

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on August 1, 2018, at 1:00 p.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia.

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

ABSENT: Mr. Norman G. Gill.

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

Agenda Item No. 1. Call to Order. The meeting was called to order at 1:04 p.m., by the Chair, Ms. Mallek.

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

Agenda Item No. 4. Adoption of Final Agenda.

Mr. Blair said that Item No. 8.7a, authorizing the Board Chair to sign documents related to a Department of Justice Grant, has been added to the Consent Agenda.

Ms. Mallek introduced Board members and staff sitting at the dais, including the security officer, Officer Jordan DeLange.

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

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

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

NAYS: None.

ABSENT: Mr. Dill.

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

Ms. Palmer announced that the new transfer station at the Ivy MUC would open on August 28, 2018 preceded by a ribbon cutting on August 23, 2018. She described the facility as wonderful and the reconfiguration would make it easier to get in and out of the Ivy MUC. She asked that users of the McIntire facility be mindful of what items are permitted in the various bins, as recent changes in the recycling industry requires a purer product and less mixing of items. She added that plastics are especially a real issue.

Mr. Randolph reminded Supervisors that he sent them an email earlier that morning with information presented at the third Southwood charrette conducted by BRW Architects/Water Street Studio the previous Thursday.

Mr. Randolph informed the Board that he attended the Virginia Association of Planning District Commissions' summer conference in Roanoke, along with Chip Boyles and David Blount. He described the presentations as outstanding and fascinating and said he hopes to invite Beth Dowdy, Economic Development Director in Roanoke, to present to the Albemarle Board of Supervisors.

He stated that Roanoke made a decision years earlier to peg economic development to the outdoors and has done a good job in selling the outdoors as its major asset, after conducting an inventory of assets and identifying gaps. He summarized some of their achievements, including paddle-boarding on reservoirs, crowdsourced funding of public boating access, and brand development of a national image of Roanoke as a destination. He noted that Roanoke employs a Director of Talent Development, whose role it was to identify internal and external talent, as well as a Director of Outdoor Branding, who was responsible for maintaining Roanoke's competitiveness relative to other comparable communities.

Mr. Randolph said that the State's Deputy Secretary of Natural Resources, Ann Jennings, made a presentation on the environmental status of the Chesapeake Bay. He noted that he learned that nitrogen levels have been reduced by 60%, mostly due to improvements at sewage treatment plants. He said that his native state of Pennsylvania has been a laggard, mainly due to nonpoint source pollution. Mr. Randolph stated that the final Phase 3 plan was due by August 19 and there was discussion of best management strategies, including forest buffers, tree canopies, wetlands, and stream fencing. He said there was agreement regarding the vital role planning district commissions could play in WIP 3 implementation.

Mr. Randolph noted that D'Annette Poole informed them that 96% of 3000+ respondents to a recent survey ranked natural areas as being of primary importance, with trails as the most popular feature

sought by residents statewide. He added that he has been elected First Vice-President of the Virginia Association of Planning District Commissions.

Ms. Mallek commented that this mirrors the County's own needs assessment, which has determined that hiking and trails are of high importance.

Ms. McKeel emphasized that New Zealand has used trails for hiking and cycling as drivers of economic development and it has worked beautifully. She noted that New Zealand has also taken precautions to avoid the importation of invasive plant species.

Ms. McKeel stated that Mr. John Martin, of the firm SIR, presented at the transit partnership retreat on their work with brand development for the City of Richmond, which she said has become popular among young people and entrepreneurs, as well as the PULSE rapid transit system in Richmond. She agreed that branding was very important.

Ms. McKeel announced that Dr. Rusty Carlock has been named Virginia History Teacher of the Year and would be in the running for the national award. She said she worked with Dr. Carlock, the Albemarle High School teacher, on the Georgetown Road and Hydraulic Road murals, as his class assisted with design, write up the requests for the artists, and painting.

Mr. Gallaway reported that he attended the Albemarle County Fair the previous weekend and enjoyed seeing the vendors and animals.

Mr. Gallaway announced that an open house would be held for the Rio/Route 29 Small Area Plan on Thursday, August 9, 2018, from 6:00 p.m.–8:00 p.m. at Northside Library, and he encouraged members from the community to look at the draft designs and provide feedback.

Mr. Gallaway remarked on the new space at the Charlottesville/Albemarle Airport, which he observed while attending a meeting of the Metropolitan Planning Organization the previous week. He encouraged people to visit the airport to view the design concept that incorporates local history.

Ms. Mallek added that the Airport now has a large area with banks of chairs that have plug-ins to charge electronic devices.

Ms. Mallek announced the passing away last week of Dr. Lincoln Brower, a biologist and professor at Amherst College who retired to Nelson County and was a world-renowned expert on the monarch butterfly. She said she met Dr. Brower in the 1970's while living in Massachusetts and noted the impact he had on the scientific community, his accessibility, and expressed that he was a wonderful individual.

Ms. Mallek announced the passing away of V.L. James, who had been a member of the Crozet Volunteer Fire Company since 1956. She said he held multiple leadership positions and was an example of the whole families of people who committed themselves to public service. She emphasized the importance of volunteers to quality of life and noted that Mr. James' son was an active member of the fire department with experience that benefit the community. She thanked Mr. James and his family for all they have done for the community.

Ms. Mallek said she attended a NACO conference in Nashville. In particular, the Agriculture Committee had some exciting work prior to the conference and she would provide this information to Supervisors at the end of today's meeting.

Agenda Item No. 6. Proclamations and Recognitions:

Item No. 6a. Proclamation Recognizing August 26th as Women's Equality Day.

Ms. Palmer read and **moved** that the Board adopt the proclamation recognizing Women's Equality Day.

PROCLAMATION

WHEREAS, this is the 98th Anniversary of the Nineteenth Amendment to the U.S. Constitution giving women the right to vote in 1920; and

WHEREAS, in 1848, 170 years ago in Seneca Falls, the need was recognized and proclaimed, but after great effort there is still more work to be done to ensure reliable protection in the U.S. Constitution for women against sex discrimination in general; and

WHEREAS, in many other ways the tasks of providing equal opportunities to women and men, and the tasks of removing burdens which fall unjustly on women as compared with men remain uncompleted.

NOW, THEREFORE, BE IT RESOLVED, that we, the Board of Supervisors of Albemarle County, Virginia, do hereby proclaim

August 26, 2018,
as
WOMEN'S EQUALITY DAY

in remembrance of all those women and men who have worked to develop a more equitable community, which acknowledges both the real similarities and the important differences between women and men, with liberty and justice for all.

Signed this 1st day of August, 2018.

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

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

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

NAYS: None.

ABSENT: Mr. Dill.

Item No. 6b. Resolution in Support of Ratification by Virginia of the Equal Rights Amendment to the United States Constitution.

Ms. McKeel read and **moved** adoption of the following Resolution in support of the ratification of the Equal Rights Amendment to the United States Constitution:

**Resolution in Support of Ratification by Virginia of the Equal Rights Amendment
to the United States Constitution**

WHEREAS, the United States Constitution does not explicitly guarantee equal rights and equal protection for the sexes and the 14th Amendment to the United States Constitution and state constitutional statements of equality generally do not provide the strict scrutiny for sex-based classifications that is provided for classifications based on race, religion, and national origin; and

WHEREAS, state laws are not uniform and federal laws are not comprehensive, and these laws can be repealed or reduced, and the people of the United States continue to experience the negative effects of lack of political parity between men and women, workplace discrimination, health care inequities, disparate rates of poverty, rape and domestic violence assaults;

WHEREAS, the Equal Rights Amendment (ERA) provides that "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex" and the Amendment would help ensure women and men have the same constitutional protections; and

WHEREAS, the ERA was passed by Congress in 1972, and has been ratified by 37 states, the most recent being Nevada in 2017 and Illinois in 2018 and the time limit for the ERA appears only in the preamble and Congress presently is considering a bill that removes the time limit for ratification of the ERA; and

WHEREAS, for 47 years, the Virginia State Constitution has sought to protect Virginians from discrimination by the Commonwealth on the basis of sex;

NOW, THEREFORE, BE IT RESOLVED that we, the Albemarle County Board of Supervisors, support the ratification of the Equal Rights Amendment; and

BE IT FURTHER RESOLVED, that we, the Albemarle County Board of Supervisors urge the General Assembly of the Commonwealth of Virginia to ratify the ERA to the U.S. Constitution, as proposed by Congress on March 22, 1972, during the 2019 legislative session.

Signed this 1st day of August, 2018.

Ms. Mallek **seconded** the motion.

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

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

NAYS: None.

ABSENT: Mr. Dill.

Ms. Charlotte Gibson, President of Charlottesville National Organization for Women, addressed the Board. She said that each year since 1975, the Charlottesville chapter has asked local governments to issue proclamations to commemorate Women's Equality Day to celebrate the day women were given the right to vote, as well as to acknowledge that full equality has not yet been achieved.

Ms. Gibson said that the Equal Rights Amendment was proposed in 1923, passed by Congress in 1972, and was one state short of ratification, which she said Virginia was poised to be as it was considered the most likely to ratify the amendment. She urged all to get involved and to bring the matter to the attention of legislators, noting that a statewide campaign would kick off on August 26 with events around the state, including an event in Charlottesville to be hosted by Delegate David Toscano. She thanked the Board for its continuing support of equality for all.

Ms. McKeel expressed hope that Virginia would ratify it.

Ms. Palmer also recognized the presence of Ms. Kobby Hoffman.

Item No. 6c. Digital Counties Survey Award.

Mr. Richardson asked Mr. Trevor Henry, Assistant County Executive, to come forward. He commented on his recent trip to the NACO conference in Nashville, which Ms. Mallek also attended. He said they had the opportunity to attend a celebration for the 2018 Digital Counties Survey Award of the Center of Digital Government in partnership with NACO. Mr. Michael Culp was present to represent Albemarle County's Department of Information Technology.

Mr. Richardson explained that the survey identifies best technology practices among U.S. counties, including initiatives that streamline delivery of government services that encourage open data, collaboration, shared services, enhanced cybersecurity, and contribute to disaster response and recovery efforts. He mentioned that Albemarle was ranked among the ten most technologically advanced county governments of its size nationwide for the 15th consecutive year. He said that Albemarle ranked second among counties with populations of 150,000 or less by utilizing information technology to deliver high-quality service to customers and citizens. He noted that Mr. Culp drove to Nashville to accept the award and returned to Charlottesville to work on Monday.

Mr. Mike Culp, Director of Information Technology, addressed the Board. He recognized the work of everyone in the County to make it a great place to live, work, and play. He said he believes they were recognized because they highlighted how technology was being used in unique creative and collaborative ways with regional partners, including the Emergency Communications Center, the City of Charlottesville, the University of Virginia, Piedmont Virginia Community College, Albemarle County Public Schools, and the Thomas Jefferson Planning District Commission. Technology plays a major role in their positive partnerships now and in the future. With the Board's support and the excellent work of County staff, these 15 years of recognition will continue. He thanked everyone.

Item No. 6d. Resolution of Appreciation for Elaine Echols.

Ms. Mallek read and **moved** that the Board adopt the following resolution:

**Proclamation
Resolution of Appreciation for Elaine Echols**

WHEREAS, Elaine Echols has faithfully served the County of Albemarle over the last 21 years in multiple roles, including Chief of Planning, providing professional services, mentorship, and leadership on planning issues and promoting a proactive community planning effort that involves all stakeholders in a consensus building process and ensures that new development reflects the community's vision; and

WHEREAS, Elaine's leadership assured the success of the County's first *citizen-owned* master plan in Crozet, demonstrating that outreach and citizen participation could significantly improve community satisfaction and ownership while providing a framework that has guided development since 2004; and her leadership in supporting the Development Areas Initiative Steering Committee (DISC) led to the development of the Neighborhood Model, which received an honor award in design from the American Institute of Architects in 2002; and

WHEREAS, Elaine has contributed to every master plan completed over the last 15 years and supported the County's 2015 Comprehensive Plan through more than 70 public meetings and countless hours of work; and

WHEREAS, Elaine has proven herself a consummate planning professional by being recognized as a Fellow of the American Planning Association (APA), having her work awarded the 2018 Citizen Planner of the Year by the Virginia APA, and her many other contributions to the planning profession; and

WHEREAS, Elaine has diligently worked to advance good planning practices throughout the Commonwealth, including serving as an adjunct planning instructor for both Virginia Tech and the University of Virginia;

NOW, THEREFORE, BE IT RESOLVED, by the Albemarle County Board of Supervisors that Elaine K. Echols is hereby honored and commended for her many years of exceptional service to the County of Albemarle, the Department of Community Development, Albemarle County residents, the broader community in which we live, and the entire Commonwealth of Virginia with knowledge that Albemarle County is strengthened and distinguished by Elaine's leadership, dedication, commitment, professionalism and compassion in meeting community needs.

Signed this 1st day of August, 2018

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

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

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

NAYS: None.

ABSENT: Mr. Dill.

Ms. Mallek invited Ms. Echols to speak.

Ms. Elaine Echols said she was touched by the appreciation of the Board and her colleagues. She expressed thanks for the opportunity to serve.

Mr. Richardson remarked that he and Mr. Doug Walker, Deputy County Executive, had the privilege of speaking with Ms. Echols earlier in the week about issues to which they should pay attention, opportunities, identification of talent within the Department of Community Development, and her perspective of the past, present, and future. He praised her broad perspective and love for the community and expressed appreciation for her commitment to the community.

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

Mr. Gary Grant addressed the Board. He noted that he has experienced 4 fires during his 32 years of residence in the County. He said the first was a brush fire on 6 acres of woodlands next to his property, while the second resulted from a lightning strike on his house. He said the third occurred in July when smoke and debris from an illegal open burn from a nearby property resulted in his having to close his house for 24 hours, and the most recent occurred on July 18 from an open burn on a neighbor's property 40 feet away from his property line, and he has six acres of woods. He noted that an Assistant Fire Marshal had spoken with the property owner in the morning. The burn pile included yard waste and painted construction materials. When he left home and returned 90 minutes later, the burn pile was on fire. He has no idea whether the open burn was legal or illegal; all he knows is there was a fire 40 feet from his driveway and his six acres of woods. He urged the Board to review and amend the open burn ordinance, as he believes there are gaps that could lead to the burning of someone's woods or house.

Mr. Mike Drude, Head of School, Miller School of Albemarle, addressed the Board, noting that the school was located in the County along Miller School Road between Batesville and Crozet. He said he would address concerns about traffic safety pertaining to trucks that use Miller School Road as a cut-through. He emphasized that there are many young drivers as well as parents who drop off and pick up students. He expressed concern because some areas of the road do not have guardrails and have a very narrow shoulder. He noted that the school cycling team utilizes the road for practice and many local residents also use the road for cycling. He thanked the Board for taking on this issue and invited Supervisors to contact him.

Mr. Sam Speedy, resident of the Samuel Miller District, addressed the Board and thanked Supervisors and staff for taking up the issue of road safety on Miller School Road. He noted that truck traffic has been increasing over the years, driven by development in Crozet and the area. He said that he and his wife have had close encounters along the hairpin turns where they have swerved to avoid trucks that meander across the double yellow line, and friends and neighbors that have been forced onto the shoulders by oncoming trucks trying to navigate the radius.

He said that trucks have become stuck at the Plank Road/Miller School Road intersection, have damaged road signs, sheared off the top of a telephone pole, crumpled a CenturyLink utility box, and damaged a garden wall on an adjacent property. He stated that the Batesville community desires safe road conditions for drivers, cyclists, and pedestrians who seek to share the road but also want to support locally domiciled businesses that depend on the roads to access pick-up and drop off locations. He expressed support for a public engagement phase for a potential through-truck restriction along Miller School Road.

Mr. Alex Struminger, owner of Batesville Market in the Samuel Miller District, addressed the Board and said he owns two rental properties across from the end of Miller School Road, as well as a house on the corner. He expressed agreement with the comments made by the previous speakers and noted that this has been a constant topic of discussion among his customers. He said the trucks are too long and heavy to negotiate the turns at Plank Road and those by Miller School. He said his wife was recently run off the road by a truck that was too long to be on the road. Trucks are usually directed to the area by GPS, so he wonders if GPS could be manipulated. He emphasized that they consider local haulers to be part of the community and the concerns are with the larger trucks that cannot negotiate the turns.

Agenda Item No. 8. Consent Agenda.

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

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

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

Item No. 8.1. Approval of Minutes: February 14, March 29, April 4, April 10, April 11 and July 18, 2018.

Ms. Palmer had read the minutes of February 14, 2018, and found them to be in order.

Ms. McKeel had read the minutes of March 29, April 4, and July 18, 2018, and found them to be in order.

Mr. Gallaway had read the minutes of April 10 and April 11, 2018, and found them to be in order.

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

Item No. 8.2. 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 appropriation itemized in Attachment A is \$48,558.79. 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 the appropriation for local government projects and programs as described in Attachment A.

Appropriation #2018097 **\$48,558.79**

Source:	Local: Earlysville Volunteer Fire Department	\$ 9,656.70
Local:	Crozet Fire Department	\$ 38,902.09

This request is to appropriate \$9,656.70 in revenue from Earlysville Volunteer Fire Department to support the costs associated with replacing and equipping Car 2 and Fire Command 42 and to appropriate \$38,902.09 in revenue from Crozet Fire Department to support the costs associated with replacing Engine 56. The funding is primarily for upgrades that are more than what is required by the County's specifications, which is funded in the capital Fire Rescue Apparatus Replacement Program.

By the above-recorded vote, the Board adopted the following Resolution to approve appropriation #2018097 for local government division projects and programs:

**RESOLUTION TO APPROVE
ADDITIONAL FY 18 APPROPRIATION**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriation #2018097 is approved; and
- 2) That the appropriation referenced in Paragraph #1, above, is subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2018.

**COUNTY OF ALBEMARLE
APPROPRIATION SUMMARY**

APP#	ACCOUNT	AMOUNT	DESCRIPTION
2018097	3-9010-19000-319000-199904-3140	48,558.79	SA2018097 FR Apparatus Replacement Program
2018097	4-9010-32030-432030-800500-3140	4,970.85	SA2018097 Earlysville Car 2
2018097	4-9010-32030-432030-810408-3140	4,685.85	SA2018097 Earlysville Fire Command 42

2018097	4-9010-32030-432030-810502-3140	38,902.09	SA2018097 Crozet Fire Engine 56
TOTAL		97,117.58	

Item No. 8.3. Use of FY 19 Reserve for Contingencies.

The Executive Summary forwarded to the Board states that at the May 9, 2018 Board of Supervisors 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 during the FY 19 budget process. Specifically, an option was requested to use that funding to meet ongoing, unfunded requests. This \$180,893 is in addition to the \$600,000 in the Reserve for Contingencies that was included in the FY 19 Adopted Budget.

Staff reviewed the unfunded FY 19 budget requests to identify those that were the priorities of departments and consistent with the goals of the FY 19 budget: sustaining a quality organization; advancing strategic priorities; and maximizing transformation and addressing emerging opportunities. Based on that review, staff recommends the following 2.5 FTE as the priorities for funding:

- 1. Project Coordinator - Department of Facilities and Environmental Services, \$94,757:** This position will support the department's contract management efforts added in the FY 19 budget such as enhanced mowing, landscaping, and street sweeping service levels in the development areas. This position will also support the department's workload with added County facilities, such as the former Yancey Elementary School and Pantops Public Safety Station, and bring the department's staffing per square foot of facilities to be more in line with benchmark standards from the International Facility Management Association.
- 2. Trail Crew Technician - Department of Parks and Recreation, \$51,459:** This position will work with the existing Trail Maintenance Supervisor, seasonal temporary workers, and volunteer groups to maintain existing trails and build new trails. Since 2008, the County has doubled its trail mileage from 35 to 70 miles without an increase in trail staffing. The justification for this position is supported by the recently completed Community Recreation Needs Assessment.
- 3. Increase part-time administrative position to full time - County Executive's Office, \$27,686:** This position will provide increased customer service, currently unsupported departmental administrative support, and support associated with anticipated needs, specifically the Project Management Office and the BPO initiative. If approved, staff will bring back an appropriation at a subsequent Board of Supervisors meeting.

The total FY 19 cost of these 2.5 full-time equivalent positions is \$173,902. These positions can be funded by the \$180,893 placed in the General Fund Reserve for Contingencies as a result of updated revenue projections during the FY 19 budget process.

Staff recommends approval of a Project Coordinator in the Department of Facilities and Environmental Services, Trail Crew Technician in the Department of Parks and Recreation, and an increase of a part-time administrative position to full-time in the County Executive's Office.

By the above-recorded vote, the Board authorized Facilities and Environmental Services to increase its staffing level by one Project Coordinator position; authorized the Department of Parks and Recreation to increase its staffing level by one Trail Crew Technician position; and authorized the County Executive's Office to increase a part-time administrative position to full-time.

Item No. 8.4. FY 19 - FY 23 Capital Improvement Program.

The Executive Summary forwarded to the Board states that from March 2018 through April 10, the Board held a number of work sessions on the FY 19 - FY 23 Capital Improvement Plan (CIP). During this time the Board chose to include Phase 1, Center 1 of the High School Capacity and Improvement Project 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 April 17, 2018, the Board approved the 2018 Tax Rate and the FY 19 Operating and Capital Budgets. At that time, the FY 19 Capital Budget included funding for Phase 1, Center 1 of the High School Capacity and Improvement project.

On May 9, 2018, the Board directed that a maximum amount of \$59 Million in bonds that could be included on a potential 2018 Bond Referendum and recommended that \$47 Million of this amount could support projects that would be identified by the School Board. The Board also reviewed \$12 Million in potential local government "quality of life" capital projects that could be included in a 2018 Referendum.

On June 6, 2018, the Board reaffirmed the maximum dollar amount of \$59 Million for a potential Bond Referendum.

On July 5, the Board directed staff to: 1) not pursue a November 2018 Bond Referendum, 2) amend the FY 19 Capital Budget; 3) schedule a joint work session with the School Board this fall that would focus on capital needs and resource/debt capacity limitations; and 4) bring forward a FY 19 - FY 23 CIP for the Board's approval on August 1, 2018.

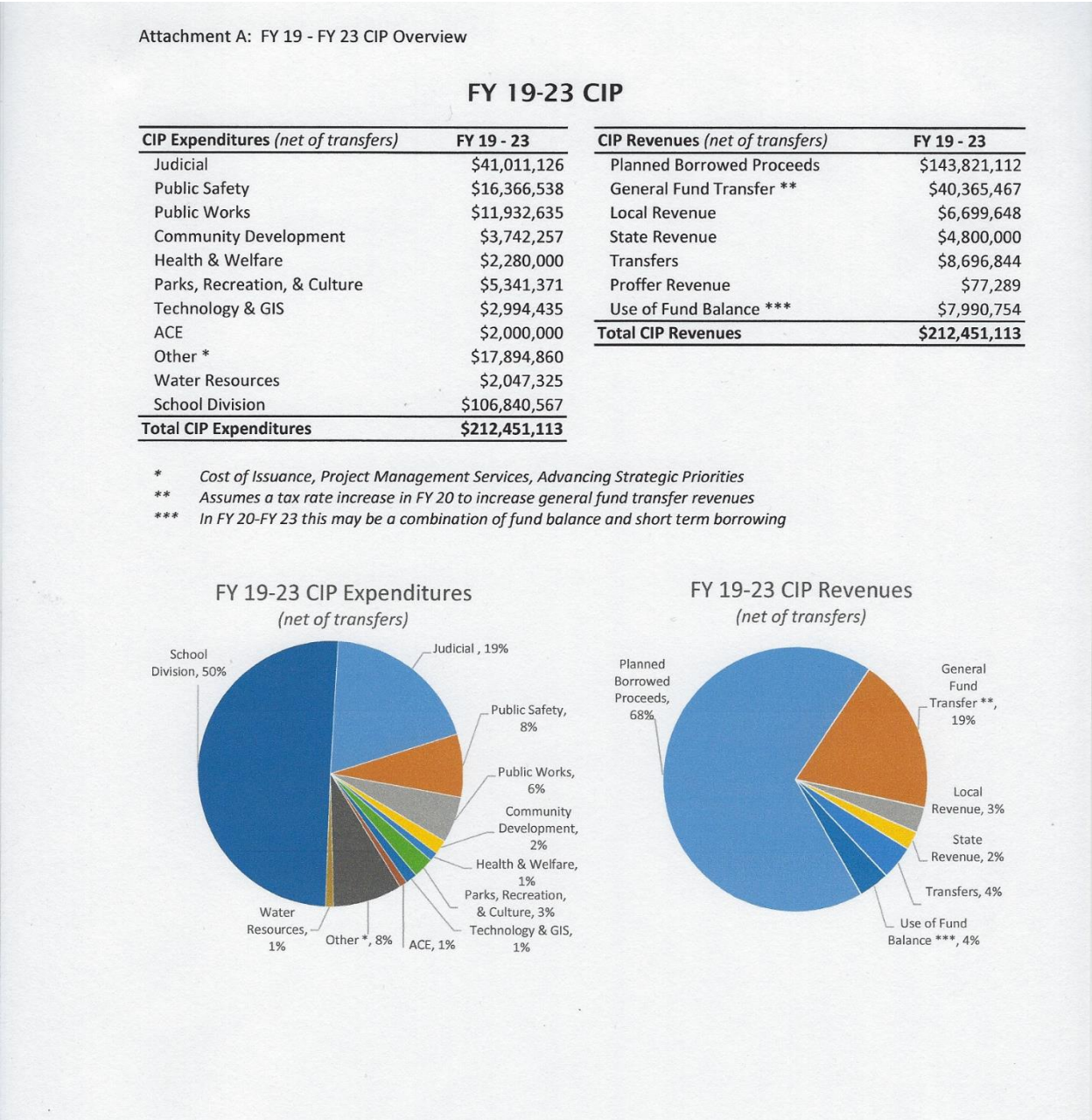
The amendment to the FY 19 Capital Budget is included in the August 1, 2018 FY 19 Budget Amendment Executive Summary Appropriation #2019018.

Pursuant to the Board's direction, the FY 19 - FY 23 CIP includes a maximum of \$47 Million for non- maintenance school facility improvement projects, \$12 Million for bike/pedestrian and park and recreation "quality of life" projects, other projects previously approved by the Board during the CIP work sessions and the amendments to the FY 19 Capital Budget as noted above. The FY 19 - FY 23 CIP includes a total of \$212,451,113 in projects over the five-year period and is further described in Attachment A and Attachment B.

The FY 19 - FY 23 CIP provides a five year capital improvement plan that impacts the County's future debt and other capital-related costs.

Staff recommends that the Board approve the attached FY 19 - FY 23 Capital Improvement Plan (CIP) as described in Attachment A and Attachment B.

By the above-recorded vote, the Board approved the FY 19 - FY 23 Capital Improvement Plan (CIP), as follows:



Attachment B: Capital Improvement FY 19 - FY 23 Expenditure Summary

FY 19-23 CIP Expenditures Summary
(\$ Rounded to Nearest Dollar/net of transfers)

In addition to new CIP Projects for FY 19-23, there are prior year CIP Projects that are currently underway. As approved by the Board of Supervisors, the Multi-year CIP or the process of carrying-over CIP project balances from prior years was initially implemented in FY 14 and is continued in FY 19. Budgets appropriated to date are recorded for currently funded projects that have a defined start and stop (i.e. a construction project or specific technology replacement). Projects that are on-going (i.e. maintenance/replacement projects) are noted as “on-going.”

Project Expenditure Summary by Functional Area	Multi-Year Project Appropriation	FY 19 *	FY 20	FY 21	FY 22	FY 23	Total FY 19 - 23
01-Administration							
Computer Assisted Mass Appraisal	Current FY 18						
Time and Attendance System	Current FY 18						
01-Administration Total		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
02-Judicial							
Court Facilities Addition/Renovation	Current FY 18	\$1,358,023	\$87,174	\$25,794,810	\$13,627,194	\$143,925	\$41,011,126
02-Judicial Total		\$ 1,358,023	\$ 87,174	\$ 25,794,810	\$ 13,627,194	\$ 143,925	\$ 41,011,126
03-Public Safety							
ECC Emergency Telephone System	Current FY 18						
ECC Integrated Public Safety Technology Project	Current FY 18						
ECC Regional 800 MHz Communication System	Current FY 18						
[Fire Rescue] Apparatus Replacement Program	On-going	\$1,610,750	\$3,761,173		\$1,619,257	\$1,711,246	\$8,702,426
[Fire Rescue] Mobile Data Computers Replacement	On-going	\$208,000		\$106,600	\$204,750		\$519,350
[Fire Rescue] Station Alerting System Replacement	FY 19 New	\$851,745	\$680,343				\$1,532,088
[Fire Rescue] Volunteer Facilities Maintenance Program Pilot	FY 19 New	\$253,336					\$253,336
[Police] Community Response Truck Replacement	FY 19 New	\$80,000					\$80,000
[Police] County 800Mhz Radio Replacements	On-going	\$353,105	\$120,720	\$999,525	\$1,003,453	\$989,392	\$3,466,195
[Police] Evidence Processing and Specialty Vehicle Storage Design	FY 19 New	\$50,000					\$50,000
[Police] Mobile Command Center Replacement	Current FY 18						
[Police] Mobile Data Computers Replacement	On-going	\$35,710	\$35,710	\$513,805	\$394,740	\$39,918	\$1,019,883
[Police] Patrol Video Cameras Replacement	On-going	\$134,400	\$218,120	\$158,760	\$90,300	\$141,680	\$743,260
[Police] Technology Upgrade	On-going						
03-Public Safety Total		\$ 3,577,046	\$ 4,922,666	\$ 1,876,840	\$ 3,107,750	\$ 2,882,236	\$ 16,366,538
04-Public Works							
City-County Owned Facilities Maintenance/Replacement	On-going	\$178,804	\$204,457	\$31,130			\$414,391
COB McIntire Windows Replacement	Current FY 18		\$2,024,477	\$53,985			\$2,078,462
County-Owned Facilities Maintenance/Replacement	On-going	\$1,371,668	\$1,231,157	\$1,595,796	\$957,760	\$1,588,337	\$6,744,718
Ivy Fire Station 15 Maintenance Obligation	On-going	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$250,000
Ivy Landfill Remediation	On-going	\$220,000	\$322,233	\$327,871	\$236,916	\$242,839	\$1,349,859
Ivy Materials Utilization Center (MUC)	Current FY 18						
Ivy Recycling Convenience Center	New FY 19	\$350,000					\$350,000
Keene Landfill	Current FY 18						
Moores Creek Septage Receiving Station	On-going	\$109,441	\$109,441	\$109,441	\$109,441	\$109,441	\$547,205
NIFI - Alb-Jouette-Greer	Current FY 18						
NIFI - Avon Street Ext Study	Current FY 18						
NIFI - Baker-Butler	Current FY 18						
NIFI - Cale Elementary School	Current FY 18						
NIFI - Free Bridge	Current FY 18						
NIFI - Greenbrier	Current FY 18						
NIFI - Rivanna Greenway Stabilization	Current FY 18						
NIFI - The Square	Current FY 18						
Regional Firearms Training Center Capital Reserve - County Share	On-going	\$39,600	\$39,600	\$39,600	\$39,600	\$39,600	\$198,000
Roadway Landscape Program	Current FY 18						
04-Public Works Total		\$ 2,319,513	\$ 3,981,365	\$ 2,207,823	\$ 1,393,717	\$ 2,030,217	\$ 11,932,635
05-Community Development							
Connector Road Study: Berkmar Dr Extended-Lewis and Clark Drive	Current FY 18	\$21,005					\$21,005
County View Project	Current FY 18						
Pantops Master Plan	Current FY 18						
Places 29 Small Area Study	Current FY 18						
Rivanna Master Plan	Current FY 18						
Sidewalk Program Contingency	On-going						
Sidewalk, Hydraulic & Barracks Rd	Current FY 18	\$16,158					\$16,158
Sidewalk, Ivy Road: US Route 250 West	Current FY 18	\$48,473	\$8,382				\$56,855
Sidewalks, Rio Road - Avon St - US Route 250 West	Current FY 18	\$61,964	\$21,374				\$83,338
Street Improvement – Local	On-going						
Transportation Leveraging Program	Current FY 18	\$1,512,118	\$2,012,573	\$12,977	\$13,394	\$13,839	\$3,564,901
05-Community Development Total		\$ 1,659,718	\$ 2,042,329	\$ 12,977	\$ 13,394	\$ 13,839	\$ 3,742,257

* FY 19 includes the May 9,2018 FY 19 Appropriated capital budget and the August 1, 2018 capital budget amendment

Project Expenditure Summary by Functional Area	Multi-Year Project Appropriation	FY 19 *	FY 20	FY 21	FY 22	FY 23	Total FY 19 - 23
06-Health and Welfare							
PVCC Advanced Technology Center Sitework	Current FY 18	\$140,000	\$140,000				\$280,000
Senior Center at Belvedere	Current FY 18	\$500,000	\$500,000	\$500,000	\$500,000		\$2,000,000
06-Health and Welfare Total		\$ 640,000	\$ 640,000	\$ 500,000	\$ 500,000	\$ -	\$ 2,280,000
07-Parks, Recreation, & Culture							
Burley-Lane Field Poles Lighting	Current FY 18						
City-County Owned Parks Maintenance/Replacement	On-going	\$253,883	\$55,691				\$309,574
Cory Farm Greenway Connector	Current FY 18						
County Owned Parks Maintenance/Replacement	On-going	\$1,520,371	\$1,014,979	\$636,433	\$286,446	\$726,342	\$4,184,571
Crozet Park Maintenance/Replacement and Improvements	On-going	\$299,138	\$18,517	\$213,021	\$152,143		\$682,819
Greenways/Blueways Program	Current FY 18						
Moore's Creek Trail and Trailhead Park Project	New FY 20		\$77,289				\$77,289
Parks Restroom Renovation/Modernization	Current FY 18	\$8,079					\$8,079
Pilot Fundraising Parks Project	Current FY 18	\$79,039					\$79,039
07-Parks, Recreation, & Culture Total		\$ 2,160,510	\$ 1,166,476	\$ 849,454	\$ 438,589	\$ 726,342	\$ 5,341,371
08-Libraries							
08-Libraries Total		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
09-Technology and GIS							
County Server Infrastructure Upgrade	On-going	\$442,865	\$453,937	\$476,633	\$512,381	\$563,619	\$2,449,435
GIS Project	Current FY 18						
Increased Redundant Internet Services	Current FY 18						
Telephony Solution Replacement	Current FY 18		\$545,000				\$545,000
09-Technology and GIS Total		\$ 442,865	\$ 998,937	\$ 476,633	\$ 512,381	\$ 563,619	\$ 2,994,435
10-ACE							
ACE Program	On-going		\$500,000	\$500,000	\$500,000	\$500,000	\$2,000,000
10-ACE Total		\$ -	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 2,000,000
11-Other							
Advancing Strategic Priorities	On-going		\$2,000,000				\$2,000,000
Cost of Issuance	On-going	\$311,375	\$1,169,914	\$1,442,371	\$388,845	\$213,276	\$3,525,781
Bike/Pedestrian and Parks & Recreation - Quality of Life Projects **	New FY 20		\$6,000,000	\$6,000,000			\$12,000,000
Project Management Services-General Government	On-going	\$38,823			\$126,357	\$203,899	\$369,079
11-Other Total		\$ 350,198	\$ 9,169,914	\$ 7,442,371	\$ 515,202	\$ 417,175	\$ 17,894,860
12-Regional Public Safety Firearms Training Center		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
12-Regional Public Safety Firearms Training Center Total		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
13-Water Resources							
Chapel Hill Stream Restoration Projects	Current FY 18	\$21,651					\$21,651
Drainage Infrastructure Maintenance/Repair Program	New FY 19	\$622,588	\$1,676	\$3,893	\$4,465	\$6,919	\$639,541
Hollymead Dam Spillway	Current FY 18	\$78,687	\$1,676				\$80,364
Large-Scale Best Management Practice	Current FY 18	\$4,039					\$4,039
Mint Springs Dam-Spillway Improvement	FY 19 New			\$6,921	\$31,253	\$1,845	\$40,020
Project Management Services - Water Resources	On-going	\$27,964			\$64,719	\$104,436	\$197,119
Water Quality Mandated TMDL Program	Current FY 18	\$719,992	\$54,484	\$28,117	\$29,020	\$57,662	\$889,275
Water Quality Non-Mandated TMDL Program	New FY 19	\$100,000	\$10,059	\$13,842	\$21,430	\$29,984	\$175,315
13-Water Resources Total		\$ 1,574,921	\$ 67,895	\$ 52,774	\$ 150,888	\$ 200,846	\$ 2,047,325
14-School Division							
Administrative Technology	On-going	\$263,000	\$263,000	\$263,000	\$263,000	\$263,000	\$1,315,000
CATEC Contingency	On-going						
Future School Improvement Projects ***	New FY 20		\$5,500,000	\$6,000,000			\$11,500,000
High School Capacity and Improvements - Center 1	New FY 19	\$4,933,495	\$30,283,821	\$86,515	\$8,929		\$35,312,760
High School Capacity and Improvements - Albemarle High School &Western Albemarle High School Re-Design	New FY 19	\$229,084					\$229,084
Instructional Technology	Current FY 18	\$575,000	\$575,000	\$575,000	\$575,000	\$575,000	\$2,875,000
Learning Space Modernization - 2016 Referendum Project	Current FY 18	\$121,182					\$121,182
Project Management Services-School Division	On-going	\$35,982			\$117,112	\$188,980	\$342,074
School Bus Replacement Program	On-going	\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000	\$6,000,000
School Maintenance/Replacement Program	On-going	\$7,589,930	\$8,275,116	\$9,337,029	\$7,855,441	\$9,861,026	\$42,918,542
School Security Improvements Referendum Projects	Current FY 18	\$75,940					\$75,940
Scottsville Elementary School Additions and Improvements - Design	New FY 19	\$332,315					\$332,315
Scottsville Elementary School Sitework Improvements	Current FY 18	\$20,197					\$20,197
State Technology Grant	On-going	\$700,000	\$700,000	\$700,000	\$700,000	\$700,000	\$3,500,000
Telecommunications Network Upgrade	Current FY 18	\$150,000	\$900,000	\$150,000	\$150,000	\$900,000	\$2,250,000
Western Albemarle High School Science Labs Addition Phase 2 - 20:	Current FY 18	\$32,315					\$32,315
Woodbrook Elementary School Addition-Modernization	Current FY 18	\$16,158					\$16,158
14-School Division Total		\$ 16,274,598	\$ 47,696,937	\$ 18,311,544	\$ 10,869,482	\$ 13,688,006	\$ 106,840,567
Grand Total (net of transfers)		\$ 30,357,392	\$ 71,273,694	\$ 58,025,226	\$ 31,628,597	\$ 21,166,205	\$ 212,451,113

** Formerly called Local Government Potential 2018 Quality of Life Referendum Projects

*** Formerly called School Potential 2018 Quality of Life Referendum Projects, reduced from a total of \$12 million by \$500,000 to cover the FY 19 High School Capacity and Improvements - Albemarle High School &Western Albemarle High School Re-Design and the FY 19 Scottsville Elementary School Additions and Improvements - Design Development

Item No. 8.5. Housing Principal Planner.

The Executive Summary forwarded to the Board states that the purpose of this agenda item is to request that the Board authorize the Community Development Department (CDD) to hire one Full Time Employee (FTE) for the remainder of FY19. This request anticipates the planned retirement of the Chief of Housing in July 2019 and the overlap will assure continuity of important services.

CDD recently assumed responsibility for the housing policy and grant functions that have routinely been provided by the Chief of Housing, Ron White. Mr. White has informed County leadership of his plans to retire in July 2019. During his tenure with the County, Mr. White has successfully obtained and managed millions of dollars in housing-related grants providing significant support for affordable housing in the County.

As part of considering how the housing function should be managed in the future, Community Development proposes to discontinue the Chief of Housing position and replace it with a Principal Planner specializing in housing issues. This approach would be modeled after CDD's current management of transportation functions.

Presently, the Community Development Department has no other staff experienced with housing grants or many of the other housing functions currently managed by the Chief of Housing position. Hiring the Housing Planner position will allow for succession related training to staff in CDD and also in the Office of Management and Budget as it relates to grants management.

With the above in mind, Community Development proposes accelerating the hiring of the Housing Principal Planner to provide an eight to nine month overlap with the planned retirement of the Chief of Housing. This tactic assures an adequate period of time for the transfer of institutional history and avoids disruption to grants management processes and affordable housing related projects such as Alberene and Southwood. This will also assure the County maintains strong relationships with key partners such as the Virginia Department of Housing and Community Development, AHIP, PHA.

Funding of this overlap is expected to require a one-time cost of \$76,074. Costs in FY 20 and beyond will be less than current year budgeted expenses as the proposed Housing Principal Planner position is a lower paygrade than the Chief of Housing. Staff proposes this onetime cost be funded from the County's Reserve for Contingency, with the possibility that some of this cost may be absorbed by the FY 19 Community Development appropriation as a result of vacant positions above and beyond what is anticipated by the lapse factor.

Staff requests that the Board authorize Community Development to overfill its staffing level by one Housing Principal Planner position for the remainder of FY19. The position will not be filled until the Board has appropriated the funds for this position, which is anticipated to be requested in September 2018.

Assuming the Board supports this request, staff will immediately begin advertising for this position, but no offer will be made until the Board approves an appropriation that covers this expense. If the Board approves this request, staff will bring an appropriation request to the Board in September.

By the above-recorded vote, the Board authorized Community Development to increase its staffing level by one housing planner position for the remainder of FY19.

Item No. 8.6. Albemarle-Jouett-Greer Safe Ride to School Pedestrian/Bike Improvements.

The Executive Summary forwarded to the Board states that in October 2017, the County applied for VDOT Transportation Alternative - Safe Routes to School (SRTS) funding for the Albemarle Jouett Greer SRTS Pedestrian-Bike Improvements. The allocation was approved in June 2018.

This project will be administered by Staff and requires County and VDOT approval of a Project Administration Agreement (Attachment A) that outlines the County's and VDOT's project responsibilities. Once the Agreement is fully executed, VDOT will authorize Staff to begin the Preliminary Engineering phase of the project.

The Transportation Alternative SRTS funds will be provided by VDOT as a reimbursement to the County for project expenditures. Therefore, funds in the amount of the total project cost (\$710,000) need to be appropriated for Staff to procure the design and construction services. Neighborhood Improvement Funding Initiative funds have already been appropriated (\$195,000) to provide the Local Funds. An additional appropriation for the remaining balance (\$515,000) will be necessary to provide the Local Match (\$103,000) and for the Transportation Alternative funds (\$412,000). Action on this request will be followed later by an appropriation request to the Board.

Staff recommends that the Board of Supervisors adopt the attached Resolution (Attachment B) approving the attached Agreement (Attachment A).

By the above-recorded vote, the Board adopted the following Resolution approving the Albemarle Jouett Greer School Safe Ride to School (SRST) Pedestrian-Bike Improvements Project Administration Agreement:

**RESOLUTION APPROVING A
PROJECT ADMINISTRATION AGREEMENT FOR THE
ALBEMARLE JOUETT GREER SRTS PEDESTRIAN-BIKE IMPROVEMENTS**

WHEREAS, the Board finds that is in the best interest of the County to enter into an agreement with the Virginia Department of Transportation for the completion of the Albemarle Jouett Greer SRTS Pedestrian-Bike Improvements.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the Standard Project Administration Agreement for the Albemarle Jouett Greer SRTS Pedestrian-Bike Improvements (Project Number EN 18-002-975; UPC 113507), and authorizes the County Executive to execute the Agreement on behalf of the County after its approval as to form and substance by the County Attorney.

STANDARD PROJECT ADMINISTRATION AGREEMENT
Federal-aid Projects

Project Number	UPC	Local Government
EN18-002-975	113507	Albemarle County

THIS AGREEMENT, made and executed in triplicate this ____ day of _____, 2018, by and between the County of Albemarle, Virginia, hereinafter referred to as the LOCALITY and the Commonwealth of Virginia, Department of Transportation, hereinafter referred to as the DEPARTMENT.

WHEREAS, the LOCALITY has expressed its desire to administer the work described in Appendix A, and such work for each improvement shown is hereinafter referred to as the Project; and

WHEREAS, the funds shown in Appendix A have been allocated to finance each Project; and

WHEREAS, the LOCALITY is committed to the development and delivery of each Project described in Appendix A in an expeditious manner; and;

WHEREAS, both parties have concurred in the LOCALITY's administration of the phase(s) of work for the respective Project(s) listed in Appendix A in accordance with applicable federal, state, and local law and regulations.

NOW THEREFORE, in consideration of the mutual premises contained herein, the parties hereto agree as follows:

1. The LOCALITY shall:
 - a. Be responsible for all activities necessary to complete the noted phase(s) of each Project shown in Appendix A, except for activities, decisions, and approvals which are the responsibility of the DEPARTMENT, as required by federal or state laws and regulations or as otherwise agreed to, in writing, between the parties. Each Project will be designed and constructed to meet or exceed current American Association of State Highway and Transportation Officials standards or supplementary standards approved by the DEPARTMENT
 - b. Meet all funding obligation and expenditure timeline requirements in accordance with all applicable federal and state laws and regulations, and Commonwealth Transportation Board and DEPARTMENT policies and as identified in Appendix A to this Agreement. Noncompliance with this requirement can result in deallocation of the funding, rescinding of state funding match, termination of this Agreement, or DEPARTMENT denial of future requests to administer projects by the LOCALITY.
 - c. Receive prior written authorization from the DEPARTMENT to proceed with preliminary engineering, right-of-way acquisition and utility relocation, and construction phases of each Project.
 - d. Administer the project(s) in accordance with guidelines applicable to Locally Administered Projects as published by the DEPARTMENT.
 - e. Maintain accurate and complete records of each Project's development and documentation of all expenditures and make such information available for inspection or auditing by the DEPARTMENT. Records and documentation for items for which reimbursement will be requested shall be maintained for no less than three (3) years following acceptance of the final voucher on each Project.
 - f. No more frequently than monthly, submit invoices with supporting documentation to the DEPARTMENT in the form prescribed by the DEPARTMENT. The supporting documentation shall include copies of related vendor invoices paid by the LOCALITY and an up-to-date project summary and schedule tracking payment requests and adjustments. A request for reimbursement shall be made within 90 days after any eligible project expenses are incurred by the Locality. For federally funded projects and pursuant to 2 CFR 200.338, Remedies for Noncompliance, violations of the provision may result in the imposition of sanctions including but not limited to possible denial or delay of payment of all or a part of the costs associated with the activity or action not in compliance.
 - g. Reimburse the DEPARTMENT all Project expenses incurred by the DEPARTMENT if, due to action or inaction solely by the LOCALITY, federally funded Project expenditures incurred are not reimbursed by the Federal Highway Administration (FHWA), or reimbursements are required to be returned to the FHWA, or in the event the reimbursement provisions of Section 33.2-214 or Section 33.2-331 of the Code of Virginia, 1950, as amended, or other applicable provisions of federal, state, or local law or regulations require such reimbursement.

- h. On Projects that the LOCALITY is providing the required match to state or federal funds, pay the DEPARTMENT the LOCALITY's match for eligible Project expenses incurred by the DEPARTMENT in the performance of activities set forth in paragraph 2.a.
 - i. Administer the Project in accordance with all applicable federal, state, or local laws and regulations. Failure to fulfill legal obligations associated with the project may result in forfeiture of federal or state-aid reimbursements
 - j. Provide certification by a LOCALITY official that all LOCALITY administered Project activities have been performed in accordance with all federal, state, and local laws and regulations. If the locality expends over \$750,000 annually in federal funding, such certification shall include a copy of

the LOCALITY's single program audit in accordance with 2 CFR 200.501, Audit Requirements.
 - k. If legal services other than that provided by staff counsel are required in connection with condemnation proceedings associated with the acquisition of Right-of-Way, the LOCALITY will consult the DEPARTMENT to obtain an attorney from the list of outside counsel approved by the Office of the Attorney General. Costs associated with outside counsel services shall be reimbursable expenses of the project.
 - l. For Projects on facilities not maintained by the DEPARTMENT, provide, or have others provide, maintenance of the Project upon completion, unless otherwise agreed to by the DEPARTMENT.
 - m. Ensure compliance with the provisions of Title VI of the Civil Rights Act of 1964, regulations of the United States Department of Transportation (USDOT), Presidential Executive Orders and the Code of Virginia relative to nondiscrimination.
2. The DEPARTMENT shall:
- a. Perform any actions and provide any decisions and approvals which are the responsibility of the DEPARTMENT, as required by federal and state laws and regulations or as otherwise agreed to, in writing, between the parties and provide necessary coordination with the FHWA as determined to be necessary by the DEPARTMENT.
 - b. Upon receipt of the LOCALITY's invoices pursuant to paragraph 1.f., reimburse the LOCALITY the cost of eligible Project expenses, as described in Appendix A. Such reimbursements shall be payable by the DEPARTMENT within 30 days of an acceptable submission by the LOCALITY.
 - c. If appropriate, submit invoices to the LOCALITY for the LOCALITY's share of eligible project expenses incurred by the DEPARTMENT in the performance of activities pursuant to paragraph 2.a.
 - d. Audit the LOCALITY's Project records and documentation as may be required to verify LOCALITY compliance with federal and state laws and regulations.
 - e. Make available to the LOCALITY guidelines to assist the parties in carrying out responsibilities under this Agreement.
3. Appendix A identifies the funding sources for the project, phases of work to be administered by the LOCALITY, and additional project-specific requirements agreed to by the parties. There may be additional elements that, once identified, shall be addressed by the parties hereto in writing, which may require an amendment to this Agreement.
4. If designated by the DEPARTMENT, the LOCALITY is authorized to act as the DEPARTMENT's agent for the purpose of conducting survey work pursuant to Section 33.2-1011 of the Code of Virginia, 1950, as amended.
5. Nothing in this Agreement shall obligate the parties hereto to expend or provide any funds in excess of funds agreed upon in this Agreement or as shall have been included in an annual or other lawful appropriation. In the event the cost of a Project is anticipated to exceed the allocation shown for such respective Project on Appendix A, both parties agree to cooperate in providing additional funding for the Project or to terminate the Project before its costs exceed the allocated amount, however the DEPARTMENT and the LOCALITY shall not be obligated to provide additional funds beyond those appropriated pursuant to an annual or other lawful appropriation.
6. Nothing in this Agreement shall be construed as a waiver of the LOCALITY's or the Commonwealth of Virginia's sovereign immunity.

7. The Parties mutually agree and acknowledge, in entering this Agreement, that the individuals acting on behalf of the Parties are acting within the scope of their official authority and the Parties agree that neither Party will bring a suit or assert a claim against any official, officer, or employee of either party, in their individual or personal capacity for a breach or violation of the terms of this Agreement or to otherwise enforce the terms and conditions of this Agreement. The foregoing notwithstanding, nothing in this subparagraph shall prevent the enforcement of the terms and conditions of this Agreement by or against either Party in a competent court of law.
8. The Parties mutually agree that no provision of this Agreement shall create in the public, or in any person or entity other than the Parties, rights as a third party beneficiary hereunder, or authorize any person or entity, not a party hereto, to maintain any action for, without limitation, personal injury, property damage, breach of contract, or return of money, or property, deposit(s), cancellation or forfeiture of bonds, financial instruments, pursuant to the terms of this Agreement or otherwise. Notwithstanding any other provision of this Agreement to the contrary, unless otherwise provided, the Parties agree that the LOCALITY or the DEPARTMENT shall not be bound by any agreements between either party and other persons or entities concerning any matter which is the subject of this Agreement, unless and until the LOCALITY or the DEPARTMENT has, in writing, received a true copy of such agreement(s) and has affirmatively agreed, in writing, to be bound by such Agreement.
9. This Agreement may be terminated by either party upon 30 days advance written notice. Eligible Project expenses incurred through the date of termination shall be reimbursed in accordance with paragraphs 1.f, 1.g., and 2.b, subject to the

limitations established in this Agreement and Appendix A. Upon termination, the DEPARTMENT shall retain ownership of plans, specifications, and right of way, unless all state and federal funds provided for the Project have been reimbursed to the DEPARTMENT by the LOCALITY, in which case the LOCALITY will have ownership of the plans, specifications, and right of way, unless otherwise mutually agreed upon in writing.

10. Prior to any action pursuant to paragraphs 1.b or 1.g of this Agreement, the DEPARTMENT shall provide notice to the LOCALITY with a specific description of the breach of agreement provisions. Upon receipt of a notice of breach, the LOCALITY will be provided the opportunity to cure such breach or to provide a plan to cure to the satisfaction to the DEPARTMENT. If, within sixty (60) days after receipt of the written notice of breach, the LOCALITY has neither cured the breach, nor is diligently pursuing a cure of the breach to the satisfaction of the DEPARTMENT, then upon receipt by the LOCALITY of a written notice from the DEPARTMENT stating that the breach has neither been cured, nor is the LOCALITY diligently pursuing a cure, the DEPARTMENT may exercise any remedies it may have under this Agreement.

THE LOCALITY and DEPARTMENT acknowledge and agree that this Agreement has been prepared jointly by the parties and shall be construed simply and in accordance with its fair meaning and not strictly for or against any party.

THIS AGREEMENT, when properly executed, shall be binding upon both parties, their successors, and assigns.

THIS AGREEMENT may be modified in writing by mutual agreement of both parties.

IN WITNESS WHEREOF, each party hereto has caused this Agreement to be executed as of the day, month, and year first herein written.

COUNTY OF ALBEMARLE, VIRGINIA:

Typed or printed name of signatory

Date
Title

Signature of Witness
Date

NOTE: The official signing for the LOCALITY must attach a certified copy of his or her authority to execute this Agreement.

COMMONWEALTH OF VIRGINIA, DEPARTMENT OF
TRANSPORTATION:

Chief of Policy
Commonwealth of Virginia
Department of Transportation

Date

Signature of Witness

Date

Attachments
Appendix A – UPC 113507

Appendix A
Project Number: EN18-002-975 UPC: 113507 CFDA # 20.205 Locality: Albemarle County Date: 5/29/2018

Project Location ZIP+4: 22901+8979	Locality DUNS# 0066022047	Locality Address (incl ZIP+4): 401 McIntire Road Charlottesville, VA 22902-4596
Project Narrative		
Scope:	SRTS - GREER/JOUETT BICYCLE AND PEDESTRIAN IMPROVEMENTS	
From:	Campus wide Improvements	
To:	Campus wide Improvements	
Locality Project Manager Contact Info:	Jack Kelsey jkelsey@albemarle.org 434-872-4501	
Department Project Coordinator Contact Info:	Kim Camaron kim.cameron@vdot.virginia.gov 540-829-7704	

Project Estimates				
	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses	\$152,290	\$0	\$536,410	\$688,700
Estimated VDOT Project Expenses	\$4,710	\$0	\$16,590	\$21,300
Estimated Total Project Costs	\$157,000	\$0	\$553,000	\$710,000

Project Cost and Reimbursement						
Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement (Estimated Cost - Local Share)	Estimated Reimbursement to Locality (Max. Reimbursement -
Preliminary Engineering	\$157,000	Enhancement	20%	\$31,400	\$125,600	
				\$0	\$0	
				\$0	\$0	
				\$0	\$0	
Total PE	\$157,000			\$31,400	\$125,600	\$120,890
Right of Way & Utilities			0%	\$0	\$0	
				\$0	\$0	
				\$0	\$0	
				\$0	\$0	
Total RW	\$0			\$0	\$0	\$0
Construction	\$358,000	Enhancement	20%	\$71,600	\$286,400	
	\$195,000	Local Funds	100%	\$195,000	\$0	
				\$0	\$0	
				\$0	\$0	
Total CN	\$553,000			\$266,600	\$286,400	\$286,810
Total Estimated Cost	\$710,000			\$298,000	\$412,000	\$390,700

Total Maximum Reimbursement by VDOT to Locality (Less Local Share)	\$412,000
Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)	\$390,700

Project Financing					
Enhancement	Local Match	Local Funds			Aggregate Allocations
\$412,000	\$103,000	\$195,000			\$710,000

Program and Project Specific Funding Requirements	
• This project shall be administered in accordance with VDOT's Locally Administered Projects Manual	
• This is a limited funds project. The Locality shall be responsible for any additional funding in excess of \$412,000 (if applicable)	
• Reimbursement for eligible expenditures shall not exceed funds allocated each year by the Commonwealth Transportation Board in the Six Year Improvement Program.	
• Eligible VDOT project expenses will be recovered as follows: 80% will be deducted from the federal allocation and 20% will be deducted from reimbursement requests.	
• The DEPARTMENT will conduct all environmental studies necessary to complete an environmental document in compliance with the National Environmental Policy Act. The LOCALITY is responsible for implementing any environmental commitments from the environmental document. In addition, the LOCALITY is responsible for obtaining any water quality permits and conducting any required hazardous materials due diligence efforts. VDOT's estimated cost for the environmental document and studies will be provided to the locality and deducted from the project funds.	
• For Transportation Alternatives projects, the LOCALITY shall maintain the project or have it maintained in a manner satisfactory to the Department for its useful life and make ample provisions each year for such maintenance unless otherwise agreed to by the DEPARTMENT. Failure to do so, or the sale of a TAP funded improvement prior to the expectations as identified in the TAP Guide, may require repayment of federal funds.	
• Any ineligible items identified throughout project development will not be reimbursable.	
• This project is a Safe Routes to Schools Project. The Project must be completed and allocated funds expended within three years of the agreement having been signed	
• Transportation Alternative Program funds, as indicated in the Project Financing section, were approved in the following fiscal years: • FY19 - \$157,000, FY20 - \$255,000	

Authorized Locality Official and Date

Authorized VDOT Official and Date

Typed or printed name of person signing

Revised: August 14, 2017

Typed or printed name of person signing

Item No. 8.7. Cale Elementary School Safe Ride to School Pedestrian-Bike Improvements.

The Executive Summary forwarded to the Board states that in October 2017, the County applied for VDOT Transportation Alternative - Safe Routes to School (SRTS) funding for the Cale Elementary School SRTS Pedestrian-Bike Improvements. The allocation was approved in June 2018.

This project will be administered by Staff and requires County and VDOT approval of a Project Administration Agreement (Attachment A) that outlines the County's and VDOT's project responsibilities. Once the Agreement is fully executed, VDOT will authorize Staff to begin the Preliminary Engineering phase of the project.

The Transportation Alternative SRTS funds will be provided by VDOT as a reimbursement to the County for project expenditures. Therefore, funds in the amount of the total project cost (\$512,094) need to be appropriated for Staff to procure the design and construction services. Neighborhood Improvement Funding Initiative funds have already been appropriated (\$125,000) to provide the Local Funds. An additional appropriation for the remaining balance (\$387,094) will be necessary to provide the Local Match (\$77,419) and for the Transportation Alternative funds (\$309,675). Action on this request will be followed later by an appropriation request to the Board.

Staff recommends that the Board of Supervisors adopt the attached Resolution (Attachment B) approving the attached Agreement (Attachment A).

By the above-recorded vote, the Board adopted the following Resolution approving the Cale Elementary School (SRST) Pedestrian-Bike Improvements Project Administration Agreement:

**RESOLUTION APPROVING A
PROJECT ADMINISTRATION AGREEMENT FOR THE
CALE ELEMENTARY SCHOOL SRTS PEDESTRIAN-BIKE IMPROVEMENTS**

WHEREAS, the Board finds that is in the best interest of the County to enter into an agreement with the Virginia Department of Transportation for the completion of the Cale Elementary School SRTS Pedestrian-Bike Improvements.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the Standard Project Administration Agreement for the Cale Elementary School SRTS Pedestrian-Bike Improvements (Project Number EN 18-002-974; UPC 113508), and authorizes the County Executive to execute the Agreement on behalf of the County after its approval as to form and substance by the County Attorney.

**STANDARD PROJECT ADMINISTRATION AGREEMENT
Federal-aid Projects**

Project Number	UPC	Local Government
EN18-002-974	113508	Albemarle County

THIS AGREEMENT, made and executed in triplicate this ____ day of _____, 2018, by and between the County of Albemarle, Virginia, hereinafter referred to as the LOCALITY and the Commonwealth of Virginia, Department of Transportation, hereinafter referred to as the DEPARTMENT.

WHEREAS, the LOCALITY has expressed its desire to administer the work described in Appendix A, and such work for each improvement shown is hereinafter referred to as the Project; and

WHEREAS, the funds shown in Appendix A have been allocated to finance each Project; and

WHEREAS, the LOCALITY is committed to the development and delivery of each Project described in Appendix A in an expeditious manner; and;

WHEREAS, both parties have concurred in the LOCALITY's administration of the phase(s) of work for the respective Project(s) listed in Appendix A in accordance with applicable federal, state, and local law and regulations.

NOW THEREFORE, in consideration of the mutual premises contained herein, the parties hereto agree as follows:

1. The LOCALITY shall:
 - a. Be responsible for all activities necessary to complete the noted phase(s) of each Project shown in Appendix A, except for activities, decisions, and approvals which are the responsibility of the DEPARTMENT, as required by federal or state laws and regulations or as otherwise agreed to, in writing, between the parties. Each Project will be designed and constructed to meet or exceed current American Association of State Highway and Transportation Officials standards or supplementary standards approved by the DEPARTMENT

- b. Meet all funding obligation and expenditure timeline requirements in accordance with all applicable federal and state laws and regulations, and Commonwealth Transportation Board and DEPARTMENT policies and as identified in Appendix A to this Agreement. Noncompliance with this requirement can result in deallocation of the funding, rescinding of state funding match, termination of this Agreement, or DEPARTMENT denial of future requests to administer projects by the LOCALITY.
 - c. Receive prior written authorization from the DEPARTMENT to proceed with preliminary engineering, right-of-way acquisition and utility relocation, and construction phases of each Project.
 - d. Administer the project(s) in accordance with guidelines applicable to Locally Administered Projects as published by the DEPARTMENT.
 - e. Maintain accurate and complete records of each Project's development and documentation of all expenditures and make such information available for inspection or auditing by the DEPARTMENT. Records and documentation for items for which reimbursement will be requested shall be maintained for no less than three (3) years following acceptance of the final voucher on each Project.
 - f. No more frequently than monthly, submit invoices with supporting documentation to the DEPARTMENT in the form prescribed by the DEPARTMENT. The supporting documentation shall include copies of related vendor invoices paid by the LOCALITY and an up-to-date project summary and schedule tracking payment requests and adjustments. A request for reimbursement shall be made within 90 days after any eligible project expenses are incurred by the Locality. For federally funded projects and pursuant to 2 CFR 200.338, Remedies for Noncompliance, violations of the provision may result in the imposition of sanctions including but not limited to possible denial or delay of payment of all or a part of the costs associated with the activity or action not in compliance.
 - g. Reimburse the DEPARTMENT all Project expenses incurred by the DEPARTMENT if, due to action or inaction solely by the LOCALITY, federally funded Project expenditures incurred are not reimbursed by the Federal Highway Administration (FHWA), or reimbursements are required to be returned to the FHWA, or in the event the reimbursement provisions of Section 33.2-214 or Section 33.2-331 of the Code of Virginia, 1950, as amended, or other applicable provisions of federal, state, or local law or regulations require such reimbursement.
 - h. On Projects that the LOCALITY is providing the required match to state or federal funds, pay the DEPARTMENT the LOCALITY's match for eligible Project expenses incurred by the DEPARTMENT in the performance of activities set forth in paragraph 2.a.
 - i. Administer the Project in accordance with all applicable federal, state, or local laws and regulations. Failure to fulfill legal obligations associated with the project may result in forfeiture of federal or state-aid reimbursements
 - j. Provide certification by a LOCALITY official that all LOCALITY administered Project activities have been performed in accordance with all federal, state, and local laws and regulations. If the locality expends over \$750,000 annually in federal funding, such certification shall include a copy of the LOCALITY's single program audit in accordance with 2 CFR 200.501, Audit Requirements.
 - k. If legal services other than that provided by staff counsel are required in connection with condemnation proceedings associated with the acquisition of Right-of-Way, the LOCALITY will consult the DEPARTMENT to obtain an attorney from the list of outside counsel approved by the Office of the Attorney General. Costs associated with outside counsel services shall be reimbursable expenses of the project.
 - l. For Projects on facilities not maintained by the DEPARTMENT, provide, or have others provide, maintenance of the Project upon completion, unless otherwise agreed to by the DEPARTMENT.
 - m. Ensure compliance with the provisions of Title VI of the Civil Rights Act of 1964, regulations of the United States Department of Transportation (USDOT), Presidential Executive Orders and the Code of Virginia relative to nondiscrimination.
2. The DEPARTMENT shall:
- a. Perform any actions and provide any decisions and approvals which are the responsibility of the DEPARTMENT, as required by federal and state laws and regulations or as otherwise agreed to, in writing, between the parties and provide necessary coordination with the FHWA as determined to be necessary by the DEPARTMENT.

- b. Upon receipt of the LOCALITY's invoices pursuant to paragraph 1.f., reimburse the LOCALITY the cost of eligible Project expenses, as described in Appendix A. Such reimbursements shall be payable by the DEPARTMENT within 30 days of an acceptable submission by the LOCALITY.
 - c. If appropriate, submit invoices to the LOCALITY for the LOCALITY's share of eligible project expenses incurred by the DEPARTMENT in the performance of activities pursuant to paragraph 2.a.
 - d. Audit the LOCALITY's Project records and documentation as may be required to verify LOCALITY compliance with federal and state laws and regulations.
 - e. Make available to the LOCALITY guidelines to assist the parties in carrying out responsibilities under this Agreement.
3. Appendix A identifies the funding sources for the project, phases of work to be administered by the LOCALITY, and additional project-specific requirements agreed to by the parties. There may be additional elements that, once identified, shall be addressed by the parties hereto in writing, which may require an amendment to this Agreement.
4. If designated by the DEPARTMENT, the LOCALITY is authorized to act as the DEPARTMENT's agent for the purpose of conducting survey work pursuant to Section 33.2-1011 of the Code of Virginia, 1950, as amended.
5. Nothing in this Agreement shall obligate the parties hereto to expend or provide any funds in excess of funds agreed upon in this Agreement or as shall have been included in an annual or other lawful appropriation. In the event the cost of a Project is anticipated to exceed the allocation shown for such respective Project on Appendix A, both parties agree to cooperate in providing additional funding for the Project or to terminate the Project before its costs exceed the allocated amount, however the DEPARTMENT and the LOCALITY shall not be obligated to provide additional funds beyond those appropriated pursuant to an annual or other lawful appropriation.
6. Nothing in this Agreement shall be construed as a waiver of the LOCALITY's or the Commonwealth of Virginia's sovereign immunity.
7. The Parties mutually agree and acknowledge, in entering this Agreement, that the individuals acting on behalf of the Parties are acting within the scope of their official authority and the Parties agree that neither Party will bring a suit or assert a claim against any official, officer, or employee of either party, in their individual or personal capacity for a breach or violation of the terms of this Agreement or to otherwise enforce the terms and conditions of this Agreement. The foregoing notwithstanding, nothing in this subparagraph shall prevent the enforcement of the terms and conditions of this Agreement by or against either Party in a competent court of law.
8. The Parties mutually agree that no provision of this Agreement shall create in the public, or in any person or entity other than the Parties, rights as a third party beneficiary hereunder, or authorize any person or entity, not a party hereto, to maintain any action for, without limitation, personal injury, property damage, breach of contract, or return of money, or property, deposit(s), cancellation or forfeiture of bonds, financial instruments, pursuant to the terms of this Agreement or otherwise. Notwithstanding any other provision of this Agreement to the contrary, unless otherwise provided, the Parties agree that the LOCALITY or the DEPARTMENT shall not be bound by any agreements between either party and other persons or entities concerning any matter which is the subject of this Agreement, unless and until the LOCALITY or the DEPARTMENT has, in writing, received a true copy of such agreement(s) and has affirmatively agreed, in writing, to be bound by such Agreement.
9. This Agreement may be terminated by either party upon 30 days advance written notice. Eligible Project expenses incurred through the date of termination shall be reimbursed in accordance with paragraphs 1.f, 1.g., and 2.b, subject to the limitations established in this Agreement and Appendix A. Upon termination, the DEPARTMENT shall retain ownership of plans, specifications, and right of way, unless all state and federal funds provided for the Project have been reimbursed to the DEPARTMENT by the LOCALITY, in which case the LOCALITY will have ownership of the plans, specifications, and right of way, unless otherwise mutually agreed upon in writing.

10. Prior to any action pursuant to paragraphs 1.b or 1.g of this Agreement, the DEPARTMENT shall provide notice to the LOCALITY with a specific description of the breach of agreement provisions. Upon receipt of a notice of breach, the LOCALITY will be provided the opportunity to cure such breach or to provide a plan to cure to the satisfaction to the DEPARTMENT. If, within sixty (60) days after receipt of the written notice of breach, the LOCALITY has neither cured the breach, nor is diligently pursuing a cure of the breach to the satisfaction of the DEPARTMENT, then upon receipt by the LOCALITY of a written notice from the DEPARTMENT stating that the breach has neither been cured, nor is the LOCALITY diligently pursuing a cure, the DEPARTMENT may exercise any remedies it may have under this Agreement.

THE LOCALITY and DEPARTMENT acknowledge and agree that this Agreement has been prepared jointly by the parties and shall be construed simply and in accordance with its fair meaning and not strictly for or against any party.

THIS AGREEMENT, when properly executed, shall be binding upon both parties, their successors, and assigns.

THIS AGREEMENT may be modified in writing by mutual agreement of both parties.

IN WITNESS WHEREOF, each party hereto has caused this Agreement to be executed as of the day, month, and year first herein written.

COUNTY OF ALBEMARLE, VIRGINIA:

Typed or printed name of signatory

Date

Title

Signature of Witness

Date

NOTE: The official signing for the LOCALITY must attach a certified copy of his or her authority to execute this Agreement.

**COMMONWEALTH OF VIRGINIA, DEPARTMENT OF
TRANSPORTATION:**

Chief of Policy
Commonwealth of Virginia
Department of Transportation

Date

Signature of Witness

Date

Attachments
Appendix A – UPC 113508

Appendix A

Date: 5/29/2018

Project Number: EN18-002-974

UPC: 113508

CFDA # 20.205

Locality: Albemarle County

Project Location ZIP+4: 22902-8708

Locality DUNS# 0066022047

Locality Address (incl ZIP+4):
401 McIntire Road
Charlottesville, VA 22902-4596

Project Narrative

Scope: SRTS - CALE ELEMENTARY SCHOOL - PEDESTRIAN AND BICYCLE IMPROVEMENT

From: Avon Street Extended

To: Cale Elementary School

Locality Project Manager Contact Info: Jack Kelsey jkelsey@albemarle.org 434-872-4501

Department Project Coordinator Contact Info: Kim Cameron kim.cameron@vdot.virginia.gov 540-829-7704

Project Estimates

	Preliminary Engineering	Right of Way and Utilities	Construction	Total Estimated Cost
Estimated Locality Project Expenses	\$89,240	\$0	\$407,491	\$496,731
Estimated VDOT Project Expenses	\$2,760	\$0	\$12,603	\$15,363
Estimated Total Project Costs	\$92,000	\$0	\$420,094	\$512,094

Project Cost and Reimbursement

Phase	Estimated Project Costs	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount	Maximum Reimbursement (Estimated Cost - Local Share)	Estimated Reimbursement to Locality (Max. Reimbursement - Local Share)
Preliminary Engineering	\$92,000	Enhancement	20%	\$18,400	\$73,600	
				\$0	\$0	
				\$0	\$0	
				\$0	\$0	
Total PE	\$92,000			\$18,400	\$73,600	\$70,840
Right of Way & Utilities			0%	\$0	\$0	
				\$0	\$0	
				\$0	\$0	
				\$0	\$0	
Total RW	\$0			\$0	\$0	\$0
Construction	\$295,094	Enhancement	20%	\$59,019	\$236,075	
	\$125,000	Local Funds	100%	\$125,000	\$0	
				\$0	\$0	
				\$0	\$0	
Total CN	\$420,094			\$184,019	\$236,075	\$223,472
Total Estimated Cost	\$512,094			\$202,419	\$309,675	\$294,312

Total Maximum Reimbursement by VDOT to Locality (Less Local Share)

\$309,675

Estimated Total Reimbursement by VDOT to Locality (Less Local Share and VDOT Expenses)

\$294,312

Project Financing

Enhancement	Local Match	Local Funds				Aggregate Allocations
\$309,675	\$77,419	\$125,000				\$512,094

Program and Project Specific Funding Requirements

- This project shall be administered in accordance with VDOT's Locally Administered Projects Manual
- This is a limited funds project. The Locality shall be responsible for any additional funding in excess of \$309,675 (if applicable)
- Reimbursement for eligible expenditures shall not exceed funds allocated each year by the Commonwealth Transportation Board in the Six Year Improvement Program.
- Eligible VDOT project expenses will be recovered as follows: 80% will be deducted from the federal allocation and 20% will be deducted from reimbursement requests.

The DEPARTMENT will conduct all environmental studies necessary to complete an environmental document in compliance with the National Environmental Policy Act. The LOCALITY is responsible for implementing any environmental commitments from the environmental document. In addition, the LOCALITY is responsible for obtaining any water quality permits and conducting any required hazardous materials due diligence efforts. VDOT's estimated cost for the environmental document and studies will be provided to the locality and deducted from the project funds.

For Transportation Alternatives projects, the LOCALITY shall maintain the project or have it maintained in a manner satisfactory to the Department for its useful life and make ample provisions each year for such maintenance unless otherwise agreed to by the DEPARTMENT. Failure to do so, or the sale of a TAP funded improvement prior to the expectations as identified in the TAP Guide, may require repayment of federal funds.

Any ineligible items identified throughout project development will not be reimbursable.

This project is a Safe Routes to Schools Project. The Project must be completed and allocated funds expended within three years of the agreement having been signed

- Transportation Alternative Program funds, as indicated in the Project Financing section, were approved in the following fiscal years:
 - FY19 - \$52,000, FY20 - \$257,675

Item No. 8.7a. Authorizing the Edward Byrne Justice Assistance Grant.

The Executive Summary forwarded to the Board states that for the past five years, the U.S. Department of Justice (DOJ) has provided grant funds through the Edward Byrne JAG Program that support enhanced community policing projects and activities. The County applied for the FY2017 grant on September 5, 2017. In accord with the County's grant application process, the Interim County Executive signed certain required "Certifications and Assurances by the Chief Executive of the Applicant Government." (Attachment A)

The County was conditionally awarded its FY2017 grant on June 26, 2018. However, on July 26, 2018, DOJ indicated that it would not accept the Certifications and Assurances previously signed by the Interim County Executive. Instead, for purposes of these grants, DOJ now considers the Chair of the Board of Supervisors to be the "Chief Executive of the Applicant Unit of Local Government." This is a change from previous years when the County Executive's signature was sufficient.

In order for the County to receive the FY2017 grant funds that it has been conditionally awarded, the Chief Executive (as determined by DOJ) must sign and submit the FY2017 Certifications and Assurances by August 3, 2018. The deadline for the FY2018 grant application (not yet awarded) is August 22, 2018.

The funding from these grants will provide the Albemarle County Police Department's Community Support Services Division additional resources to develop, often working directly with citizens, overtime

projects and activities involving problem solving, crime prevention, community relationship building and safety enhancement.

Signature on the FY2017 Certifications and Assurances for the Edward Byrne JAG Program Local Solicitations will result in acceptance of a \$14,237.00 in grant funds for its Community Policing Program. The County will also apply for an additional \$12,388.00 in FY2018 grant funding.

Staff recommends that the Board adopt the attached Resolution (Attachment C) authorizing the Chair to sign Certifications and Assurances for the Edward Byrne JAG Program, once approved by the County Attorney.

By the above-recorded vote, the Board adopted the following Resolution authorizing the Chair and/or the County Executive to execute “Certifications and Assurances by the Chief Executive of the Applicant Government” for the Edward Byrne Justice Assistance Grant Program on behalf of the County:

RESOLUTION TO AUTHORIZE BYRNE JUSTICE ASSISTANCE GRANTS

WHEREAS, the U.S. Department of Justice has conditionally awarded the County of Albemarle an Edward Byrne Justice Assistance Grant (the “Grant”) for Fiscal Year 2017; and

WHEREAS, the final award of the Fiscal Year 2017 Grant is conditioned on the execution of certain “Certifications and Assurances by the Chief Executive of the Applicant Government;” and

WHEREAS, the U.S. Department of Justice has indicated that for purposes of this Grant Program, it now considers the Chair of the Board of Supervisors to be the “Chief Executive of the Applicant Unit of Local Government.”

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia hereby authorizes the Chair and/or the County Executive to execute “Certifications and Assurances by the Chief Executive of the Applicant Government” for the Edward Byrne Justice Assistance Grant Program on behalf of the County, once those Certifications and Assurances have been approved as to form and substance by the County Attorney.

Item No. 8.8. Cancel August 8, 2018, Regular Night Meeting.

By the above-recorded vote, the Board cancelled the August 8, 2018, regular night meeting.

Item No. 8.9. Rio29 Small Area Plan Phase III Update, ***was received for information.***

The Executive Summary forwarded to the Board states that the following is a summary reminder of the process design in progress: Phase I Vision - October 2016-March 2017 (Completed) Established nodal re-orientation of development along Rt. 29. Principal node at intersection of Rio/29. To be walkable, bikeable, with transit priority and transit- orientation for development and connections at that site.

Phase II Design/Template - April 2017-February 2018 (Mostly Completed) Provide a preferred alternative design that meets all criteria that have been set forth. Verify do-ability of the rough economic and transportation layout of preferred design. Choose implementation strategy (e.g. Integrated Hybrid Form-Based Code for all elements of the template area with less specific form-based code for the balance of the project area).

Phase III Modeling and Code-Writing - March 2018-May 2019 Verify economic and transportation performance of the template design, making the appropriate modifications to the design. Using the implementation strategy, amend the Comp Plan (December) and devise the appropriate code to effect the changes to future development to achieve the desired design and performance of the Rio 29 project area.

Consistent with Phase III of the Rio/29 Small Area Process, A Comp Plan Amendment draft for Rio/29 and a rough framework for an optional Form-Based Code are underway. Modeling for the economics and transportation performance of the template design are also underway, with the base year model reflecting very accurately the Long-Range Transportation Plan modeling for the base year of the Regional Model.

A Community Meeting will be held in August to update the public (and the Board of Supervisors) on the progress to date and to demonstrate the process of developing an “implementation plan” that integrates the vision for the small area, a reasonable expectation for the economic performance of the area, transportation infrastructure that will support such a performance - all within “a” reasonable investment strategy to enable a development like the template to occur. It should also be able to demonstrate that such an investment strategy would bring about a positive return on County investment in that development.

This is a “template” only. It is not intended to, nor could reflect the actual development in design or performance - merely to demonstrate that a development guiding plan, a scale of development, the economics and the transportation can all work together to make a sensible, affordable, workable, doable redevelopment of Rio/29 to entice re-development of the area and to guide the formulation of a code that

would allow and encourage such a development. Samples of how this “development guiding plan” might look are attached. It is anticipated that these and other related representations will be presented at the Community Meeting.

Balance of funds allocated for the project are needed to complete the modeling work. No extra funding is anticipated to be needed.

Update provided for the Board’s information.

Item No. 8.10. Environmental Quarterly Report – 4th Quarter FY2018, ***was received for information.***

The Executive Summary forwarded to the Board states that the Environmental Services Division within the Facilities and Environmental Services Department provides a quarterly update to the Board of Supervisors and County Executives on ongoing environmental programs.

The attached quarterly report is provided to update the Board on initiatives and activities carried out by the Environmental Services Division. Activities are grouped in the following categories: general information, environmental compliance, LCAPP/energy, solid waste and recycling, water quality protection, infrastructure management, staff development and training.

There is no budget impact with this report.

The report is provided for information only. No action required.

Item No. 8.11. Update on Dam Safety Program, ***was received for information.***

The Executive Summary forwarded to the Board states that since the 1980s, the County has been responsible for properly operating and maintaining six dams regulated by the Virginia Department of Conservation and Recreation (DCR). A summary of these dams is included as Attachment A. These dams are earthen dams (as opposed to concrete) and generally located on County-owned properties: Mint Springs Park (2 dams), Chris Greene Lake Park, Walnut Creek Park, and on land adjacent to Monticello High School (Hillcrest Dam). One dam (Lake Hollymead) was accepted by the County to facilitate the acceptance of Timberwood Parkway by the Virginia Department of Transportation.

New DCR rules issued in 2008 require that owners of regulated dams perform an analysis of a dam break, or failure. The analysis involves mapping flood inundations zones to determine what structures (homes, businesses, and roadways) would be affected by a dam break. The purpose of the analysis is to:

- reassess the hazard potential classification of the dam - the hazard potential classification is an indication of the consequences (to life, structures, and property) of a failure and does not characterize the possibility of failure or the integrity of the dam
- determine if the dam has adequate spillway capacity to safely pass the spillway design flood (SDF) - the SDF is the most severe storm a dam must withstand
- update Emergency Action Plans (EAPs) - EAPs include a listing of the downstream structures that would be flooded due to a dam break
- monitor for new development within inundation zones

The County contracted with Schnabel Engineering to perform dam break analyses and inundation zone mapping. This work began in 2013 and was completed just recently in 2018. The total cost for the analysis of the six dams was approximately \$144,000. The County received a \$33,600 grant from DCR to support the work.

In 2014, the Virginia General Assembly passed legislation authorizing an evaluation of the Probable Maximum Precipitation (PMP) - a theoretical extreme storm event used in dam break analyses. The evaluation resulted in minor changes to the PMP values. For example, the 24 hour PMP event for Lake Hollymead changed from 36.5 inches of rainfall to 32.2 inches. DCR issued guidance on the use of the new values in March 2016. Schnabel used the updated PMP values for all subsequent work. The new values were not consequential to work already completed.

As a result of the dam break analyses, the hazard potential classification of two dams - Lake Hollymead and Chris Greene Lake Park - was changed from a lower classification to high. The higher hazard potential classification requires that these dams withstand a more intense SDF.

Despite the higher classification, the dam at Chris Greene Lake Park was determined to have adequate capacity. During the SDF, the emergency spillway - discernable by a 150-foot wide dip in the roadway just before the dam - would prevent water from overtopping the dam itself. No modifications to this dam are required.

The dam at Lake Hollymead was determined to not have adequate capacity. The emergency spillway is only a 48-inch diameter pipe and would not prevent overtopping of the dam. The analysis predicts that during the SDF, the dam would be overtopped by water flowing at a depth of approximately 4.9 feet at its peak. The energy of flowing water on the downstream slope of the dam would cause severe

erosion and could possibly lead to complete failure of the embankment. To prevent failure, the County began a capital project in FY 15 to “harden” the downstream slope using articulated concrete blocks (ACBs) (see depiction in Attachment B). The ACB will be covered with soil and permanent turf. Construction of this project is expected to begin this fall and be substantially complete within eight months. The total cost for this project - including alternatives analysis, design, and construction - is estimated to be approximately \$2.8M. The Board appropriated funding to support the project in FY 15, FY 16, and FY 17. The County received a \$85,200 grant from DCR to support the design work.

County staff are currently updating EAPs for all six dams based on the new inundation maps. Following DCR approval of the EAPs, staff intends to conduct an emergency preparedness table-top exercise in conjunction with local emergency management officials, DCR staff, and other applicable personnel.

In addition to being responsible for the operation and maintenance of dams, the County is obligated to maintain dam break inundation maps submitted for any dam located within the County. This includes dams operated by the Rivanna Water and Sewer Authority (RWSA) and privately-owned dams. If new development is proposed within an inundation zone, staff contacts DCR and notifies developers that - if the new development causes a change in the hazard potential classification of an upstream dam and the owner must make improvements to the dam - the developer would be responsible for half the cost of the improvements.

There is no budget impact.

Staff recommends that the Board receive the attached report as information only.

Item No. 8.12 Solid Waste Alternatives Advisory Committee - Semi-Annual Report, ***was received for information.***

The Executive Summary forwarded to the Board states that the Solid Waste Alternatives Advisory Committee (SWAAC) was established by the Board at its March 2, 2016 meeting as a standing advisory committee. The Committee is charged with developing sustainable materials management policies for consideration by the Board including those related to waste and litter reduction, material reuse, recycling and composting, greenhouse gas reduction, waste collection and transfer operations and waste disposal. The Committee provides semi-annual reports to the Board on initiatives and work planning and provides specific policy proposals as they are developed.

The Committee has met monthly since June 2016. The Committee submitted its first semi-annual report in February 2017. The Committee submitted a request to extend operating hours at McIntire Recycling Center June 2017 and submitted second and third semi-annual reports in August 2017 and February 2018, respectively. The attached report is the fourth semi-annual report for the Committee.

The Committee report is for information only and does not have budget impact.

Review recent activities and affirm support for future priorities and goals.

Item No. 8.13. VDOT Monthly Report, ***was received for information.***

Item No. 8.14. Board-to-Board, July 2018, A monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors, ***was received for information.***

Item No. 8.15. Albemarle County Service Authority (ACSA) Fiscal Year (FY) 2019 Annual Operating and Capital Improvement Budget, ***was received for information.***

Agenda Item No. 9. Briefing on Preparations for Weekend of August 10-12.

Mr. Doug Walker, Deputy County Executive, addressed the Board. He noted the intentional outreach made to the community, which involved a broad range of stakeholders and public safety responders from the City of Charlottesville, County of Albemarle, University of Virginia and State Police. He introduced Mr. Ron Lantz, Albemarle County Police Chief, to present to the Board.

Mr. Lantz addressed the Board and said they have been working since late April/early May to prepare for the events. An individual from each locality will briefly speak to the Board. He noted that the Albemarle County Police Department has been included in the planning and discussions since its inception. He commended Charlottesville for its communications plan in preparation for the events. He noted that information was available on the resilientcville.com website. He said the County police would conduct 12-hour shifts and have an increased presence. All personal leave has been declined for the weekend. He invited members of the public to contact the police if they notice anything out of the ordinary. He continued that they are working with the state police and noted the presence of their representatives in the audience. He said he would provide a more in-depth briefing later in the evening and turned the presentation over to Mr. Dan Eggleston, Fire Chief, Albemarle County Fire and Rescue Chief.

Mr. Eggleston addressed the Board and commended the leadership of Charlottesville for getting an early start on preparations. He noted that they have a regional emergency operation plan and center that was unique in Virginia. He said that in his 16-year tenure he has had the opportunity to coordinate many events and the program works very well. He praised the professionalism of the University of Virginia, City of Charlottesville, and Albemarle staff, and expressed confidence in their ability and planning.

Mr. Eggleston stated that the County would play two major roles, the first being to support the Emergency Operations Center and the second to be operationally ready to protect citizens and visitors. He said they would run 12-hours shifts and increase the number of staff and volunteers to ensure they are prepared to meet any kind of emergency and to redeploy if there was a need for mutual aid. He described the structure as collaborative and supportive.

Ms. RaShall Brackney, Charlottesville Police Department Chief, addressed the Board and noted that the petition to hold an event was withdrawn, though this would not change the City's planning. She said they have to plan for the unexpected and for those who would come to the City to execute their First, Second, and Fourth Amendment rights. Ms. Brackney stated that they would be flexible and nimble. They have set up a perimeter where people could exercise their rights. She said the City would restrict vehicular traffic and parking around High Street down to Market Street between 9th and Ridge-McIntire Streets.

Ms. Brackney emphasized that they learned from last year's events that vehicular and pedestrian traffic are not a healthy mix and they cannot control outcomes unless they can control traffic patterns. She recognized that this would pose challenges to residents and business owners and ask that access and convenience be balanced with safety and security. She said they are also planning for potential engagements of people outside of the perimeter and would have quick response teams to address any flareups while continuing to be able to address 911 calls. She recognized that there are vulnerable individuals and institutions that may need their support and would be able to respond in a rapid and nimble way, adding that there would be a significant presence of state police.

Mr. Randolph welcomed Ms. Brackney to town.

Mr. Craig Worsham, Virginia State Police Captain Chief, addressed the Board. He said he oversee 15 counties and 4 cities in the Appomattox region of the state, of which the counties of Albemarle, Greene, Nelson and Fluvanna, and City of Charlottesville, are a part. He recognized First Sergeant Chris Clark, who is in charge of the Charlottesville area office and present in the audience. He said they are excited and humbled and he offered to answer any questions related to planning for the upcoming weekend. He said they have a fully integrated, unified, and one approach-type plan and have worked with regional partners including the County, City, UVA, and others.

Mr. Worsham emphasized that a vast number of state troopers would come to the area and stay for the duration. He said they are working with Department of Emergency Management, which have provided expertise in incident management team concept, as well as other state agencies. He emphasized that they have been preparing since last year and sent a team to Seattle in March to observe how police handled that city's Earth Day events. He said they also consulted with U.S. Park Police and Washington, D.C. Metropolitan Police on event planning to assist in preparing a tactical plan.

Ms. Gloria Graham, Associate Vice President for Safety and Security at the University of Virginia, addressed the Board. She said she oversees police, security, and emergency preparedness operations and began her position in May. She said they have a fully integrated plan and she has met regularly with these partners. She noted that just that day, the University swore in new President Jim Ryan and Police Chief Tommy Sutton. She noted that Chief Sutton has participated in briefings for a month and has a good situational awareness of what they are expecting and planning to do.

Ms. Alison Faroli, Charlottesville Emergency Management Coordinator, addressed the Board. She said the Emergency Operations Center would activate August 10 and through the weekend and would be under her supervision. She noted that they have conducted training, conducted an exercise in June, would bring in resources from outside, are working with local partners, and would operate a joint information center to make sure that a single message was going out.

Mr. Andrew Baxter, Charlottesville Fire Department, Chief, addressed the Board. He said they first met with representatives of the State Incident Management Team in January and at that time settled on operational philosophies, which he would share. He said they are planning for worst case scenarios, which they do every day, although this is a unique threat and hazard. He explained that they would operate under a single incident action plan (IAP) with a unified command framework. He said a long-term commitment to a regional approach towards emergency management coordination is the foundation for all of the collaboration that has taken place.

Mr. Baxter stated that he would be very happy if he was accused of being too prepared on the morning of Monday, August 13. He described the preparation process as "comprehensive and thoughtful" and said they would have a meeting of all City employees the following day to inform staff of what they could expect. He identified gaps in behavioral health in 2017's preparation and identified the community mental health coalition as a resource. He mentioned available resources at charlottesville.org/resilientcville.

Mr. Walker emphasized the seriousness undertaken by public safety officials in preparation for what could occur this weekend and invited questions from the Board for any of the officials present.

Ms. Mallek identified the sing-out on Sunday afternoon as an example of an opportunity for people to have a wonderful and positive experience, and she emphasized that there are additional positive activities planned.

Mr. Gallaway said he has four questions. Noting that the Unite the Right petition was denied, he asked if they knew what events, either permitted or unpermitted, are planned so people could learn what they are in case they see a gathering of people. Mr. Brian Wheeler, Charlottesville Director of Communications, said the Resilient Charlottesville website includes a full list of known community events, noting that the City of Charlottesville was not sponsoring any events. He identified some venues where events would be held, including the Downtown Pavilion and the IX Art Park, and he encouraged residents to call 911 if they see something that might be an emergency situation. He said that an information line would be activated through the Emergency Operations Center beginning August 10.

Mr. Gallaway asked how Supervisors could stay informed in real time without getting in the way of responders. Mr. Wheeler responded that his office would keep Charlottesville City Councilors up to date and Ms. Lee Catlin and Ms. Madeleine Curate had similar plans for the Board of Supervisors, noting that the Board would receive a copy of any media releases. He emphasized that the role of elected officials was not to be present at the EOC, though a policy representative would serve as resource for information.

Mr. Walker added that his office would provide resources to the joint information center and has resources available to provide information to the Board and others as needed.

Mr. Gallaway asked how the decision making would play out if something escalates. Mr. Baxter identified the wildfires in California that involved first responders from multiple jurisdictions as a type of challenge from which the concept of a unified command was used. He said the events to take place in Charlottesville were mainly a matter for law enforcement, though Fire and EMS would play a critical support role and there must be coordination at the highest level about command decisions.

Mr. Gallaway posed the example of a decision to declare an unlawful assembly and how this would be determined. Mr. Baxter invited Mr. Worsham to address this question, commenting that it was generally the most on-point and committed resource that makes this decision.

Ms. Palmer said her question was about how this would work differently from last year.

Mr. Worsham remarked that there would have to be a great amount of trust among the governing bodies, the public, and appointed leaders. He said they are doing all they can to avoid a repeat of last year. He explained that under the unified command concept, there would not be one person who makes a decision but a collective one, similar to how the Board of Supervisors make decisions. He emphasized the importance of having all the tools necessary to make decisions, including a command post that was free from distractions.

Mr. Worsham commented on the importance of the different agencies being able to communicate, which could be cumbersome, and said that they have prepared an integrated plan that include radios for shared communication. He said they would have a large-scale exercise to test communications capability, and representatives from each agency would be present in the command center, including Charlottesville Fire Department, Charlottesville Police Department, Albemarle County Police Department, University of Virginia, and Virginia State Police. He added that he reports to the Superintendent of Virginia State Police.

Ms. McKeel emphasized that the process in place this year was different from last year.

Ms. McKeel emphasized that Charlottesville Area Transit (CAT) and JAUNT should be involved, as last year there were gaps in transit availability that affected some residents. Mr. Wheeler replied that the Resilient Charlottesville website includes information on transit adjustments, including that the downtown transit center would be closed with the Avon Street facility serving as a temporary connecting point. He said the site would include maps to demonstrate the adjustments, and he stressed that Mr. John Jones has been involved in the planning process.

Agenda Item No. 10. Joint Charlottesville/Albemarle Agency Budget Review Team (ABRT) Process.

The Executive Summary forwarded to the Board states that the City of Charlottesville and Albemarle County have conducted a joint application process for local government funding of nonprofit organizations since the 1980s. The Agency Budget Review Team (ABRT) was created in 1991 and the agency review process has been refined over the years to include the use of an objective rating tool and outcome measures.

In July 2010 (FY 11), a comprehensive review of the ABRT process was undertaken. During that time, the application process for the following year, FY 12, was suspended, which meant that no new agencies could apply for funding. For agencies that received funding in FY 11, funding for FY 12 was maintained at the same level. As a result of that comprehensive review, City Council and the Board of Supervisors made changes to the ABRT process, including updates to the criteria and the inclusion of

funding priorities for each locality. Beginning with the FY17 process, ABRT priorities were aligned with the localities' strategic plans and applicants were asked to self-identify outcomes that demonstrated progress toward the goals and objectives of the localities' respective strategic plans. Prior to the release of the FY19 application, City staff held a series of meetings with applicants to align the localities' strategies and identify a set of common outcomes and metrics.

The current ABRT process provides a single application process for agencies that apply for funding from both the City and the County, community involvement in the review of applications, and a focus on the achievement of identified outcome metrics. Art and cultural agency applications for County funding are not currently included in the ABRT application review process.

Following the adoption of the City's FY 19 Budget, Charlottesville City Council suggested that there be a comprehensive review of the ABRT process. Because this is a joint City-County process, City staff shared this information with County staff.

On July 16, City staff provided a recommended approach for a comprehensive review of the ABRT process to City Council. City staff anticipates that the ABRT process review would begin immediately for completion in May 2019. While the review is underway, City staff has indicated that the City will forgo its FY 20 application process requests for ABRT-reviewed organizations and currently funded agencies would be required to submit brief progress reports. Additional details of City staff's recommended approach are included in the attached July 16, 2018 City Council Agenda Memo. (Attachment A.)

On July 16, City Council approved City staff's recommendation to conduct a comprehensive review of the ABRT process and stated that currently funded ABRT agencies would be provided the same level of funding in FY 20 as the City provides them in FY 19. City Council stated that further details regarding how the review process will be conducted will be finalized after the Board of Supervisors determines whether the County will be participating with the City in the comprehensive review.

The County's options include the following:

- a) Participating in a comprehensive review of the ABRT process with the City and adhering to the City's agency funding approach, which is to provide funding for currently (FY 19) funded organizations/agencies at the same level in FY 20, and, if so, determining whether to direct County staff to participate with the City in suspending the FY 20 application process for new applicants.
- b) Not participating in the comprehensive ABRT review process and conducting its own agency application review process for FY 20.

The County's FY 19 Budget currently includes \$19,000.00 in administrative support to the City to manage the FY 20 ABRT application process. If the FY 20 ABRT application process is suspended by the City, City staff has requested that the County provide this funding to the City as its share of support for the comprehensive ABRT review process. If the County desires instead to conduct its own FY 20 agency application process review, the \$19,000.00 could be re-purposed to support the County's application process.

The County's FY 19 Budget includes \$1.5 Million in funding for ABRT agencies.

Staff recommends that the Board direct staff as to whether the County will: a) participate in a comprehensive review of the ABRT process with the City of Charlottesville and if so, whether the County will mirror the City Council's funding approach to provide FY 19 funded agencies with the the same level of funding in FY 20; or b) not participate in the comprehensive review of the ABRT process with the City and conduct a County agency application process for FY 20.

Staff also recommends that the Board direct staff as to the use of the \$19,000.00 in administrative support funding currently included in the FY 19 Budget.

Ms. Lori Allshouse, Director of the Office of Management and Budget, presented. She recognized Ms. Gretchen Ellis, who manages the ABRT process for the City and County, in the audience, who was available to respond to questions. She explained that the consideration before the Board was whether it wanted to work with the City to undertake a comprehensive review of the ABRT process during FY19. She reminded the Board that they have worked jointly with the City of Charlottesville since 1991 to review and accept applications for nonprofit funding, primarily in the area of health and human services. She noted that the process has been refined and improved, including the addition of outcome measures.

Ms. Allshouse reported that a comprehensive review of the process was conducted in 2011, during which time funded agencies received the same amount of funding as in the prior year, and new applications were not accepted. She said they updated the criteria and included funding priorities. She noted that after adopting its FY19 budget, City Council recommended that another comprehensive review of the ABRT process be conducted.

Ms. Allshouse explained that City staff recommended that the FY20 budget mimic the process undertaken in FY11, with a freezing of the application process. She presented the Board with two options and noted that there were others they could consider, including adhering to the City's recommendations

for the FY20 funding approach and another option was to conduct a separate County application process, or a combination of both. She informed the Board that the FY19 budget includes \$1.5 million for ABRT agencies and \$18,900 in administrative support for the City to manage the FY20 ABRT application process. City staff has requested that the County continue to provide funding to the City to support this comprehensive review.

Ms. Allshouse explained that staff recommends the Board determine whether the County would: a) participate in the comprehensive review of the ABRT process and, if so, whether the County would mirror the City's FY20 funding approach; or b) not participate in the comprehensive review of the ABRT process with the City and conduct a separate County agency application process for FY20. She said the second recommendation of staff was that the Board direct staff as to the use of the \$18,900 in ABRT administrative support funding included in the FY19 budget.

Ms. Mallek expressed concern with agencies that might be left in a lurch as they have not been in operation long enough to qualify for funding this year but have excellent reports. Ms. Allshouse replied that they conducted a review of the agencies and found that there were 16 new agency or program requests, which did not receive funding, of which nine obtained a high score under the ABRT scoring system.

Ms. Mallek indicated that if they had been in existence for one year longer and scored well, they may have received funding. Ms. Ellis remarked that City staff also chose not to include new funding for these, but the Budget office and City Council ended up funding all nine of the organizations last year.

Ms. Palmer asked if the City's funding this year would include these nine organizations, though the County chose not to fund them. Ms. Ellis confirmed this, though she explained that some of the organizations had been previously funded by the City. She cited the YMCA Childcare Program as an example.

Mr. Randolph asked for her estimate of the cost to the County to manage the ABRT process, if it was for the County alone. Ms. Allshouse responded that it would probably be higher, though they have not done an estimation. She described the process as comprehensive, with a lot of meetings and technical support.

Ms. Mallek remarked that it was probably not a good idea to ask their existing experts, who run the process for the County and also conduct a review of the other one-half, as it would be more of a burden than was fair to ask, even though it might be the best thing for the agencies. Ms. Ellis commented that this would be a decision for the City Manager to make about their allocation of resources and was certainly a possibility.

Ms. Palmer asked if City Council has received an estimate of what it would cost to do the review. Ms. Ellis replied that the hiring of a consultant for some parts of the work, particularly technical data analysis and community outreach, was proposed. She recalled that it was about \$10,000 and that some Councilors have indicated they would like to have some consultant involvement, for which the City was prepared to cover the cost of regardless of the County's decision.

Ms. Palmer asked why City Council wanted to do a review now. Ms. Ellis replied that it was at the initiation of the Mayor, who then obtained the support of her colleagues.

Ms. McKeel said she had attended a meeting with Mr. Mike Signer the previous week, during which he expressed that the City's biggest concern was with arts funding.

Ms. Palmer said she was not against having a comprehensive review but wants to know the purpose before she determines whether they should spend money.

Ms. Mallek asked if the City would decide how to go about this after the County makes a decision because she would rather have this information before she decides. She expressed concern about the effect on partner agencies and said she would like more information. She added that she is reluctant to do this because of the possible effect on partner agencies.

Mr. Randolph said he echoes Ms. Mallek's comments. He remarked that the Board's agenda and staff's work was quite full, and he was reluctant to add anything that was not absolutely essential. He said he favors the County going it alone if they could decide how to approach this in terms of whether to fund new agencies, noting that they had contingency funds available to fund the administrative process. He said he does not see this rising to a critical need that justifies agreeing to suspend the process just because the City has.

Ms. Palmer added that the only impact on staff she noted was related to if they were to go it alone, and she asked if this was correct. Ms. Allshouse remarked that if the County were to conduct its own process, she does not believe it could be as comprehensive as the existing ABRT process, though they would set up a process. She noted that an online Zooms Grant program to receive applications was still open since they jointly funded other contractual agencies with the City, so this could be utilized though the County has not analyzed what impact it would have on staff. She said they could use funds not sent to the City to fund this process.

Ms. McKeel said she was comfortable with the County's ABRT process and asked if it could work as it has in the past for the County, while Charlottesville uses a consultant and was pulled out. Ms. Ellis

said this would be a question for the Mr. Galloway Beck, the City Director of Human Services, or Mike Murphy, Interim City Manager. She urged the Board to make a decision by the end of the month, as the applications are typically released on August 30 and due by early October.

Ms. McKeel said it was not clear to her who would be doing the work at the City to conduct the review. She expressed reticence to giving more work to staff and expressed confidence in the County's process and the work of staff. Ms. Ellis said it was her understanding that the Mayor would sponsor a retreat in early September during which these determinations would be made.

Ms. Mallek asked how much the \$19,000 would get in the regular process. Ms. Ellis responded that the entire cost, which was mainly for her time and the purchase of printing and the online grants account was about \$40,000 for both the City and County. She said it would probably take her a little less time than it does now, though a new person would have a learning curve. She would also be happy to coach someone in the County on the process, if that is their desire. She said Mr. Richardson could speak with Mr. Murphy about this.

Ms. Palmer asked if they could obtain some more information in order to be able to make a decision the following week. Ms. Allshouse agreed to obtain more information for the Board's consideration.

Mr. Randolph asked what more information they needed. Ms. Mallek replied that for the County's money, they want to know if Ms. Ellis' time could be released to do the County's process.

Mr. Walker remarked that a very important consideration was, irrespective of what the choices are before the Board today, if they want to continue with the process and support the City in their execution of it, they need to establish whether they could do this if Ms. Ellis and staff were dedicated to reviewing the process. He suggested they engage with the City Manager to understand this.

Ms. Palmer added that it would also be good to learn what the City's review process involves.

Ms. Ellis offered to provide a copy of the work plan and time line to the Board.

Ms. McKeel remarked that she has been pleased with the process Ms. Ellis has led for years and does not see any reason for the County to go in a different direction.

Mr. Richardson offered to have staff reach out to City management to ask if it was possible for the County to continue with its contribution to the partnership and have City and County staff continue working together into next year, with the County working on a parallel track while the City freezes its process for one year while it considers process changes.

Mr. Galloway expressed that he would like to know why a process review was being conducted before he decides whether to do it. He remarked that if the County does not participate in the review, it would not agree to the new process, and if they do participate at least they could still be involved in the decision-making process and whether to accept the consultant's recommendations.

Ms. Ellis said she has heard there was concern that beneficiaries of the programs do not have a say in how the funding was made, and there has been interest in participatory budgeting.

Mr. Galloway remarked that they could come out of the comprehensive review without an ABRT process and the County would have to determine what to do anyway. He expressed concern that some new organizations that applied last year would be frozen out during the review process.

Ms. Mallek commented that it was a good idea to require new organizations to have a track record before the County give them taxpayer money, and there are a lot of wonderful first-year ideas for which she needs a bit of proof.

Ms. Mallek asked if long-term funding recipients' applications could be reviewed quickly so that the burden and impact would not be as great. Ms. Ellis noted that over one-half of last year's recipients were rated as exemplary and she suggested they fund those and open the application process to other organizations, which would significantly reduce the number of applications the team would have to review.

Ms. McKeel reiterated her concern about the work staff already has on its plate.

Mr. Galloway noted that the last ABRT review involved both the City Manager and County Executive and asked if there was an MOU with Charlottesville that indicated both jurisdictions should be involved in a review process. Mr. Walker replied that there was not. Mr. Galloway said it should be standard operating procedure that both jurisdictions be involved in review process.

Mr. Randolph concurred. He emphasized that the City has unilaterally withdrawn without consulting with nor obtaining consent from the County. He said the County does not have to be the caboose attached to the train and suggested the County do this in-house for one year, hire a part-time consultant, and utilize some contingency funding. He said that if the City comes up with something the County does not like, they would have a process up and running.

Ms. Ellis clarified to Mr. Randolph that the proposal was not to hand this off to a consultant but to have a consultant work with a steering committee that represents the local governments involved, as well as applicants and representatives of the ABRT.

Mr. Richardson summarized the Board's direction and to determine if the County could use its allocation to the City to preserve the existing process and determine the specific focus and goals of the process review.

Ms. McKeel added that the Board wants to know what the problem was that they are trying to solve.

Recess. The Board recessed at 3:01 p.m. and reconvened at 3:13 p.m.

Agenda Item No. 11. Department of Social Services Requests (DSS) for New Eligibility Worker Positions:

Item No. 11a. Social Services Request for New Positions for Medicaid Expansion.

Item No. 11b. Social Services Request for New Positions for the UVA Medicaid Unit.

The Executive Summary forwarded to the Board states that on May 30, 2018 the Virginia legislature voted to make government health insurance available to 400,000 low-income residents, and on June 7, 2018 Governor Northam signed the budget into law. Virginia joined 32 other states and the District of Columbia in expanding Medicaid coverage. The measure is expected to take effect January 1, 2019. Under the Affordable Care Act, the federal government allows states to open their Medicaid rolls to people with incomes up to 138 percent of the federal poverty level, which is \$16,643 for an individual. The federal government pledged to pay at least 90 percent of the cost of expansion. According to one estimate, approximately 2900 individuals will become eligible in Albemarle County.

The Medicaid caseload has been growing substantially in recent years; workload measures generated by the Virginia Department of Social Services and used by DSS to assess capacity have demonstrated that the department is chronically short-handed in our eligibility units and will be exacerbated without additional positions for Medicaid Expansion (illustrated in Attachment A).

As many as 2900 new applicants and ongoing cases will be a daunting challenge. In order to avoid being swamped by Medicaid Expansion and to meet the demands of additional applications and renewals in a timely fashion, Social Services requires additional personnel. Along with Medicaid expansion, the Virginia legislature approved additional funds for eligibility worker positions for local departments of social services.

The allocation for Albemarle County which is included in the department's base budget (for ongoing funding) is approximately \$183,000. The money became available July 1, and so funds are ready for deployment. The state will provide the local match for FY19, but then the County will need to build the match (15.5%) into the budget from FY20 forward.

Upon review, it is the opinion of Social Services administration and eligibility supervisors that the money can provide and best be used for three additional positions: two eligibility workers at paygrade 12, and one administrative professional, a DSS Specialist III at paygrade 9 (see Attachment B). The three positions would be advertised in mid-August, with anticipation of having staff hired and beginning orientation and training by November 1, 2018.

No or minimal budgetary impact in FY19, which include some one-time start-up costs including space provision. The locality will be responsible for the match of 15.5% of overall positional costs from FY20 forward. For example, 15.5% of \$183,000 = \$27,450.

Staff recommends Board approval for the hiring of three additional positions in FY19 to meet the demands of Medicaid Expansion, which is beginning January 1, 2019. Positions will be advertised in mid-August, with anticipation of having staff hired and beginning orientation and training by November 1, 2018.

Ms. Phyllis Savides, Director of Social Services, presented. She said she was very pleased that the General Assembly passed Medicaid expansion and described this as a good thing for residents. She said it would require work to process new applications, with a potential increase in the number of childcare applications as a result of a work requirement and a potential increase in SNAP applications as those who apply for Medicaid might learn they are eligible for this program. She said the state has provided some additional support to the County to fund positions to process Medicaid applications.

Ms. Savides reported that the University of Virginia Medicaid Office approached the County, anticipating that a significant number of patients that go through its own screening process would be eligible for Medicaid and would offer to provide funding for the additional positions. She noted that UVA Hospital pays the state and local match while the County draws down 75% federal money since it was a Medicaid-only program. She said the request was for two eligibility workers and one Department of Social

Services specialist. Ms. Savides explained that specialists do administrative and clerical work that is required at the beginning of the application process. She said that on the UVA side, they are requesting a new supervisor position, an eligibility worker, and a DSS specialist. She said the new supervisor would help manage the additional staff as the Program Coordinator at UVA has a lot of high-level work. She invited questions.

Mr. Gallaway asked if the positions would be easy to quickly fill. Ms. Savides replied that this area was considered to be a good place to work and they usually receive a competitive pool of applicants, though not always. She said the challenge was to train and have new employees up and running in a rapid fashion. She stated, with their timeline, the funds became available July 1; individuals will not be able to apply until after November 1; the benefit will not start until after January 1, 2019, so if they can begin the recruitment process, it gives them several months to just focus on training.

Ms. McKeel praised Ms. Savides for the good job she has done in preparing the Board.

Mr. Randolph noted that the figure cited in the executive summary for the number of newly eligible Medicaid recipients to be processed by the new social services positions at the UVA Medicaid unit was 17,000–20,000 and asked if this represented the number for the region served by the hospital for just Albemarle County.

Ms. Savides replied that this was for the overall hospital and noted that they accept applications from residents of all parts of the Commonwealth. She said the estimate was based on the number of applicants that UVA has screened and that County staff processed the applications with costs borne by the locality of residence. She noted that this was a significant source of revenue for the hospital.

Ms. Mallek remarked that they were foregoing \$30 million in unreimbursed expenses every year.

Mr. Randolph **moved** that the Board authorize the Department of Social Services to increase its staffing level by two Eligibility Workers and one DSS Specialist to meet the demands of Medicaid Expansion in FY19. The motion was **seconded** by Ms. Mallek.

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

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

NAYS: None.

ABSENT: Mr. Dill.

Ms. Palmer **moved** that the Board authorize the Department of Social Services to increase its staffing level for the UVA Medicaid unit by one Eligibility Supervisor, one Eligibility Worker and one DSS Specialist in FY19 to meet the demands of Medicaid Expansion, which is beginning January 1, 2019. The motion was **seconded** by Ms. Mallek.

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

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

NAYS: None.

ABSENT: Mr. Dill.

Agenda Item No. 12. Thru-Truck Restrictions for Miller School Road and Owensville Road.

The Executive Summary forwarded to the Board states that on January 2, 2018, the Board authorized funding for a study to evaluate potential Through Truck Restrictions on Owensville and Miller School Roads. On Owensville Road (Route 678), the potential restriction would extend from Ivy Road (US 250) to Garth Road (Route 614). On Miller School Road (Route 635), the potential restriction would extend from Plank Road (Route 692) to Rockfish Gap Turnpike (US 250).

This request arose out of increased frequency of large trucks using rural roads throughout the County and the safety issues associated with this trend. The Virginia Department of Transportation (VDOT) and Albemarle County have been dealing with the issues related to this trend on an increasingly frequent basis and have received requests from County residents living on or near these routes to address this issue.

The process for assessing and approving a through truck restriction in Albemarle County is outlined in the "County of Albemarle and VDOT 'Through Truck Restriction' Process" adopted December 2000 (Attachment A). The process is now at Step #7 of the Detailed Assessment and Request for Public Hearing stage. County and VDOT staff have reviewed the Draft Through Truck Restriction Studies and based on the VDOT "Guidelines for Considering Requests to Restrict Through Trucks on Primary and Secondary Highways" (Attachment B), staff has determined that these requests appear to meet the CTB Guidelines for a restriction. The information to support this determination is provided in Attachment C (Owensville Road) and Attachment D (Miller School Road).

The Board has previously authorized funding for the Through Truck Restriction Studies for Miller School and Owensville Roads at a total cost of \$18,940. No additional impacts to the County Budget are expected by moving forward with the Through-Truck Restriction Proposal.

Staff recommends the Board authorize a public hearing on October 10, 2018 to consider Resolutions requesting the Commonwealth Transportation Board to approve Through Truck Restrictions on Owensville Road (Route 678) and Miller School Road (Route 635).

Ms. Mallek commented that as she passed through the roundabout at the Airport this morning she saw tire marks from a tractor-trailer that had run on the sidewalk because they could not make the corners.

Ms. Palmer wondered how many through-truck restriction requests made to the state it would take to get Google Maps to listen to them.

Ms. Mallek remarked that localities have attempted to work with Google Maps for years and the company just would not do it.

Mr. Palmer noted that Mr. Joel DeNunzio has also tried and she wonders if the state would try to figure out a way to try to stop this.

Mr. Kevin McDermott, Transportation Planner, stated that the request was to hold a public hearing to consider a resolution directed to the Commonwealth Transportation Board that would request a restriction on through-trucks on Owensville and Miller School Roads. He noted that he was present during the earlier part of this meeting when residents of Batesville spoke before the Board, and he has had conversations with Ms. Palmer about the issue. He said he has printed a list of all through-truck restrictions in Virginia; an estimated 350.

Mr. McDermott stated that the frequency of complaints about large trucks and related safety concerns on both rural County roads and roads in the urban area have increased. He said the County has a process for approving through-truck restrictions, which was detailed in a 2000 document. He said VDOT has a process for considering restrictions, with certain criteria that must be met. Mr. McDermott reminded the Board that in January 2018 the Board authorized staff to use County funds to hire a consultant to conduct through-truck restriction studies on both roads.

Mr. McDermott presented an area map and pointed to the area under consideration for restrictions. He emphasized that the state requires that there be a reasonable alternate route to the restricted route and pointed to two potential alternate truck routes on the map. He said the first would take local traffic from Route 250 at Yancey Mills to the other end of Plank Road and be 13.7 miles in length and add 90 seconds of drive time. He pointed to a second route, which would serve trucks going north on Route 29 to I-64 West and have them stay on Route 29. He said the staff's calculation indicated this would save time in the amount of .4 minutes due to the higher speeds.

Ms. Palmer remarked that Plank Road was not good for a tractor-trailer, as this road has its own issues, and asked why the staff proposed this as an alternate route. Mr. McDermott said he thinks VDOT wanted to provide multiple alternate routes, though he agrees that Route 29 to I-64 was best and would bring this up with VDOT officials.

Ms. Palmer noted that the road has a bridge with a weight limit and trucks have become stuck there. She asked if a geometry study of Plank Road has been conducted. Mr. McDermott replied that the consultants evaluated the two roads to determine if they would be appropriate for trucks of that size. He said that because the bridge was so short, almost any truck could make it across.

Ms. Palmer expressed surprise that the geometry study did not find any curves on Plank Road that were too tight. Mr. McDermott replied that there are likely hundreds of roads in the County that do not have sufficient turning radii; they did not evaluate all the radii in terms of whether they are generally appropriate for trucks.

Ms. Mallek suggested they post signs indicating a 10-ton weight limit bridge and 35-mph speed limit at the northern or western ends of Plank Road, to get the speed reduced by the state and possibly get the GPS to change the recommended route. She added that a truck with a trailer that was stuck could be there for five hours, as has happened with two previous incidents that essentially shut down the entire community.

Mr. Blair asked Supervisors to view Attachment B Pages 2-3, which lists the criteria for a through-truck restriction. He emphasized that it states that "the alternate route would be evaluated for traffic and safety impacts. To be considered reasonable the alternate route(s)." He remarked that this seems to indicate that one alternate route was sufficient. Mr. McDermott remarked that they could probably move forward by identifying one alternate route.

Mr. McDermott reviewed other factors defined by VDOT such as whether or not the character and frequency of truck use was compatible with the road. He said they reviewed safety and traffic counts to evaluate this and found that Miller School Road had a crash rate of 164 crashes per 100 million vehicles north of Dick Woods Road and 324 crashes per 100 million vehicles south of Dick Woods Road, both of which are over the district average of 147 for this type of road and represents a concerning crash rate.

Mr. McDermott stated that 4 of the 8 major curves do not meet the current standard for curve radii. He said an analysis of truck turning movements at the Plank Road/Miller School Road intersection was conducted, and it was found that trucks with a wheelbase over 30 feet were unable to make the turn

without encroaching on the other lanes, and trucks with a wheelbase of 60 feet are not able to stay on the road to make the turn.

Ms. Palmer asked if they examined trucks with wheelbases between 30–35 feet. Mr. McDermott replied that they examined three standard lengths. He presented an aerial photograph of the intersection with markings representing the different lengths and turning radii.

Ms. Palmer recalled a meeting between herself, Mr. McDermott, and a local resident who knew a lot about trucks. She said she learned from the resident that some of the new 30–35-foot trucks had a reduced turning radius due to technological improvements to steering. She said she brought this to their attention because she does not want the request made to the state to be declined, and asked if they should look at the various gradations in truck size. Mr. McDermott said they could and he would discuss this later in the presentation.

Mr. McDermott reviewed traffic counts: 1,099 vehicles per day, including 118 trucks, on Miller School Road south of Dick Wood's Road; and 2,330 vehicles per day, including 148 trucks, north of Dick Woods Road.

Mr. McDermott next reviewed Owensville Road, for which they have analyzed two alternate routes. He traced the first alternate route on a map, which would keep vehicles on Route 29 to the bypass to I-64 and then come back on Route 250 to Ivy. He said this route went significantly out of the way and added over 10 minutes to the trip. He traced the second alternate route, which kept vehicles on Route 250 until they reached the Route 29 bypass and then continued north on Route 29, which he said would save drivers five minutes. He pointed out that vehicles would have to pass under a railroad trestle bridge in Ivy that has a 13-foot 2-inch height restriction.

Ms. Mallek asked if they have an idea as to the number of trucks that are over this height that take the route. Mr. McDermott replied that they do not.

Mr. McDermott provided crash data on Owensville Road as follows: 157 crashes north of Tilman and 229 crashes south of Tilman, exceeding the district average of 147. He said that 8 of 11 major curves on the Owensville Road do not meet the standard for curve radii. He next provided the following traffic counts: 2,730 vehicles per day north of Tilman, including 93 trucks, and 3,398 vehicles south of Tilman, including 73 trucks.

Ms. McKeel asked what their response would be if the CTB or Secretary of Transportation determines that most of the crashes involved cars and not trucks. Mr. McDermott replied that the reports includes the number of crashes that involve trucks. He remarked that the high crash rates demonstrate that there was a safety concern.

Mr. Randolph emphasized that some incidents involving cyclists may not appear in the crash data as cyclists may not report them.

Ms. Palmer asked if a truck that takes out a telephone poll appears as a crash in the report. Mr. McDermott replied that a report would be filed if the police are called. He remarked that most cars that are run off the road do not report this to the police. He reiterated that the only thing they have data on is reported crashes.

Mr. Randolph recounted that General Motors developed Quadra steer four-wheel steering in the early 2000's but dropped it as there was not a market for it at the time. He said that most trucks have dual or quadruple tires in the back and it would be difficult to develop a steering mechanism, considering the size of the axle that would be needed to hold the weight of the truck and apply sufficient torque to turn it at an angle. He said that GM was one of the only truck builders to attempt to sell full-size trucks with four-wheel steering.

Ms. Mallek recalled that up until about 18 years ago, there was a three-ton bridge on Rheas Ford Road and trucks did not pass through due to the weight limit but instead took the longer route. She said the County does not need to apologize for adding five minutes to the trip.

Mr. McDermott stated that he thinks the Commonwealth Transportation Board would see five minutes as being reasonable, although he expects to hear from the trucking industry at the public hearing. He said that both roads appear to meet the criteria for a through-truck restriction, they are both collector roads, there are reasonable alternate routes identified, and trucks do not appear to meet the character of the roads. He said the CTB has the authority to ban all trucks or to impose size limits.

Mr. McDermott concluded the presentation, recommending that the Board authorize a public hearing for October 10 to consider a resolution requesting the CTB to approve through truck restrictions on Owensville and Miller School Roads. He invited feedback from the Board regarding the possibility of imposing a specific size limit. Should the Board wish to move forward, staff would begin the public outreach phase and send letters to major freight companies in the region so they would have the opportunity to comment. Mr. McDermott noted that after the public hearing, provided the Board approves the resolution, this would go to the Department of Transportation for review and then onto the Commonwealth Transportation Board, after which signage could be installed and enforcement would begin. He then presented photographs of different types of trucks, grouped by size. He noted that the state truck limit size is 65 feet, which is the large semi-tractor trailers.

Ms. Palmer asked if the need to restrict unsafe trucks to demonstrate that they are not looking to restrict all trucks and that safety was the concern of the resolution. Mr. McDermott pointed out that the 30-foot truck encroached into oncoming traffic in order to turn, and shorter trucks would increase safety. He asked Ms. Palmer if this answered her question.

Ms. Palmer wondered how this area compares with some other bad roads in the County. Mr. McDermott remarked that the state's criteria was laid out and he thinks they can show that this road meet the criteria, and Mr. Joel DeNunzio of VDOT believes these roads are good candidates for through-truck restrictions.

Ms. Palmer asked for the size requirements they would consider. Mr. McDermott replied that it would apply to anything except for pickup and panel trucks. He defined through-trucks as those without an origin or destination on the road. He added that any sized truck with an origin or destination on the road could utilize it.

Ms. Palmer asked if a local trash hauler without a pickup location on the road would be prohibited from using it. Mr. McDermott confirmed this, though the Board might want to consider a size restriction of 25 feet to allow for a trash hauler to cut through.

Ms. Mallek noted that most of the trailers at the cattle sale market consists of pickup trucks with a trailer and a 30-foot restriction would work, but not 25 feet. She said that most citizens who have spoken out were concerned with 18-wheelers and not combination small business vehicles. Mr. McDermott agreed that most complaints have involved tractor trailers and a ban on trucks over 45 feet in length would probably suffice for the northern part of the County. He said that for the Miller School Road area, they heard complaints mostly about dump trucks from a local quarry that use the cut-through to get to Crozet.

Ms. Palmer asked for confirmation that, at the public hearing, the Board could change what it would go to with the CTB, if it chose. Mr. McDermott confirmed this and said the Board could continue to evaluate this, listen to the public, and set a limit at a specific truck length.

Ms. Mallek said they should have the advertisement list the most restrictive length, with options, so they would not have to hold a second public hearing.

Mr. Randolph remarked that they are leaving a lot of responsibility for people to perceive the difference between a 25-foot and a 30-foot truck, which look roughly similar at a distance. He suggested they limit truck lengths to 24 feet and below, adding that there was an incentive to cheat for someone with a 30-foot truck as they might assume that no one would notice the difference.

Mr. McDermott remarked that enforcement was not easy and was likely to be primarily complaint driven. He added that signs would discourage the use.

Ms. Mallek emphasized that the sign would have a visual representation of a single and double axle, which should eliminate 30-foot trucks with triple axles.

Ms. Palmer asked if there was a consensus for the public hearing. Ms. Mallek proposed a 30-foot restriction.

Mr. McDermott asked to run an advertisement for a through-truck restriction without a size limit with a recommendation to be made at the public hearing. Ms. Palmer proposed that they list two options in the advertisement: a total ban on trucks and a 30-foot limit.

Mr. Randolph proposed a 24–30-foot restriction. He explained that if they hear from truckers and owners of small businesses that this was too restrictive, they could adjust accordingly.

Ms. Palmer **moved** that the Board set a public hearing for October 10, 2018 with language to be determined by Mr. McDermott for length options of a total ban of up to 30 feet on Miller School Road (Route 635). The motion was **seconded** by Ms. Mallek.

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

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

NAYS: None.

ABSENT: Mr. Dill.

Ms. McKeel **moved** that the Board authorize a public hearing for October 10, 2018 to consider resolutions to request the Commonwealth Transportation Board to approve through-truck restrictions on Owensville Road (Route 678). The motion was **seconded** by Ms. Mallek.

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

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

NAYS: None.

ABSENT: Mr. Dill.

Ms. Mallek asked Mr. McDermott about the status of the traffic study for Earlysville Road truck restrictions; whether they are still alive or have to be redone. She said she regularly hears about the two corners north of the Advance Mills Bridge with a 320 degree turn which routinely has 18 wheelers coming down from Route 33 to Route 743. She said the other corner was a horseshoe bend on Earlysville Road just north of the reservoir. She said the second tandem of tandem trucks uses the entire corner.

Agenda Item No. 13. Closed Meeting.

At 4:14 p.m., Mr. Gallaway **moved** that the Board go into a Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- Under Subsection (19), to receive information pertaining to operations, procedures, tactical planning, security plans and measures, and personnel deployments for the events expected to be held the weekend of August 10-12 related to the anniversary of last year's Unite the Right event, where discussion in an open meeting would jeopardize the safety of any person or the safety of County facilities and buildings.
- Under Subsection (3), to discuss and consider 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.

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

Mr. Blair stated that he would not participate in the Closed Meeting, as he has accepted a position with City of Charlottesville.

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

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

NAYS: None.

ABSENT: Mr. Dill.

Agenda Item No. 14. Certify Closed Meeting.

At 6:06 p.m., Mr. Gallaway **moved** that the Board certify by a recorded vote that, to the best of each Supervisor's knowledge, only public business matters lawfully exempt from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting. The motion was **seconded** by Ms. Mallek.

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

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

NAYS: None.

ABSENT: Mr. Dill.

(Note: At this time the Board went to Agenda Item No. 23.)

Agenda Item No. 23. From the County Executive: Report on Matters Not Listed on the Agenda

Mr. Richardson said he would provide an update on staff-led negotiations with the Charlottesville City Manager, a City staff attorney, Mr. Kamptner, and himself over the past five months regarding a Memorandum of Agreement to maintain County courts downtown. He said the discussions have been positive and measured progress has been made on issues of mutual interest.

Noting that there have been recent staff changes in City management, Mr. Richardson recommended that negotiations be suspended to allow new City staff to get up to speed on the relevant issues. He also recommended that the City prepare and provide a plan to resume negotiations prior to the September 12 Board meeting, once new staff are in place. He said he would like to come before the Board on September 12 with a City status update, so the Board could guide staff actions accordingly. He asked the Board for permission to contact the Charlottesville Interim City Manager to make him aware that negotiations would be suspended for the reasons he outlined and asked for the plan he has described.

There was consensus among Board members to allow Mr. Richardson to proceed.

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

As no one from the public came forward to address the Board, Ms. Mallek closed this portion of the meeting.

Agenda Item No. 16. **Appeal:** SDP201800027-Verizon-Frys Spring Tier II (5th Street Station).

The Executive Summary presented to the Board states that staff disapproved the application for a Tier II Personal Wireless Service Facility on Tax Map Parcel 076M1-00-00-00027 (SDP201800027-Verizon-Frys Spring Tier II) on June 21, 2018 (Attachment A), providing notice to the applicant in writing and identifying which requirements were not satisfied. The applicant has appealed this action (Attachment D), challenging the staff's finding that County Code § 18-5.1.40(b)(6) could not be satisfied under the current proposal.

County Code § 18-5.1.40(b)(6) states in part: "The site shall provide adequate opportunities for screening and the facility shall be sited to minimize its visibility from adjacent parcels and streets, regardless of their distance from the facility. The facility also shall be sited to minimize its visibility from any entrance corridor overlay district... regardless of whether the site is adjacent to the district.

Administrative practice is to maintain a narrow interpretation of the County Code unless further guidance from the Board is provided. While staff found from the balloon test that the facility would be sited to minimize visibility from adjacent parcels and streets, staff was unable to make the finding that the site provides adequate opportunities for screening. No trees that are being used for screening, including the reference tree, are located on the parcel seeking to receive approval: all trees being used for screening are located within the Interstate 64 / VDOT right-of-way.

The County will consider tree conservation easements on abutting parcels as a method to secure screening, but this is predicated on the fact that the applicant would be able to ensure compliance and prevent the clearing of screening trees by other parties. As staff cannot find that the VDOT right-of-way is included in the site, and VDOT has stated that it will not grant the applicant an easement, staff is unable to make the finding required by County Code § 18-5.1.40(b)(6) that adequate opportunities for screening are provided by the site.

There is no budget impact.

Staff recommends that the Board adopt the attached Resolution (Attachment E) denying the appeal and affirming the Agent's June 21, 2018 determination that adequate opportunities for screening will not be provided as required by County Code § 18-5.1.40(b)(6).

Mr. Andrew Knuppel, Senior Planner, presented. He explained that in June, the agent took action to disapprove the application in writing, identifying the requirements that were not satisfied. He said the applicant has appealed the decision to the Board of Supervisors. The Board has the option to affirm, reverse, or modify the decision of the agent. He stated that the applicant was specifically appealing the agent's conclusion that a positive finding to satisfy Section 5.1.40(b) (6) of the Zoning Ordinance could not be made under the current proposal. He said there were four other outstanding requirements, including a special exception request that were not satisfied at the time of agent disapproval.

Mr. Knuppel presented the text of section of Ordinance 5.1.40(b) (6), Screening and siting to minimize visibility: "The site shall provide adequate opportunities for screening and the facility shall be sited to minimize its visibility from adjacent parcels and streets, regardless of their distance from the facility." He explained that administrative practice was to maintain a narrow interpretation of County Code unless further guidance from the Board was provided. He said that at the site visit and balloon test carried out on May 10, 2018, the agent was unable to make the necessary positive finding that the site provides adequate opportunities for screening.

Mr. Knuppel presented an aerial photograph of the site and pointed to the area proposed for the tower, located at the 5th Street Station Shopping Center, between Dick's Sporting Goods and Field and Stream Store and I-64. He next presented a copy of the submitted site plan and pointed out the lease and equipment areas, monopole, parcel boundary, and trees. He next presented an overlay of a modified version of the site plan and emphasized a shaded area representing the I-64 right of way, along with trees and the site of the monopole. He pointed to an area with a cluster of small trees, which he said were not included in the tree inventory provided as part of the plan as they are too small to provide screening or to serve as a reference tree.

Mr. Knuppel next presented several ground-level photographs of the trees and the area of the proposed monopole from various angles. He explained that the site was adequately screened; however, as the trees are within the I-64 right of way staff could not ensure that the site would continue to provide opportunities for screening. He said the County would consider tree preservation easements on abutting properties as a method to provide screening, and if an easement was provided, the area covered by the easement was considered to be part of the site since it ensures the same ability for the applicant to comply with County regulations.

Mr. Knuppel said the applicant has stated in an email to staff that VDOT would not grant the applicant an easement. Staff, therefore, recommends that the Board deny the appeal and affirm the June 21, 2018 determination. He invited questions.

Ms. Mallek asked the applicant to come forward for comments.

Ms. Lori Schweller, Attorney with LeClair Ryan and representing Verizon Wireless, addressed the Board. She said the applicant was asking the Board to take a fresh look at this interpretation of the

ordinance. She presented an aerial photograph of the site and surrounding area and noted that the site was located at the southern boundary of 5th Street Station shopping center and that all the land located between the site and I-64 was VDOT right of way.

Ms. Schweller presented ground-level photographs and pointed to an area at the entrance where ground equipment would be located, as well as the area of the proposed monopole. She next presented the site plan with topography and tree survey and pointed to the area of the monopole in relation to the reference tree. She noted that the application was Tier II and 10 feet above the reference tree, and if it were moved back from the VDOT right of way, there would be no trees in the area and it would not be Tier II. She said the balloon test indicated the site was not visible from the Entrance Corridor and minimally visible around the shopping center.

Ms. Schweller presented photographs from the balloon test and stated that it blends right in. She said the Architectural Review Board (ARB) placed conditions on its recommendation:

- assurance that VDOT would not cut trees in the right of way along the full frontage of the property;
- assurance that VDOT would allow the applicant to replant trees that die, and the applicant would do so; and
- the monopole would be removed if loss of trees results in visibility of the monopole that was not minimized.

She reviewed VDOT's responses to these recommendations. She said that VDOT responded that it has no plans to cut the trees in the right of way and would prefer that they remain, but if trees were to die or get hit by lightning and be in danger of falling they would be removed, in which case it would be very likely that the applicant would be granted a license to plant new trees in the right of way. She noted that VDOT does not grant easements and that when a fall zone falls within a VDOT right of way, an applicant was not required to get a fall zone easement. She said the recommended ARB conditions could not be complied with as written. She said the basis for denial was due to a lack of adequate opportunities for screening.

Ms. Schweller stated that the General Assembly recently adopted legislation that applies to wireless applications to localities. Last year the adopted legislation addressed attaching small cell facilities to existing poles in rights-of-ways and right-of-way agreements with VDOT and with cities. She said this year's adopted legislation addresses the processes for approving administrative review eligible projects and standard process projects, as well as what localities may require as part of applications and details about those requirements. She said that one of those items was that localities should not require or impose unreasonable requirements regarding the presentation or appearance of a project, including unreasonable requirements relating to screening or landscaping.

Ms. Schweller explained that the applicant's proposal was that the application of the ordinance by the agent creates unreasonable requirements:

- denial was not based on existing conditions;
- denial was based on potentialities outside the applicant's control;
- such conditions treat wireless infrastructure differently from other utility poles and from other commercial development; and
- the character of the area should be considered (interstate corridor, backdrop of commercial development, no visibility from residential areas).

She presented a map of the 5th Street Station shopping center zoning map amendment and emphasized that it includes conservation areas that are within the applicant's control. She said the ARB staff report noted that because many of the trees in the area are deciduous, the southern buildings are expected to be visible. She said there was a recommended condition of a 50-foot planted buffer on the southern side of the development not incorporated into the proffers, perhaps because it was not feasible due to rock outcroppings.

Ms. Schweller said the 5th Street Station proffers include statements regarding building materials and visibility of rooftop equipment, but there was no requirement to preserve the trees in the right of way or to remove the buildings or provide additional screening if the trees in the right of way were removed. She said there was no applicability to these buildings but there would be a short, brown monopole. She continued that the ARB staff report discusses context: "The I-64 corridor differs from the other corridors in the County due to the typical extensive right of way, the lack of pedestrian traffic on the entrance corridor and the common speed of the vehicle travel without stops on the interstate..." She concluded and invited questions.

Ms. Mallek recalled a slide that showed visibility from the shopping center with people standing where the pole was supposed to be and stated that it does not look as if there was any screening on the shopping center side, except at the bottom of the little slope with little bushes. Ms. Schweller replied that there was no screening proposed there and that the denial was based on visibility from the Entrance Corridor.

With no questions for Ms. Schweller, Ms. Mallek stated that the matter was now before the Board.

Mr. Gallaway noted that Ms. Schweller had stated that VDOT does not grant easements and asked if this was specific to the location. Mr. Bill Fritz, Chief of Special Projects, replied that VDOT does

not grant easements and in over 30 years, he has never heard of a case where they granted an easement.

Ms. Mallek commented about cases where there are wireless towers in the middle of a median strip and asked if the right to build was purchased. Mr. Fritz replied that VDOT has a specific leasing provision in its administrative code.

Ms. Palmer asked Mr. Blair to comment on Ms. Schweller's comments. Mr. Blair said it was fair to frame it that the existing conditions are the trees are there as screening but it was also fair to say that the existing condition was that VDOT owns and has dominion and control over this particular parcel where the trees are located. He said there was nothing that prohibited VDOT from cutting down a tree or multiple trees that could serve as screening. He said it was his understanding that the current interpretation has been applied by the County for years and asked Mr. Fritz to weigh in.

Mr. Fritz replied that there were two towers approved where trees from an adjacent property were counted on for screening, and when they were removed it increased the visibility of the tower. He emphasized that if staff is going to rely on offsite trees for screening, they need to make sure the trees would remain, or they need to assume those trees are gone when making a determination.

Mr. Gallaway asked if these instances involved VDOT property. Mr. Fritz replied that neither one was a VDOT issue.

Ms. Palmer added that the Bel Air tower was certainly screened – on one side by property trees and on the other by VDOT trees. She said the property trees died and it has been a horrendous situation.

Mr. Fritz added that the other case was of a tower near Hollymead shopping center, which had been approved when all adjacent properties were wooded, and the tower was pretty well-screened, but that was not the case anymore.

Ms. Mallek remarked that this was the poster child for what the County does not want to do anymore.

Mr. Fritz remarked that this has helped the staff learn how to do these better, and they now look at offsite trees as part of providing adequate opportunities for screening.

Ms. Mallek commented that having ownership and control of a property when applying for something was important, as otherwise one could not be held accountable for anything and this seems to be the core of the ordinance.

Mr. Fritz said there were cases where the staff have determined that offsite trees, if they were to be removed, would still leave adequate onsite screening. Ms. Mallek said applicants cannot rely on something that does not belong to them.

Mr. Blair said he was not able to find any case on point concerning this, and staff's interpretation was that it was reasonable to require that trees used for screening need to be under the dominion and control of the tower's owner. He explained that Ms. Schweller's interpretation would be that it was unreasonable to rely on a possibility that the trees may be removed. He said it has been staff's consistent interpretation that it was reasonable to require that the elements of screening be under the dominion and control of the tower operator.

Ms. Mallek remarked that a site should be picked that meets the requirements and it was not the fault of ordinance.

Ms. McKeel pointed out that the site was mostly commercial and the Board does not have residents complaining about it or a neighborhood that would be impacted.

Ms. Mallek interjected that everybody who drives by was impacted.

Mr. Randolph said the location was absolutely ideal for a tower because there was enough of a variety of other things going on at the site so that the tower was not untoward. He said he could barely see the balloon when pulling out on 5th Street and it was not obtrusively visible. He said there was minimal visibility along the I-64 entrance corridor or the old entrance corridor at 5th Street. He said the issue was whether they follow the County's regulations since the applicant was not able to exert control over the trees.

Mr. Randolph recounted that a member of the 5th and Avon Community Advisory Council suggested the Board allow it because VDOT was not likely to expand I-64 to three lanes in this corridor for 40 to 50 years. Mr. Randolph posed the potential for Oak Borer Beetles to kill many of the trees, in which case VDOT would cut the trees down after which they would have a large, visible tower. He said he has mixed feelings, though he would probably side with staff as it was better to be consistent rather than having something occur and getting burned. He added that if there ever were a location where an exception would be made, this would be it.

Ms. Palmer expressed concern as to how an exception would affect the ordinance.

Mr. Blair remarked that if the Board were inclined to support this but does not want to establish an overarching precedent, they could articulate the factors that they were focusing on for the record, such as those mentioned by Ms. McKeel and Mr. Randolph.

Mr. Fritz commented that the way the staff would interpret this, based on what he has heard, was that the property was adjacent to a public road versus private property, and they have a statement from VDOT indicating it was unlikely they would remove the trees. He said this could serve as a guide for future cases.

Ms. Mallek remarked that the guidance staff was seeking was if the Board cared about its wireless ordinance. She said it was her opinion that this meeting was not the time to change the ordinance, as they should not make it up as they go along and this type of decision making troubles her. She stated that if they do not follow their adopted rules, there would be nothing to say next to my house, next to your house, etc., that somebody cannot come in and put something up.

Ms. Mallek emphasized that a balloon test was almost invisible compared to what a tower really looks like; a big, wide grey thing with antennae that could be seen from miles away. She said the impact to citizens and travelers would be large due to its very visible location. She said the Virginia Supreme Court has upheld that the County could have an ordinance about screening and aesthetics. She said she feels very strongly about this and hopes the Board would uphold the ordinance. She said this could also disable staff's ability to do its job.

Ms. Palmer added that Mr. Fritz's comments about how staff may interpret it has solved her problem and she would not vote for it, as they cannot depend on a VDOT right of way to protect anything. She said she understands it was a commercial place and was not the Bel Air tower; however, she has also learned in her four years on the Board that VDOT acts on its own accord with their own timing.

Ms. Mallek added that any landowner could do what he or she wants, and if you do not have control over the property you do not have a leg to stand on to keep in compliance with the ordinance.

Mr. Randolph **moved** that the Board approve the appeal of staff's decision regarding SDP 2018-00027 Verizon Frys Spring Tier II (5th Street Station), with a condition indicating that this was an exception and not in any way a precedent due to several demarcating factors: 1) it was a commercial location; 2) it was sited along an interstate; 3) it had minimal visibility on entrance corridors and surrounding property, both residential and commercial; and 4) the reference tree would be preserved and if it was cut down the tower must be removed. The motion was **seconded** by Ms. McKeel.

Ms. Mallek interjected that this would not stand up in court, as Mr. Kamptner has told them over and over.

Mr. Blair urged Supervisors that they articulate in the motion the demarcating factors of this particular site so as not to create a wholesale policy that would not require applicants to have dominion and control over screening elements.

Mr. Gallaway asked about the worst-case scenario for tree removal and if this provision was in the application. Mr. Fritz replied that the Zoning Administrator has never made an official determination that if the reference tree came down from natural causes beyond the control of the applicant, the tower must be removed. He said he could not confirm one way or the other how the Zoning Administrator would rule on this, though it was clear that if the reference tree were to remain and the other trees were removed, there would be no question that the tower could remain.

Mr. Fritz addressed Mr. Randolph's fourth factor, remarking that it would be helpful information to give guidance to the Zoning Administrator on how the Board was interpreting that provision of the ordinance.

Ms. Palmer asked if the fourth factor were included if the Zoning Administrator would have to follow it. Mr. Fritz replied that the Zoning Administrator interprets the ordinance and this would be helpful guidance.

Mr. Blair remarked that the motion and factors cited here would not be binding on the Zoning Administrator but would inform her interpretation.

Mr. Fritz added that it would be helpful on this facility and all other tree-top facilities.

Ms. Palmer asked if a reference tree were to fall due to natural causes if it would be replanted, as this would put a lifespan of a reference tree on a monopole. Mr. Fritz said this question has never been put before the Zoning Administrator for a formal determination, though it was clear that if the reference tree was willfully removed then the pole would have to be removed under the ordinance.

Ms. Palmer said it could be argued that it was unreasonable that if the reference tree were brought down due to natural causes the monopole must be taken down.

Mr. Blair commented that there are a lot of moving parts. He said the appeal was whether the decision by the current Zoning Administrator was reasonable or unreasonable. Staff's current interpretation was that if a tower owner or operator does not have dominion and control over the trees or other elements that screen the tower, staff would not approve that as adequate screening. He said the

appeal was regarding whether or not this was a reasonable or unreasonable interpretation. He summarized Mr. Randolph's position that they could identify particular factors at this site that would not create a precedent. Addressing Mr. Gallaway's questions about the reference tree, he said this would be a de novo interpretation by the Zoning Administrator and people would look at whether she has a rational basis for her interpretation.

Ms. McKeel remarked that it was her opinion that this was a good location for this application and she disagrees with staff's interpretation on this particular site.

Ms. Mallek stated that the basis of her interpretation was what was written down in the ordinance, and when they have a very clear A to B line that says the applicant must have control over screening elements, she cannot find any way to approve the overturning of the Zoning Administrator's decision.

Ms. McKeel responded that there was a reason why the Board has special use permits and appeals that they can choose to uphold or not uphold, based on specific circumstances.

Mr. Randolph commented that every location is different.

Ms. McKeel reiterated that in her opinion, this is a good location for a cell tower, it is not in a residential neighborhood, it is in a commercial area and the balloon test was positive.

Mr. Fritz remarked that the appeal was a decision of the agent and not of the Zoning Administrator. He said the agent was Mr. Mark Graham, who has delegated authority to various staff to act on his behalf, and the Zoning Ordinance defines this type of application as being acted on by the agent. He emphasized that this was the reason this appeal was before the Board and not the Board of Zoning Appeals.

Ms. Palmer remarked that if this pass, she hopes it would be interpreted very carefully as she agrees that the applicant needs to have control over the trees.

Mr. Blair then restated the motion to reverse staff's interpretation of the ordinance which is that tower owners or operators should have dominion and control over the screening elements required pursuant the ordinance. The Board finds that for this particular site, based on these conditions, it is unreasonable to require that the applicant have dominion and control over the screening elements. He added that is the legal effect of the motion.

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

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

Agenda Item No. 17. **PUBLIC HEARING: FY 19 Budget Amendment and Appropriations.**
(Advertised in the Daily Progress on July 22, 2018)

The Executive Summary presented 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 cumulative total of the FY 2019 appropriations itemized below is \$(24,370,013.80). Because the cumulative amount of the appropriations exceeds one percent of the currently adopted budget, a budget amendment public hearing is required.

The proposed decrease of this FY 2019 Budget Amendment totals \$24,370,013.80. The estimated expenses and revenues included in the proposed amendment are shown below:

PROPOSED FY 2018-19 BUDGET AMENDMENT

ESTIMATED REVENUES

Local Revenues	\$ 1,115,546.00
State Revenues	\$ 977,427.00
Federal Revenues	\$ 32,237.70
Bond Proceeds	\$(26,311,230.00)
General Fund Fund Balance	\$ 4,500.00
Other Fund Balances	\$ (188,494.50)
TOTAL ESTIMATED REVENUES	<u>\$ (24,370,013.80)</u>

ESTIMATED EXPENDITURES

General Fund	\$ 4,500.00
Special Revenue Funds	\$ 5,505,939.95

Emergency Communications Center	\$ 343,532.25
Capital	\$ (30,223,986.00)
TOTAL ESTIMATED EXPENDITURES	<u>\$ (24,370,013.80)</u>

The budget amendment is comprised of eleven (11) separate appropriations: #2019011, #2019012, #2019013, #2019014, #2019015, #2019016, #2019017, #2019018, #2019019, #2019020, and #2019021.

After the public hearing, staff recommends that the Board adopt the attached Resolution (Attachment B) to approve appropriations for local government and school projects and programs as described in Attachment A.

Appropriation #2019011	<u>\$0.00</u>
Source: Department of Facilities and Environmental Services*	\$ 13,435.00

*This appropriation will not increase the total County budget.

This request is to appropriate \$13,435.00 in part-time wages from the Department of Facilities and Environmental Services to the Department of Parks and Recreation. This funding will continue to be used for the same purpose, a part-time attendant at the former Yancey Elementary School to open and close the facility. This appropriation is to move the budget to the department that will be managing this work.

Appropriation #2019012	<u>\$18,000.70</u>
Source: Federal Revenue	\$18,000.70

This request is to re-appropriate \$18,000.70 in Federal grant funds from the Virginia Department of Criminal Justice Services to the Police Department to provide diversity recruitment support.

Appropriation #2019013	<u>\$1,040,546.00</u>
Source: Local Revenue (City of Charlottesville & Recovered Costs)	\$ 1,040,546.00
County of Albemarle*	\$ 839,004.00

*This portion of the appropriation will not increase the total County budget.

This request is to appropriate the budget for the Charlottesville Albemarle Convention and Visitors Bureau (CACVB). Pursuant to the agreement approved by the Board of Supervisors of June 13, 2018, the County will serve as the fiscal agent for the CACVB effective January 1, 2019. The County's share for the CACVB is currently included in the FY 19 Adopted Budget.

Appropriation #2019014	<u>\$ 343,532.25</u>
Source: State Revenue	\$ 2,000.00
ECC Fund Balance	\$ 341,532.25

The Emergency Communication Center (ECC) requests that the County, acting as fiscal agent for the ECC, appropriate funding for the following projects and activities. These items are funded by ECC fund balance except where noted.

- \$128,000.00 to upgrade and replace ECC Datacenter Equipment, including replacements of end-of life equipment;
- \$109,500.00 for the purchase of electronic protocols;
- \$84,032.25 for the upgrade of mapping software for the region;
- \$15,000.00 for the replacement of computers;
- \$5,000.00 for replacement batteries for the regional 800 MHz Radio cache; and
- \$2,000.00 for training. This item is funded by State revenue.

Appropriation #2019015	<u>\$0.00</u>
Source: Department of Finance*	\$ 84,952.00

*This appropriation will not increase the total County budget.

This request is to appropriate \$84,952.00 in salaries, benefits, and operating costs from the Department of Finance to the Department of Information Technology. This funding will continue to be used for the same purpose, a Senior Systems Analyst to evaluate, test, and integrate the County's software upgrades. Additionally, this position will be responsible for researching, developing, and supporting employees on financial system applications and requirements. This position was originally approved within the Finance Department budget. This appropriation is to move the budget to the department that will be managing this work.

Appropriation #2019016	<u>\$400,000.00</u>
Source: Economic Development Authority (EDA) Fund fund Balance	\$ 400,000.00

This request is to re-appropriate \$400,000.00 in FY 18 EDA Fund fund balance to the FY 19 EDA Fund. The Albemarle County EDA is a political subdivision of the Commonwealth of Virginia, operating in partnership with the Albemarle County Board of Supervisors to improve the quality of life for citizens of the County through responsible and sustainable economic development practices, using the County's

Comprehensive and Strategic Plans for guidance, along with the County's upcoming Economic Development Strategic Plan. The County serves as the fiscal agent for the EDA.

Appropriation #2019017		\$1,050,427.00
Source:	Local Revenue - Central Virginia Regional Jail	\$ 75,000.00
	Federal Revenue	\$ 975,427.00

This request is to appropriate \$1,050,427.00 in funding to Offender Aid and Restoration (OAR) to continue to provide pretrial services in the rural counties serving the Central Virginia Regional Jail. This amount includes \$975,427.00 in grant funding from the Department of Criminal Justice Services with the County acting as fiscal agent and a local match of \$75,000.00 from the Central Virginia Regional Jail located in the Town of Orange.

Appropriation #2019018		\$ (30,223,986.00)
Source:	Bond Proceeds	\$ (26,311,230.00)
	School CIP Fund fund balance	\$ (3,912,756.00)

This request is to reduce the FY 19 School Capital projects appropriated budget by a total of \$30,223,986.00, net of transfers, pursuant to the Board of Supervisors direction at its July 5, 2018 meeting.

This adjustment is the net effect of deferring \$30,253,755 in funding for construction and furniture equipment/fixtures for the High School Capacity and Improvement Center 1 project to FY 20 as well as the addition of \$229,084.00 in funding for pre-planning/programming design for the Albemarle High School and Western Albemarle High School Re-Design and \$332,315.00 for design of Scottsville Elementary School Addition and Improvements project through the design development phase. These amounts include funding to support estimated project management costs.

School CIP Fund Revenues:	
Use of Fund Balance	\$ (3,912,756.00)
Bond Proceeds Transfer	\$ (25,779,600.00)
School CIP Fund Revenues Total	\$ (29,692,356.00)

School CIP Fund Expenditures	
High School Capacity & Improvement - Center 1	\$ (30,253,755.00)
High School Capacity & Improvement - Pre-planning/Program Design	
Albemarle High School & Western Albemarle High School Re-Design	\$ 200,000.00
Project Management Costs	\$ 29,084.00
Scottsville Elementary School Addition & Improvements – Design Development	\$ 300,000.00
Project Management Costs	\$ 32,315.00
School CIP Fund Expenditures Total	\$ (29,692,356.00)

General Government CIP Fund Revenues:	
Bond Proceeds	\$ (531,630.00)
General Government CIP Fund Revenues Total	\$ (531,630.00)

General Government CIP Fund Expenditures	
Cost of Issuance	\$ (531,630.00)
General Government CIP Fund Expenditures Total	\$ (531,630.00)

Appropriation #2019019		\$14,237.00
Source:	Federal Revenue	\$14,237.00

This request is to appropriate \$14,237.00 in Federal funds from a U.S. Department of Justice grant to support additional community policing projects and activities by providing additional overtime hours by current officers to prevent crime, build community relationships, and enhance safety.

Appropriation #2019020		\$4,500.00
Source:	General Fund fund balance	\$ 4,500.00

This request is to appropriate \$4,500.00 in General Fund fund balance to the African American Cultural Festival sponsored by Chihamba, Paramount Theater, and Virginia Discovery Museum. This General Fund fund balance resulted from a FY 18 Virginia Commission for the Arts' Local Challenge Grant that was intended to match the County's local contribution to the Piedmont Council for the Arts. In FY 18, the Piedmont Council of the Arts disbanded, requiring the County to withhold its contribution. The Virginia Commission for the Arts has since approved the redistribution of these grant funds to contribute instead to the following agencies in addition to the County's contributions from the General Fund.

- | | |
|--|------------|
| • African American Cultural Festival sponsored by Chihamba | \$1,500.00 |
| • Paramount Theater | \$1,500.00 |
| • Virginia Discovery Museum | \$1,500.00 |

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 18 undesignated funds that would be available for other uses in the future.

Appropriation #2019021	\$2,982,729.25
Source:	Economic Development Fund fund balance \$ 2,982,729.25

This request is to re-appropriate the funding remaining at the end of FY 18 in the Economic Development Fund for the following purposes:

- \$121,379.25 to provide funding for a purchase order initiated in FY 18, but will be delivered in FY 19 for Stantec Consultants;
- \$11,750.00 for the Virginia Jobs Investment Program (VJIP) funding match for Perrone Robotics;
- \$2,252,600.00 in funding remaining in the Economic Development Investment Pool; and
- \$597,000.00 in funding remaining in the Economic Opportunities Fund.

Mr. Andy Bowman, Budget Manager, Office of Management and Budget, presented. He said the item was a public hearing on the proposed FY19 budget amendment and appropriations. He reminded the Board that Code of Virginia requires that a public hearing be held when amending its budget and the total amount appropriated exceeded one percent of the currently adopted budget. He said the proposed amendment would be a decrease of approximately \$24.4 million and includes 11 appropriations highlighted in the above information.

Mr. Bowman stated that the largest change reflects the Board's action at the July 5 meeting to amend the capital budget and would defer non-design costs for the school's high school capacity and improvements from FY19 to FY20 and adds funding for pre-planning and design of Albemarle and Western Albemarle High Schools and the Scottsville Elementary School addition. He said there was also funding reappropriated from FY18 to FY19 for economic development, and there was funding to appropriate the County as Fiscal Agent for Charlottesville/Albemarle Convention and Visitors Bureau, along with state and federal grants. He said that staff recommends the Board adopt the proposed Resolution after the public hearing. He invited questions.

Mr. Randolph asked if there were adequate funds to fulfill Mr. Neil Williamson's recommendation that the Board be paid more. Mr. Bowman replied that he was not familiar with that request.

Ms. McKeel asked for confirmation that the resolution includes changes sent out by Mr. Bowman in an email. Mr. Bowman replied that \$24.4 million was the correct version; the original resolution referenced was \$24.3 million.

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

Ms. Mallek **moved** that the Board adopt the proposed resolution to approve appropriations #2019011, #2019012, #2019013, #2019014, #2019015, #2019016, #2019017, #2019018, #2019019, #2019020 and #2019021 for local government and school projects and programs. The motion was **seconded** by Mr. Randolph.

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

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

**RESOLUTION TO APPROVE
ADDITIONAL FY 19 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That the FY 19 Budget is amended to decrease it by \$24,370,013.80;
- 2) That Appropriations #2019011, #2019012, #2019013, #2019014, #2019015, #2019016, #2019017, #2019018, #2019019, #2019020 and #2019021 are approved; and
- 3) 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, 2019.

**COUNTY OF ALBEMARLE
APPROPRIATION SUMMARY**

APP#	ACCOUNT	AMOUNT	DESCRIPTION
2019011	4-1000-43202-443200-130000-6113	-12,480.00	SA2019011 Yancey PT/FICA from FES to PR
2019011	4-1000-43202-443200-210000-1004	-955.00	SA2019011 Yancey PT/FICA from FES to PR
2019011	4-1000-71015-471010-130000-6113	12,480.00	SA2019011 Yancey PT/FICA from FES to PR
2019011	4-1000-71015-471010-210000-6113	955.00	SA2019011 Yancey PT/FICA from FES to PR
2019012	3-1248-33000-333000-330412-1003	18,000.70	SA2019012 Police: Minority Officer Recruitment Grant
2019012	4-1248-31013-431010-580000-1003	18,000.70	SA2019012 Re-Appropriation Police: Minority Officer Recruitment Grant
2019014	3-4100-24000-324000-240552-9999	2,000.00	SA2019014 VA 911 Board Training Funds for PSAP

2019014	3-4100-51000-351000-510100-9999	341,532.25	SA2019014 ECC FB - 8/1/18 appropriations
2019014	4-4100-31040-435600-550100-1003	2,000.00	SA2019014 VA 911 Board Training Funds for PSAP
2019014	4-4100-31040-435600-800700-1003	143,000.00	SA2019014 MICRO Computer Replacement and IT Infrastructure Upgrades
2019014	4-4100-31048-435600-800300-1003	5,000.00	SA2019014 Replacement Batteries for the Regional 800 MHz Radio Cache
2019014	4-4100-31040-435600-800712-1003	193,532.25	SA2019014 Upgrade Pictometry Map Software and APCO EMD
2019015	4-1000-12141-412140-110000-1001	-62,199.00	SA2019015 Sr. Systems Analyst to IT
2019015	4-1000-12141-412140-210000-1001	-4,758.00	SA2019015 Sr. Systems Analyst to IT
2019015	4-1000-12141-412140-221000-1001	-7,594.00	SA2019015 Sr. Systems Analyst to IT
2019015	4-1000-12141-412140-241000-1001	-815.00	SA2019015 Sr. Systems Analyst to IT
2019015	4-1000-12141-412140-231000-1001	-8,280.00	SA2019015 Sr. Systems Analyst to IT
2019015	4-1000-12141-412140-232000-1001	-250.00	SA2019015 Sr. Systems Analyst to IT
2019015	4-1000-12141-412140-270000-1001	-56.00	SA2019015 Sr. Systems Analyst to IT
2019015	4-1000-12141-412140-550100-1001	-1,000.00	SA2019015 Sr. Systems Analyst to IT
2019015	4-1000-12200-412200-110000-1001	62,199.00	SA2019015 Sr. Systems Analyst from Finance
2019015	4-1000-12200-412200-210000-1001	4,758.00	SA2019015 Sr. Systems Analyst from Finance
2019015	4-1000-12200-412200-221000-1001	7,594.00	SA2019015 Sr. Systems Analyst from Finance
2019015	4-1000-12200-412200-241000-1001	815.00	SA2019015 Sr. Systems Analyst from Finance
2019015	4-1000-12200-412200-231000-1001	8,280.00	SA2019015 Sr. Systems Analyst from Finance
2019015	4-1000-12200-412200-232000-1001	250.00	SA2019015 Sr. Systems Analyst from Finance
2019015	4-1000-12200-412200-270000-1001	56.00	SA2019015 Sr. Systems Analyst from Finance
2019015	4-1000-12200-412200-550100-1001	1,000.00	SA2019015 Sr. Systems Analyst from Finance
2019016	4-6850-91095-491095-580000-1008	400,000.00	SA2019016 Re-appropriate fund balance
2019016	3-6850-51000-351000-510100-9999	400,000.00	SA2019016 Re-appropriate fund balance
2019017	3-1520-19000-319000-199900-9999	75,000.00	SA2019017 OAR Grant - Regional Jail Contribution
2019017	3-1520-24000-324000-240440-1003	975,427.00	SA2019017 OAR Grant - DCJS State Contribution
2019017	4-1520-29406-421090-566120-1003	1,050,427.00	SA2019017 OAR Grant - Contribution
2019018	3-9000-69000-351000-512090-6599	-25,779,600.00	SA2019018 High School Capacity & Improvements Center #1Borrowed Proceeds
2019018	3-9000-69000-351000-510100-6599	-3,912,756.00	SA2019018 HS Cap & Imp Ctr 1, Scottsville, AHS/WAHS Mod Use of Fund Balance 9000
2019018	4-9000-69985-466500-312350-6307	-2,480,000.00	SA2019018 High School Capacity & Improvements Center #1Design
2019018	4-9000-69985-466500-800605-6307	-25,200,000.00	SA2019018 High School Capacity & Improvements Center #1Construction
2019018	4-9000-69985-466500-800200-6307	-2,520,000.00	SA2019018 High School Capacity & Improvements Center #1FFE
2019018	4-9000-69985-466500-312366-6307	-53,755.00	SA2019018 High School Capacity & Improvements Center #1PM Fees
2019018	4-9000-69985-466500-312350-6599	200,000.00	SA2019018 High School Capacity & Improvements AHS/WAHS Modernization Design
2019018	4-9000-69985-466500-312366-6599	29,084.00	SA2019018 High School Capacity & Improvements AHS/WAHS Modernization PM Fees
2019018	4-9000-69985-466500-312350-6109	300,000.00	SA2019018 Scottsville Elementary School Additions and Improvements Design
2019018	4-9000-69985-466500-312366-6109	32,315.00	SA2019018 Scottsville Elementary School Additions and Improvements PM Fees
2019018	3-9010-41400-341000-410530-9999	-26,311,230.00	SA2019018 Borrowed Proceeds - FY 19 School CIP Amendment
2019018	4-9010-93010-493010-930004-9999	-25,779,600.00	SA2019018 Borrowed Proceeds Transfer - FY 19 School CIP Amendment
2019018	4-9010-95000-495000-312807-9999	-531,630.00	SA2019018 High School Capacity & Improvements Center #1 Cost of Issuance
2019019	3-1251-33000-333000-300001-1003	14,237.00	SA2019019 Supporting Community Policing Efforts 2017 Grant Revenue - Federal
2019019	4-1251-31013-431010-120000-1003	12,853.69	SA2019019 Supporting Community Policing Efforts 2017 - Overtime Wages
2019019	4-1251-31013-431010-210000-1003	983.31	SA2019019 Supporting Community Policing Efforts 2017 - FICA
2019019	4-1251-31013-431010-300205-1003	400.00	SA2019019 Supporting Community Policing Efforts 2017 - Admin Costs
2019020	3-1000-51000-351000-510100-9999	4,500.00	SA2019020 GF Fund Balance - FY 18 Local Challenge Arts Grant (Piedmont Council of Arts former recipient)
2019020	4-1000-79000-479000-568740-1007	1,500.00	SA2019020 Contribution to African American Festival Sponsored by Chihamba
2019020	4-1000-79000-479000-567705-1007	1,500.00	SA2019020 Contribution to Paramount Theater
2019020	4-1000-79000-479000-560401-1007	1,500.00	SA2019020 Contribution to Virginia Discovery Museum
2019021	4-1820-81050-481050-310000-1008	121,379.25	SA2019021 Re-appropriate for Stantec
2019021	4-1820-81050-481050-950029-1008	11,750.00	SA2019021 Re-appropriate VJIP Match - Perrone Robotics
2019021	4-1820-99900-499000-999954-1008	2,252,600.00	SA2019021 Re-appropriate balance
2019021	4-1820-99900-499000-999987-1008	597,000.00	SA2019021 Re-appropriate balance
2019021	3-1820-51000-351000-510100-1008	2,982,729.25	SA2019021 Re-appropriate balance
2019013	3-4600-16000-316000-160502-1007	1,038,546.00	SA2019013 CITY OF CHARLOTTESVILLE> CHARGES FOR SERVICES> CACV
2019013	3-4600-16000-316000-160503-1007	839,004.00	SA2019013 COUNTY OF ALBEMARLE> CHARGES FOR SERVICES> CACVB FU
2019013	3-4600-16000-316000-161360-1007	2,000.00	SA2019013 TICKET SALES> CHARGES FOR SERVICES> CACVB FUND> CHA
2019013	4-4600-72050-472030-111000-1007	434,820.00	SA2019013 SALARIES-ADMINISTRATIVE> CONVENTION & VISITORS BURE
2019013	4-4600-72050-472030-130000-1007	86,050.00	SA2019013 PART-TIME WAGES> CONVENTION & VISITORS BUREAU> CACV
2019013	4-4600-72050-472030-120000-1007	6,400.00	SA2019013 OVERTIME WAGES> CONVENTION & VISITORS BUREAU> CACVB
2019013	4-4600-72050-472030-210000-1007	38,553.00	SA2019013 FICA> CONVENTION & VISITORS BUREAU> CACVB FUND> TOU
2019013	4-4600-72050-472030-222110-1007	127,835.00	SA2019013 VRS HYBRID RETIREMENT> CONVENTION & VISITORS BUREAU

2019013	4-4600-72050-472030-241000-1007	3,036.00	SA2019013 VRS GROUP LIFE INSURANCE> CONVENTION & VISITORS BUR
2019013	4-4600-72050-472030-231000-1007	68,040.00	SA2019013 HEALTH INSURANCE> CONVENTION & VISITORS BUREAU> CAC
2019013	4-4600-72050-472030-600100-1007	11,000.00	SA2019013 OFFICE SUPPLIES> CONVENTION & VISITORS BUREAU> CACV
2019013	4-4600-72050-472030-520100-1007	11,000.00	SA2019013 POSTAL SERVICES> CONVENTION & VISITORS BUREAU> CACV
2019013	4-4600-72050-472030-601200-1007	500.00	SA2019013 BOOKS & SUBSCRIPTIONS> CONVENTION & VISITORS BUREAU
2019013	4-4600-72050-472030-800100-1007	5,000.00	SA2019013 MACHINERY & EQUIPMENT> CONVENTION & VISITORS BUREAU
2019013	4-4600-72050-472030-540305-1007	3,500.00	SA2019013 SOFTWARE LICENSES> CONVENTION & VISITORS BUREAU> CA
2019013	4-4600-72050-472030-520300-1007	5,436.00	SA2019013 TELECOMMUNICATIONS> CONVENTION & VISITORS BUREAU> C
2019013	4-4600-72050-472030-520309-1007	5,000.00	SA2019013 TELEPHONE-MOBILE> CONVENTION & VISITORS BUREAU> CAC
2019013	4-4600-72050-472030-310000-1007	12,000.00	SA2019013 PROFESSIONAL SERVICES> CONVENTION & VISITORS BUREAU
2019013	4-4600-72050-472030-580100-1007	11,000.00	SA2019013 DUES & MEMBERSHIPS> CONVENTION & VISITORS BUREAU> C
2019013	4-4600-72050-472030-350000-1007	30,000.00	SA2019013 PRINT & BIND-EXTERNAL> CONVENTION & VISITORS BUREAU
2019013	4-4600-72050-472030-550104-1007	4,500.00	SA2019013 TRAVEL-MILEAGE> CONVENTION & VISITORS BUREAU> CACVB
2019013	4-4600-72050-472030-550310-1007	5,000.00	SA2019013 TRAVEL-MEALS> CONVENTION & VISITORS BUREAU> CACVB F
2019013	4-4600-72050-472030-550300-1007	20,000.00	SA2019013 TRAVEL-OUT OF COUNTY> CONVENTION & VISITORS BUREAU>
2019013	4-4600-72050-472030-360000-1007	592,404.00	SA2019013 ADVERTISING> CONVENTION & VISITORS BUREAU> CACVB FU
2019013	4-4600-72050-472030-530000-1007	2,262.00	SA2019013 INSURANCE> CONVENTION & VISITORS BUREAU> CACVB FUND
2019013	4-4600-72050-472030-270000-1007	1,056.00	SA2019013 WORKER'S COMPENSATION> CONVENTION & VISITORS BUREAU
2019013	4-4600-72050-472030-540200-1007	52,807.00	SA2019013 LEASE/RENT-BUILDINGS> CONVENTION & VISITORS BUREAU>
2019013	4-4600-72050-472030-540100-1007	5,000.00	SA2019013 LEASE/RENT-EQUIPMENT> CONVENTION & VISITORS BUREAU>
2019013	4-4600-72050-472030-550100-1007	6,000.00	SA2019013 TRAVEL/TRAINING/EDUCATION> CONVENTION & VISITORS BU
2019013	4-4600-72050-472030-312717-1007	71,680.00	SA2019013 WEBSITE DEVELOPMENT> CONVENTION & VISITORS BUREAU>
2019013	4-4600-72050-472030-332104-1007	46,903.00	SA2019013 MAINT. CONT. - DP EQUIP.> CONVENTION & VISITORS BUR
2019013	4-4600-72050-472030-320000-1007	1,500.00	SA2019013 TEMP. HELP SERVICE FEES> CONVENTION & VISITORS BURE
2019013	4-4600-72050-472030-362000-1007	15,000.00	SA2019013 RESEARCH/STUDY EXPENSES> CONVENTION & VISITORS BURE
2019013	4-4600-72050-472030-281200-1007	6,717.00	SA2019013 PARKING> CONVENTION & VISITORS BUREAU> CACVB FUND>
2019013	4-4600-72050-472030-301200-1007	7,000.00	SA2019013 CONTRACT SERVICES-OTHER> CONVENTION & VISITORS BURE
2019013	4-4600-72050-472030-560400-1007	45,000.00	SA2019013 CONTRIBUTIONS-CIVIC/COMM.> CONVENTION & VISITORS BU
2019013	4-4600-72050-472030-560000-1007	100,000.00	SA2019013 CONTRI. TO OTHER ENTITIES> CONVENTION & VISITORS BU
2019013	4-4600-72050-472030-930023-1007	37,551.00	SA2019013 TRS TO GENERAL-ADMIN FEES> CONVENTION & VISITORS BU
TOTAL		-98,621,219.60	

Agenda Item No. 18. **PUBLIC HEARING: Ordinance Amendment - Administration; Elections; Jack Jouett Magisterial District; University Hall Precinct - Change of Precinct Name and Polling Place Location.** To receive comments on its intent to adopt an ordinance to amend section 2-101, Jack Jouett Magisterial District, of Article I, Elections, of Chapter 2, Administration, of the Albemarle County Code. The proposed ordinance would change the name of the University Hall Precinct to the University Precinct, and would change the polling place for the University Precinct of the Jack Jouett Magisterial District from University Hall, 300 Massie Road, to the University of Virginia Slaughter Recreation Center, 505 Edgemont Road.
(Advertised in the Daily Progress on July 17 and July 24, 2018)

The Executive Summary forwarded to the Board states that Virginia Code § 24.2-307 requires that the Board of Supervisors establish voting precincts and polling places by ordinance. Albemarle County Code § 2-101(B)(3) establishes the University Hall precinct in the Jack Jouett Magisterial District, and Albemarle County Code § 2-101(C)(3) establishes University Hall, located at 300 Massie Road, as the polling place for the University Hall Precinct. University Hall is being torn down, and can no longer serve as the polling place for the University Hall Precinct polling place after the June 12, 2018 primary election.

The Albemarle County Electoral Board investigated alternative polling place locations for the University Hall Precinct, as well as alternative names for the University Hall Precinct because the building from which the precinct takes its name is to be torn down.

The Electoral Board recommends that the University Hall Precinct be renamed the University Precinct, and that the polling place be relocated to the Slaughter Recreation Center, located at 505 Edgemont Road, Charlottesville, VA 22904. The University of Virginia has agreed to have the Slaughter Recreational Center serve as a polling place. The attached map (Attachment A) shows the former University Hall polling place location and the proposed new Slaughter Recreation Center polling place location.

The County Attorney has prepared the attached proposed ordinance (Attachment B) to reflect this precinct name change and polling place change.

The adoption of the proposed ordinance will have no budget impact.

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

Mr. Blair explained that the ordinance before the Board addresses the need for a polling precinct location change necessitated by the University of Virginia's plans to demolish University Hall. He said the University Hall precinct was located in the Jack Jouett District, and UVA has asked that the County no longer use this location after the June 12, 2018 primary. He said that UVA has offered to allow Slaughter Recreation Center as a precinct instead. The ordinance before the Board would change the precinct's name to University Precinct and change the location to Slaughter Recreation Center, 505 Edgemont Road.

Ms. McKeel said they are pleased and have worked hard to find the site. She added that University Hall had neither heat nor air conditioning and was difficult for volunteers to work in.

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

Ms. McKeel **moved** that the Board adopt the proposed Ordinance to change the name of the "University Hall" precinct to the "University" precinct in the Jack Jouett Magisterial District, and to establish the University of Virginia Slaughter Recreational Center as the new polling place for the University Precinct. The motion was **seconded** by Ms. Mallek.

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

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

NAYS: None.

ABSENT: Mr. Dill.

Mr. Blair commented that this change would be in effect for the November general election.

Mr. Randolph recalled that one of his best memories as a first-year student at the University of Virginia was watching Mr. Charlie Scott, one of the first African-American basketball players who placed in the Atlantic Coast Conference and on the University of North Carolina team, play at University Hall. He said he hated to share that there was racial taunting of Charlie Scott, who was a class act and conducted himself with absolute dignity under adversity.

Ms. McKeel said many would miss the building for a lot of reasons.

ORDINANCE NO. 18-2(4)

AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION, ARTICLE 1, ELECTIONS, 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 2, Administration, Article 1, Elections, is hereby amended and reordained as follows:

By Amending:

Sec. 2-101 Jack Jouett Magisterial District.

Chapter 2. Administration

Article 1. Elections

.....

Sec. 2-101 Jack Jouett Magisterial District.

The Jack Jouett Magisterial District shall be bounded, and contain precincts and polling places, as follows:

- A. *Description of district.* Beginning at the intersection of Seminole Trail (U.S. Route 29) and Greenbrier Drive; then northwest along Greenbrier Drive to its intersection with Whitewood Road; then west along Whitewood Road to its intersection with Hydraulic Road (State Route 743); then northeast along Hydraulic Road to its intersection with Earlysville Road (State Route 743); then

north along Earlysville Road to its intersection with the South Fork Rivanna River; then meandering north and west along the South Fork Rivanna River to its confluence with the Mechums River; then meandering southwest along the Mechums River to its intersection with Garth Road (State Routes 614, 676 and 601); then east and south along Garth Road to its intersection with Ivy Creek; then west and south along Ivy Creek to its intersection with Old Ballard Road (State Route 677); then south along Old Ballard Road to its intersection with Broomley Road (State Route 677); then south along Broomley Road to its intersection with the CSX Railway right-of-way; then east along the railway to its intersection with the U.S. Route 29/250 Bypass; then south along the U.S. Route 29/250 Bypass to its intersection with the U.S. Route 29 Bypass; then south along the U.S. Route 29 Bypass to its intersection with Fontaine Avenue Extended/U.S. Route 29 Business; then east along Fontaine Avenue Extended/U.S. Route 29 Business to its intersection with the Charlottesville city limits; then meandering north and east along the Charlottesville city limits to its intersection with Seminole Trail (U.S. Route 29); then north along Seminole Trail to its intersection with Greenbrier Drive, the point of origin.

B. *Precincts.* The district shall be divided into three precincts, which are described as follows:

1. *Georgetown Precinct.* Beginning at the intersection of Seminole Trail (U.S. Route 29) and Greenbrier Drive; then northwest along Greenbrier Drive to its intersection with Whitewood Road; then west along Whitewood Road to its intersection with Hydraulic Road (State Route 743); then south along Hydraulic Road to its intersection with Georgetown Road (State Route 656); then southwest along Georgetown Road to its intersection with Barracks Road (State Route 654); then southeast along Barracks Road to its intersection with Charlottesville's western city limits; then along Charlottesville's western city limits north and east to the intersection of Seminole Trail (U.S. Route 29); then north along Seminole Trail to its intersection with Greenbrier Drive, the point of origin.
2. *Jack Jouett Precinct.* Beginning at the intersection of Barracks Road (State Route 654) and its intersection with Georgetown Road (State Route 656); then northeast along Georgetown Road to its intersection with Hydraulic Road (State Route 743); then northeast along Hydraulic Road to its intersection with Earlysville Road (State Route 743); then north along Earlysville Road to its intersection with the South Fork Rivanna River; then meandering north and west along the South Fork Rivanna River to its confluence with the Mechums River; then meandering southwest along the Mechums River to its intersection with Garth Road (State Routes 614, 676, and 601); then east and southeast along Garth Road to its intersection with Ivy Creek; then west and south along Ivy Creek to its intersection with Old Ballard Road (State Route 677); then south along Old Ballard Road to its intersection with Broomley Road (State Route 677); then south along Broomley Road to its intersection with the CSX railway right-of-way; then east along the CSX railway right-of-way to its intersection with the US Route 29/250 bypass; then northeast along the US Route 29/250 bypass to its intersection with Charlottesville's western city limits and Barracks Road (State Route 654); then northwest along Barracks Road to its intersection with Georgetown Road, the point of origin.
3. *University Precinct.* Beginning at the intersection of the U.S. Route 29 Bypass and Fontaine Avenue Extended/U.S. Route 29 Business; then north to its intersection with the U.S. Route 29/250 Bypass; then north and northeast along the U.S. Route 29/250 Bypass to its intersection with Charlottesville's northwestern city limits, then meandering south along the Charlottesville city limits to its intersection with Fontaine Avenue/U.S. Route 29 Business; then running west along Fontaine Avenue/U.S. Route 29 Business and the Charlottesville city limits to its intersection with Fontaine Avenue Extended/U.S. Route 29 Business; then west along Fontaine Avenue Extended/U.S. Route 29 Business to its intersection with the U.S. Route 29/250 Bypass, the point of origin.

C. *Polling places.* Each precinct shall have a polling place at the location identified below:

1. *Georgetown Precinct.* Albemarle High School, 2775 Hydraulic Road.
2. *Jack Jouett Precinct.* Jack Jouett Middle School, 210 Lambs Lane.
3. *University Precinct.* University of Virginia Slaughter Recreational Center, 505 Edgemont Road.

(8-19-71, § 1; 9-5-72; 7-15-81; Code 1988, § 6-1; 5-15-91; Ord. 95-6(1), 1-11-95; Ord. 98-A(1), 8-5-98, § 2-100(2), § 2-102; Ord. 01-2(1), 5-9-01; Ord. 03-2(2), 7-9-03; Ord. 11-2(2), 5-4-11; Ord. 18-2(1), 3-14-18; Ord. 18-2(2), 4-11-18)

State law reference – Va. Code §§ 15.2-1211, 24.2-304.1 et seq., 24.2-305 et seq.

(Note: The next two agenda items were heard concurrently:)

Agenda Item No. 19. **PUBLIC HEARING: ZMA201700010 Boar's Head Connector Road (Sign # 53).**

PROJECT: ZMA-2017-00010 Boar's Head Connector Road.

MAGISTERIAL DISTRICT: Samuel Miller.

TAX MAP/PARCEL: 059D2010001500.

LOCATION: Boar's Head Sports Club, 200 Wellington Drive and 450 Berwick Road, Charlottesville, VA 22903.

PROPOSAL: Amend ZMA-2004-00015 to allow for the construction and permanent, unrestricted use of a new private street and associated pedestrian infrastructure, which would establish interparcel connectivity between this 12.1-acre subject property and the adjoining 544-acre Birdwood property (TMP #07500-00-00-06300).

PETITION: Amend the approved application plan from ZMA-2004-00015 to allow for the construction and permanent, unrestricted use of a new private street to establish interparcel connectivity between subject property and adjoining Birdwood property.

ZONING: HC Highway Commercial – commercial and service uses by right, and residential by special use permit (15 units per acre).

OVERLAY DISTRICT(S): Airport Impact Area and Steep Slopes – (Managed).

PROFFERS: Yes.

COMPREHENSIVE PLAN: "Neighborhood Mixed Use Center" in the Development Area in Neighborhood 6 (Southern and Western Urban Neighborhoods), which allows for a mixture of residential uses (up to 18 units/acre); office, retail, and service uses primarily to serve nearby residential areas; and places of worship, schools, and public and institutional uses.

(Advertised in the Daily Progress on July 16 and July 23, 2018)

The Executive Summary forwarded to the Board states that at its meeting on June 19, 2018 the Planning Commission (PC) conducted a public hearing and voted 5:0 to recommend approval of ZMA201700010, provided that the owner/applicant make technical changes noted in the report and provide a commitment to pay a proportionate share of the cost of potential future transportation improvements if or when warranted. Attachments A, B, and C are the staff report, action memo, and minutes from the June 19 PC meeting.

After the PC public hearing, the applicant submitted revised proffers (Attachment D) that incorporate the technical changes as recommended by the PC, and which formally incorporate a financial commitment to pay the proportionate share of the cost of future transportation improvements (as may be necessary) by cross-referencing the terms and details contained within the corresponding conditions of approval for SP201700032 ("UVA Outdoor Tennis Facility, Permanent Connector Road, and Birdwood Golf Course Addition").

As such, Staff believes that all concerns and issues identified by the PC have been appropriately addressed and resolved with the submission of revised proffers.

Staff recommends that the Board adopt the attached Ordinance (Attachment E) to approve ZMA201700010 with proffers.

Agenda Item No. 20. **PUBLIC HEARING: SP201700032 UVA Outdoor Tennis Facility.**

PROJECT: SP-2017-00032 UVA Outdoor Tennis, Permanent Connector Road, and Birdwood Golf Course Addition.

MAGISTERIAL DISTRICT: Samuel Miller.

TAX MAP/PARCEL(S): 07500000006300.

LOCATION: 410 Golf Course Dr., Charlottesville, VA 22903.

PROPOSAL: Amend SP-2017-00023 to allow for the construction of a new outdoor tennis facility for use by the University of Virginia men's and women's varsity tennis teams, as well as a "short course" addition to the existing Birdwood Golf Course containing six par-3 holes. Proposal also includes a request to allow for unrestricted, permanent vehicular use of a private street connecting the subject property with the adjoining Boar's Head Sports Club property (TMP #059D2-01-00-01500).

PETITION: Amend special use permit for "swim, golf, tennis, or similar athletic facilities" under Section 13.2.2.4 of the zoning ordinance. Request for a Special Exception (Outdoor Lighting Waiver) to waive/modify outdoor lighting requirements to allow for the maximum light pole height to be increased from thirty-five (35) feet to seventy (70) feet. No new dwellings proposed on this 544-acre parcel.

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

OVERLAY DISTRICT(S): Airport Impact Area and Steep Slopes – (Managed) and (Preserved).

ENTRANCE CORRIDOR (EC): Yes.

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

(Advertised in the Daily Progress on July 16 and July 23, 2018)

The Executive Summary forwarded to the Board states that at its meeting on June 19, 2018 the Planning Commission (PC) conducted a public hearing and voted 5:0 to recommend approval of SP201700032 with the conditions outlined in the staff report, inclusive of recommended modifications to condition #9 related to the owner's future responsibility to provide a proportionate share of the cost of potential future transportation improvements at the U.S. 250/Ivy Road intersection with Golf Course Drive and/ or the U.S. 250 intersection with Ednam Drive. Attachments A, B, and C are the staff report, action memo, and minutes from the June 19 PC meeting. The PC also voted 5:0 to recommend approval of the request for a Special Exception (Outdoor Athletic Lighting), with the conditions outlined in the staff report.

During the PC review of this proposal, the PC, staff, and applicants agreed that the language in recommended condition #9 should be further refined to better articulate the property owner's financial obligations for a pro rata share of the cost of any future transportation improvements that may potentially be required, and to better define the specific terms of those obligations. Working with the applicants after the PC meeting, staff has developed alternative language that meets the intent of the PC's requested changes and provides greater clarity for enforcement. This revised language for recommended condition #9 includes the method for how the monetary amount of that proportionate share would be established (as may be necessary); the method for how the property owner's contribution would be formally requested and provided; and a time limitation on the property owner's financial obligation.

Specific transportation improvements to be provided, if any, depend on the results of the two (2) future transportation analyses required by recommended condition #8. This condition would require the property owner to conduct warrant analyses at both the Ednam Drive intersection with U.S. 250/Ivy Road and the Golf Course Drive intersection with U.S. 250/Ivy Road at two successive points in time (first at 12 months after the opening of the permanent connector road, and again at 24 months after the opening of the permanent connector road).

Staff believes that the new recommended conditions of approval (Attachment D) appropriately address the issue of the property owner's proportionate cost sharing responsibilities for any future transportation improvements which may be determined to be appropriate within five (5) years of the opening of the connector road for permanent, unrestricted use.

The recommended conditions of approval (Attachment D) also incorporate conditions that were previously established through the County approval of special use permits SP-1996-53, SP-2015-19, SP-2017-09, and SP-2017-23. Those collective conditions of past approvals are now recommended in a reorganized and consolidated format, but otherwise remain virtually unchanged. The notable exception is recommended condition #1, which includes modified language to confirm that future modifications and minor improvements associated with the athletic facilities on the Birdwood property would be permissible without a Board-approved special use permit amendment, subject to all other applicable permitting requirements being satisfied. (The corresponding existing condition #4 from SP-2017-23 requires virtually all proposed modifications and new improvements at Birdwood to go through a special use permit amendment review and approval process.)

Special Exception Request (Outdoor Athletic Lighting): The applicant has also requested a Special Exception (Attachment F) for the UVA Outdoor Tennis Facility to modify (increase) the maximum allowable height of the outdoor athletic lighting poles for the proposed athletic facility from thirty-five (35) feet to seventy (70) feet. The purpose for this request is to allow for evening outdoor tennis practice and televised outdoor nighttime play at the proposed 12 outdoor hard courts located at the proposed facility. The applicant's explanation and justification for the request were included with the staff report, and analysis of the request was provided in the body of that report. As noted above, the PC voted 5:0 to recommend approval of this Special Exception request with conditions recommended by staff.

Staff recommends that the Board adopt: 1) the attached Resolution (Attachment E) to approve SP201700032 with the conditions contained therein; and 2) the attached Resolution (Attachment F) to approve the Special Exception with the conditions contained therein.

Mr. Tim Padalino, Senior Planner, presented an aerial photograph of the property and surrounding area, pointing out the Boar's Head Sports Club and the Birdwood property. He next presented a zoning map, noting that the two properties lay within two different zoning districts, with the sports club zoned as Highway/Commercial and Birdwood as Residential (R1), and both lay within the development area and are addressed in the future land use plan for the southern and western urban neighborhoods. He said the sports club was designated as a center and for neighborhood mixed uses as a future land use designation.

Mr. Padalino stated that the portion of the Birdwood property affected by these proposals was designated for institutional future land uses. He said the Birdwood property was within Area B, where planning and development proposals are reviewed by PACC (Planning and Coordination Council) and PACC-Tech; however, the Boar's Head properties are not in Area B and the UVA Foundation was undertaking a Birdwood Area B Study.

Mr. Padalino explained that ZMA-2017-10 proposes to amend the previously approved application plan for Boar's Head Sports Club, pertaining to Tax Map Parcel 59D21-15, and proposes to update the approved application plan to show the connector road as a permanent improvement to be used in an unrestricted manner. He reminded the Board that this inter-parcel vehicular connection was called for in the master plan and was already built and open for temporary public use during the ongoing World Masters Squash Championships at the McArthur Squash Center. He said the Planning Commission reviewed the application and recommended approval, with proffers, and staff recommends the Board adopt the ordinance, with proffers, as provided in the staff report.

Mr. Padalino next reviewed SP-2017-32, which he said would amend the previously approved special use permits for the Birdwood property, identified as Tax Map Parcel 75-63, to allow permanent, unrestricted use of the connector road, expansion of the Birdwood Golf Course in the form of six new short-course holes to be located within the existing golf course boundaries, and to allow a new UVA outdoor tennis facility. He said the special use request also includes a special exception request to

increase the maximum height of outdoor athletic lighting for the tennis courts from a 35-foot maximum to a 70-foot maximum.

Mr. Padalino presented the conceptual plan and noted that while the project narrative lists a maximum of 12 tennis courts, the conceptual plan shows 8. He pointed out an area immediately to the north, which he said could be used for future courts. He pointed to the area of the proposed clubhouse as well as parking areas. He said the special exception request would be to increase the outdoor athletic lighting poles from 35 feet to 70 feet to enable televised match play and only pertains to the hard courts, not the potential future courts.

Mr. Padalino next presented the overall conceptual plan for Birdwood. He emphasized that it consolidates and organizes all the previously approved special use permit concept plans onto one exhibit. He said the recommended conditions of approval included in the packet also consolidates and organizes the previously established conditions of approval dating back to SP 1996-53. He said the Planning Commission recommended approval, with conditions, and also reviewed and recommended approval of the special exception request for outdoor athletic lighting, with conditions; staff recommends the same. He concluded and invited questions.

Ms. Mallek asked about possible changes to offset what they anticipate as an impact. Mr. Padalino replied that for the proffers for ZMA 2017-10, the Planning Commission's recommendation included a technical change to update the date referenced on the application plan and the more substantive recommendation was to address pro-rata cost sharing obligations for any potential future transportation improvements. He said there was one entrance, which has a signal, and the new connector road would add a second entrance to Route 250 West, Ivy West, with one having a signal and the other without a signal. He said the applicant has agreed to conduct a traffic analysis at both intersections 12 months and 24 months after the opening of the connector road. He noted that the conditions of approval for the special use permit, referenced in the proffers, limits their potential financial obligation to five years after the opening of the connector road. He said that if it was clear that no improvements are needed at that time, they would be off the hook.

Ms. Mallek asked if the existing money put in the bucket for the light at White Gable was still in the bucket. Mr. Padalino confirmed that it was and the five-year horizon coincides with the expiration of the White Gables commitment. He added that VDOT was conducting the STARS Corridor Preservation Study and has not released final recommendations, so they were working with a bit of a moving target.

Ms. McKeel asked when the recommendations are due. Mr. Padalino said he does not know; he was under the impression that they are impending.

Ms. Palmer asked what the justification was for two years and asked if it could be assumed that all the impact might not occur in the first two years as they are doing upgrades and building these things. Mr. Padalino replied that he thought the commitment to review this at 12 and 24-month intervals was based on the uncertainty of how traffic patterns and volumes would change. He added that UVA has submitted an event management plan and has proffered adherence to that plan as part of the ZMA for the sports club property.

Ms. Palmer asked for confirmation that they expect the majority of any impact to be involved with just the events. She says she expects the tennis courts to be used for practice in addition to events. Mr. Padalino said he thought this was the intended use. He added that UVA has exhibited great confidence in the plan they have prepared and pointing to their track record of holding multiple events on the same day. He said their plan includes multiple tiers of preparation and communication with neighbors, intersection controls, and signage.

Mr. Andrew Gast-Bray, Director of Planning, addressed the Board. He said the modeling shown demonstrates that there would not be a need for modification and it would probably improve conditions, though modeling was not reality. He said the method of verifying the modeling was to have a warrant analysis but, given that these evolve over time and it takes time to put in traffic improvements, that was the reason for the five-year window. However, he said given that the study of these conditions over a period of time would demonstrate if the modeling was accurate, staff felt that five years was appropriate. He emphasized that if the trend shows that it could go either way, five years in the future they could conduct another warrant analysis before they are off the hook.

Ms. Mallek asked for confirmation that they are not giving up future impact from potential future buildings because they are agreeing to a five-year window. Mr. Padalino confirmed that if future uses or improvements are proposed through a special use permit amendment, staff would then be able to evaluate potential impacts and recommend different or modified conditions of approval, based on the proposal before the Board.

Ms. Mallek emphasized the importance of safety and hopes UVA would take this into account.

Mr. Randolph referred to Page 6, Multi-Modal Transportation Opportunities, and said he was struck by the fact that the Board's Head complex was becoming much more of central focus for three intercollegiate sports. He said he does not see cycling access from UVA grounds to Birdwood in any of the plans, and he hopes that as the planning process goes forward, they think of ways to incorporate bicycle access. He noted that there was a bicycle/pedestrian pathway on the north side near Vivace that then terminates.

Mr. Padalino replied that staff has had some discussions about this in the Area B study of the Birdwood Master Plan process, which was separate but related. He said they have discussed the Three Notch'd Trail, as called for in the Southern and Western Neighborhoods Master Plan, as a multi-use path along the Route 250 corridor. He said they have provided information about potential future connectivity through Foundation properties such as Fox Haven and others.

Mr. Randolph expressed hope that they would accelerate that consideration, as both the County and the University are behind the eight ball. He remarked that these are the types of events that students would want to cycle to.

Ms. Palmer pointed out that one could use a mountain bike through Bel Air to Birdwood to Fox Haven, and her understanding was there was a plan to make this better.

Ms. Mallek opened the public hearings on ZMA-2017-00010 and SP-2017-00032.

Ms. Ashley Davies, Land Use Planner at Williams Mullen, addressed the Board. She said she was accompanied by members of the UVA Foundation team: Tim Rose, Fred Missel, and Elise Cruz. She thanked staff, in particular Mr. Padalino and Mr. Gast-Bray, for spending many hours with her team working and looking at the site and helping to organize the submittal and think through the conditions. She stressed that the ongoing World Masters Squash Tournament was estimated to have \$1 million in economic impact to the community and was the impetus for the connector road. She said they have thought about how to stitch the two properties together to make a single, immersive experience creating world class athletic and resort facilities in a mixed-use center.

Ms. Davies presented an aerial photograph of the site. She presented a list of eight community meeting dates and noted that UVA Foundation has met with the community almost every month to keep them abreast of all that is happening at the property; they have a great ongoing relationship with the community. She presented a slide of the Comprehensive Plan. She presented the Conceptual Plan and remarked that combining all the various special use plans and amendments into one in order to have one place from which to access all the information in the future. She said they would be back relatively soon to address the Birdwood house and garden with a special use amendment.

Ms. Davies presented a conceptual image of the connector road followed by a conceptual plan of the connector road. She emphasized that additional landscaping and lighting would be installed. She remarked how the connector road enables people to use the site in a new way and to connect without going out to Route 250. She presented several ground level photographs of the connector road. She presented an architectural drawing of the site and pointed out the connector road and the second connection towards the rear of the squash facility parking which creates another internal connection for better circulation. She said the new layout facility, which was under site plan review, has seven tennis courts and the clubhouse has been moved to be near the squash courts. She presented drawings of the proposed tennis facility, which she remarked has been located as far away as possible from the Edam, Ednam Village, and Ednam Forest neighborhoods, with landscaping proposed. She emphasized that the lighting would consist of state-of-the-art LED technology that was very directed and does not spill over. She presented a photograph of the golf driving facility which was under construction. She said the traffic analysis shows that the tennis facility, like many of the uses at Boar's Head and Birdwood, was an off-peak use with minimal traffic. She said the future analysis would focus on whether their assumptions about how traffic might change once the properties are connected are correct. She emphasized that only one traffic signal was warranted. Ms. Davies then presented the updated application plan for the Boar's Head. She also presented an outside photograph of the new squash facility.

Ms. Mallek asked if vehicles would make a right out off of Golf Drive so people would not try to turn left and go west on Route 250. Ms. Davies replied that it was full access and there are no queuing issues at the location.

There being no other comments, Ms. Mallek closed the public hearings.

Ms. Palmer **moved** to adopt the proposed Ordinance approve ZMA 2017-00010, with proffers. The motion was **seconded** by Ms. Mallek.

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

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

NAYS: None.

ABSENT: Mr. Dill.

ORDINANCE NO. 18-A(4)
ZMA 2017-10 BOAR'S HEAD CONNECTOR ROAD

AN ORDINANCE TO AMEND ZMA 2004-15
FOR TAX MAP PARCEL NUMBER 059D2-01-00-01500

WHEREAS, the application to amend ZMA 2004-15 to construct permanent vehicular and pedestrian connections between the Boar's Head Sports Club property located on Tax Map Parcel Number 059D2-01-00-01500 and the adjoining Birdwood property is identified as ZMA 201700010 Boar's Head Connector Road ("ZMA 2017-10"); and

WHEREAS, the Planning Commission held a duly noticed public hearing on ZMA 2017-10 on June 19, 2018 and recommended approval, provided that the proffers be revised to make technical changes as recommended by staff and set forth in the Planning Commission staff report, and to include a commitment of the applicant to pay a proportionate share of the cost of potential future transportation improvement if or when warranted; and

WHEREAS, subsequent to the Planning Commission meeting, the applicant submitted revised proffers, which staff believes address the issues of concern raised by staff and the Planning Commission; and

WHEREAS, on August 1, 2018, the Albemarle County Board of Supervisors held a duly noticed public hearing on ZMA 2017-10.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the staff report prepared for ZMA 2017-10 and its attachments, including the proffers dated July 3, 2018, which include the rezoning application plan entitled "Application Plan, UVAF Boar's Head Sports Club", prepared by Dewberry Engineers Inc., dated April 27, 2018 (the "Application Plan"), the information presented at the public hearing, the material and relevant factors in Virginia Code § 15.2-2284, and for the purposes of public necessity, convenience, general welfare, and good zoning practices, the Board hereby approves ZMA 2017-10 with the proffers dated July 3, 2018 and the Application Plan dated April 27, 2018.

* * *

BOAR'S HEAD SPORTS CLUB

ZMA 2017-00010

PROFFER STATEMENT

Date: July 3, 2018
ZMA#: ZMA 2017-00010
Tax Map Parcel #: 059D2-01-00-01500
Owner of Record: University of Virginia Host Properties, Inc.

The following parcel is subject to rezoning application ZMA 2017-00010 (the "Application") and thus to this proffer statement: Tax Map Parcel 059D2-01-00-01500 (the "Property"). The Applicant and owner of the Property is University of Virginia Host Properties, Inc. (the "Owner"). This proffer statement shall supersede and replace in all respects the proffer statement approved by the Board of Supervisors in connection with ZMA-2004-0015.

The Owner hereby voluntarily proffers that if the Albemarle County Board of Supervisors acts to approve the Application, as requested, the Owner and its successors and assigns shall develop the Property in accord with the following proffers pursuant to Section 15.2-2298 of the Code of Virginia, 1950, as amended, and pursuant to Section 33.3 of the Albemarle County Zoning Ordinance. These conditions are voluntarily proffered as part of the Application, and the Owner acknowledges that (1) the rezoning itself gives rise to the need for the conditions; and (2) such conditions have a reasonable relation to the rezoning requested.

In the event the Application is denied the proffers shall immediately be null and void and of no further force or effect.

1. Development of the Property shall be in general accord with the plan entitled "Application Plan" prepared by Dewberry Engineers, Inc., dated April 27, 2018, and attached hereto as Exhibit A (the "Application Plan"). The Application Plan shall not be construed to prohibit the realignment of the 14 existing outdoor tennis courts, subject to existing provisions of the Albemarle County zoning ordinance, provided that the courts remain in the area marked "Outdoor Tennis Courts" shown on the Application Plan. The Owner reserves the right to develop the Property in phases.

2. Within the Property, only the following uses shall be permitted by right, subject always to the express terms of this proffer statement:

- a. Pursuant to subsection 24.2.1 of Section 24, HC highway commercial zoning district, of the Albemarle County Zoning Ordinance, as those regulations exist on March 19, 2018, as set forth below: Section 24.2.1 numbers 6, 20, 35, 36, 37, 41, 42, 44, and 45.
- b. Pursuant to subsection 22.2.1 of Section 22, C-1 Commercial zoning district, of the Albemarle County Zoning Ordinance, as those regulations

exist on March 19, 2018, as set forth below: Section 22.2.1 numbers b.4, b.8, b.17, b.18, b.19, b.24, b.26, and b.27.

The by-right uses of the Property that are permitted pursuant to sections 24.2.1 and 22.2.1 and pursuant to this Proffer Statement are shown below without strikethrough. Uses which will not be permitted on the Property (subject always to the express terms of this proffer statement) have been indicated by strikethrough.

24.2.1 BY RIGHT

The following uses shall be permitted in any H-C district subject to the requirements and limitations of these regulations. The zoning administrator, after consultation with the director of planning and other appropriate officials, may permit as a use by right, a use not specifically permitted; provided that such use shall be similar to uses permitted by right in general character and more specifically, similar in terms of locational requirements, operational characteristics, visual impact and traffic generation. Appeals from the zoning administrator's decision shall be as generally provided in section 34.0.

1. Automobile laundries.
2. Automobile, truck repair shops.
3. Automobile service stations (reference 5.1.20).
4. Building materials sales.
5. Churches, cemeteries.
6. Clubs, lodges (reference 5.1.02).
7. Convenience stores.
8. Educational, technical and trade schools.
9. Factory outlet sales—clothing and fabric.
10. Feed and seed stores (reference 5.1.22).
11. Financial institutions.
12. Fire extinguisher and security products, sales and service.
13. Fire and rescue squad stations (reference 5.1.09).
14. Funeral homes.
15. Furniture stores.
16. Food and grocery stores including such specialty shops as bakery, candy, milk dispensary and wine and cheese shops.
17. Home and business services such as grounds care, cleaning, exterminators, landscaping and other repair and maintenance services.
18. Hardware.
19. (Repealed 6-3-81).
20. Hotels, motels and inns.
21. Light warehousing.
22. Machinery and equipment sales, service and rental.
23. Mobile home and trailer sales and service.
24. Modular building sales.
25. Motor vehicle sales, service and rental.
26. New automotive parts sales.
27. Newspaper publishing.
28. Administrative, business and professional offices.
29. Office and business machine sales and service.
30. Eating establishment; fast food restaurants.
31. Retail nurseries and greenhouses.
32. Sale of major recreational equipment and vehicles.
33. Wayside stands—vegetable and agricultural produce (reference 5.1.19).
34. Wholesale distribution.
35. Water, sewer, energy and communications distribution facilities.
36. Public uses (reference 5.1.12).
37. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).
38. Indoor theaters.
39. Heating oil sales and distribution (reference 5.1.20).
40. Temporary industrialized buildings (reference 5.8.)
41. Uses permitted by right pursuant to subsection 22.2.1 of section 22.1, commercial, C-1. (Added 6-19-91; Amended 9-9-92).
42. Indoor athletic facilities. (Added 9-15-93).
43. Farmer's market (reference 5.1.47). (Added 10-11-95).
44. Stormwater management facilities shown on an approved final site plan or subdivision plat. (Added 10-9-02)
45. Tier I and Tier II personal wireless services facilities (reference 5.1.40). (Added 10-13-04)
46. Storage yards.
47. Laboratories/Research and Development/Experimental Testing; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
48. Manufacturing/Processing/Assembly/Fabrication and Recycling; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.

49. ~~Storage/Warehousing/Distribution/Transportation; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.~~
50. ~~Drive-through windows (reference 5.1.60). (Added 3-2-16).~~

22.2.1 BY RIGHT

The following uses shall be permitted in any C-1 district, subject to the requirements and limitations of these regulations. The zoning administrator, after consultation with the director of planning and other appropriate officials, may permit as a use by right, a use not specifically permitted; provided that such use shall be similar to uses permitted by right in general character and more specifically, similar in terms of locational requirements, operational characteristics, visual impact and

traffic generation. Appeals from the zoning administrator's decision shall be as generally provided in section 34.0.

- a. The following retail sales and service establishments:
 1. ~~Antique, gift, jewelry, notion and craft shops.~~
 2. ~~Clothing, apparel and shoe shops.~~
 3. ~~Department store.~~
 4. ~~Drug store, pharmacy.~~
 5. ~~Florist.~~
 6. ~~Food and grocery stores including such specialty shops as bakery, candy, milk dispensary and wine and cheese shops.~~
 7. ~~Furniture and home appliances (sales and service).~~
 8. ~~Hardware store.~~
 9. ~~Musical instruments.~~
 10. ~~Newsstands, magazines, pipe and tobacco shops.~~
 11. ~~Optical goods.~~
 12. ~~Photographic goods.~~
 13. ~~Visual and audio appliances.~~
 14. ~~Sporting goods.~~
 15. ~~Retail nurseries and greenhouses.~~
 16. ~~Farmers' markets (reference 5.1.47). 17.~~
 17. ~~Laboratories/Research and Development/Experimental Testing; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.~~
 18. ~~Manufacturing/Processing/Assembly/Fabrication and Recycling; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.~~
 19. ~~Drive-through windows (reference 5.1.60). (Added 3-2-16)~~
- b. The following services and public establishments:
 1. ~~Administrative, professional offices.~~
 2. ~~Barber, beauty shops.~~
 3. ~~Religious assembly use, cemeteries.~~
 4. ~~Clubs, lodges (reference 5.1.02).~~
 5. ~~Financial institutions.~~
 6. ~~Fire and rescue squad stations (reference 5.1.09).~~
 7. ~~Funeral homes.~~
 8. ~~Health spas.~~
 9. ~~Indoor theaters.~~
 10. ~~Laundries, dry cleaners.~~
 11. ~~Laundromat (provided that an attendant shall be on duty at all hours during operation).~~
 12. ~~Libraries, museums.~~
 13. ~~Nurseries, day care centers (reference 5.1.06).~~

14. ~~Eating establishments.~~
15. ~~Tailor, seamstress.~~
16. ~~Automobile service stations (reference 5.1.20).~~
17. Water, sewer, energy and communications distribution facilities.
18. Public uses (reference 5.1.12).
19. Temporary construction headquarters and temporary construction storage yards (reference 5.1.2).
20. ~~Dwellings (reference 5.1.21).~~
21. ~~(Repealed 4-3-13).~~
22. ~~Automobile, truck repair shop excluding body shop.~~
23. ~~Temporary industrialized buildings (reference 5.8).~~
24. Indoor athletic facilities. (added 9-15-95)
25. ~~(Repealed 5-5-10).~~
26. Stormwater management facilities shown on an approved final site plan or subdivision plat. (Added 10-9-02)
27. Tier I and Tier II personal wireless service facilities (reference 5.1.40). (Added 10-13-04)

Notwithstanding that the above-referenced uses will not be permitted on the Property, this proffer statement shall not be interpreted to prohibit uses accessory to a health spa on the Property, which accessory uses shall expressly include, but not be limited to the following: indoor tennis courts, outdoor tennis courts, multi-sport courts, other recreational or fitness facilities, a restaurant, a snack bar, a "pro shop," administrative office space, locker rooms, and a child care facility.

3. Prior to the final approval of SDP 2004-00086, the Owner shall record the subdivision plat attached hereto as Exhibit B in the Clerk's Office of the Circuit Court of Albemarle County, Virginia, to combine the portion of tax map parcel 07500-00-00-06300 shown on Exhibit B as Parcel "X" containing 1.774 acres, with tax map parcel 059D2-01-00-01500. **THIS PROFFER HAS BEEN SATISFIED IN FULL, AND THUS EXHIBIT B IS NO LONGER ATTACHED.**

4. Prior to issuance of a certificate of occupancy for the permanent use of the connector road that was approved for temporary use by SP-2017-23, the Owner shall submit for approval by the Zoning Administrator a current Event Management Plan to provide adequate parking for the public during periodic public events at the Property, and further designed to avoid or minimize public parking in adjacent and nearby residential areas during such public events. Such a plan shall include a commitment by the Owner to provide adequate event parking at the Birdwood Golf Course parking lot (with access to the Property either by shuttle service or on foot along the golf course cart paths, at the discretion of the Owner), the large surface parking lot at the northwest corner of Ednam Drive and Boar's Head Point, and/or in other parking areas controlled by the Owner or its affiliated entities, each in the discretion of the Owner given the expected attendance at each particular event. Such a plan will also provide for the use of shuttle services as necessary given the size and nature of a particular event, for the use of adequate signage directing the public to permitted parking areas, and the use of appropriate personnel to direct the public to such permitted parking areas and to discourage or prohibit public parking in adjacent and nearby residential areas.

5. The Owner agrees to conduct warrant analyses, and to provide a pro rata financial contribution to future transportation improvements (as may be warranted), as established in conditions of approval #8 and #9 in special use permit amendment SP201700032.

WITNESS the following duly authorized signature:

UNIVERSITY OF VIRGINIA HOST PROPERTIES, INC.

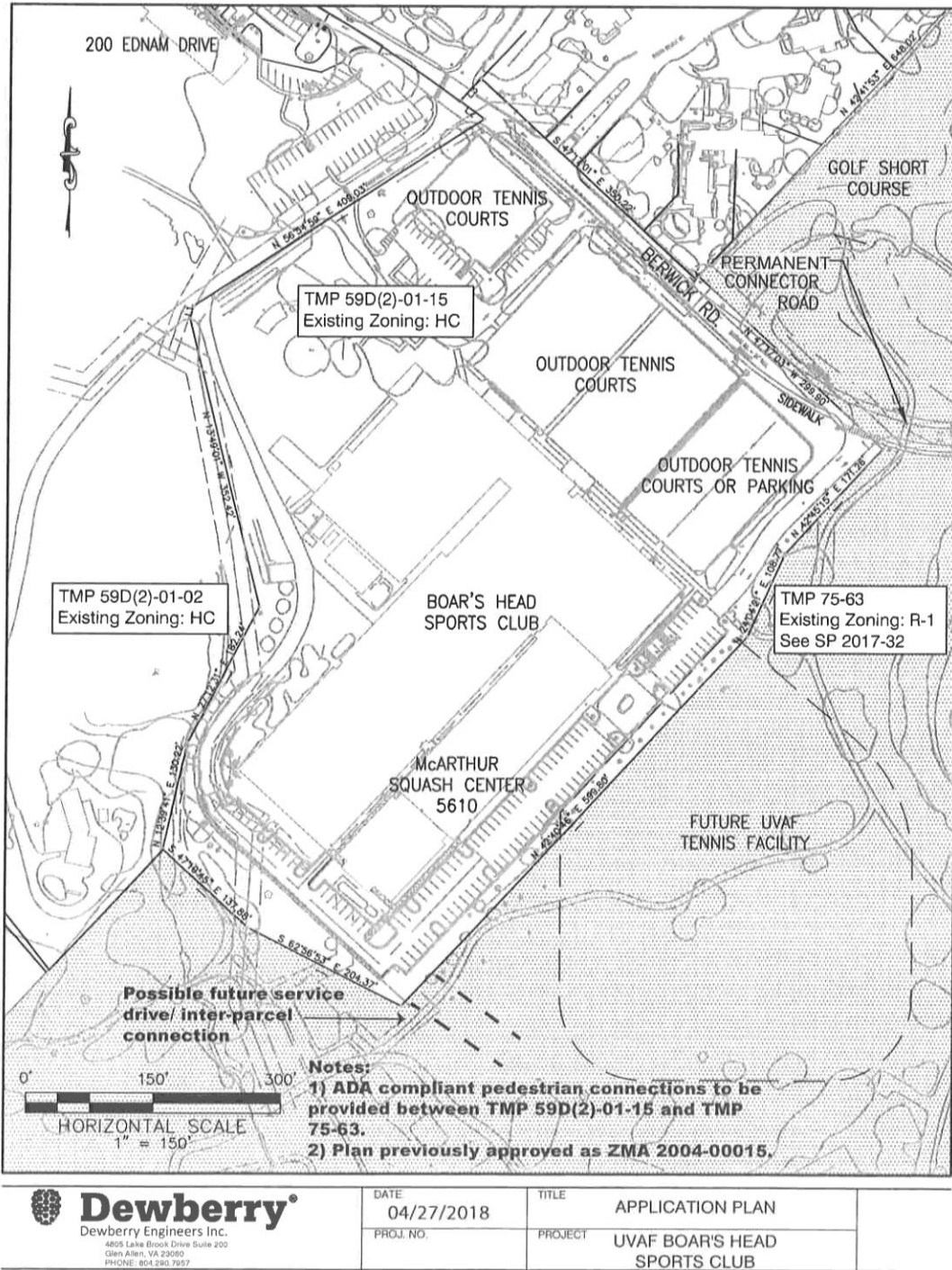
By: Patrick J. McCarroll
Printed Name: Patrick J. McCarroll
Title: Treasurer & Secretary
Date: 7/3/2018

Exhibit "A"

Application Plan

(attached)

ZMA 2017-00010



ALBEMARLE COUNTY CODE

CHAPTER 18

ZONING

SECTION 24

HIGHWAY COMMERCIAL - HC

Sections:

- 24.1 INTENT, WHERE PERMITTED
- 24.2 PERMITTED USES
 - 24.2.1 BY RIGHT
 - 24.2.2 BY SPECIAL USE PERMIT
- 24.3 MINIMUM FRONTAGE, SHAPE OF DISTRICT
- 24.4 ADDITIONAL REQUIREMENTS

24.1 INTENT, WHERE PERMITTED

HC districts are hereby created and may hereafter be established by amendment to the zoning map to permit development of commercial establishments, other than shopping centers, primarily oriented to highway locations rather than to central business concentrations. It is intended that HC districts be established on major highways within the urban area and communities in the comprehensive plan. It is further intended that this district shall be for the purpose of limiting sprawling strip commercial development by providing sites with adequate frontage and depth to permit controlled access to public streets.

(§ 24.1, 12-10-80)

24.2 PERMITTED USES

24.2.1 BY RIGHT

The following uses shall be permitted in any HC district, subject to the applicable requirements of this chapter. The zoning administrator, after consultation with the director of planning and other appropriate officials, may permit, as a use by right, a use not specifically permitted; provided that such use shall be similar to uses permitted by right in general character, and more specifically, similar in terms of locational requirements, operational characteristics, visual impact and traffic generation. Appeals from the zoning administrator's decision shall be as generally provided in section 34.

1. Automobile laundries.
2. Automobile, truck repair shops.
3. Automobile service stations (reference 5.1.20).
4. Building materials sales.
5. Churches, cemeteries.
6. Clubs, lodges (reference 5.1.02).
7. Convenience stores.

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8. Educational, technical and trade schools.
9. Factory outlet sales - clothing and fabric.
10. Feed and seed stores (reference 5.1.22).
11. Financial institutions.
12. Fire extinguisher and security products, sales and service.
13. Fire and rescue squad stations (reference 5.1.09).
14. Funeral homes.
15. Furniture stores.
16. Food and grocery stores including such specialty shops as bakery, candy, milk dispensary and wine and cheese shops.
17. Home and business services such as grounds care, cleaning, exterminators, landscaping and other repair and maintenance services.
18. Hardware.
19. (Repealed 6-3-81)
20. Hotels, motels and inns.
21. Light warehousing.
22. Machinery and equipment sales, service and rental.
23. Manufactured home and trailer sales and service.
24. Modular building sales.
25. Motor vehicle sales, service and rental.
26. New automotive parts sales.
27. Newspaper publishing.
28. Administrative, business and professional offices.
29. Office and business machines sales and service.
30. Eating establishment; fast food restaurants.
31. Retail nurseries and greenhouses.
32. Sale of major recreational equipment and vehicles.
33. Wayside stands - vegetables and agricultural produce (reference 5.1.19).
34. Wholesale distribution.

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Zoning Supp. #105, 1-10-18

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- 35. Water, sewer, energy and communications distribution facilities.
 - 36. Public uses (reference 5.1.12).
 - 37. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).
 - 38. Indoor theaters.
 - 39. Heating oil sales and distribution (reference 5.1.20).
 - 40. Temporary industrialized buildings (reference 5.8).
 - 41. Uses permitted by right pursuant to subsection 22.2.1 of section 22.1, commercial, C-1.
 - 42. Indoor athletic facilities.
 - 43. Farmers' market (reference 5.1.47).
 - 44. Stormwater management facilities shown on an approved final site plan or subdivision plat.
 - 45. Tier I and Tier II personal wireless service facilities (reference 5.1.40).
 - 46. Storage yards.
 - 47. Laboratories/Research and Development/Experimental Testing; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
 - 48. Manufacturing/Processing/Assembly/Fabrication and Recycling; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
 - 49. Storage/Warehousing/Distribution/Transportation; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
 - 50. Drive-through windows (reference 5.1.60). (Added 3-2-16)
- (§ 20-24.2.1, 12-10-80; 6-3-81; 3-5-86; 11-1-89; 6-19-91; 9-9-92; 5-12-93; 9-15-93; 10-11-95; § 18-24.2.1, Ord. 98-A(1), 8-5-98; Ord.02-18(6), 10-9-02; Ord. 04-18(2), 10-13-04; Ord. 08-18(6), 11-12-08; Ord. 10-18(4), 5-5-10; Ord. 13-18(2), 4-3-13; Ord. 16-18(2), 3-2-16; Ord. 18-18(1), 1-10-18)

24.2.2 BY SPECIAL USE PERMIT

The following uses shall be permitted by special use permit in the HC district:

- 1. Commercial recreation establishment including but not limited to amusement centers, bowling alleys, pool halls and dance halls.
- 2. Septic tank sales and related service.
- 3. Livestock sales.

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Zoning Supp. #105, 1-10-18

ALBEMARLE COUNTY CODE

CHAPTER 18

ZONING

SECTION 22

COMMERCIAL - C-1

Sections:

- 22.1 INTENT, WHERE PERMITTED**
- 22.2 PERMITTED USES**
- 22.2.1 BY RIGHT**
- 22.2.2 BY SPECIAL USE PERMIT**
- 22.3 ADDITIONAL REQUIREMENTS**

22.1 INTENT, WHERE PERMITTED

C-1 districts are hereby created and may hereafter be established by amendment to the zoning map to permit selected retail sales, service and public use establishments which are primarily oriented to central business concentrations. It is intended that C-1 districts be established only within the urban area, communities and villages in the comprehensive plan. (Amended 9-9-92)

22.2 PERMITTED USES

22.2.1 BY RIGHT

The following uses shall be permitted in any C-1 district, subject to the applicable requirements of this chapter. The zoning administrator, after consultation with the director of planning and other appropriate officials, may permit as a use by right, a use not specifically permitted; provided that such use shall be similar to uses permitted by right in general character and more specifically, similar in terms of locational requirements, operational characteristics, visual impact and traffic generation. Appeals from the zoning administrator's decision shall be as generally provided in section 34.

- a. The following retail sales and service establishments:
1. Antique, gift, jewelry, notion and craft shops.
 2. Clothing, apparel and shoe shops.
 3. Department store.
 4. Drug store, pharmacy.
 5. Florist.
 6. Food and grocery stores including such specialty shops as bakery, candy, milk dispensary and wine and cheese shops.
 7. Furniture and home appliances (sales and service).
 8. Hardware store.
 9. Musical instruments.

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Zoning Supplement #103, 8-9-17

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10. Newsstands, magazines, pipe and tobacco shops.
 11. Optical goods.
 12. Photographic goods.
 13. Visual and audio appliances.
 14. Sporting goods.
 15. Retail nurseries and greenhouses.
 16. Farmers' markets (reference 5.1.47).
 17. Laboratories/Research and Development/Experimental Testing; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
 18. Manufacturing/Processing/Assembly/Fabrication and Recycling; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
 19. Drive-through windows (reference 5.1.60). (Added 3-2-16)
- b. The following services and public establishments:
1. Administrative, professional offices.
 2. Barber, beauty shops.
 3. Religious assembly use, cemeteries. (Amended 8-9-17)
 4. Clubs, lodges (reference 5.1.02).
 5. Financial institutions.
 6. Fire and rescue squad stations (reference 5.1.09).
 7. Funeral homes.
 8. Health spas.
 9. Indoor theaters.
 10. Laundries, dry cleaners.
 11. Laundromat (provided that an attendant shall be on duty at all hours during operation).
 12. Libraries, museums.
 13. Nurseries, day care centers (reference 5.1.06).
 14. Eating establishments.

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Zoning Supplement #103, 8-9-17

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15. Tailor, seamstress.
16. Automobile service stations (reference 5.1.20).
17. Water, sewer, energy and communications distribution facilities.
18. Public uses (reference 5.1.12).
19. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).
20. Dwellings (reference 5.1.21).
21. (Repealed 4-3-13)
22. Automobile, truck repair shop excluding body shop.
23. Temporary industrialized buildings (reference 5.8).
24. Indoor athletic facilities.
25. (Repealed 5-5-10)
26. Stormwater management facilities shown on an approved final site plan or subdivision plat.
27. Tier I and Tier II personal wireless service facilities (reference 5.1.40).

(§ 20-22.2.1, 12-10-80; 6-3-81; 3-5-86; 9-9-92; 5-2-93; 9-14-93; 10-11-95; Ord. 02-18(6), 10-9-02; Ord. 04-18(2), 10-13-04; Ord. 10-18(4), 5-5-10; Ord. 13-18(2), 4-3-13; Ord. 16-18(2), 3-2-16; Ord. 17-18(4), 8-9-17; Ord. 18-18(1), 1-10-18)

22.2.2 BY SPECIAL USE PERMIT

The following uses shall be permitted only by special use permit approved by the board of supervisors:

1. Commercial recreation establishments including but not limited to amusement centers, bowling alleys, pool halls and dance halls.
2. Energy and communications transmission facilities.
3. Hospitals.
4. (Repealed 8-9-17)
5. Veterinary office and hospital (reference 5.1.11).
6. Unless such uses are otherwise provided in this section, uses permitted in section 18.0, residential - R-15, in compliance with regulations set forth therein.
7. Hotels, motels and inns.
8. Motor vehicle sales and rental in communities and the urban area as designated in the comprehensive plan.
9. Stand alone parking and parking structures (reference 4.12, 5.1.41).
10. (Repealed 3-2-16)

18-22-3

Zoning Supp. #105, 1-10-18

Ms. Palmer **moved** that the Board adopt the proposed Resolution to approve SP-2017-00032, with the conditions contained therein. The motion was **seconded** by Ms. Mallek.

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

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

NAYS: None.

ABSENT: Mr. Dill.

**RESOLUTION TO APPROVE
SP 2017-32 UVA OUTDOOR TENNIS, PERMANENT CONNECTOR ROAD,
AND BIRDWOOD GOLF COURSE ADDITION**

WHEREAS, the University of Virginia Foundation filed an application to amend a previously-approved special use permit (SP 201700023) for Tax Map Parcel 07500-00-00-06300 to construct a new UVA outdoor tennis facility, to add a short course to the Birdwood Golf Course, and to allow unrestricted permanent vehicular use of a private street between Golf Course Drive on the Birdwood property and Berwick Road on the Boar's Head Sports Club property, and the application is identified as Special Use Permit 2017-00032 UVA Outdoor Tennis, Permanent Connect Road, and Birdwood Golf Course Addition ("SP 2017-32"); and

WHEREAS, on June 19, 2018, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2017-32 with modified conditions; and

WHEREAS, subsequent to the Planning Commission, staff worked with the applicant to modify the conditions to address the Planning Commission's concerns and to incorporate conditions that were established for previously approved special use permits; and

WHEREAS, on August 1, 2018, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2017-32.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2017-32 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code § 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2017-32, subject to the conditions attached hereto.

* * *

**SP 2017-32 UVA Outdoor Tennis, Permanent Connector Road,
and Birdwood Golf Course Addition Conditions**

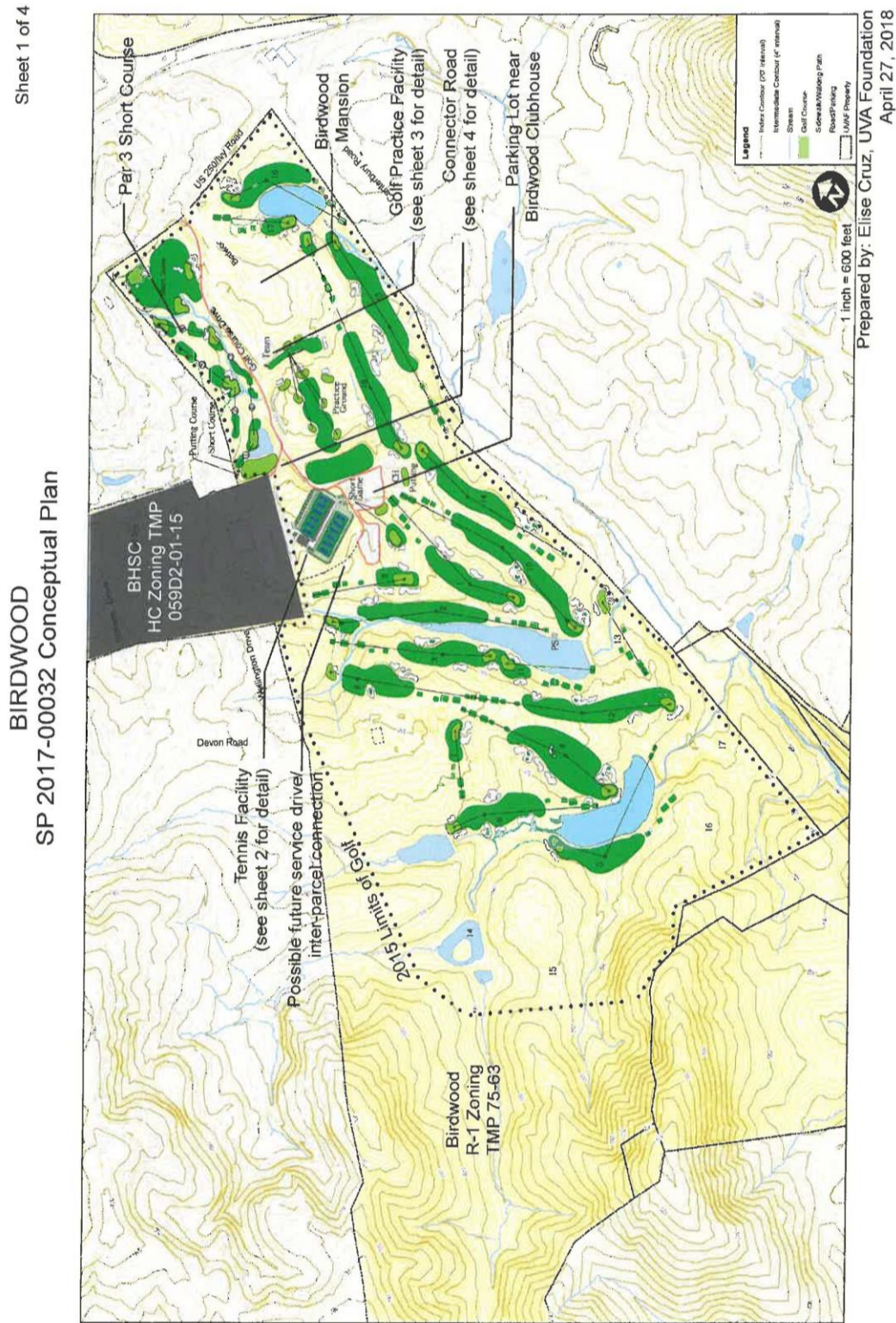
1. Development of the Birdwood Property shall be in general accord with the concept plan entitled "Birdwood SP 2017-00032 Concept Plan" prepared by Elise Cruz, University of Virginia Foundation ("UVAF"), dated April 27, 2018, which includes sheets 1-4 (the "Concept Plan"), attached hereto, as determined by the Director of Planning and Zoning Administrator. To be in general accord, development and use shall reflect the following major elements shown on the Concept Plan and on each corresponding Concept Plan Detail, as noted below:
 - A. Exhibit A – Concept Plan (Sheet 1 of 4):
 - i. Locations of structures, improvements, and uses;
 - ii. Limits of Golf Course, including 18-hole Golf Course, Par 3 Short Course, Practice Ground, Short Game area, and associated improvements; and
 - iii. Location and alignment of Connector Road between Golf Course Drive and Berwick Road.
 - B. Exhibit B – Tennis Facility Detail (Concept Plan Sheet 2 of 4):
 - i. Location of Tennis Facility within area shown in green shading;
 - ii. Location of future tennis courts within area outlined in a dashed oval and entitled, "Future tennis courts", and prohibition of high mast lighting in this area; and
 - iii. Provision of ADA-compliant pedestrian infrastructure to connect Birdwood property (TMP #75-63) with neighboring Boar's Head Sports Club property (TMP #59D2-01—15).
 - C. Exhibit C – Golf Practice Facility Detail (Concept Plan Sheet 3 of 4):
 - i. Building location, orientation, and mass;
 - ii. Parking lot location;
 - iii. Installation of new landscaping for screening purposes;
 - iv. Retention of trees shown for preservation; and
 - v. Earthen berms adjacent to the new parking lot.
 - D. Exhibit D – Connector Road Detail (Concept Plan Sheet 4 of 4):
 - i. Location and alignment of Connector Road between Golf Course Drive and Berwick Road; and
 - ii. Pedestrian infrastructure (including sidewalks, crosswalks, and outdoor lighting)

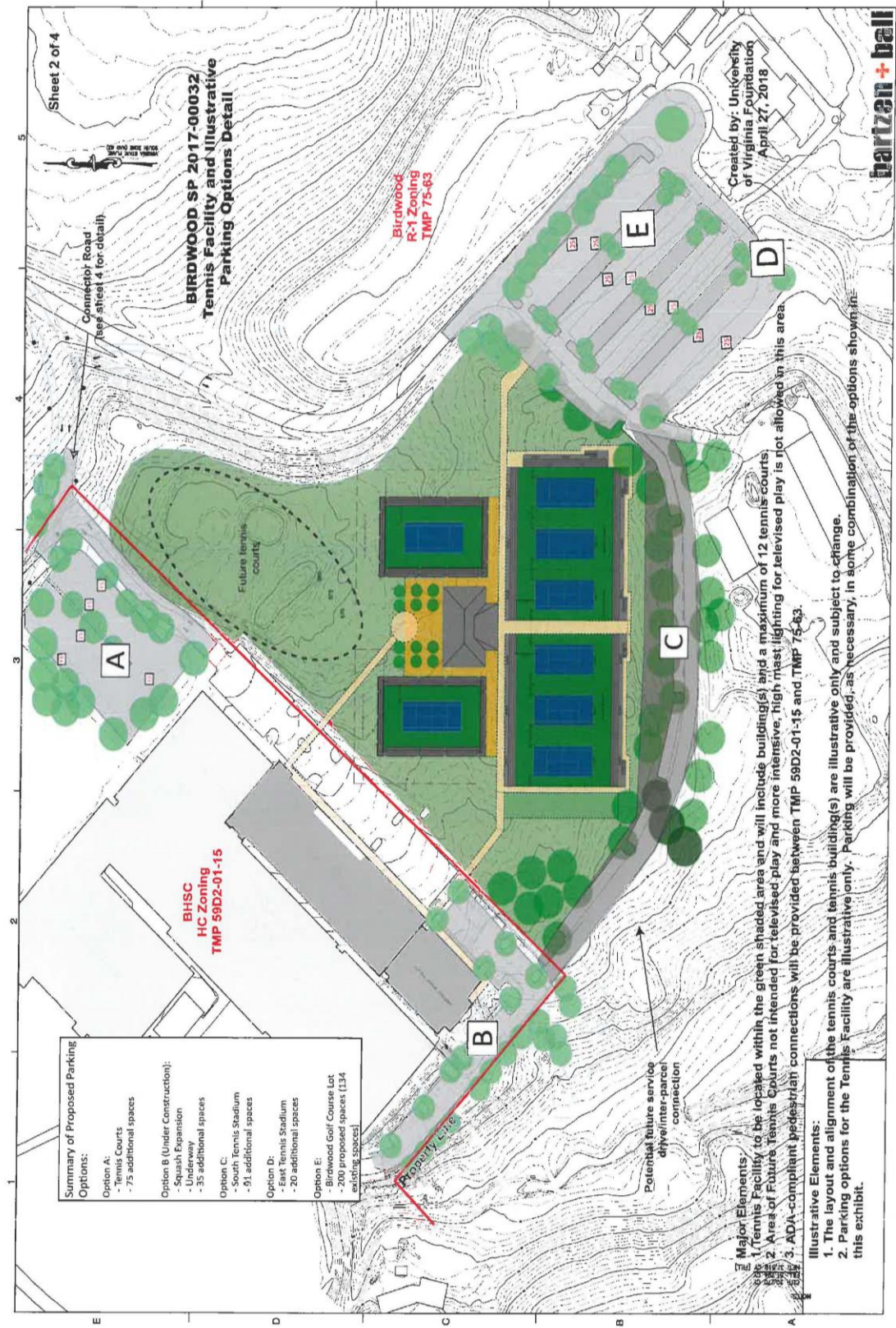
Any new construction and/or improvements at the subject property, other than the site improvements that are in general accord with the Concept Plan and with each corresponding Concept Plan Detail as determined by the Director of Planning and Zoning Administrator, shall require an amended special use permit, except for the following:

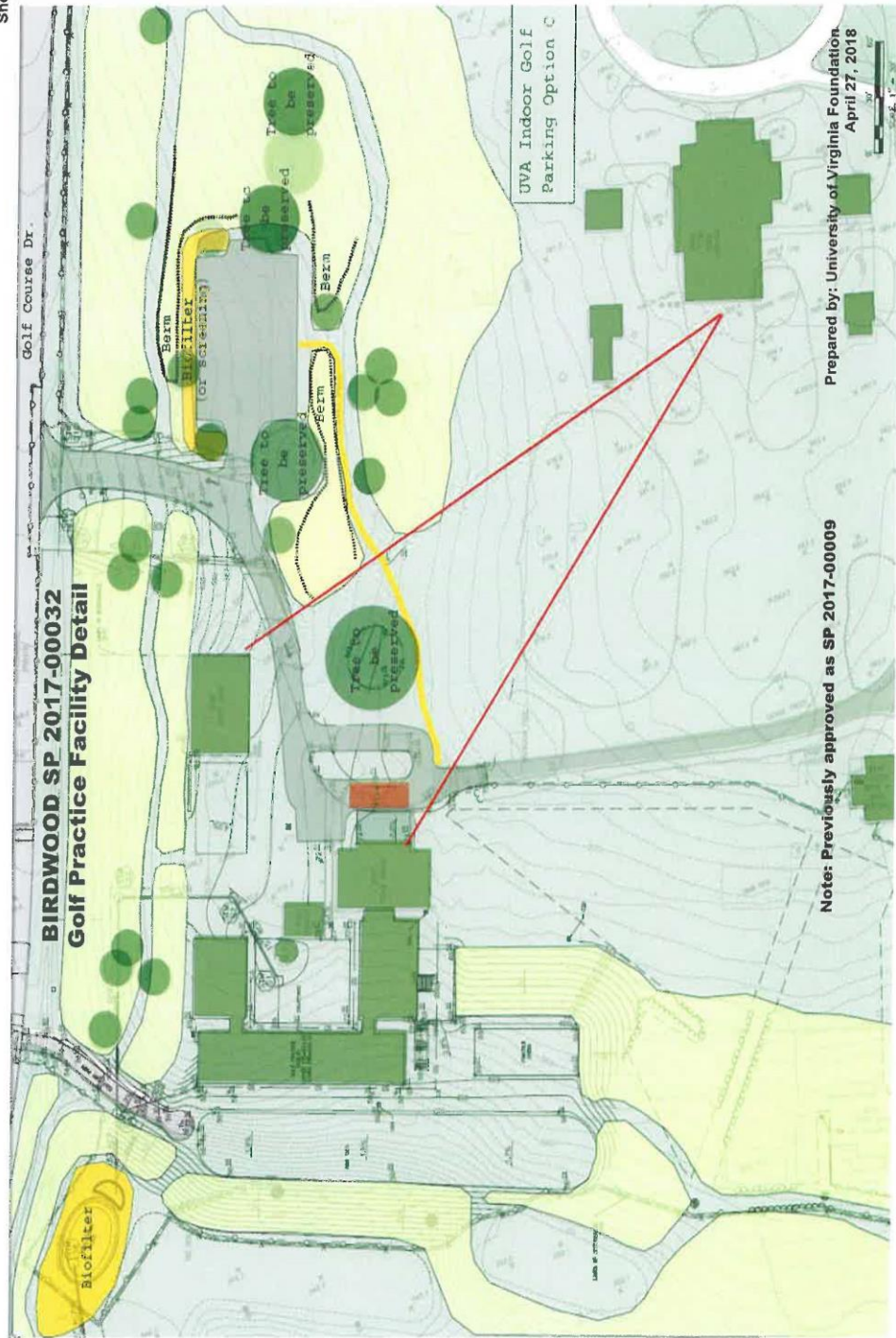
- Modifications to golf course layout within the boundaries of the existing 18-hole golf course, and outside of the boundaries of the Birdwood Mansion "Historic Core" and "Outer Precinct" as identified in the *Birdwood Landscape Site Protection and Stewardship Strategies Plan* (2015);
 - Construction of athletic-related accessory structures or other athletic-related improvements which primarily support the use of the golf course facilities and/or tennis facilities and which occur within the general area of those uses.
 - Other minor modifications to the Concept Plan or corresponding Concept Plan Details that do not otherwise conflict with the elements listed above may be made to ensure compliance with the Zoning Ordinance, as determined by the Zoning Administrator.
2. Design and development of the improvements shown on Exhibit C – Golf Practice Facility Detail (Concept Plan Sheet 3 of 4) shall be subject to the following, as determined by the Planning Director or designee:
 - a. Placement of the parking lot within the "bowl" created by the existing terrain in a way that minimizes grading of the slope to the north of the new parking lot, which is to be preserved for its screening effect;
 - b. Construction of earthen berms adjacent to the parking lot which are compatible with existing topographic variation and which further reduce the visibility of the parking lot and parked cars from Golf Course Drive;
 - c. Approved planting plan and planting schedule which, at minimum, include:

- i. New landscaping materials planted in naturalistic or informal arrangements which are consistent and compatible with the existing landscape in terms of character, density, and species;
 - ii. A meadow or similar grass landscape along Golf Course Drive; and
 - iii. The use of native plant materials; and
 - d. Submittal of a conservation plan prepared by a certified arborist to preserve trees identified for preservation, including the treatment of all ash trees (species *Fraxinus*) that are to be preserved for protection against the emerald ash borer (*Agrilus planipennis*), to be used in conjunction with any required conservation checklist. If all reasonable alternatives for preservation have been explored, and such trees cannot be retained due to the health of the tree as determined by the certified arborist, removal may occur.
3. Design and development of the improvements shown on Exhibit D – Connector Road Detail (Concept Plan Sheet 4 of 4) shall comply with the Special Exception (Grading Buffer Waiver) and all Special Exception Conditions approved by the Board of Supervisors on April 4, 2018, including but not limited to compliance with the requirements identified on the “Landscaping and Screening Exhibit” dated March 5, 2018.
4. Expansion or replacement of the Clubhouse is permissible, provided that all site plan, building permit, and all other applicable permit approvals are properly obtained.
5. No change in use of the Birdwood Mansion is permitted through this Special Use Permit Amendment.
6. All proposed outdoor lighting for the property shall comply with Albemarle County Code, except as otherwise modified or waived by the Board of Supervisors through the approval of a Special Exception request (as may be applicable). Tall mast lighting (lighting that is on a pole more than 35 feet in height) shall not be permitted for tennis courts in the area designated as “Future tennis courts” on Exhibit B – Tennis Facility Detail (Concept Plan Sheet 2 of 4), dated April 27, 2018.
7. Sound studies that demonstrate compliance with the Albemarle County Noise Ordinance, as determined by the Zoning Administrator or her designee, shall be submitted to Albemarle County prior to the issuance of a Certificate of Occupancy for the Tennis Facility.
8. The owner’s traffic consultant shall conduct signal warrant analyses for the Golf Course Drive and Ednam Drive intersections with U.S. Route 250 to determine if volumes indicate that any modification to intersection controls should be implemented. Such analyses shall be conducted a minimum of two times (the first shall occur twelve (12) months after the permanent opening of the connector road, and the second shall occur twenty-four (24) months after the permanent opening of the connector road), and shall be submitted to Albemarle County for review. If any modification is indicated based on traffic volumes collected per standard procedures of the Virginia Department of Transportation (“VDOT”), the owner’s consultant will prepare and submit the requisite Signal Justification Report evaluating alternative intersection control to VDOT and Albemarle County and engage in discussion about the appropriate measures, if any, to be taken at either intersection.
9. Potential future transportation improvements:
 - a. If the signal warrant analyses referenced in condition #8 or any subsequent additional signal warrant analyses (collectively, the “Analyses”) demonstrate that any change to the traffic control type or means of access are appropriate at either the intersection of Golf Course Drive and U.S. Route 250 and/or the intersection at Ednam Drive and U.S. Route 250 (collectively, the “Transportation Improvements”) prior to the date that is five (5) years after the date of the permanent opening of the Connector Road, the Foundation will pay its pro rata share toward the cost of the Transportation Improvements, which pro rata share shall be based on the Analyses (the “UVAF Contribution”).
 - b. For purposes of calculating the monetary amount of the UVAF Contribution, the cost of the Transportation Improvements shall be based on the cost of a new traffic signal and any modifications to the existing traffic signal (collectively, a “Signal”) at the time the UVAF Contribution is requested by the County, even if the Transportation Improvement that is ultimately installed is something other than a Signal (such as a roundabout, or other alternative intersection control device that costs more than a Signal). However, in the event that the Transportation Improvement that is ultimately installed costs less than the cost of a Signal, the UVAF Contribution shall be based on the cost of the improvement ultimately installed, rather than the cost of a Signal.
 - c. Upon a determination by VDOT and the Albemarle County Director of Community Development that any Transportation Improvement is required pursuant to the terms of paragraph 9(a) herein, the County shall provide written notice to the Foundation (the “Notice”), of the amount of the UVAF Contribution for the Transportation Improvements. The Foundation shall have One Hundred Twenty (120) days from the date of delivery of the Notice to provide the UVAF Contribution, which may be in the form of a bond. If the Transportation Improvements have not been completed within five (5) years after the Foundation’s delivery of the UVAF Contribution, the UVAF Contribution shall be returned to the Foundation. If the County has not delivered the Notice within five (5) years after the date of the permanent opening of the Connector Road, the Foundation shall be relieved of any obligation for the Transportation Improvements.

- 10. The owner shall continue to implement an Integrated Pest Management/Nutrient Management Plan to reduce adverse water quality impacts.
- 11. Ingress and egress along Birdwood Drive shall continue to be restricted, to the satisfaction of the Zoning Administrator, to only those residences served by Birdwood Drive and shall not be used as an access to the Indoor Golf Practice Facility or other areas of Birdwood.
- 12. Use of the property must adhere to the Events Management Plan as described in Proffer #4 of ZMA201700010.
- 13. SP201700032 shall remain valid so long as construction of any one of the uses proposed herein is commenced on or before August 1, 2023.

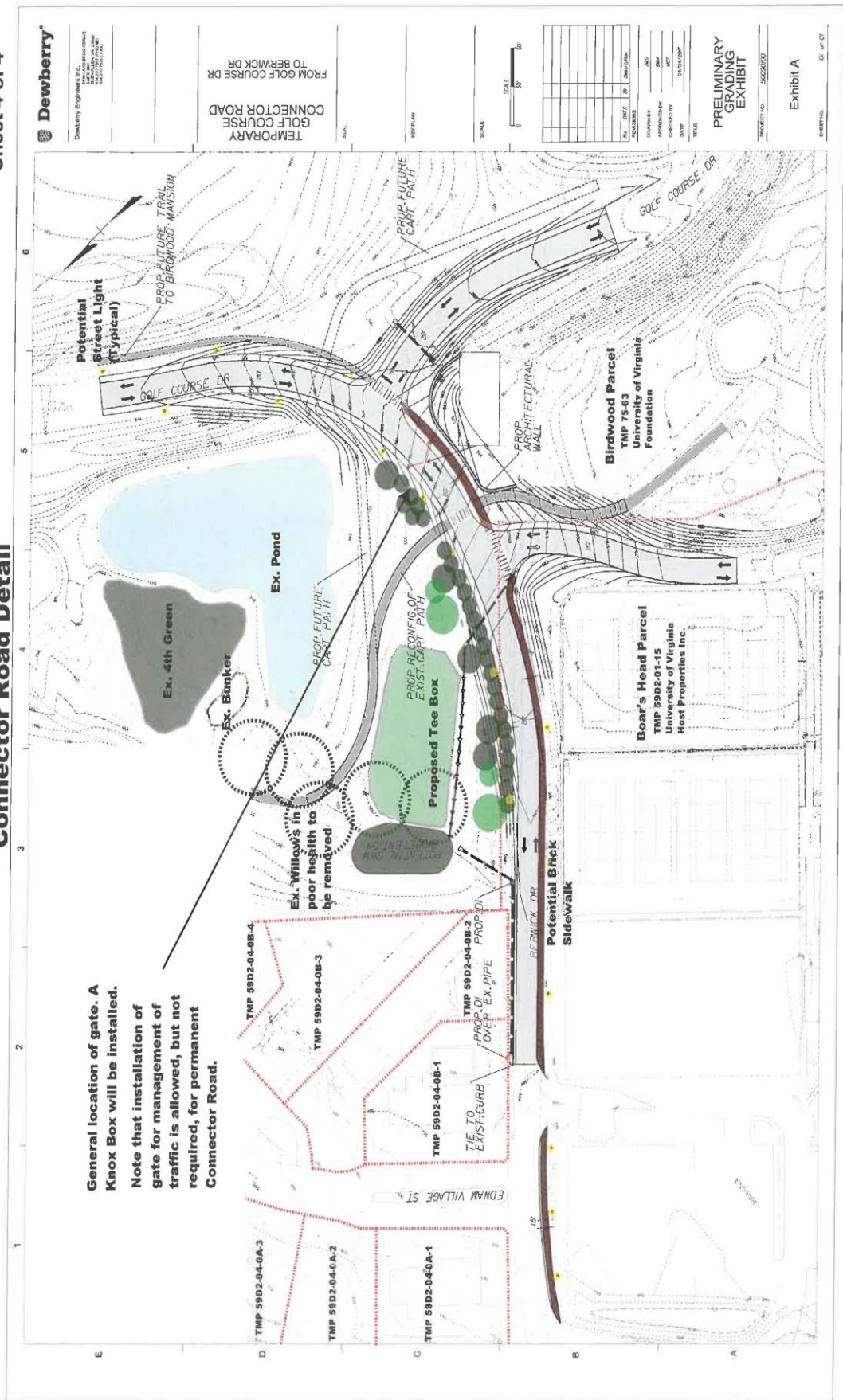






**BIRDWOOD SP 2017-0032
Connector Road Detail**

Sheet 4 of 4



Note: Previously approved as SP 2017-00023

Prepared by the UVA Foundation
April 27, 2018

Ms. Palmer **moved** that the Board adopt the proposed Resolution to approve the special exception for SP 2017-32, with the conditions contained therein. The motion was **seconded** by Ms. McKeel.

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

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

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR SP 2017-32 UVA OUTDOOR TENNIS, PERMANENT CONNECTOR ROAD,
AND BIRDWOOD GOLF COURSE ADDITION**

WHEREAS, the University of Virginia Foundation submitted an application to amend a previously-approved special use permit (SP 201700023) for Tax Map Parcel 07500-00-00-06300 to construct a new UVA outdoor tennis facility, to add a short course to the Birdwood Golf Course, and to allow unrestricted

permanent vehicular use of a private street between Golf Course Drive on the Birdwood property and Berwick Road on the Boar's Head Sports Club property ("SP 2017-32"); and

WHEREAS, the applicant also requested a special exception pursuant to County Code § 18-4.17.5 to modify County Code § 18-13.3 to increase the maximum height of athletic lighting poles from thirty-five feet to seventy feet in conjunction with SP 2017-32; and

WHEREAS, on June 19, 2018, the Albemarle County Planning Commission considered the special exception request and recommended approval of the request with staff-recommended conditions.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared in conjunction with the application, and its supporting analysis, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-4.75, 18-13.3, 18-33.5, and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to modify the requirement of County Code § 18-13.3, subject to the conditions attached hereto.

* * *

**SP-2017-00032 UVA Outdoor Tennis, Permanent Connector Road,
and Birdwood Golf Course Addition Special Exception Conditions**

1. All light fixtures used in conjunction with light poles utilizing the maximum allowable height granted by Special Exception must be full cut-off dimmable LED lights, as proposed by the applicants.
2. The full cut-off dimmable LED lights may only be used at the level of illumination required for televised nighttime play during such televised nighttime play, and the lights shall be dimmed during other times (such as evening practices), as proposed by the applicants.
3. The special exception shall only apply to the proposed 12 hard courts within the proposed tennis facility; any future tennis courts located in the area denoted for "Future tennis courts" on Exhibit B – Tennis Facility Detail (Concept Plan Sheet 2 of 4) shall have outdoor lighting consisting of poles which comply with the 35 foot maximum height and full cut-off luminaires, as proposed by the applicants.
4. The maximum height of the outdoor athletic lighting poles on the proposed 12 hard courts within the proposed tennis facility on which the special exception applies as noted in Condition 3 shall be 70 feet.

Recess. The Board recessed at 7:38 p.m. and reconvened at 7:51 p.m.

Agenda Item No. 21. **PUBLIC HEARING: ZMA201700007 - Hogwaller Farm.**

PROJECT: ZMA2017-00007 Hogwaller Farm.

MAGISTERIAL DISTRICT: Scottsville.

TAX MAP/PARCEL(S): 07700000002000.

LOCATION: East side of Nassau Street near intersection with Florence Road; west side of Moores Creek across from Moores Creek Treatment Plant. Adjacent to properties within the City of Charlottesville.

PROPOSAL: Rezone property from Light Industrial (LI) to Rural Areas (RA).

PETITION: Rezone the 7.52-acre parcel from Light Industrial (LI) which allows industrial, office, and limited commercial uses (no residential uses) to Rural Areas (RA) which allows agricultural, forestal, and fishery uses as well as residential uses (maximum density of 0.5 unit/acre in development lots). The proposed uses are agriculture, forestry, and fishery uses except as otherwise expressly provided. No residential units are proposed. **OVERLAY DISTRICT(S):** Flood Hazard and Steep Slopes – (Preserved).

ENTRANCE CORRIDOR (EC): Yes.

POTENTIALLY IN MONTICELLO VIEWSHED: Yes.

PROFFERS: Yes.

COMPREHENSIVE PLAN: "Parks and Green Systems" – parks, playgrounds, play fields, greenways, trails, paths, recreational facilities and equipment, plazas, outdoor sitting areas, natural areas, preservation of stream buffers, floodplains and steep slopes adjacent to rivers and streams. In the Development Area in Neighborhood 4 (Southern and Western Urban Neighborhoods).

(Advertised in the Daily Progress on July 16 and July 23, 2018)

The Executive Summary forwarded to the Board states that at its meeting on May 1, 2018 the Planning Commission (PC) conducted a public hearing and voted 5:1 to recommend denial of ZMA201700007 for reasons stated in the staff report and also to protect the ecological functionality of the stream buffer that would be required by the Water Protection Ordinance for all other activities in the Development Areas. Attachments A, B, and C are the staff report, action memo, and minutes from the May 1 PC meeting.

After the PC public hearing, the applicant indicated to staff his desire to address all of the issues raised in the staff report and discussed by the PC. The applicant has submitted revised proffers (Attachment D), which include the following:

1. a revised proffered conceptual plan;
2. a commitment to establish and maintain in perpetuity an “undisturbed riparian buffer area” extending 100’ from the top of the bank of Moore’s Creek or to the outer limits of the Floodway, whichever is greater, as had been recommended by staff;
3. a commitment to install and maintain signage denoting the extent of the undisturbed riparian buffer area; and
4. a commitment to restrict the permissible future uses on the property as described in Proffer 4.

Staff believes that these substantial modifications successfully address and resolve the issues that were identified in the staff report and which were the PC’s stated reasons for recommending denial. Therefore, staff recommends approval of ZMA201700007 with proffers.

Staff recommends that the Board adopt the attached Ordinance (Attachment E) to approve ZMA201700007 with proffers.

Mr. Tim Padalino presented and stated that the proposal was to rezone 7.5 acres from light industrial (LI) to rural area (RA). He said that RA allows for agricultural operations by right, including agriculture, forestry, and fishery, except as otherwise expressly provided. He presented a map of the County with the subject property outlined and noted that it was within the development area of the Scottsville Magisterial District, Neighborhood 4. He said this neighborhood was covered by the southern and western urban neighborhoods master plan. He presented a slide with an aerial photograph of the property and surrounding area and explained that this undeveloped property in Hogwaller with the northwestern boundary adjoining Charlottesville and the southeastern boundary fronts Moores Creek. He said that Franklin Street Land Trust II was listed as the owner, with Dr. Hurt as trustee. He presented a zoning map and pointed out the flood hazard overlay, which he said included the floodway fringe representing a 100-year flood, as well as a 100-foot WPO stream buffer along Moores Creek. He stated that the revised proffers provided by the applicant addresses the ecological sensitivity of the riparian area that was the focus of the Planning Commission’s review on May 1.

Mr. Padalino reviewed the revised proffers dated June 29 and explained that the proffers were revised in response to the Planning Commission’s recommendation for denial included a revised proffered conceptual plan, a commitment to establish and maintain in perpetuity an undisturbed riparian buffer area extending 100 feet from the top of the bank of Moores Creek or to the outer limits of the flood way, whichever was greater.

Mr. Padalino continued that the revised proffers include a commitment to install and maintain signage denoting the extent of the undisturbed riparian buffer area and a commitment to restrict the permissible future uses on the property, as described in Proffer 4. He presented the conceptual plan and highlighted the undisturbed riparian buffer in green shading. He emphasized that the green area would be undisturbed and managed in accordance with the stream buffer regulations, except that it would not be eligible for silvicultural exemptions.

Mr. Palmer asked if the 100-year floodplain included the entire property. Mr. Padalino confirmed this, adding that any structures including accessory structures would be subject to the applicable regulations. He said they want to differentiate between the floodplain and the floodway.

Ms. Palmer asked if this area was under water on May 30 or last night. Mr. Padalino replied that he does not know. He said it was his understanding the floodplain was related to the backup of the Rivanna River as opposed to downstream flooding from up Moores Creek.

Ms. McKeel remarked that 100 years means very little to her; more like two years.

Ms. Mallek asked if the area shaded in green would be where stormwater utility digging would occur. She said she was offended when a greenway was torn down to install pipes. Mr. Padalino replied that there was a 30-inch Rivanna Water and Sewer Authority sewer interceptor and it was already a semi-cleared right of way and in the middle of the proffered undisturbed riparian buffer.

Ms. Palmer asked Mr. Padalino what he meant when he said the floodway was backup from flooding down below. Mr. Padalino replied that he would not say it was not flooding from upstream, but it was primarily backup flooding from the Rivanna as a much larger body of water. He next presented an aerial photograph of the property and highlighted the area that would be useable under the proposal, with the revised proffers as well as the limit of the floodway. He noted that the floodplain and floodway are two components of the Flood Hazard Overlay District.

Ms. Mallek commented that there are no signs for someone, like herself, who wants to go and visit the site.

Mr. Padalino concluded and stated that staff recommends the Board adopt the proposed ordinance to approve ZMA 2017-00007, with proffers.

Mr. Padalino emphasized that the modified proffers successfully addresses and resolves all issues brought up by the Planning Commission including the impairment to the ecological integrity of the stream buffer area.

Ms. Mallek asked Mr. Padalino to review these. She emphasized that the by-right uses in rural areas could be put on the property without any interaction with local government.

Mr. Randolph said he looked at the letter dated April 18 from Ms. Lisa Green, Chair of the Charlottesville Planning Commission, and read the second bullet on Page 1: "I was intrigued to find out that the City's bicycle and pedestrian plan calls for a shared use path along Moores Creek." He emphasized that this was County property and he has spoken with the applicant about the importance of providing a right of way for a future path as they want to be thinking about connections and this was the perfect location for part of the bicycle trail way. He asked if Mr. Padalino had discussed this with staff and the applicant. Mr. Padalino replied that they did not speak in terms of a right of way, dedication, or easement. He believes that the original project narrative includes a reference to some type of publicly accessible trail features, though this was not brought forward through any revised proffers.

Mr. Randolph explained that he was trying to channel the spirit of Mr. Mac Lafferty to never let anything go through the Planning Commission without incorporating some sensitivity to multi-modal transportation, which has been referenced by the City. Mr. Randolph said the second thing he noted was the extensive interest by the Planning Commission for a plan to be submitted that would help identify where trees would be planted for nursery and sale versus where vegetables were going to be planted from the standpoint of urban gardening. He said this was not submitted and asked if staff was looking for and expecting that this would be submitted when the application, if approved, goes to site review. Mr. Padalino replied that he was not sure it was a use that requires an approved site development plan. He said the concept plan shows certain improvements such as parking and accessory structures for storage, which he believes are subject to site plan requirements, but agricultural operations may be exempted by state code.

Mr. Blair added that he thought State Code exempted this and he would review the local ordinance.

Ms. McKeel asked where there was space to put 3,000 trees. Mr. Padalino replied that he believes this was in the context of when the applicant wanted to use the area, which has since been proffered out in terms of an undisturbed riparian buffer and was originally a nursery area.

Ms. McKeel interjected that he was using a space between 35 feet and 100 feet. Mr. Padalino responded that that was correct.

Mr. Padalino commented that there are four proffers, with the first being that the site shall be developed in general accord with the conceptual plan and was a basic commitment but not actually written as such when the Planning Commission reviewed it. He said that one of their concerns was that the plan was not actually proffered and the applicant was not committed or obligated to develop the property as shown in the plan, which has now been addressed. He said the second proffer was the riparian buffer and said that this area, as shown in the conceptual plan, would be developed and managed in accordance with the County's stream buffer protection regulations, provided that the silvicultural activities exception would be proffered out.

Ms. Mallek asked what the exemption meant. Mr. Padalino responded that it means one could do forestry within the stream buffer if Department of Forestry best practices were followed. He continued that this would not allow any harvesting or silvicultural activities within the 100-foot buffer or the floodway, whichever was greater. He remarked that the floodway goes up to 150 feet or 180 feet in certain points from top of bank and was a notable increase from a 100-foot buffer.

Ms. Mallek remarked that she was a little confused about their having to devise a new definition for the buffer and asked if it was a dilution in protection to go to a riparian buffer versus the stream buffer described in the WPO. Mr. Padalino replied that it would be a more intensive restriction and a better-preserved buffer area.

Mr. Padalino reviewed the third proffer, which would be to provide signage along the riparian buffer boundary and be maintained as long as the property was in operation with the uses and activities stated in Proffer 4. Signage would be maintained by the property owner at the time the signage is in need of repair. He said the Zoning Administrator and County Engineer who administers water protection ordinance regulations would approve the size and type of materials and the content, number, and locations of the signs to make sure the buffer area was well understood and managed as such.

Ms. Mallek asked if a tastefully done fence would be counterproductive in the buffer. Mr. Padalino said that was discussed by the Planning Commission and during staff review and that was not a good practice within the edge of a floodway. He said there are ways to do fencing in this type of hydrologically sensitive area, though it was probably not a best practice.

Ms. Mallek remarked that if they are trying to keep people out, this could be a little clearer to people who might willfully look away and pretend they do not see the sign.

Mr. Padalino reviewed the fourth proffer, which referred to future uses of the property. He said a subset of uses permitted in the Code would be eligible, either by-right or with a Special Use Permit. He explained that this was included because it was reviewed on a case-by-case basis, and the applicant has stated the opportunity to potentially have small-scale hydro as part of the agricultural operation. He

emphasized that this was not a given nor guaranteed, but they would have the opportunity to ask the County for permission if they ever wanted to.

Ms. Palmer asked what could be done on the property if they do something different. Mr. Padalino pointed to a list under the proffer and named agricultural/forestry and fishery uses, excluding livestock activity that involve swine or cows and within the riparian buffer area. He said it limits agricultural activities to the area just outside the riparian buffer area.

Ms. Palmer asked if storage buildings are allowed. Mr. Padalino replied that these would be permissible as accessory structures if certain building code and zoning clearance requirements were met, emphasizing that this was in the floodplain and not the floodway.

Ms. McKeel asked Mr. Padalino to point these features out on a map to make it easier to visualize. Mr. Padalino displayed the concept plan and pointed out features such as the parking area, property access, storage buildings, and the area of proposed farm sales. He emphasized that the only improvements would be the parking lot and accessory structures.

Ms. Mallek asked for confirmation that the Board was being asked to allow the construction of structures and a parking lot in the floodplain. Mr. Padalino said the improvements would be subject to additional County approvals, either through building permits, a site plan, or approval by the County Engineer. He clarified that this plan is a conceptual plan and would not permit the development but demonstrates how this portion of the property would be developed if the other necessary approvals were granted by the County.

Ms. Mallek described this as a slippery slope and asked how they could make a decision about whether this was a good use if they do not know what was where. She asked what was real and affirmed to be happening and suggested the applicant go into this when he addresses the Board. She said it seems like a constantly moving target.

Mr. Randolph pointed out that the concept plan shows the farm sheds on County property, while the engineering plan dated 8/21/17 has them in the City, and he asked where the sheds would be. Mr. Padalino replied that the revised proffered plan dated June 27 has the accessory structures on the subject property. The plan he is mentioning came from the Commission's staff report package which included two application materials that were submitted to the City of Charlottesville Neighborhood Development Services and were clearly marked as "not for County review".

Mr. Gallaway noted that the property was currently light industrial within the development area and asked what could be done if it were to retain this zoning classification. Mr. Padalino replied that it was a short list because of the type of uses permitted in light industrial districts.

Mr. Gallaway asked for an example. Mr. Blair stated that it would be public use.

Mr. Gallaway pointed out that they focus their attention on economic development to maximize the use of spaces, and here was an available light industrial development area in a spot from which they cannot really get any economic development value, so the question was what else they could do with it. He asked what the economic benefit of the application was to the County's economic development.

Mr. Randolph asked if he meant how the rural area development on the site would benefit from a tax standpoint. Mr. Gallaway indicated that this was one aspect but he wants to understand how a rural area development would provide economic development benefits. He noted that much of the economic activity, such as the retail, was on the City side of the property. Mr. Padalino acknowledged that these questions are valid yet atypical, as they have an industrial district that the future land use plan calls for green systems. He added that what would typically be considered a downzoning from industrial to rural area was actually creating a new opportunity. He said they coordinated with Economic Development early on, with the focus more on whether this was a detriment to the County in terms of losing industrial inventory rather than whether it was a benefit. He pointed out that there was not much use for the property due to the flood hazard overlay.

Ms. Mallek said there are green infrastructure benefits to having this be parks and green space with water cleaning and flood capacity absorption that happens in undeveloped property, especially along streams.

Ms. Palmer remarked that she thought you could not build in the 100-year floodplain. Mr. Padalino responded that there was an important distinction between dwellings and other types of structures, such as accessory structures.

Mr. Randolph pointed out that James River Canoes has a storage shed within the floodplain that could wash away in a flood.

Ms. Mallek remarked that this has not been allowed in the entire County since 2014 because they could smash into a neighbor's house when they break free. She said it was not fair to place a burden on engineers to make decisions on a site plan level, and she was concerned about being permissive with structures in the floodplain as they would not allow a farmer to do this.

Mr. Randolph said he would feel more comfortable if the parking and sheds were out of the site.

Ms. Palmer recalled that a few years ago, a neighbor was required to remove a shed from the 100-year floodplain as it was a zoning violation. Mr. Padalino said that what was shown in the concept plan would not be permissible unless a floodplain permit was granted by the County Engineer in his capacity as administrator of the floodplain ordinance. He said they would have to meet certain specifications in the County Code, such as not storing hazardous or flammable materials.

Ms. Palmer asked if this would be giving direction or an indication to the County Engineer that this was something the Board would approve. Mr. Padalino replied that this would be a ministerial application and the Engineer would be looking at the technical criteria established in the Code.

Mr. Blair asked Mr. Padalino if he had any lines that demarcate the regulatory floodway from the floodway fringe. Mr. Padalino replied that there are two. He pointed out the line on a map as well as on the conceptual plan.

Mr. Blair explained that the County's flood hazard overlay district make differences in uses or structures allowed in the regulatory floodway versus the floodway fringe and structures accessory to a permitted agricultural use, providing they do not have habitable space, are allowed in the floodway fringe.

Ms. Mallek stated that a commercial parking lot would not qualify for that. Mr. Blair replied that he was addressing the structures.

Mr. Mallek remarked that in the storage building he described, fertilizers, herbicides, and pesticides that are used on the farm wash away, which was a really big problem. She said they have obviously not done a good enough job with regulation and should review this at a future date. She added that she thought these flood areas were already off limits.

Ms. Mallek opened the public hearing.

Mr. Justin Shimp, Engineer and Developer of this farm, addressed the Board. He said he has been working on the City portion of this for some time. He has worked through various concepts and got to this point whereby the community embraces both food and housing. He said he sought to rezone industrial land to RA since he was not allowed to grow tomatoes in an industrial zone. He presented a zoning map and pointed out the area where he would develop a 30-unit multifamily apartment complex on the City side. He noted that he has already purchased the land on the City side and was concerned about the light industrial side if it remained as such.

Mr. Shimp presented a list of by-right uses under the light industrial classification. He explained that urban agriculture was consistent with the Comprehensive Plan, though land in urban areas was expensive and they need a certain type of property to fit the urban agriculture vision. He pointed out the first phase of the project, which he said would consist of four affordable units (80% of AMI) of Habitat for Humanity and Thomas Jefferson Land Trust. He next pointed out the second phase, which would also consist of four affordable units; and the third phase, which would have multifamily units.

Mr. Shimp pointed out a store from which produce would be sold, and a commercial greenhouse. He pointed to the undisturbed buffer, community gardens, and a nursery. He said they would grow trees and shrubs for transplanting. He noted that there was a lot of untreated runoff that goes to the property, which they have the opportunity to use for irrigation purposes. He presented ground level photographs of the property and noted that the trees are mostly 20 to 30 years old, followed by an aerial photograph on which he pointed out the proposed buffer and revised increased buffer based on the Planning Commission's and staff's recommendations.

Mr. Shimp presented project statistics for the City:

46 Units

- 8 for sale units for restricted qualified buyers of affordable housing
- 8 3 BR units in duplex buildings under contract with the Land Trust to be affordable for 90 years
- 12 2 BR for rent units
- 18 1 BR for rent units
- Min. 35% affordable per current contracts
- Total density of 16.5 DU/AC in the City
- Total density including farm was 4.5 DU/AC

Project Statistics for Farm

- Approximately 1.23 acres in low impact tree farming, proposed planting includes 1,250 trees/shrubs
- Trees would be sold for local site development projects in the City, matching climates for improved performance in new plantings
- Will take advantage of untreated, undetained stormwater runoff from City development for irrigation
- Provide an undisturbed buffer along the creek
- Approximately 2.46 acres for community farming, to enhance sustainability of urban farming

Ms. Palmer asked how many acres are in the County. Mr. Shimp replied that it was 7.5 acres, of which 3.5 acres would be for farming. This is a small-scale farm; they need something to store tools in.

Addressing the issue of the floodplain, Mr. Shimp said this was in a backwater area with two flood models: Moores Creek and Rivanna River. He said that Moores Creek barely gets out of the banks in this area, was 15 feet from stream bed to the top of bank, and does not jump out of the banks during localized floods. He said that a 100-year flood would cause the Rivanna River to have water backup, creating a pool. He emphasized that this was not a big commercial opportunity but creates an opportunity for people to engage with agriculture in a way that was good for the community overall.

Ms. Palmer asked where the bicycle/pedestrian path would be located. Mr. Shimp said it would be in the buffer area near the creek and connect to Reaves Park.

Ms. Mallek asked if the interceptor path was in the right location to serve as a north/south connector from the neighborhood to the creek. Mr. Shimp replied that the sewer easement could be used for that.

Ms. Mallek remarked that on the map it appears that there would be multiple sheds and a big installation, though Mr. Shimp described them as multiples of small ones. She asked how many sheds are planned. Mr. Shimp replied that only one was needed. He said the drawings showed 8 x 8 sheds that could be used to store tools.

Ms. Mallek said she learned of the term “agriburbia,” which was the concept of learning a skill and being able to build on it or sell it.

Mr. Gallaway asked for confirmation that the developer would maintain control over the nursery and shrubbery, so if a portion of the garden area were not maintained he would be responsible. Mr. Shimp replied that his firm would be the owner/operator and he hopes people would come to him with their ideas. He said they would make a little nursery operation if the residents do not maintain the land.

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

Mr. Randolph complimented Mr. Shimp for making all the corrections requested by the Planning Commission.

Ms. Mallek commented that there may be neighbors up the hill who would love to have a community garden spot they could walk to that has a better water supply.

Mr. Blair noted that members of the Board had expressed some concern with the 8 farm sheds indicated on the conceptual plan. He said the site development proffer said the property would be developed in general accord with the concept plan and would feature the major elements shown in the conceptual plan. He asked the Board if they would like to change this in any way to not include 8 units but one single shed.

Ms. Mallek suggested that it be based on square feet.

Mr. Shimp stated that the ordinance limit was 600 square feet.

Mr. Blair proposed that the first proffer state, “The total square footage of sheds shall be limited to 600 square feet.” Mr. Shimp replied that this was fine, though he does not believe it was necessary and he does not intend on doing more than this.

Mr. Mallek asked Mr. Randolph if he was in agreement with the parking lot where it is. Mr. Randolph replied that he was not wild about the parking lot being in the floodplain, but he has not heard anyone else besides Ms. Mallek address the issue.

Ms. Mallek asked what the parking lot would be made of. Mr. Shimp said it would be gravel and only accessory to residential parking. The parking is limited.

Mr. Randolph **moved** that the Board adopt the proposed ordinance to approve ZMA201700007 with proffers indicating that the maximum square foot of the sheds was 600 sq. ft., and the parking lot would be gravel. The motion was **seconded** by Ms. Mallek.

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

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

NAYS: None.

ABSENT: Mr. Dill.

ORDINANCE NO. 18-A(5)
ZMA 2017-07 HOGWALLER FARM

AN ORDINANCE TO REZONE 7.52 ACRES
FROM LI LIGHT INDUSTRIAL TO RA RURAL AREAS
FOR TAX MAP PARCEL NUMBER 07700-00-00-02000

WHEREAS, the application to rezone 7.52 acres from LI Light Industrial to RA Rural Areas for Tax Map Parcel Number 07700-00-00-020000 is identified as ZMA 2017-00007 Hogwaller Farm (“ZMA 2017-07”); and

WHEREAS, staff recommended denial of ZMA 2017-07 for reasons set forth in the May 1, 2018 Planning Commission staff report; and

WHEREAS, the Planning Commission held a duly noticed public hearing on ZMA 2017-07 on May 1, 2018 and recommended denial; and

WHEREAS, subsequent to the Planning Commission meeting, the applicant submitted a revised conceptual plan and revised proffers, which staff believes address the issues of concern raised by staff and the Planning Commission; and

WHEREAS, on August 1, 2018, the Albemarle County Board of Supervisors held a duly noticed public hearing on ZMA 2017-07.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the staff report prepared for ZMA 2017-07 and its attachments, including the proffers dated June 29, 2018, which include the use restrictions and the establishment and maintenance of a riparian buffer as recommended by staff, and the rezoning application plan entitled “TMP 07700-00-00-02000: Hogwaller Farm, ZMA Application: 2017-00007”, prepared by Shimp Engineering, P.C., dated January 16, 2018 and last revised on June 27, 2018 (the “conceptual plan”), the information presented at the public hearing, the material and relevant factors in Virginia Code § 15.2-2284, the intent of the RA Rural Areas zoning district stated in County Code § 18-10.1, and for the purposes of public necessity, convenience, general welfare, and good zoning practices, the Board hereby approves ZMA 2017-07 with the proffers dated June 29, 2018 and the conceptual plan dated January 16, 2018 and last revised on June 27, 2018.

* * *

Original Proffers X
Amendment

PROFFER STATEMENT

ZMA Number: 2017-00007
Tax Map and Parcel Number: 07700-00-00-02000
Owner: Franklin St. Land Trust II; Charles Wm Hurt & Shirley L Fisher,
Trustees
PO Box 8147
Charlottesville, VA 22906

Date of Proffer Signature:

7.52 Acres to be rezoned from LI to RA

Franklin St. Land Trust II, is the owner (the “Owner”) of Tax Map and Parcel Number 07700-00-00-02000 (the “Property”) which is the subject of rezoning application ZMA No. 2017-00007, a project known as “Hogwaller Farm” (the “Project”).

Pursuant to Section 33 of the Albemarle County Zoning Ordinance (Chapter 18 of the Albemarle County Code), the Owner hereby voluntarily proffers the conditions listed below which shall be applied to the Property if it is rezoned to the requested zoning district, rural areas (RA). These conditions are proffered as a part of the requested rezoning and the Owner acknowledges that the conditions are reasonable. Each signatory below signing on behalf of the Owner covenants and warrants that it is an authorized signatory of the Owner for this Proffer Statement.

- 1. SITE DEVELOPMENT:** The property will be developed in general accord with the conceptual plan titled “TMP 07700-00-00-02000: Hogwaller Farm” dated 01-16-2018 and last revised 06-27-18, as determined by the Zoning Administrator. The property will be developed to feature the major elements shown on the conceptual plan, which includes an undisturbed riparian buffer and riparian buffer signage. The conceptual plan is attached herein as Attachment A.
- 2. RIPARIAN BUFFER:** An undisturbed riparian buffer area (“riparian buffer”) managed in accordance with the Albemarle County stream buffer protection regulations (County Code § 17-600, et seq.) will be established and maintained for perpetuity, provided that the area within the riparian buffer shall not be eligible for the “silvicultural activities” exemption that is otherwise provided by County Code § 17-602(c) . The riparian buffer will extend to 100’ from the top of bank of Moore’s Creek or to the limits of the

floodway, whichever is greater. A copy of County Code § 17-601 is attached herein as Attachment B for reference purposes.

3. **RIPARIAN BUFFER AREA DESIGNATION:** Signage denoting the extent of the riparian buffer along the property shall be installed by the property owner prior to the commencement of uses/activities listed in Proffer #4 "Agricultural Uses." Signage shall be maintained as long as the property is in operation with uses/activities stated in Proffer #4. Signage will be maintained by the property owner at the time the signage is in need of repair. The size, type of material(s), content, number, and locations of the signs shall be approved by the Zoning Administrator and County Engineer.
4. **FUTURE USES:** Agricultural Uses: The use of the property shall be restricted to the following by right uses pursuant to Section 10.2.1(3), (6), (7), (9), (21), (27), and (30) of the Albemarle County Zoning Ordinance, as in effect on August 1, 2018, a copy of which is attached hereto and incorporated herein as Attachment C, inclusive of modifications as shown in underline or strikethrough typeface:
 - 3. Agriculture, forestry, and fishery uses, excluding livestock activity involving swine or cows, and excluding agriculture, forestry, or fishery uses within the designated "riparian buffer" area.
 - 6. Water, sewer, energy, communications distribution facilities (reference 6.1.12)
 - 7. Accessory uses and building including major home occupations (reference 5.2A), minor home occupations (reference 5.2A), and storage buildings.
 - 9. Public uses (reference 5.1.12)
 - 21. Stormwater management facilities shown on an approved final site plan or subdivision plat.
 - 27. Farm stands (reference 5.1.47).
 - 30. Events and activities at agricultural operations authorized by right under section 5.1.58(d).

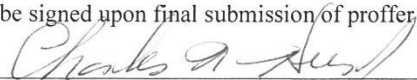
Additionally, the property may also be used for the following special uses pursuant to Section 10.2.2 of the Zoning Ordinance, as in effect on August 1, 2018, a copy of which is attached hereto and incorporated herein as Attachment C, subject to the applicable requirements of the Zoning Ordinance, provided that a special use permit is approved:

- 39. Hydroelectric power generation (reference 5.1.26).

OWNER:

Franklin St. Land Trust II

(to be signed upon final submission of proffer statement)



By: Charles Wm Hurt

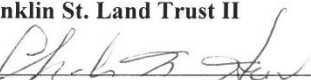
Title: Trustee

Tax Map and Parcel Number: 07700-00-00-02000

The undersigned Owner hereby proffers that the use and development of the Property shall be in conformance with the proffers and conditions herein above. This document shall supersede all other agreements, proffers or conditions that may be found to be in conflict. The Owner agrees that all proffers shall be binding to the property, which means the proffers shall be transferred to all future property successors of the land.

WITNESS the following signature:

Franklin St. Land Trust II

By: 

COMMONWEALTH OF VIRGINIA

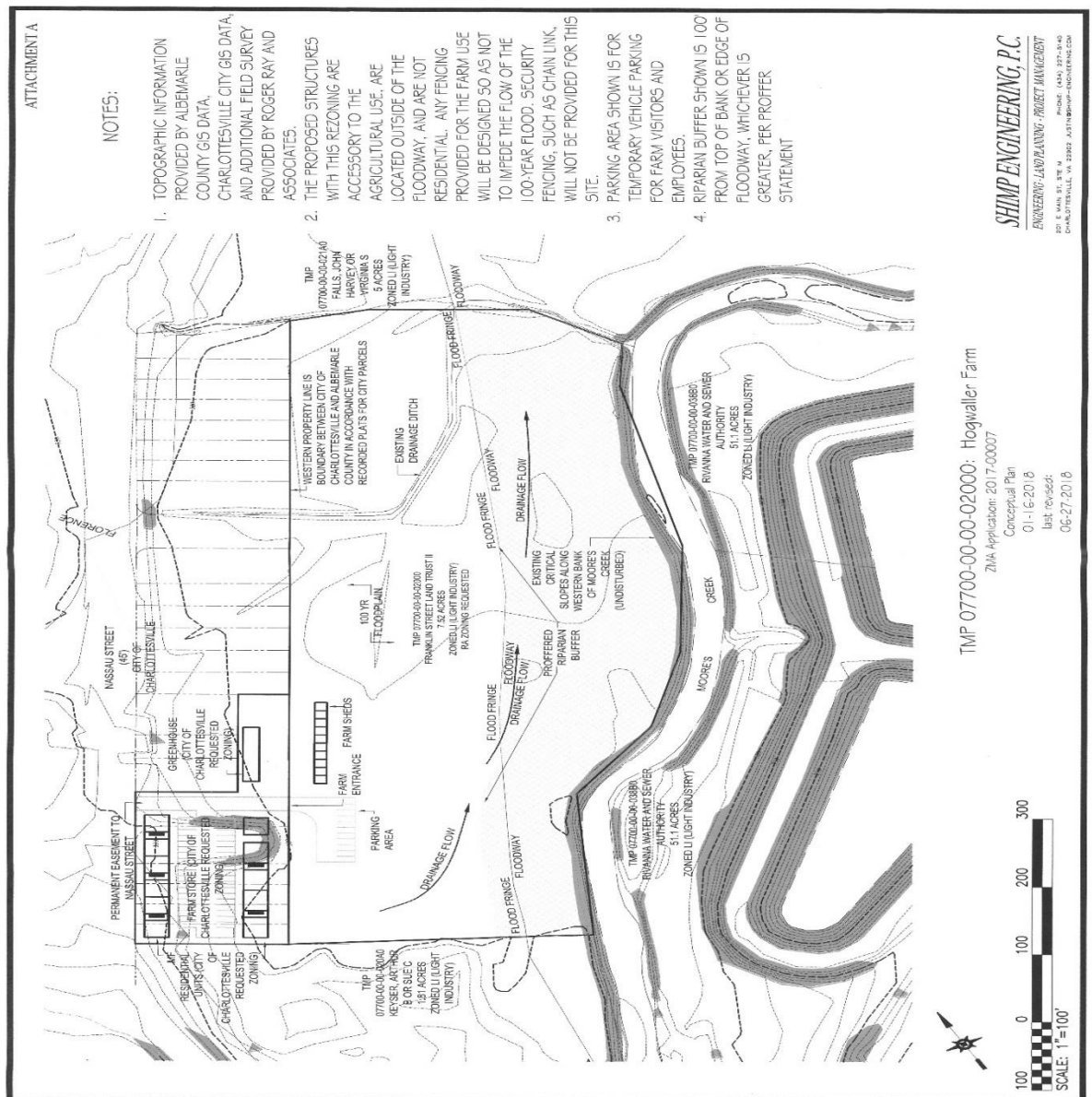
CITY/COUNTY OF Albemarle, to wit:

The foregoing instrument was acknowledged before me this 29 day of June, 2018 by Dr. Charles Wm Hurt, Trustee of Franklin St. Land Trust II.

My Commission expires: June 30, 2021

Notary Public

STEPHEN M. MELTON
NOTARY PUBLIC
REG. #102070
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES JUNE 30, 2021



ATTACHMENT B

Sec. 17-601 Management of stream buffer.

Each stream buffer required to be retained or established pursuant to section 17-600 shall be managed as provided herein:

- A. Target vegetative cover. The preferred vegetative cover in a stream buffer shall be a native riparian forest with ground cover, shrub, and tree canopy layers.
- B. Preservation of native vegetation. When evaluating a development design under subsection (C), when native vegetation may be disturbed or removed under subsection (D) and sections 17-603 and 17-604, and when stream buffers are maintained under subsection (E), native vegetation shall be preserved to the fullest extent possible.

- C. Incorporation into development design. Each stream buffer shall be incorporated into the design of the development by keeping stream buffers in open or natural spaces, and out of residential lots or areas of active use, to the fullest extent possible.
 - D. Retaining native vegetation; disturbance or removal. In order to maintain the runoff, erosion, nonpoint source pollution control, stream temperature, and ecological values of the stream buffer, no native vegetation within the stream buffer shall be disturbed or removed, regardless of the size of the area affected, except to maintain the stream buffer as provided in subsection (E), provided that native vegetation may be removed to construct, install, operate or maintain any improvement, or engage in any activity, authorized by sections 17-603 and 17-604.
 - E. Maintaining the stream buffer. Each stream buffer shall be maintained in as natural a condition as possible.
- (§ 19.3-42, 2-11-98, § 19.2-8, 6-19-91, § 8; Code 1988, §§ 19.2-8, 19.3-42; § 17-318, Ord. 98-A(1), 8-5-98; § 17-601, Ord. 14-17(1), 5-7-14, effective 7-1-14)
State law reference –Va. Code § 62.1-44.15:73; 9VAC25-890-40.

ATTACHMENT C

ALBEMARLE COUNTY CODE

CHAPTER 18. ZONING

SECTION 10. RURAL AREAS DISTRICT, RA

Sections:

- 10.1 Intent, where permitted.**
- 10.2 Permitted uses.**
- 10.2.1 By right.**
- 10.2.2 By special use permit.**
- 10.3 Application of regulations for development by right.**
- 10.3.1 Conventional development.**
- 10.3.3 Rural preservation development.**
- 10.3.3.1 Definitions.**
- 10.3.3.2 Intent; design standards.**
- 10.3.3.3 Special provisions.**
- 10.4 Area and bulk regulations.**
- 10.5.2 Where permitted by special use permit.**
- 10.5.2.2 Materials to be submitted by the applicant.**

Sec. 10.1 Intent, where permitted.

This district (hereafter referred to as RA) is hereby created and may hereafter be established by amendment of the zoning map for the following purposes:

- Preservation of agricultural and forestal lands and activities;
- Water supply protection;
- Limited service delivery to the rural areas; and
- Conservation of natural, scenic, and historic resources.

Residential development not related to bona fide agricultural/forestal use shall be encouraged to locate in the urban area, communities and villages as designated in the comprehensive plan where services and utilities are available and where such development will not conflict with the agricultural/forestal or other rural objective. Where development does occur, rural residents should expect to receive a lower level of service delivery than will be provided to residential developments in designated growth areas. In relation to residential development, agricultural/forestal activities shall be regulated only to the extent necessary to protect public health and safety.

In regard to agricultural preservation, this district is intended to preserve the county's active farms and best agricultural and forestal lands by providing lot areas designed to insure the continued availability of such lands for preferential land use tax assessment in order to enhance the economy, and maintain employment and lifestyle opportunities. In addition, the continuation and establishment of agriculture and agriculturally-related uses will be encouraged, and landowners will be encouraged to employ Virginia State Water Control Board best management practices.

(§ 20-10.1, 12-10-80, 11-8-89; § 18-10.1, Ord. 98-A(1), 8-5-98; Ord. 01-18(6), 10-3-01)

It is intended that permitted development be restricted to land which is of marginal utility for agricultural/forestal purposes, provided that such development be carried out in a manner which is

ALBEMARLE COUNTY CODE

compatible with other purposes of this district. Roadside strip development is to be discouraged through the various design requirements contained herein.

Sec. 10.2 Permitted uses.

Sec. 10.2.1 By right.

The following uses shall be permitted by right in the RA district, subject to the applicable requirements of this chapter:

1. Detached single-family dwellings, including guest cottages and rental of the same; provided that yard, area and other requirements of section 10.4, conventional development by right, shall be met for each such use whether or not such use is on an individual lot subject to section 10.3.
2. Side-by-side duplexes subject to the provisions of section 10.4; provided that density is maintained and provided that buildings are located so that each unit could be provided with a lot meeting all other requirements for detached single-family dwellings except for side yards at the common wall. Other two-family dwellings shall be permitted provided density is maintained.
3. Agriculture, forestry, and fishery uses except as otherwise expressly provided.
4. Game preserves, wildlife sanctuaries and fishery uses.
5. (Repealed 5-5-10)
6. Water, sewer, energy, communications distribution facilities (reference 5.1.12).
7. Accessory uses and buildings including major home occupations (reference 5.2A), minor home occupations (reference 5.2A), and storage buildings.
8. Temporary construction uses (reference 5.1.18).
9. Public uses (reference 5.1.12).
10. Temporary sawmill (reference 5.1.15 and subject to performance standards in 4.14).
11. Veterinary services - off-site treatment only.
12. Agricultural service occupation (subject to performance standards in 4.14).
13. Divisions of land in accordance with section 10.3.
14. Bed and breakfast (reference 5.1.48).
15. Manufactured homes, individual, qualifying under the following requirements (reference 5.6):
 - a. A property owner residing on the premises in a permanent home wishes to place a manufactured home on such property in order to maintain a full-time agricultural employee.
 - b. Due to the destruction of a permanent home an emergency exists. A permit can be issued in this event not to exceed twelve (12) months. The Zoning Administrator shall be authorized to issue permits in accordance with the intent of this ordinance and shall be authorized to require or seek any information which he may determine necessary in making a determination of cases "a" and "b" of the aforementioned uses.
16. Temporary manufactured home in accordance with section 5.7.

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17. Farm winery uses, events, and activities authorized by section 5.1.25(a),(b), and (c)(2).
18. Borrow area, borrow pit, not exceeding an aggregate volume of fifty thousand (50,000) cubic yards including all borrow pits and borrow areas on any one parcel of record on the adoption date of this provision (reference 5.1.28).
19. Manufactured homes on individual lots (reference 5.6).
20. Commercial stable (reference 5.1.03).
21. Stormwater management facilities shown on an approved final site plan or subdivision plat.
22. Tier I and Tier II personal wireless service facilities (reference 5.1.40).
23. Farm worker housing, Class A (up to ten occupants and up to two sleeping structures) (reference 5.1.44).
24. County store, Class A (reference 5.1.45).
25. Small wind turbines (reference 5.1.46).
26. (Repealed 11-12-14)
27. Farm stands (reference 5.1.47).
28. Family day homes (reference 5.1.56).
29. Farm brewery uses, events, and activities authorized by section 5.1.57(a), (b), and (c)(2).
30. Events and activities at agricultural operations authorized by right under section 5.1.58(d).
31. Farm distillery uses, events, and activities authorized by section 5.1.59(a), (b), and (c)(2).

32. Group home (reference 5.1.07).

(§ 20-10.2.1, 12-10-80; 12-16-81; 7-6-83; 11-1-89; 11-8-89; 11-11-92; 5-12-93; Ord. 95-20(5), 11-15-95; § 18-10.2.1, Ord. 98-A(1), 8-5-98; Ord. 02-18(6), 10-9-02; Ord. 04-18(2), 10-13-04; Ord. 06-18(2), 12-13-06; Ord. 08-18(7), 11-12-08; Ord. 09-18(11), 12-10-09; Ord. 10-18(3), 5-5-10; Ord. 10-18(4), 5-5-10; Ord. 11-18(1), 1-12-11; Ord. 12-18(3), 6-6-12; Ord. 13-18(5), 9-11-13; Ord. 14-18(4), 11-12-14; Ord. 15-18(10), 12-9-15; Ord. 17-18(1), 1-18-17; Ord. 17-18(4), 8-9-17; Ord. 18-18(1), 1-10-18)

Sec. 10.2.2 By special use permit.

The following uses shall be permitted by special use permit in the RA district, subject to the applicable requirements of this chapter:

1. Community center (reference 5.1.04).
2. Clubs and lodges (reference 5.1.02).
3. Fire and rescue squad stations (volunteer) (reference 5.1.09).
4. Swim, golf, tennis or similar athletic facilities (reference 5.1.16).
5. Private schools.

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6. Energy and communications transmission facilities (reference 5.1.12).
7. Day care centers (reference 5.1.06).
8. (Repealed 3-5-86)
9. Manufactured home subdivisions (reference 5.5).
10. (Repealed 11-11-92)
11. (Repealed 3-15-95)
12. Horse show grounds, permanent.
13. Custom slaughterhouse.
14. Sawmills, planing mills and woodyards (reference 5.1.15 and subject to performance standards in 4.14).
15. (Repealed 8-9-17)
16. (Repealed 11-15-95)
17. Commercial kennel (reference 5.1.11 and subject to performance standards in 4.14).
18. Veterinary services, animal hospital (reference 5.1.11 and subject to performance standards in 4.14).
19. Private airport, helistop, heliport, flight strip (reference 5.1.01).
20. Day camp, boarding camp (reference 5.1.05).
21. Sanitary landfill (reference 5.1.14).
22. Country store, Class B (reference 5.1.45).
23. Commercial fruit or agricultural produce packing plants.
24. (Repealed 11-8-89)
25. Flood control dams and impoundments.
26. (Repealed 11-8-89)
27. Restaurants, taverns, and inns that are:
 - a. Located on a site containing a structure that is a historic structure and/or site as defined in section 3.1 or located on a site containing a structure that is identified as contributing to a historic district as defined in section 3.1, provided: (i) the structure was historically used as a restaurant, tavern or inn or previously approved for such use by special use permit; and (ii) if renovation or restoration of the historic structure is proposed, such changes shall restore the structure as faithfully as possible to the architectural character of the period(s) of its significance and shall be maintained consistent therewith; and (iii) that any additions or new structures shall serve a restaurant, tavern or inn use existing within the historic structure and lawfully operating on December 14, 2016; or

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- b. Nonconforming uses, provided the restaurant or inn is served by existing water and sewerage systems having adequate capacity for both the existing and proposed uses and facilities without expansion of either system.
- 28. Divisions of land as provided in section 10.5.2.1.
- 29. Boat landings and canoe livery.
- 30. Permitted residential uses as provided in section 10.5.2.1.
- 31. (Repealed 1-12-11)
- 32. Cemetery.
- 33. Crematorium.
- 34. (Repealed 3-21-01)
- 35. Religious assembly use.
- 36. Gift, craft and antique shops.
- 37. Public garage.
- 38. Exploratory drilling.
- 39. Hydroelectric power generation (reference 5.1.26).
- 40. Borrow area, borrow pit not permitted under section 10.2.1.18.
- 41. Convent, Monastery (reference 5.1.29).
- 42. Temporary events sponsored by local nonprofit organizations which are related to, and supportive of the RA, rural areas, district (reference 5.1.27).
- 43. Agricultural Museum (reference 5.1.30).
- 44. Theatre, outdoor drama.
- 45. (Repealed 11-12-14)
- 46. Off-site parking for historic structures or sites (reference 5.1.38) or off-site employee parking for an industrial use in an industrial zoning district (reference 5.1.39).
- 47. Animal shelter (reference 5.1.11).
- 48. Tier III personal wireless service facilities (reference 5.1.40).
- 49. Historical centers, historical center special events, historical center festivals (reference 5.1.42).
- 50. Special events (reference 5.1.43).
- 51. Farm worker housing, Class B (more than ten occupants or more than two sleeping structures) (reference 5.1.44).

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- 52. Sale of gasoline and other fuels in conjunction with a country store, Class A or Class B (reference 5.1.45).
 - 53. Farm winery uses, events, and activities authorized by section 5.1.25(c)(3).
 - 54. Farmers' markets (reference 5.1.47).
 - 55. Farm brewery uses, events, and activities authorized by section 5.1.57(c)(3).
 - 56. Events and activities at agricultural operations authorized by special use permit under section 5.1.58(d).
 - 57. Farm distillery uses, events, and activities authorized by section 5.1.59(c)(3).
 - 58. Solar energy systems.
- (§ 20-10.2.2, 12-10-80; 3-18-81; 2-10-82; 4-28-82; 7-6-83; 3-5-86; 1-1-87; 12-2-87; 11-8-89; 6-10-92; 11-11-92; Ord. 95-20(1), 3-15-95; Ord. 95-20(3), 10-11-95; Ord. 95-20(5), 11-15-95; § 18-10.2.2, Ord. 98-A(1), 8-5-98; Ord. 99-18(4), 6-16-99; Ord. 00-18(6), 10-18-00; Ord. 01-18(2), 3-21-01; Ord. 02-18(6), 10-9-02; Ord. 04-18(1), 5-5-04 effective 7-1-04; Ord. 04-18(2), 10-13-04; Ord. 05-18(7), 6-8-05; Ord. 05-18(8), 7-13-05; Ord. 06-18(2), 12-13-06; Ord. 08-18(7), 11-12-08; Ord. 10-18(3), 5-5-10; Ord. 10-18(4), 5-5-10; Ord. 11-18(1), 1-12-11; Ord. 14-18(4), 11-12-14; Ord. 15-18(10), 12-9-15; Ord. 16-18(7), 12-14-16; Ord. 17-18(1), 1-18-17; Ord. 17-18(2), 6-14-17; Ord. 17-18(4), 8-9-17; Ord. 18-18(1), 1-10-18)

Sec. 10.3 Application of regulations for development by right.

The following provisions shall apply to any parcel of record at 5:15 p.m., the tenth day of December, 1980 (reference 6.5).

(§ 20-10.3, 12-10-80; 11-8-89; § 18-10.3, Ord. 98-A(1), 8-5-98)

Sec. 10.3.1 Conventional development.

Regulations in section 10.5 governing development by right shall apply to the division of a parcel into five (5) or fewer lots of less than twenty-one (21) acres in area and to the location of five (5) or fewer dwelling units on any parcel in existence at the time of adoption of this ordinance (reference section 1.3). The aggregate acreage devoted to such lots or development shall not exceed thirty-one (31) acres, except in such case where this aggregate acreage limitation is precluded by other provisions of this ordinance. The second sentence of this provision shall not be applicable to land divided between the effective date of this ordinance (reference section 1.3) and November 8, 1989.

(§ 20-10.3.1, 12-10-80; 11-8-89; 9-9-92; § 18-10.3.1, Ord. 98-A(1), 8-5-98; Ord. 00-18(4), 6-14-00)

10.3.2 In addition to the foregoing, there shall be permitted by right any division of land into parcels each of which shall be twenty-one (21) acres or more in area. No such parcel shall be included in determining the number of parcels which may be created by right pursuant to section 10.3.1; provided that (a) no such division shall affect the number of parcels which may be divided pursuant to section 10.3.1; (b) there may be located not more than one (1) dwelling unit on any parcel created pursuant to this section; (c) at the time of any such division, the owner of the parcel so divided shall designate the number of parcels into which each parcel so divided may be further divided pursuant to section 10.3.1 together with aggregate acreage limitations in accordance with section 10.3.1; and (d) no such division shall increase the number of parcels which may be created pursuant to section 10.3.1.

(§ 20-10.3.2, 12-10-80; 11-8-89; 9-9-92; § 18-10.3.2, Ord. 98-A(1), 8-5-98; Ord. 01-18(6), 10-3-01)

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Zoning Supp. #105, 1-10-18

Agenda Item No. 22. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. Mallek said she would like for the Board to have a future discussion about the safer chemicals policy and how it was applied to all County properties, including parks, as well as policies for waivers. She commented that the policy needs beefing up in order to be consistently applied and for members of the community to be able to rely on it.

Mr. Gallaway remarked that Mr. Gary Grant made public comments today and the Board was going to revisit the County's burn policy, though he cannot recall the details. He asked what the timeframe was for these policies and ordinances to come back before the Board.

Ms. Mallek commented that she cannot recall if they reached a resolution on it, adding that they only adopted the minimum.

Ms. McKeel said she thought it would come back to the Board and they need to straighten it out.

Mr. Richardson offered to provide an update by the end of the week, including next steps and a timeline.

Mr. Gallaway suggested the Board revisit the wireless policy soon.

Ms. McKeel said she knew there was interest among Supervisors about the additional turn lane at Ivy Creek Natural Area off Earlysville Road. She said she reviewed the minutes from April about this and read excerpts that indicated that Mr. McDermott learned from Mr. DeNunzio that it was a good candidate for the Recreational Access Fund. She explained that the minutes stated that "the first step was to develop a conceptual design and cost estimate in order to submit a grant application, and he had reached out to Mr. Trevor Henry of Facilities and Environmental Services to see if they could get in-house design or if they needed to work with a consultant." She said the County does not want to let the turn lane go to where they have lost the right of way that a resident indicated he would be willing to give them, and the County needs to figure out where they are on this.

Ms. Mallek reported that there had been two near misses earlier in the week. She said she had not realized that it was not part of this year's CIP and learned from Parks and Recreation that there was nothing in the plan to carry this forward. She expressed concern that someone could get killed.

Ms. McKeel remarked that there was a fatality there years ago.

Ms. Mallek said the request was for \$120,000 for FY19 to study and provide recommendations and cost estimates for future consideration.

Ms. McKeel remarked that Mr. Joel DeNunzio had identified a pot of money and the County should see where they are with this.

Mr. Randolph added that it was the same pot of money for Biscuit Run.

Ms. Mallek said she was surprised to learn that over 60,000 vehicles passes through the counter at Ivy Creek Natural Area each year, which results in a lot of turns in that spot.

Agenda Item No. 23. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Richardson informed that Board that a new website was launched this week to chronicle the Community Remembrance Project. He said it was a learning tool that shows ways to get involved in related activities and was being managed by Ms. Siri Russell.

Mr. Richardson reported that he continues to receive regular updates from the Charlottesville-Albemarle Convention and Visitors Bureau Interim Director Mr. Adam Healy. He said Mr. Healy requested that the City advertise for their at-large appointment and they have begun the 30-day process, after which they could get the Board together and moving.

Ms. Mallek commented that the County has already advertised for its appointment to the Board.

Mr. Gallaway asked for confirmation that the reflection event was to be held Sunday, August 5. Ms. Mallek confirmed that it would be held that day from 5:00–7:00 p.m. at Jefferson Center.

Agenda Item No. 24. Closed Meeting. *(if needed)*

There was no need for an additional Closed Meeting.

Agenda Item No. 25. Adjourn to August 7, 2018, 3:00 p.m., Room 241.

At 9:02 p.m., Ms. Mallek adjourned the meeting to August 7, 2018, 3:00 p.m. Room 241.

Chairman

Approved by Board
Date 05/15/2019
Initials CKB