerned with traffic safety. He explained that currently they do not need a police officer to control traffic, as they only have a 6-8 grade youth group onsite. They will use Charlottesville High School for youth group activities during construction. Addressing Ms. McKeel's concern about storm water, he said he thinks it will be an underground tank underneath the parking.

Mr. Gallaway asked if the church parking lot would serve as overflow parking for CATEC. Mr. Becker explained that the church and CATEC have an agreement to use each other's sites for special events, and the church served as CATEC's storm shelter.

Mr. Gallaway asked what the turnout was like at community or public meetings. Mr. Langille replied that the community meeting was held June 26 at City Church and was attended by only one member of the public, a member of Covenant Church across the street. He said staff posted meeting announcements.

Ms. Mallek asked if the staff sent letters in addition to posting. Mr. Langille responded, "yes".

Mr. Dill asked how many members the church has and how many services were held on Sunday. Mr. Becker replied that they have 220 members, but have about 750 attendees on a typical Sunday service. He explained that they have been using the Charlottesville High School Performing Arts Center and do not need to hold another service, though they plan to begin holding two services this fall as a way to bring people closer and allow more people to attend.

Mr. Dill said he recently heard from someone who was disappointed that the existing building would be torn down, as they felt it was one of the more attractive buildings in the area, and he asked if an architect would be doing a nice building again. Mr. Becker replied that they will have a building that meet the County's requirements and made attractive to both church attendees and those who travel up and down the road.

Mr. Gallaway asked if the expanded building would allow the church to do more. Mr. Becker replied that a larger facility would allow them to do everything they want to do on a Sunday morning, including youth, as well as activities throughout the week. He said he does not envision expanding much beyond where they are now, as all the weekly programs are held at Charlottesville High School.

Ms. Mallek asked for the number of seats planned for the sanctuary. Mr. Becker responded 500.

As no one else came forward to address the matter, Ms. Mallek closed the public hearing.

Ms. McKeel asked about the statement under factors unfavorable that "no architectural details have been provided for the proposed building; the applicant has agreed.". Mr. Langille reiterated his earlier explanation about the two neighborhood model principles and how staff normally obtains renderings of the proposed structures for evaluation, but in this case the applicant has not yet hired an

architect. He explained that the applicant will have to submit building permits before the final site plan is approved so the staff can review the exterior of the building.

Mr. Gallaway **moved** that the Board adopt the proposed resolution and conditions outlined to approve SP-2017-00010 City Church, as recommended by staff and the Planning Commission. The motion was **seconded** by Ms. McKeel.

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

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

NAYS: Ms. Mallek and Ms. McKeel.

Mr. Gallaway asked what the follow-up process would be conducted to make sure staff communicates with VDOT. Mr. Benish replied that he or Mr. McDermott will contact Mr. Joel DeNunzio after today's meeting to ask when the intersection was last checked for warrants and to see if they are willing to do that on a periodic basis. He said the Board could also communicate its concern during their monthly and quarterly meetings with Mr. DeNunzio.

Mr. Kamptner remarked that a zoning text amendment will be coming before the Board on August 1 that gives the County Planning Director broad authority to require traffic studies for rezonings.

Ms. Mallek remarked that this is a gap the size to drive a train through if the County cannot use it for a special permit. She said that if they had the process they could have applied it to The View. Mr. Kamptner replied that they could not do this with ministerial acts like subdivision plats and site plans.

Ms. Mallek said she wish they could do something now rather than wait until after someone has been killed, which was the reason for her "no" vote.

RESOLUTION TO APPROVE SP 2017-10 CITY CHURCH; RELIGIOUS ASSEMBLY USE

WHEREAS, the Owner of Tax Map Parcel 06100-00-00-153A1 (the "Property") filed an application to amend a previously-approved special use permit (SP 200400045) to remove the existing church building and replace it with a new two-story church, and to reconfigure the existing parking lot and add additional parking spaces on the Property, and the application is identified as Special Use Permit 2017-00010 City Church; Religious Assembly Use ("SP 2017-10"); and

WHEREAS, on March 20, 2018, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2017-10 with conditions; and

WHEREAS, on May 9, 2018, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2017-10.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2017-10 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code §§ 18-15.2.2.12 and 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2017-10, subject to the conditions attached hereto.

* * * * *

SP-2017-00010 City Church; Religious Assembly Use Special Use Permit Conditions

1. Development and use shall be in general accord with the revised conceptual plan entitled, "City Church SP Application Plan," prepared by Terra Engineering and Land Solutions, PC and last updated October 16, 2017 (hereafter "Conceptual Plan") as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, as shown on the Conceptual Plan:
 - a. Location of proposed building;
 - b. Location of parking;
 - c. Pedestrian access across the property frontage.

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

2. Building elevations visible from Rio Road shall not be blank walls. Instead, building elevations shall incorporate at least two of the following types of elements: fenestration (preferred), trellises with vegetation, architectural detailing with a minimum projection of six (6) inches, or recesses/projections in the building wall with a minimum depth of eighteen (18) inches. These features shall be distributed across the entire elevation. Compliance with this condition shall be determined by the Director of Planning or designee prior to approval of the church's final site plan.
3. The area of assembly shall be limited to a maximum five hundred (500)-seat sanctuary (or maximum one, thousand five hundred [15,000] square feet).

4. Installation of improvements in the parking area and travel way shall not preclude a future interconnection between the subject property and Tax Map Parcel 06100-00-00-15300 as shown on the Concept Plan.
5. Residential non-infill setback standards, as outlined in Section 4.19 of the Albemarle Zoning Ordinance, shall apply to the primary structure.
6. There shall be no day care center or private school on site without approval of a separate special use permit.
7. The use shall commence on or before May 9, 2023 or the permit shall expire and be of no effect.

Agenda Item No. 21. **PUBLIC HEARING: Permitting Process for Events Held in County Parks.** To receive public comment on its intent to adopt an ordinance to amend County Code § 11-116, Public Meetings or Parades, in Chapter 11, Parks and Recreation Facilities, of the Albemarle County Code. The proposed ordinance would establish comprehensive permitting procedures and standards for members of the public to conduct events and activities in County-owned parks.

(Advertised in the Daily Progress on April 23 and April 30, 2018.)

The Executive Summary forwarded to the Board states that County staff prioritizes the protection of the public's health, safety, peaceful enjoyment, and fair and equal access to County parks during the public's use of parks and other County recreational facilities. Staff proposes to standardize the permitting procedures for all commercial activity and larger, non-commercial events and activities that members of the public request to hold in County parks to maintain open access and to protect the public during those events and activities

The attached proposed ordinance (Attachment A) establishes comprehensive permitting procedures and standards for members of the public to conduct events and activities in County parks.

Since at least 1998, public meetings and parades have been regulated equitably pursuant to the Director of Parks and Recreation's discretion under existing County Code § 11-116. The growth of the County's park system, the increase in demand for holding organized events in the parks, recent events, and the County's recodification effort clarified the need for a modernized and standardized permitting process.

The proposed special events permitting ordinance recognizes the overarching principle that the general public maintains a right to use and enjoy the parks without unreasonable interference. It poses reasonable time, place, and manner restrictions on commercial activities and non-commercial, organized activities involving 100 or more persons by requiring organizers to apply for a special event permit. It encourages early application to secure a preferred date and location and provides adequate time for the Department of Parks and Recreation, with its level of resources, to review, accommodate, and facilitate special event requests.

The draft ordinance accounts for numerous First Amendment issues. Most critically, it is content-neutral, affords an exemption for spontaneous events, allows consideration of late requests, provides financial waivers for those unable to afford permitting fees and other County-required event costs such as insurance, limits the Director's discretion in denying applications, and protects permit holders from interference by third parties. Its primary purpose is to coordinate multiple uses of limited space and to preserve park facilities and resources while respecting and encouraging the exercise of rights protected by the First Amendment to the United States Constitution.

Adopting the proposed ordinance will have no budget impact. Staff will be able to absorb any additional work that this ordinance's adoption will generate. The additional work is anticipated to involve the creation of documents and forms supporting execution of this process. It is unknown what impact adoption will have on fee generation.

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

Mr. Kamptner introduced Mr. Rich DeLoria, Senior Assistant County Attorney, and said he was handing out two minor technical revisions to the ordinance, listed on Page 2. He said they worked with Mr. Matthew Lawless, Town Administrator, Town of Scottsville, to resolve an issue with Dorrier Park, located on County-owned property. He remarked that two factors triggered the revision of the ordinance, including the fact that it was part of the recodification process. He said the current language in the Code is just a line and a half and gave the Director the ability to give written permission for people to use the parks. He said that process, combined with the work they did and the inquiries Parks and Recreation received last summer from groups that wanted to use Darden-Towe Park as a staging area, identified some issues with the current process. Mr. Kamptner stated that staff realized they needed to formalize the permitting process and the County Code was the best place to lay out the rules since it was easily accessible to everybody. He said the paramount concerns are protecting public health and safety of users, ensuring protection of First Amendment rights, and allowing the Director to coordinate park events.

Mr. Kamptner listed what the ordinance does and does not do as follows:

- The ordinance requires a permit for any special event and establishes standards for approving or denying a permit application.
- The ordinance does not allow a permit to be denied based on the nature of the applicant or the anticipated expressive activity.
- The ordinance does not serve as a tool by which the County may prohibit activity that is otherwise protected by State or Federal law, such as lawfully carrying firearms.
- The ordinance does not supersede existing County regulations that already apply in parks, such as rules limiting park hours, regulating parking, prohibiting the discharge of firearms unless expressly allowed by State law, prohibiting fireworks, prohibiting fires except in facilities expressly provided for that purpose.

Mr. Kamptner invited Mr. DeLoria to explain why a special event was determined as one that was attended by 100 or more people.

Mr. DeLoria said there were several factors that established what number to use. He said they surveyed federal case law and determined that 100 would fit in. He said the second factor was that the number corresponded with the Department of Parks and Recreation limits of 100 people in a shelter.

Mr. Kamptner emphasized that there are a number of exceptions and alternatives available for applicants, which they must provide under First Amendment law, and they must exhaust all means available before denying a permit. He presented a list of events that are exempt from the permitting process and noted that most of these are for government or school events. He pointed out that any shelter use for less than 100 attendees is also exempt, and they must carve out an exception from the requirement for spontaneous events within seven days of a news event. Mr. Kamptner explained that they have to give the public the opportunity to express themselves, sometimes spontaneously. He commented that there may be a different threshold for very small parks and/or areas around a monument where there could be issues with traffic.

Ms. Mallek asked for assurance that this would not supersede the ability of a park facility to have parking regulations. Mr. Kamptner replied that parking regulations are still in place and the permits could impose additional conditions.

Mr. Randolph asked how this would be enforced by the Police Department if more than 100 people attend a spontaneous event. He asked if the police could monitor the number of attendees and declare an illegal assembly, and request they disband. Mr. Kamptner replied that there is no size limit for a spontaneous event, i.e., 1,000 people can congregate spontaneously.

Mr. Randolph asked if there was a limit to the number of attendees at a permitted event. Mr. Kamptner replied that the application process determines how many people would participate as part of the group, recognizing that the County cannot control third parties or people who are hostile to the group.

Mr. Randolph posed a hypothetical scenario of an event permitted to have 125 attendees but 250 attendees show up and asked how the police would address this. Mr. DeLoria replied that they would apply standard police practices that gave them the authority to question the permit holder and revoke the permit if there was a violation.

Mr. Kamptner noted that the ordinance uses the term "substantial violation," and if the number of attendees slightly exceeded the number permitted, this would not be a cause for revocation.

Mr. Kamptner presented a slide with the steps in the permitting process:

The application:

- Provide information pertaining to who, what, where, and when
- Verification of liability insurance that may be required
- Copies of any approved and valid permits required by any federal or state agency
- Other information required by the director, police chief, or the chief of fire and rescue related to matters including traffic control, police and fire protection, staff assistance, and protecting health, safety, and welfare.

Applications must be filed at least 15 days before the special event:

- The deadline may be waived by the director by considering prescribed factors such as the date, time, place, and nature of the event, the anticipated number of participants, other events already scheduled at the park, and County resources required.

Permits issued on a first-come, first-served basis.

The ordinance provides criteria for the director to approve or deny a permit application:

- The time, duration, route, and size of the special event would not unreasonably interrupt the safe and normal use of the park or its facilities by the general public.
- The special event would not require the diversion of police officers or fire rescue personnel so as to compromise normal public safety protection in the County.
- The special event would not interfere with other special events already approved in the park or with recreational facilities already served.

Mr. DeLoria emphasized that case law makes it clear that approval is not based on the content or message. He noted that the County does not own public roads and if a road would be used, then permission and a license would have to be obtained from VDOT.

Ms. Mallek asked if the permittee was obligated to notify the County of all the licenses they would have to get, or if it is the responsibility of Department of Parks and Recreation to inform the permittee about what was required. Mr. Randolph remarked that these requirements are listed on the application.

Mr. DeLoria described the process used by Parks and Recreation as collaborative and collective.

Addressing Mr. Randolph, Mr. Bob Crickenberger, Director of Parks and Recreation, said the application contains a list of the County's requirements such as an emergency action plan, parking requirements, traffic plan, and more.

Mr. Randolph asked if staff would notify fire rescue of all special events. Mr. Crickenberger replied that, not only is the applicant required to notify fire and rescue, but County staff would notify fire and rescue.

Mr. Gallaway asked who would be responsible for orderly operation of roads in and out of a park in the case of a spontaneous event. Mr. Kamptner replied that this is something the government, particularly police and fire/rescue, must deal with – and the courts have said the County cannot impose fees for the cost of law enforcement.

Ms. Mallek remarked that it seems the County has no ability to prevent a spontaneous event without limits, which she finds frustrating. Mr. Kamptner said there has to be some built in latitude caused by or in response to unforeseen circumstances or events resulting from news or affairs first coming into public knowledge within seven calendars before the event. He added that there are a lot of causes and issues that people are involved in. In addition, the County would not get engaged anyway unless the number exceeded 100.

Mr. Randolph remarked that the police should probably have several drones available to take photographs of the event to determine the number of attendees so they can address any legal challenges to an event shutdown. Mr. Kamptner said that his office, as well as, police and fire/rescue will be involved throughout the process.

Ms. Mallek remarked that the requirement of the applicant to have insurance is a very important element. Mr. Kamptner added that groups holding regular events know they have to provide this, and it is not a big deal for them. He added that if a person or group can demonstrate to the satisfaction of Mr. Crickenberger that they are poor or indigent, they are not required to hold insurance or to agree to hold harmless or indemnify the County, as determined by case law.

Mr. Kamptner presented a slide regarding criteria to deny a permit:

- The application contains materially false or misleading information.
- The applicant has previously damaged park property, has not paid in full for prior damage to park property, or has an unpaid County debt owed to Department of Parks and Recreation.
- The proposed special event conflicts with an application already approved or County events already planned.
- The applicant has not or cannot comply with all licensure and insurance requirements or with health and safety laws pertaining to commercial activities.
- The special event or any activity planned or promoted is prohibited by law; or presents an unreasonable danger to the applicant, participants, attendees, or to any person in the park not participating in the event.

The director may not deny an application for any of the following reasons:

- Political, social, or religious reasons.
- The content of the views expressed in the application is intended to be expressed at the special event.
- The expected conduct of non-participants, spectators, or bystanders, including hostile members of the public or counter-demonstrators.

Mr. Kamptner presented a slide with other provisions as follows:

- If a permit was denied, immediate and written notice was provided to the applicant.
- The applicant has the right to appeal the denial to the County Executive or to the court.
- The director may offer a conditional permit that modifies the proposed special event's date, time, location, terms, and conditions.
- Requirements for the applicant whose permit was approved to agree to indemnify and hold harmless the County and its boards, officers, employees, agents and volunteers.
- Requirements for the applicant whose permit was approved to maintain insurance for the special event and to name the County and its boards, officers, employees and volunteers as additional insured.
- Requirements to pay fees according to event size. (Fee Tiers: \$100, \$300, \$600)
- Waiver of requirements to indemnify, hold harmless, insure, and pay fees for expressive activity when the applicant demonstrates financial inability to provided

- Requirements to substantially comply with all permit terms and conditions.
- Requirement for a designated person to carry the permit at all times on the date of the event.
- Procedures and standards to revoke a permit, both before and during a special event.
- Rules prohibiting interfering with special events and other assemblies
- Penalties for knowing, willful, or intentional violations.

Mr. Kamptner asked Mr. Crickenberger to comment on the County's involvement at the event. Mr. Crickenberger replied that they monitor and set up the event and, in some cases, assist with disassembly, though they try to place a lot of the responsibility on the applicant.

Mr. DeLoria emphasized that Parks and Recreation has in place a fluid, cooperative and collaborative process and he does not think an application has outright been denied in the past, though there have been situations when an applicant has not been able to fulfill all the conditions and has to withdraw their request. He emphasized that the Director of Parks and Recreation or Chief of Police has the authority to revoke a permit if an event fall out of compliance. He emphasized that the current ordinance does not have a structure to defend against challenges, and one is needed.

Mr. DeLoria presented a slide with other issues:

- A permit does not allow the County to regulate or restrict the right to carry firearms when it is otherwise authorized by law.
- A permit does not immunize the applicant or any of the participants in the special event from the applicable criminal laws, which include prohibiting: unlawful assembly, riot, obstructing free passage, failing to disperse, trespass, wearing masks, assault and battery, willfully discharging a firearm in public places, brandishing a firearm, machete, or other bladed weapon.

Mr. DeLoria emphasized that they have tried to capture what Parks and Recreation has already been doing and have not made any changes to current parks ordinances and regulations, but they have tried to formalize them.

Ms. Mallek noted that someone who has committed wanton destruction of public property can obtain a second permit if they paid for the damage. Mr. DeLoria said the Director of Parks and Recreation can consider the risks from the activity itself and can work with the applicant to mitigate the potential for violence or damage – and if this cannot be done, he can deny the request.

Mr. Gallaway speculated that a spontaneous event that escalated to a point where laws are broken could be an easy declaration of an unlawful assembly. He remarked that a very positive, spontaneous event could have problems such as blocked traffic and people in the roads, and he assumed that training would be involved to prepare for such a situation. Mr. Kamptner agreed and noted that the Heaphy report, for the City of Charlottesville, recommended training for these types of events.

Mr. Dill asked Mr. Kamptner if he recalled any spontaneous events occurring over the past 20 years. Ms. Palmer said that while on a field trip to Sugar Hollow, she and Ms. Mallek were told that hundreds of UVA students had come there for a spontaneous event, which was destructive of the area and dangerous due to blocking of roads in this rural area and alcohol consumption. She added that she has seen some of these spontaneous events, although not on County property, where busloads of UVA students have come.

At this time, Ms. Mallek opened the public hearing.

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

Ms. Palmer **moved** that the Board adopt the proposed ordinance as modified in the May 9, 2018 draft. The motion was **seconded** by Ms. McKeel.

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

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

Mr. Gallaway asked about Dorrier Park in Scottsville. Mr. DeLoria said the reason for the exception is because the two acre parcel is owned by the Town of Scottsville, but all of the parcels are under the Department of Parks and Recreation by agreement.

ORDINANCE NO. 18-11(1)

AN ORDINANCE TO AMEND CHAPTER 11, PARKS AND RECREATION, 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 11, Parks and Recreation, is hereby amended and reordained as follows:

By Amending and Renaming:

Sec. 11-116 Special events; permitting.

Chapter 11. Parks and Recreation

.....

Sec. 11-116 Special events; permitting.

A. *Purpose.* Pursuant to the authority granted by the Virginia Code and its police powers, the County enacts the following to provide for the public health, safety, peaceful enjoyment, fair and equal access, and general health and welfare of the public in using the County's parks and recreational facilities without unreasonable impairment. In order to accomplish this, the County must take reasonable measures to regulate and control the time, place, and manner of activities that would otherwise unreasonably infringe upon the general public's right to use and enjoy the parks and recreational facilities or would threaten or impair the public health, safety, and welfare of persons using the parks and recreational facilities. These permitting provisions are not intended to exclude any particular activity or communication of a particular content, but to coordinate multiple uses of limited space, to ensure preservation of the park facilities and resources, to prevent dangerous, unlawful, or impermissible uses, and to ensure financial accountability for damage caused by an event. In so doing, the County respects and encourages the exercise of the rights to free speech, free exercise of religion, and peaceable assembly in the parks.

B. *Definitions.* The following definitions apply to this section:

Chief of Police means the Chief of the Albemarle County Police Department.

Commercial activity means any act involving the buying, selling, trading, production, or exchange of goods, products, or services, and includes the offering of goods, products, or services for sale, trade, or exchange, and the engagement in, or soliciting of, any business.

Director means the Director of the Department of Parks and Recreation.

Expressive activity means a non-commercial event in which a person intends to convey a lawful message through speech or conduct that is likely to be perceived by an observer of the speech or conduct, and includes any lawful public gathering, demonstration, procession, or parade in which the primary purpose is to exercise the rights of free speech, the free exercise of religion, or peaceable assembly, in a park.

Parade means any march, procession, or motorcade consisting of people, animals, or vehicles, or any combination thereof, within a County park that interferes with or has a tendency to interfere with the public's normal use of the park or its roadways, sidewalks, paths, trails, facilities, or amenities.

Park means, for the purposes of this section only, any parcel of land owned by, or under the control of, the County that is used or designated to be used by the public for recreational purposes, and includes any park that is jointly owned with the City of Charlottesville.

Public assembly means any meeting, demonstration, picket line, rally, festival, concert, event, tournament, or other gathering of 100 or more people for a common purpose as a result of advance planning.

Special event means: (i) any planned gathering or meeting of 100 or more people in or on a County park, including but not limited to a demonstration, athletic event or contest, festival, concert, parade, march, procession, protest, or public assembly; or (ii) any commercial activity, regardless of size or the number of people attending.

Spontaneous event means an assembly of any number of people that is caused by or in response to unforeseen circumstances or events resulting from news or affairs first coming into public knowledge within seven days before the assembly.

C. *Permit required.* A permit issued by the Department of Parks and Recreation pursuant to this section is required for any person to conduct or participate in a special event in a County park unless the event or gathering is exempt pursuant to subsection (D).

D. *Exemptions to permit requirement.* The following events and gatherings are exempt from the requirement to obtain a permit pursuant to this section:

1. Spontaneous events;
2. Athletic, competitive, or instructional events, leagues, and tournaments organized, sponsored, or procured by the Department of Parks and Recreation individually or in conjunction with the City of Charlottesville Department of Parks and Recreation;
3. Events and activities sponsored or approved by the County School Board or the Superintendent of the County School Division;

4. Reservation of athletic fields or facilities through the Department of Parks and Recreation for athletic or competitive leagues or events sponsored by the Department of Parks and Recreation either by itself or in conjunction with the City of Charlottesville Department of Parks and Recreation, including but not limited to softball, soccer, football, baseball, ultimate frisbee, tennis, and lacrosse; provided that commercial and non-commercial private athletic or competitive events and tournaments, organized or conducted without Department of Parks and Recreation sponsorship, are not exempt and require a permit if they are a special event.
 5. Students participating in educational activities under the immediate direction and supervision of the Superintendent of the County School Division or, for any park jointly owned with the City of Charlottesville, the Superintendent of the City School Division;
 6. Shelter reservations for fewer than 100 people.
 7. Events and activities sponsored by the Town of Scottsville in Dorrier Park within the town limits.
- E. *Permit priority and scope.* The Director will grant permits on a first come, first served basis. Permits may provide for the exclusive use of a park or any designated area within a park. Any person may apply for and obtain a permit pursuant to this section, even if the special event does not require a permit, in order to reserve park areas.
- F. *Application.* Each application for a permit is subject to the following:
1. *When to apply for a permit.* Any person intending to conduct a special event shall apply to the Department of Parks and Recreation for a permit at least 15 days before the date of the special event, but no more than 12 months before the date of the special event.
 2. *Contents of the application.* The application shall be on a form prepared and provided by the Department of Parks and Recreation, and the Applicant shall provide the following information:
 - a. The name, address, and telephone number of the person requesting the permit;
 - b. The name and address of any organization or group the Applicant represents;
 - c. The name, address, and telephone number of the person who will act as the special event director, leader, or chair, and who will be responsible for managing or conducting the special event;
 - d. The type of special event intended to be held, including a description of all activities planned for the event;
 - e. The date and starting and ending times of the special event;
 - f. The requested location or locations and facilities to be used for the special event, including but not limited to roads, parking facilities, athletic fields or facilities, trails, paths, shelters, and open fields;
 - g. The special event entrance, assembly, and dispersal locations, including the specific entrance, assembly, and dispersal route plans;
 - h. The approximate number and description of people, animals, vehicles, and equipment that will participate in the special event, including but not limited to any tenting, staging equipment, seating, recording equipment, sound amplification equipment, fencing, banners, signs, flags, or other attention-getting devices to be used in connection with the special event;
 - i. A statement as to whether the special event will require closing or restricting any park road, area, or facility to the general public;
 - j. Verification of special event liability insurance coverage as provided in subsection (J);
 - k. A copy of any approved and valid permit, license, or registration required by any federal or State agency or department for any use, facility, or equipment;
 - l. Identification of the person who will be designated permit holder and carry the permit on each day of the special event as required by subsection (N).
 - m. Other information as the Director, the Chief of Police, the Fire Marshal, the Chief of Fire and Rescue may deem reasonably necessary in order to provide for traffic control, highway and roadway maintenance, property maintenance, administrative arrangements, police and fire protection, staff assistance and supervision, and the protection of public health, safety, and welfare.

3. *Complete application.* An application that provides all of the information required by subsection (F)(2) is a complete application.
 4. *Late applications, waiver.* The Director is authorized to, and shall make reasonable efforts to consider, an application for a permit filed less than 15 days before the date of the proposed special event if the Director determines that waiving the application deadline will not pose an undue hazard or risk of harm to public safety and that good cause otherwise exists. In making this decision, the Director shall consult with the Chief of Police, Fire Marshal, Chief of Fire and Rescue, and they shall consider: (i) the date, time, place, and nature of the special event; (ii) the anticipated number of participants; (iii) other events scheduled for the parks at the same time or in the same park; (iv) the County or governmental services required in connection with the event; and (v) available County or other governmental resources.
- G. *Acting on a permit application.* The Director shall act on a permit application as follows:
1. *Approval deadline; when application deemed approved and exception.* The Director shall act on an application within seven days after he receives a complete application. If the Director does not act on a complete application within seven days after he receives a complete application, the application is deemed approved and the permit shall be issued for the special event as described in the application; provided that a late application filed under subsection (F)(4) that is not acted on shall not be deemed approved, but shall be deemed denied.
 2. *Changes to timeline allowed.* The Director and the Applicant may agree to change the date by which the Director must act on the application.
 3. *Approval criteria.* The Director shall apply the following criteria in determining whether to approve an application and grant a special event permit:
 - a. The time, duration, route, and size of the special event will not unreasonably interrupt the safe and normal use of the park or recreational facility by the general public;
 - b. The conduct or nature of the special event will not require diversion of so great a number of police and fire and rescue personnel to properly police the special event and the areas contiguous thereto so as to impair or compromise the normal protection of the remainder of the County;
 - c. The Applicant has, where appropriate, identified persons as monitors to sufficiently control the orderly conduct of the special event in conformity with the special event permit;
 - d. The Applicant has agreed, where appropriate, to be responsible for obtaining appropriate traffic control devices installed in accordance with the Uniform Manual on Traffic Control Devices to close roadways to vehicular traffic sufficient to control the orderly conduct of the special event;
 - e. The special event will not interfere with another special event for which a permit has been granted or any other event for which a park or recreational facility has been previously reserved; and
 - f. The special event will not violate and will conform to all applicable local, State, and federal laws.
 4. *Denial criteria.* The Director may deny the application only for one or more of the following reasons:
 - a. The application, including any necessary or required attachments or submissions, is incomplete or not fully executed;
 - b. The application contains materially false or misleading information;
 - c. The Applicant has not tendered the required application fee with the application or has not tendered the required user fee, indemnification agreement, insurance certificate, or security deposit within the times prescribed by the Director;
 - d. The Applicant is legally incompetent to contract or to sue or to be sued;
 - e. The Applicant or the person or organization on whose behalf the application was made has: (i) on a prior occasion damaged a park property or facility; (ii) has not paid in full for prior damage to a park property or facility; or (iii) has any other unpaid debt owed to the County through the Department of Parks and Recreation;

- f. The Department of Parks and Recreation has received a prior, fully executed application that is for the same time and place and the Director has issued or will issue a permit authorizing a special event that will not reasonably permit multiple occupancy of the particular park or a part thereof or will not permit the County or the Department of Parks and Recreation to devote appropriate resources to facilitating or monitoring the special event:
 - g. The special event would conflict with previously approved planned programs or activities organized, planned, or sponsored by the Department of Parks and Recreation for the same time and place;
 - h. The special event is inconsistent with the customary uses of the park or cannot be accommodated in the park because it lacks the physical improvements required for the special event;
 - i. The Applicant has not or cannot comply with applicable licensure requirements, insurance requirements, or health or safety laws pertaining to the sale or offering for sale of any goods, products, or services;
 - j. The Applicant has not obtained any required permit from the Virginia Department of Transportation to use a public highway or property under its control and jurisdiction;
 - k. The special event, or any activity planned or promoted to occur during the special event, either because it is expressly identified in the application or because the Director has verified that it is planned or promoted to occur, is prohibited by law; or
 - l. The special event, or any activity planned or promoted to occur during the special event, either because it is expressly identified in the application or because the Director has verified that it is planned or promoted to occur, would present an unreasonable danger to the health, safety, or welfare of the Applicant, the participants, the attendees, or any person in the park not participating in the special event; however, the Director shall limit consideration of this factor to the special event's activity and shall not consider the expected reaction or response of hostile members of the public or counter-demonstrators.
- 5. *Notice of denial, appeal.* If the Director denies an application, he shall attempt to notify the Applicant promptly by telephone or email and shall promptly mail or email the Applicant a written explanation of the reasons for denial. The written notice of denial shall inform the Applicant of the right to appeal the denial as provided in subsection (O).
- 6. *Preservation of content neutrality.* The Director shall not deny an application because of: (i) political, social, or religious reasons; (ii) the content of the views expressed in the application or intended to be expressed at the special event; or (iii) the expected conduct of non-participants, spectators, or bystanders.
- H. *Conditional permit.* In denying an application for a special event permit, the Director may offer a conditional special event permit reasonably modifying the special event's date, time, location, terms, and conditions. The Director may offer a conditional special event permit contemporaneously with a notice of denial or at any time after the notice of denial. In formulating a conditional special event permit, the Director shall not consider the content of the views expressed in the application, the intended or expected views to be expressed at the special event, or the expected conduct of non-participants, spectators, or bystanders. The Director shall not consider the need for or cost of public safety personnel required to be present to protect special event participants and attendees from hostile members of the public or counter-demonstrators or for general law enforcement in the vicinity of the special event. An Applicant desiring to accept a conditional special event permit shall file a written notice of acceptance with the Director. An Applicant who accepts a conditional special event permit shall meet all terms of the Director's offer and shall otherwise conform to the requirements of a special event permit issued under this section.
- I. *Duty to indemnify, hold harmless, and defend.* All special event permits shall be conditioned as follows:
 - 1. *Indemnification.* Defend, protect, indemnify fully, and hold the County of Albemarle and its boards, officers, employees, agents, and volunteers free and harmless from and against all claims, damages, expenses, loss, or liability of any kind resulting from any willful, reckless, or negligent acts or omissions of the Applicant or the Applicant's officers, agents, representatives, partners, employees, and invitees in connection with the permitted special event; and
 - 2. *Hold harmless.* At the Applicant's own cost, risk, and expense, defend any and all claims and all legal actions that may be commenced or filed against the County of Albemarle and its boards, officers, employees, agents, and volunteers, and to pay any settlement entered into and to satisfy any judgment that may be entered against the County or its officers,

employees, agents, or volunteers as a result of the willful, reckless, or negligent acts or omissions of the Applicant or the Applicant's officers, agents, representatives, partners, employees, or invitees in connection with the uses, events, or activities occurring under the special event permit.

3. *Written agreement.* The Applicant shall agree to the requirements of subsections (I)(1) and (I)(2) in writing.
 4. *Additional requirement for jointly owned parks.* For special event permits granted for parks jointly owned by the County and the City of Charlottesville, this condition must also include and cover the City of Charlottesville and its council, officers, employees, agents, and volunteers.
 5. *Waiver of requirements.* The requirements of this subsection may be waived as provided in subsection (L).
- J. *Special event insurance.* The Applicant shall maintain in full force and effect on each day of the permitted special event a policy of insurance from a reliable insurance company authorized to do business in the State.
1. *The County as named insured or additional insured; additional requirement for jointly owned parks.* The policy shall include the County of Albemarle and its boards, officers, employees, agents, and volunteers as named insureds or additional insureds. For a special event to be held in a park jointly owned by the County and the City of Charlottesville, the policy must also include the City of Charlottesville, its council, officers, employees, agents, and volunteers as named insureds or additional insureds.
 2. *Type and amount of insurance.* The policy shall provide coverage that the Director, in consultation with the Risk Manager for the County of Albemarle, determines to be necessary based on: (i) the estimated number of persons that will be attending the special event; and (ii) the nature of the park that will be used during the event.
 3. *Certificate of insurance.* The Applicant shall provide a certificate of insurance to the Director prior to the issuance of the permit.
 4. *Waiver of requirements.* The requirements of this subsection may be waived as provided in subsection (L).
- K. *Special event permit fees.* The Director may charge a reasonable fee to apply for a special event permit as follows:
1. *Fee schedule, publication.* The County Executive shall establish annually a fee schedule in consultation with the Director by July 1 of each year. The Director shall cause the schedule to be published on the County's website and in the Office of the Department of Parks and Recreation. The fee schedule shall be based upon the size of the special event, facilities, and equipment to be used, restrictions on the public's access to the park, the purpose of the special event, and Department staff time needed to prepare or attend the special event.
 2. *Minimum fee required.* The schedule of fees shall include a minimum fee for any park reservation regardless of the size of the assembly or event.
 3. *Untimely payment, revocation.* If all applicable fees are not paid in full at least seven days before the date of the special event, then the Director shall have the authority to revoke the special event permit.
 4. *What fees do not pay for.* Fees do not include or cover incidental expenses associated with complying with the special event permit, including but not limited to signage, traffic planning, safe road crossings, private security, off-duty police, emergency and rescue services, medical staff, water rescue, lifeguards, other incidents related to protecting the safety of participants and attendees, equipment rental and procurement, and bathroom facilities. The incidental expenses are the sole responsibility of the Applicant.
 5. *Waiver of requirements.* The requirements of this subsection may be waived as provided in subsection (L).
- L. *Waiver of requirements to indemnify, hold harmless, provide insurance, pay fees.* The requirements to indemnify, hold harmless, insure, and pay fees as provided in subsections (I), (J), and (K) shall be waived or reduced for any non-commercial special event held for the primary purpose of expressive activity upon a written showing to the satisfaction of the Director that the Applicant is financially unable to perform the requirements of those subsections and that the right to engage in expressive activity would be unreasonably curtailed by the failure to waive one or more of the requirements.
1. *When an Applicant is ineligible for a waiver.* An Applicant is not eligible for a waiver of the requirement to indemnify, hold harmless, or provide insurance if there is a demonstrable

history of personal injury or property damage claims attributable to the Applicant, the Applicant's associates, or its assigns or successors in interest in the conduct of previous events that were similar in nature to the proposed special event.

2. *When an Applicant may reduce or avoid the requirement to provide insurance.* An Applicant may reduce or avoid the requirement to provide insurance if it designs the event in cooperation with the Director so as to limit specific risks and dangers to the participants, attendees, public, and property. Regardless, insurance may be required for collateral activities such as food service and the use of structures or equipment that may present a demonstrable risk or hazard.
- M. *Compliance with directions and conditions.* Every person to whom a special event permit is issued under this section shall comply substantially with all special event permit terms and conditions and with all applicable laws. The special event director, leader, or chair shall personally carry the permit and have it available for inspection upon request by the Director or any public safety or law enforcement officer during the conduct of the special event. Failure to possess or produce the special event permit shall be grounds for the immediate cancellation of the special event.
- N. *Revocation of permit.* A special event permit may be revoked as follows:
1. *Revocation by the Director before or during the special event.* The Director may revoke any special event permit issued pursuant to this section either before or during the permitted special event if: (i) any information supplied by the Applicant is discovered to be false or intentionally misleading; (ii) any material term, condition, restriction, or limitation of the permit has been substantially violated; (iii) there is any continued violation of the terms, conditions, restrictions, or limitations of the special event permit after the Applicant or the Applicant's agent or employee is notified of a violation of the permit by the Director; (iv) the Applicant becomes unable to fulfill the terms of the special event permit on a timely basis; or (v) unforeseen or emergency circumstances arise that would have warranted the Director to deny the application previously.
 - a. *Notice of revocation.* The Director shall notify the Applicant of a revocation as expeditiously as possible, including by telephone, email, or fax. The Director shall mail notice of revocation to the Applicant and shall include in writing the reasons warranting revocation. The Director shall notify the Applicant of the right to appeal the revocation as provided in subsection (O).
 - b. *Agreement to conditional special event permit.* The Director's revocation of a special event permit may be accompanied by a conditional special event permit and shall not bar the Applicant and the Director from agreeing to a conditional special event permit.
 2. *Revocation by the Director or the Chief of Police on the day of the special event.* The Director or the Chief of Police may revoke any special event permit issued pursuant to this section on the day of the special event if: (i) the Applicant or its designated permit holder cannot produce the permit and have it available for inspection upon the Director's or any law enforcement officer's request; (ii) upon a violation of any material term, condition, restriction or limitation of the permit; (iii) upon any continued violation of the terms, conditions, restrictions, or limitations of the special event permit after the Applicant or the Applicant's agent or employee has been notified of a violation of the permit by the Director or an appropriate law enforcement official; (iv) upon emergency circumstances; or (v) upon the event becoming an unlawful assembly under the Virginia Code; provided that the arrest of participants in the special event, in and of itself, is not cause to revoke the special event permit.
- O. *Appeal.* An Applicant whose application for a special event permit is denied, or whose special event permit is revoked under subsection (N)(1), may appeal the decision as follows:
1. *Administrative appeal.* An Applicant aggrieved by the Director's decision may appeal the decision to the County Executive. The appeal shall be filed in writing with the Office of the County Executive within five business days after receiving a notice of denial or revocation. The written notice of appeal shall state all grounds for the appeal. The County Executive shall act upon the appeal within five business days after its timely filing, but in any case at least two days before the date of the proposed special event, unless the Applicant otherwise agrees. Notice of the decision shall be given by the County Executive to the Applicant as expeditiously as possible, including by telephone, email, or fax. The decision shall also be mailed to the Applicant and shall include the reasons for the decision. Neither the pendency nor absence of an appeal shall bar the Applicant and the Director from agreeing to a conditional special event permit.
 2. *Judicial appeal.* An Applicant may challenge the Director's and the County Executive's decision in a court of competent jurisdiction in accordance with State and federal law. The County shall meet all deadlines set by the court and by applicable statutes and court rules, and shall otherwise seek to ensure that the challenge, including any motion for preliminary relief, is decided as expeditiously as possible. An Applicant is not required to

appeal the Director's decision to the County Executive before challenging the Director's decision in court.

P. *Non-interference with assemblies and special events.* The following acts are prohibited:

1. *Interference.* No person shall hamper, obstruct, impede, or interfere with any assembly, parade, demonstration, gathering, event, or with any person, vehicle, or animal participating or used in the assembly, parade, demonstration, gathering, or event for which a special event permit has been issued in accordance with the provisions of this section.
2. *Driving through events.* No driver of a vehicle shall drive between the vehicles, persons, or animals comprising an assembly, parade, demonstration, gathering, or event except upon a law enforcement officer's direction. This prohibition shall not apply to emergency vehicles such as fire apparatus, ambulances, and police vehicles, or to vehicles authorized to so drive pursuant to the special event permit.
3. *Parking.* The Director and the Chief of Police are each authorized, when reasonably necessary, to prohibit or restrict the parking of vehicles at any location within the park in which a special event or other lawful assembly is located. The Director and the Chief of Police may post signs to that effect. It is unlawful for any person to park or leave unattended any vehicle in violation of a posted sign or in violation of the personal directive of the Director or the Chief of Police.

Q. *Penalties.* A knowing, willful, or intentional violation of any condition of a special event permit or provision in this section shall constitute a class 1 misdemeanor.

(9-12-79; Code 1988, § 14-6.10; Ord. 98-A(1), 8-5-98)

Agenda Item No. 22. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Item No. 22a. Winery Building Code Update.

Ms. Mallek said that a new study group is conducting a focus group facilitated by Cooperative Extension and led by Ms. Martha Walker, who will interview stakeholders around the Commonwealth. She said that Mr. Michael Bellinger has developed a middle ground idea that focuses on life safety rather than about sprinkling 100-year-old barns at an excessive cost. She said she will continue to report anything new to the Board.

Ms. McKeel remarked that she cannot imagine they would require installation of sprinklers in 100 year old barns if one wasn't required in Trump Tower.

Ms. Mallek replied that a nearby county recently passed an ordinance requiring this. She said a legislator from Northern Virginia is proposing to grandfather all existing wineries and breweries.

Item No. 22b. Cash Proffer Policy.

Ms. McKeel said that the Residential Development Impact Work Group met a few months earlier and issued a report. She said the Board had indicated to them that it would provide direction as to how to deal with projects that were approved with proffers before the new law took effect. She said she would like the Board to discuss this matter at an upcoming meeting.

Ms. Mallek emphasized that anything approved before July 1 of the year the new law took effect can carry on.

Ms. McKeel asked Mr. Graham to comment. Mr. Graham said a developer approached them about a project that was approved while the cash proffer policy was in place. He explained the developer's concern in terms of competing with other developers who do not have to provide proffers, and felt he was at an economic disadvantage. He reminded the Board that this question had arisen a year earlier when another developer submitted a residential rezoning application, and the Board decided not to remove a requirement for cash proffers that had previously been approved. He said the Residential Development Impact Work Group questioned whether this issue could be revisited now that it has completed its report. He cautioned that if the Board were to decide to revisit this, it will take staff several months to conduct an analysis because there would be some nuances that would make the question a bit challenging for the Board to work through.

Ms. Palmer remarked that she thought the Board had already made its decision that it would not revisit these cases, as they were advised by staff that this would not be an easy thing to do. She said she does not remember anything in the report that would change her opinion.

Mr. Randolph added that the Committee did not recommend the Board change any existing policies.

Ms. Mallek commented that there have been at least three or four applications over the past five years where this has been asked, and the Board has denied it every time.

Ms. McKeel surveyed the Board to determine whether there was interest in revisiting this issue.

Mr. Dill asked if there was a reason why this should be addressed right now. Mr. Graham replied that there is at least one case and there may be others.

Ms. McKeel said she would like to deal with the matter for clarity for the benefit of the public.

Mr. Randolph remarked that the report is irrelevant because it came out with the Committee's consensus to look at impacts as a policy for the Commonwealth of Virginia and is not something the Board has authority to implement, so they would need enabling legislation from the General Assembly. He said that Senator Stanley's local government committee is conducting a study on how impact fees operate in other states. This Board will not see anything until the next legislative cycle – after which there will be proposals. He said the question is whether the Board should change anything with regard to its past policy and/or make any exceptions. He suggested that this be placed on a future agenda as this late hour is not a good time to discuss.

Ms. McKeel said she does not want staff to put in a lot of work on this until the Board decides whether to consider it or not.

Mr. Graham offered to have staff frame the question for the Board, which may help the Board in making a decision.

Ms. McKeel asked that staff also provide a copy of the report for background information.

Mr. Randolph announced that Mr. Frank Friedman, President of Piedmont Virginia Community College, sent a letter to the Board expressing strong support for a joint community/PVCC library on the college campus.

Mr. Randolph informed the Board that the Albemarle Broadband Authority would discuss House Bill (HB) 12-58 regarding 5G technology. He said that after this meeting, they will brief the Board, as it has implications for cell towers.

Mr. Randolph announced that the TJPDC will have an exchange visit to Clemson University in late August to learn about the Reedy River development, which is similar to the Rivanna River development. He said they will also learn about Clemson University's model regional transit service, which is similar to what was done at Virginia Tech in Blacksburg. He said they will visit the International Automotive Research Center, which ties into the BMW plant in Spartanburg, S.C., the largest automobile manufacturing plant in the world. He said they will also discuss that locality's housing fund development and rental housing ordinance.

Mr. Randolph offered to forward an article provided by Ms. McKeel about the growing concern of many communities regarding the impact of Airbnbs on local housing markets and on housing affordability.

Ms. McKeel added that she has already seen a loss of affordable housing stock in some neighborhoods based on permanent Airbnbs, and she provided two examples.

Ms. Palmer remarked that she is in the process of trying to sell her mother's house and she has been inundated with letters from those who want to purchase the house for Airbnb.

Mr. Randolph referenced an email from Police Chief, Ron Lantz, about idling cars after a recent Board discussion of the issue. He said that Mr. Lantz indicated it would be a resource strain to have officers patrol for idling cars, as citizens would call with complaints once there is awareness of the ordinance.

Mr. Randolph announced that he had a very productive conversation with a member of the Scottsville Volunteer Rescue Squad about the challenges of recruiting volunteers and will share this when the Board holds a discussion on the issue.

Mr. Randolph announced that May is National Bike Month and the Mayor of Charlottesville is having a hip hop vibe ride with radio station 101.3, JAMZ. He suggested that the County hold a similar event in Crozet.

Mr. Randolph noted that the Equal Justice Initiative opened the National Memorial for Peace and Justice in Montgomery, AL, and there is a slab containing the name of Albemarle County since there was two lynchings in the County. He said the organization wants Albemarle to place a slab in the County, and he asked that this issue be placed on a future agenda for discussion.

Agenda Item No. 23. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Richardson informed the Board that staff will be attending a management retreat on May 10 and 11 at Crozet Library and he has placed copies of the agenda in Supervisors' mailboxes.

Agenda Item No. 24. Closed Meeting.

At 9:28 p.m., Mr. Gallaway **moved** that the Board go into Closed Meeting pursuant to section 2.2-3711(A) of the Code of Virginia:

- Under Subsection (1), to consider:
 1. Appointments to boards, committees, and commissions in which there are pending vacancies or requests for reappointments;
 2. To conduct the annual performance reviews of the Board Clerk and the County Attorney, and the mid-year performance review of the County Executive; and
 3. The assignment of attorneys in the County Attorney's Office.
- Under Subsection (7), to consult with legal counsel and briefings by staff members pertaining to probable litigation, where the consultation or briefing in open meeting would adversely affect the negotiating or litigation posture of the Board, regarding:
 1. A claim brought by the Virginia Youth Club of America arising from an incident at 29 Place on March 4, 2017; and
 2. Threatened litigation brought by Crozet Centers Partners LLC regarding the properties commonly known as the Crozet Deport and Crozet Square.
- Under Subsection (8), to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to:
 1. The recommended terms of an agreement pertaining to the tourism bureau.

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

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

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

NAYS: None.

At 10:22 p.m., the Board reconvened into open meeting. 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. The motion was **seconded** by Ms. McKeel.

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

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

NAYS: None.

At this time the Board went back to Agenda Item No. 8. Boards and Commissions

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

- **appoint**, Mr. Robert Finley to the 5th & Avon Community Advisory Committee to fill an unexpired term ending September 30, 2018.
- **appoint**, Ms. Susan (Sue) Bell Friedman to the Places 29 (Hydraulic) Community Advisory Committee to fill an unexpired term ending August 5, 2018.
- **appoint**, Mr. Brent Hall to the Places 29 (North) Community Advisory Committee with said term to expire August 5, 2019.
- **appoint**, Ms. Mary Sandiford to the Village of Rivanna Community Advisory Committee with said term to expire March 31, 2020.

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

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

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

NAYS: None.

Mr. Gallaway **moved** that the Board authorize the Chair, in concert with a member of City Council, to send a letter to the current CACVB Management Board to provide guidance on how to proceed through June 30 and to support an interim director being hired as an independent contractor as soon as possible. The motion was **seconded** by Ms. Palmer.

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

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

Agenda Item No. 25. Adjourn to June 6, 2018, 9:00 a.m., Lane Auditorium.

At 10:24 p.m., Ms. Mallek adjourned the meeting until June 6, 2019, 9:00 a.m., Lane Auditorium.

Chairman

Approved by Board
Date 05/01/2019 Initials CKB