A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on September 2, 2015, at 1:00 p.m., Lane Auditorium, Second Floor, County Office Building, McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. Kenneth C. Boyd, Ms. Jane D. Dittmar, Ms. Ann Mallek, Ms. Diantha H. McKeel, Ms. Liz A. Palmer and Mr. Brad L. Sheffield.

ABSENT: None.

OFFICERS PRESENT: County Executive, Thomas C. Foley, County Attorney, Larry W. Davis, and Senior Deputy Clerk, Travis O. Morris.

Agenda Item No. 1. The meeting was called to order at 1:03 p.m., by the Chair, Ms. Dittmar.

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

Agenda Item No. 4. Adoption of Final Agenda.

Ms. McKeel stated that she would like to add a discussion regarding a JAUNT commuter route.

Ms. Dittmar asked Ms. McKeel if she wants to add it as a separate item or put it under the “From the Board” item. Ms. McKeel stated it can go under the Route 29 Solutions discussion, as it covers a possible commuter route during construction.

Ms. Dittmar suggested adding it as Item 24B. Board members agreed.

Motion was then offered by Ms. McKeel to adopt the final agenda as modified. Ms. Mallek **seconded** motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield, Mr. Boyd and Ms. Dittmar.
NAYS: None.

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

Ms. Mallek reported that volunteers at the Western Albemarle Rescue Squad and Albemarle Fire and Rescue staff are in the final stages of forming a water rescue team, and will be undergoing swift water training on September 18, 19 and 20. She stated WARS is sending 10 members to training and ACFR is sending 8, and has raised funds and purchased a rescue boat, as well as ordering specialized safety equipment at a cost of about $1,500 per team member. Ms. Mallek noted these services are already provided by Scottsville Rescue for the James, and by CARS for Rivanna, so this will add the capability in the western part of the County. She also encourages members of the public to join the agency.

Ms. Mallek stated Virginia Farm Services agency wants to remind people that the number one industry in Virginia is farming, with 47,000 farms in the Commonwealth encompassing 8.1 million acres, with the average farm size at 171 acres. She said the most valuable Ag products are chicken, beef and dairy, with forestry also serving an important role. Ms. Mallek stated Virginia has been increasing its exports, with the focus on source traceability and natural farming practices enhancing product appeal to foreign markets.

Ms. Mallek stated she has received inquiries from constituents regarding drones and their potential impacts on livestock, particularly the question of liability if animals are scared by the presence of the devices. She said she hopes local and state governments will address this in the long term, and that citizens will understand that drones are not toys.

Ms. Mallek reported there had been a meeting the previous evening at Blue Ridge Cyclery in Hollymead, with representatives from the police department and Kurt Burkhardt from the CACVB, to discuss bicycling and driving behavior and ways for both cyclists and drivers to understand their mutual impacts and consequences. She stated the conversation is in preparation for the U.S. Cycling Team’s training, which will be held in Albemarle County from September 9-19.

Ms. Mallek stated that Ridge Road is a wonderful access point to the country for running and walking, but large numbers of running club members are parking on both sides of the road at the Garth Road End, blocking traffic to the extent that rescue vehicles cannot get through and farmers are unable to pass. She said she is trying to reach out to the coach of the UVA running team, but as of yet has not received a response.

Ms. Mallek reported there has been a lot of gun firing at nighttime, which causes concern among those in the rural area, and the Board may need to revisit this discussion in the future.

Ms. Dittmar reported that she and Ms. Palmer will discuss the broadband initiative under "From the Board," and she will be attending the Governor's Council on Broadband meeting on September 3 and presenting some ideas from Albemarle.

Ms. Dittmar stated that drivers and pedestrians need to exercise caution as students return to the University area. She reported she had attended the Southwood back to school festival, and there were hundreds of people in attendance, with Albemarle having several agencies represented. Ms. Dittmar stated that she had recently attended the Virginia Association of Counties (VACo) meeting, and will discuss some of the items from that under "From the Board."

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Ms. McKeel commented she has twice noticed a drone hovering in her subdivision.

Mr. Boyd stated it seems to be a potential topic for a future Board meeting, with staff providing a presentation on the legalities of the drones.

Ms. McKeel agreed, stating there is a lot of concern among pilots about the devices.

Ms. Mallek said there are regulations about this, but there still are thousands of drones in the air.

Mr. Foley said staff will bring back general information on the issue, and specifically what kinds of rules pertain to the airport.

Mr. Boyd stated he would be interested in knowing what kind of enabling authority the County has to control this.

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Agenda Item No. 6. Proclamations and Recognitions:

There were none.

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

Ms. Dittmar stated it is preferable for comments about specific agenda items to be given at the time they are discussed. She also said they will take public comment on the potential growth area boundary adjustment at the public hearing for that item on September 9, but if time allows at the end of their work session today, speakers can provide comment.

Mr. Roger Voisinet of the Scottsville District addressed the Board and presented a PowerPoint on electric vehicles, stating there are currently 30 manufacturers of the cars, with that number growing. He stated electric cars cost more initially than internal combustion engines (ICE), but are very quiet, safe, and have a carbon footprint of only 15-20% of ICEs. Mr. Voisinet noted most electric cars are charged at home with solar power systems, and countries all over the world have electric car purchase incentives. He stated local business are preparing for an electric car future, with increased availability of charging stations at places like Hyatt Place, the Omni, and Homewood Suites hotels. Mr. Voisinet stated the President has set a goal of having one million plug-in electric vehicles on the road by 2016, but the U.S. is only one-third of the way there, and global leaders have called for an action to reduce carbon emissions. He said Virginia Code has adopted personal property tax break enabling legislation, Albemarle should take the lead in this matter, and Governor McAuliffe has said the County should consider this.

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Mr. John Martin of Free Union addressed the Board and stated once they start to erode the hard edges of the urban development area as a matter of routine, on a special case basis, this wonderful County will be on the road to becoming quite ordinary.

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Ms. Jennie Moore of the White Hall District addressed the Board, stating she is the Chair of the Crozet Community Advisory Committee, and presented a resolution they had passed regarding the Crozet exit (Exit 107) off of I-64. She stated the CCAC is not taking a position on the Comp Plan boundary line adjustment, but said in the plan revision just adopted, the interchange remains zoned as rural and the CCAC does not want an adjustment to set a precedent for all other I-64 interchange areas in the County. Ms. Moore emphasized the CCAC is opposed to any change in zoning in the Crozet interchange.

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Mr. David Blount, Legislative Liaison, Thomas Jefferson Planning District Commission, addressed the Board and expressed his appreciation to them and to staff for allowing him to work on local legislative initiatives, and to participate in a Funding the Future committee meeting. He stated this is the time of year he begins looking at the regional legislative program, with a top priority being the equalizing of revenue authority of counties with that of cities. Mr. Blount said while they were able to educate elected officials on this issue, they came away from the session unsuccessful in passing any legislation. He also asked the Board to consider measures they do not want to have enacted, as well as those they do. Mr. Blount stated he will have a draft program to them in early October, with a presentation in November along with Board discussion and approval.

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Mr. Morgan Butler of the Southern Environmental Law Center addressed the Board, stating the Planning Commission has put a great deal of thought into the proposed growth area expansion, as they realize that it is a big deal for a locality that takes land use planning as seriously as Albemarle does. Mr. Butler stated this is especially true when the driving force for the expansion is an out of town company insisting on a rural area site, and the County has not traditionally favored expansion of the growth area to suit the specific desires of a business prospect. He said the Commission also recognizes the area's steep topography, presence of Moore's Creek, and presence of an interchange that needs major improvement, makes this extremely challenging. Mr. Butler stated the Commission is reluctant to move forward because answers to their questions either are not available or cannot be answered until a rezoning comes in. He said with their recommendation of denial of the CPA, the Commission did offer two wise suggestions, one of which is having the landowner become the applicant for the CPA and not just a bystander, which will help provide answers as to what to expect from the development, rather than having the County negotiate with an empty chair. Mr. Butler stated the Commission also suggested considering the 82-acre parcel rather than the entire 220 acres, as that property is already zoned R-1 and is already within the water/sewer jurisdictional area. He emphasized this large parcel will provide the acreage the business prospect needs, while giving more time for strategic assessment of industrial land opportunities to be completed and vetted with the public. Mr. Butler said this will also allow for the parcel to be available for other target industries, should the business prospect not pan out, which seems entirely probable.

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Mr. Jeff Werner of the Piedmont Environmental Council addressed the Board, stating that reaching the conclusion that there is a need for more industrial land requires more analysis. He stated staff has referred to eight counties and cited how much industrial and commercial land they have compared to Albemarle, and in comparing them he discovered that Albemarle has lower unemployment, the highest weekly wages, the highest percentage of County residents working in the County, the second shortest commute, and in 2014 the most new start-up firms. Mr. Werner stated staff claims the County's wages lag behind the state average, and while that is true, the Bureau of Labor Statistics shows that Albemarle had the 7th highest state average in the fourth quarter of last year among the state's 95 counties. He said staff used statistics from cities as well as counties in their comparison, and those are very different entities. Mr. Werner said Albemarle's median salary of $53,000 is also above the state average of $37,000. He stated the commuter data being used is inconsistent with the most reliable sources, and the summary of Albemarle's industrial sites eliminates under-utilized sites, and there is no mention of the 500,000+ square feet in vacant industrial buildings advertised on the County's website. Mr. Werner emphasizes that Patriot Aluminum, which has been used as the poster child for companies leaving the County, did not leave because there were no large parcels, they went to Louisa to a 2.8-acre site in a business park owned by that county. He stated if the County wants to have this brewery and if it requires a growth area expansion, then they should have that discussion, but they should not guise it under the claim that having more land equates to more jobs, higher wages and increased revenue. Mr. Werner said Albemarle's enviable quality of life is due in large part to good land use planning, and they must be very careful not to undermine it with spot land use changes.

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Mr. Neil Williamson with the Free Enterprise Forum addressed the Board, stating the development area restoration is a critical part of their discussion, and many of the details being requested are appropriate under a rezoning request, but that cannot happen without a Comprehensive Plan Amendment. Mr. Williamson stated the manner by which Albemarle has considered growth area expansion makes some sense, and they may want to position it near transportation resources and where people can get to jobs, and potential traffic generation cannot be considered under a Comp Plan discussion.

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Agenda Item No. 8. Consent Agenda.

(Discussion: Mr. Boyd stated that he wished to pull Item 8.12 for discussion, as he is concerned about several issues pertaining to this item.

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Mr. Sheffield, Ms. Mallek and Ms. Palmer stated that they need to pull their assigned minutes.

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Referring to the appropriations, Ms. Palmer said she has received questions about the environmental studies learning center greenhouse appropriation, and she has gotten clarification from Ms. Lori Allshouse via email that some of that project's funding has come from proffers, but that does not cover phase two, and there is an additional phase not in the CIP.

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In reference to Item #8.11 and the HB2 process, Ms. Mallek stated that she has received assurances from staff and from Mr. Joel DeNunzio at VDOT that the transportation items will be ready for application at the end of September. She noted they had recently discussed the HB2 process in depth, including the prioritization of Exit 118 improvements.)

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Motion was offered by Ms. McKeel to approve Items #8.1 (as read) through #8.11, and to pull Item #8.12 for discussion, on the consent agenda. Ms. Mallek **seconded** motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield, Mr. Boyd and Ms. Dittmar.
NAYS: None.

Item No. 8.1. Approval of Minutes: December 10, 2014; January 7, February 4, February 11, February 23, February 26, March 3 and March 10, 2015.

Ms. Mallek pulled her assigned minutes of December 10, 2014, pages 42 (begin with Item #42) – end, and February 23, 2015, and carried them forward to the next meeting.

Ms. Palmer pulled her assigned minutes of March 10, 2015, and carried them forward to the next meeting.

Ms. McKeel pulled her assigned minutes of January 7, 2015, pages 31 (begin with Item #18) – end, and carried them forward to the next meeting.

Mr. Sheffield pulled his assigned minutes of February 4, 2015, pages 38 (begin with Item #14) – end, and February 11, 2015, pages 1-23 (end at Item #12), and carried them forward to the next meeting

Ms. Dittmar had read the minutes of December 10, 2014, pages 1-29, and February 4, 2015, pages 1-38 (end at Item #14), and found them to be in order.

Ms. Palmer had read the minutes of January 7, 2015, pages 1-31 (end at Item #18), and found them to be in order.

Ms. McKeel had read the minutes of January 7, 2015, pages 31 (begin with Item #18) – end, and February 11, 2015, pages 23 (begin with Item #12) – end, and found them to be in order.

Mr. Boyd had read the minutes of February 26, 2015 and March 3, 2015, and found them to be in order.

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

Item No.8.2. FY 2016 Budget Amendment and 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 16 budget due to the appropriation itemized below is $655,387.70. 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.

This request involves the approval of seven (7) appropriations as follows:

- One (1) appropriation (#2016019) to appropriate $159,000.00 for the Route 29 Solutions Business Assistance Program. Note: $50,000.00 of this amount will not increase the County's total budget;
- One (1) appropriation (#2016020) to re-appropriate $229,618.05 in federal revenue for the continuation of a Community Development Block Grant;
- One (1) appropriation (#2016021) to appropriate $30,000.00 from the Grants Leveraging fund to the Information Technology Department. This will not increase the total County budget;
- One (1) appropriation (#2016022) to appropriate $82,693.00 in seized asset forfeiture funding to the Police Department;
- One (1) appropriation (#2016023) to appropriate $295,860.00 for two CIP projects. Note: $79,720.00 of this amount will not increase the County's total budget;
- One (1) appropriation (#2016024) to appropriate $7,479.15 in donations to the Department of Fire Rescue;
- One (1) appropriation (#2016025) to appropriate $10,457.50 in grant funds to the Clerk of the Circuit Court

Staff recommends that the Board adopt the attached Resolution (Attachment B) to approve appropriations #2016019, #2016020, #2016021, #2016022, #2016023, #2016024, and #2016025 for local government and school division projects and programs as described in Attachment A.

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Appropriation #2016019 **$109,000.00**

Source:	General Fund fund balance	$ 94,000.00
	EDA Fund fund balance	$ 15,000.00
	Economic Opportunities Fund*****	$ 50,000.00

Pursuant to the Board's authorization on July 1, 2015, this request is to appropriate funding in support of the Route 29 Solutions Business Assistance Program and consists of three parts:

- Re-appropriation of the remaining FY 15 balance of $94,000.00 in the Office of Economic Development to fund a collective marketing campaign as part of the Route 29 Solutions Business Assistance Program.
- Use of $15,000.00 in fund balance from the Economic Development Authority (EDA) fund to provide technical assistance strategies, including workshops, training, and consulting as part of the Route 29 Solutions Business Assistance Program.
- Appropriation of $50,000.00 in funding from the Economic Opportunity Fund to the EDA for a matching grant program as part of the Route 29 Solutions Business Assistance Program. ***This will not increase the total appropriated County budget. Please note, if the Board fails to approve the matching grant program also included on the September 2nd agenda, this appropriation will be reversed at that time.

Appropriation #2016020 **$229,618.05**

Source:	Federal Revenue	$ 229,618.05

This request is to re-appropriate $229,618.05 in funding from the Community Development Block Grant, which will provide housing rehabilitations for low- and moderate income residents over the next year.

Appropriation #2016021 **$0.00**

This appropriation does not increase the total County budget.

Source:	Grants Leveraging Fund	$ 30,000.00

This request is to appropriate $30,000.00 in funding from the Grants leveraging fund to the Information Technology Department for support of a Department of Housing and Community Development Planning grant for Broadband projects.

Appropriation #2016022 **$82,693.00**

Source:	State revenue	$ 82,693.00

This request is to appropriate $82,693.00 in seized asset forfeiture funding from the Virginia Department of Criminal Justice Services to the Police Department. This amount includes:

- $66,693.00, in re-appropriated funds from FY15 to FY16 for a part-time Gang Reduction Coordinator and selected prevention and intervention programs to assist the local Gang Reduction through Active Community Engagement (GRACE) coalition; and
- $16,000.00 associated with an additional asset forfeiture award to support a part-time outreach specialist as a contracted service to work with at-risk youth.

Appropriation #2016023 **$216,140.00**

Source:	Local Non-Tax	$ 7,435.00
	School CIP Fund fund Balance	$ 208,705.00
	School Operating Fund*	$ $79,720.00

**The School Operating Fund component of this appropriation will not increase the total County budget.*

This request is to appropriate $216,140.00 in funding to support two current projects:

- This request is to appropriate $7,435.00 in revenue from the City of Charlottesville for its portion of a joint study of the Levy Building to support the Court Facilities Addition/ Renovation project.
- This request is to appropriate $208,705.00 in School CIP Fund fund balance and $79,720.00 from the currently appropriated School Division Operations budget (approved by the School Board August 27, 2015) to support construction of the Western Albemarle High School Environmental Studies Academy for a total appropriation of $288,425.00 to the project. The project is currently in the bid phase and is scheduled to be operational the second half of the 2015/2016 school year. This brings the total appropriated budget for this project to $931,942.

  Great effort has been given to keep this top-ranking School project on schedule and in budget from the time of its inclusion in the FY 16 CIP. Although a FY 16 planned project, it was appropriated early in May 2015 to accommodate a goal to have it operational as soon as possible in the 2015/2016 school year. The Environmental Studies Academy opened with its first class in the fall of 2014. The plan is to phase in the academy with an additional class of students each year until all four grade levels (9-12) are represented. This growth in students and the need to provide practical experience opportunities compels the construction of this facility this school year. In early June, bids came back approximately $400K over the estimated budget for construction. Staff issued a no award and commenced a redesign and value engineering process to reduce cost while not sacrificing the learning environment goals. The project was then re-bid and awards were received August 13, 2015. Although the second round of bids were approximately $100,000 less than the first bid, the bids are still over budget by approximately $288,000. In order to meet the goal of opening the Academy by January 2016, staff recommends approval of this appropriation request.

Appropriation #2016024 **$7,479.15**
Source: Donations $ 7,479.15

This request is to appropriate $7,479.15 from the Fire Rescue Donations Fund to the Department of Fire Rescue. These donations support various efforts, such as the car safety seat program, public education and one-time equipment or station furnishing purchases.

Appropriation #2016025 **$10,457.50**
Source: State Revenue $ 10,457.50

This request is to appropriate $10,457.50 in grant funds from the Library of Virginia to the Clerk of the Circuit Court for an Item Conservation grant. These funds will be used to preserve historical record books by reformatting original records to digital images.

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By the above-recorded vote, the Board adopted the following resolution to approve appropriations #2016019, #2016020, #2016021, #2016022, #2016023, #2016024, and #2016025 for local government and school division projects and programs:

RESOLUTION TO APPROVE
ADDITIONAL FY 16 APPROPRIATIONS

BE IT RESOLVED by the Albemarle County Board of Supervisors:

1) That Appropriations #2016019, #2016020, #2016021, #2016022, #2016023, #2016024, and #2016025 are approved; and

2) That the appropriations referenced in Paragraph #1, 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, 2016.

COUNTY OF ALBEMARLE
APPROPRIATION SUMMARY

APP#	ACCOUNT	AMOUNT	DESCRIPTION
2016019	4-1000-81050-481050-600120-1008	94000.00	SA2016019 Rt. 29 Business Assistance
2016019	3-1000-51000-351000-510100-9999	94000.00	SA2016019 Rt. 29 Business Assistance
2016019	4-6850-91095-491095-580000-1008	15000.00	SA2016019 Rt. 29 Business Assistance
2016019	3-6850-51000-351000-510100-9999	15000.00	SA2016019 Rt. 29 Business Assistance
2016019	4-1000-93010-493010-930222-9999	50000.00	SA2016019 Rt. 29 Business Assistance
2016019	4-1000-99900-499000-999987-9999	-50000.00	SA2016019 Rt. 29 Business Assistance
2016019	3-6850-51000-351000-512004-9999	50000.00	SA2016019 Rt. 29 Business Assistance
2016019	4-6850-91095-491095-301200-1008	50000.00	SA2016019 Rt. 29 Business Assistance
2016020	3-1224-33000-333000-330009-1008	229618.05	SA2016020 Federal Revenue
2016020	4-1224-81032-481030-300205-1008	38327.50	SA2016020 Administrative Services
2016020	4-1224-81032-481030-563100-1008	191290.55	SA2016020 AHIP
2016021	4-1000-99900-499000-999974-9999	-30000.00	SA2016021 IT DHCD Support Grants Leveraging fund
2016021	4-1000-12200-412200-392000-1001	30000.00	SA2016021 IT Contractual Services
2016022	3-1233-24000-324000-240403-1003	82693.00	SA2016022 State Forfeiture Revenue
2016022	4-1233-31013-431010-130000-1003	6194.00	SA2016022 Part-Time Wages
2016022	4-1233-31013-431010-210000-1003	474.00	SA2016022 FICA
2016022	4-1233-31013-431010-312210-1003	74824.00	SA2016022 Contract Services
2016022	4-1233-31013-431010-550100-1003	1201.00	SA2016022 Travel/Training
2016023	4-9010-21009-421005-312350-2180	7,435.00	SA2016023 Courts Facilities A/R-Levy Study
2016023	3-9010-19000-319000-190207-2180	7,435.00	SA2016023 Courts Facilities A/R-Levy Study
2016023	4-9000-69985-466730-800605-6302	288,425.00	SA2016023 WAHS ESA
2016023	3-9000-69000-351000-510100-6599	208,705.00	SA2016023 WAHS ESA
2016023	3-9000-69000-351000-512001-6599	79,720.00	SA2016023 WAHS ESA
2016024	3-8405-18000-318000-181114-9999	7,479.15	SA2016024 ACFR Donations
2016024	4-8405-93010-493010-930050-9999	7,479.15	SA2016024 Transfer to FR Services Fund #1805
2016024	3-1805-51000-351000-512008-9999	7,479.15	SA2016024 Trs. From Contribution Fund #8405
2016024	4-1805-32012-432010-800100-1003	1,329.15	SA2016024 CPR mannequins and monitors
2016024	4-1805-32015-432010-600000-1003	750.00	SA2016024 Ivy 9/11 memorial wall
2016024	4-1805-32013-432010-580330-1003	5,400.00	SA2016024 Purchase smoke alarms for Project Risk
2016025	3-1000-24000-324000-568911-9999	10,457.50	SA2016025 Library of Virginia
2016025	4-1000-21060-421060-332115-1002	10,457.50	SA2016025 Contract Services
TOTAL		**1,585,173.70**	

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Item No.8.3. FY 2015 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 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 15 budget due to the appropriation itemized below is

$719,492.93. 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.

This request involves the approval of three (3) appropriations as follows:

- One (1) appropriation (#2015111) to appropriate $(22,521.07) to reconcile debt service funds;
- One (1) appropriation (#2015112) to appropriate a total of $742,014.00 to the Albemarle Charlottesville Regional Jail and Blue Ridge Juvenile Center; and
- One (1) appropriation (#2015113) to reconcile the 2015 CIP project management services. This appropriation will not increase the total County budget.

Staff recommends that the Board adopt the attached Resolution (Attachment B) to approve appropriation #2015111, #2015112, and #2015113 as described in Attachment A.

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<u>Appropriation #2015111 $(22,521.07)</u>

Source:	Local Non-Tax	$ 439.24
	Federal	$ (85.00)
	General Fund Transfer to Debt Funds	$ (22,875.31)
	General Fund Transfer to CIP Funds	$ 22,875.31
	CIP Funds fund Balance	$ (22,875.31)

This request is to reconcile the FY 15 Debt Service funds and to also reconcile the General Fund Transfer revenues to Debt funds and CIP funds for a net decrease to the total County Budget of $22,521.07.

The General Government and School Division each has its own Debt Service Fund that provides funding for fees, costs of issuances, and the principal and interest expenses associated with debt issuances for capital projects. This appropriation reconciles the budget to the actual expenses per fund and the actual receipt of revenues per fund in order to maintain a $0 fund balance. To reconcile the FY 15 Debt Service Funds, this request is to:

- Appropriate $439.24 in Piedmont Regional Education Program (PREP) rent revenue to reflect the actual revenue received; and equally reduce the General Fund Transfer Revenue to Debt Service;
- Decrease the appropriation of interest reimbursement revenue for Qualified School Construction Bond (QSCB) revenue by $85.00 to reflect the actual revenue received; and equally increase the General Fund Transfer Revenue to Debt Service; and
- Decrease the appropriated expenditure budget and associated General Fund Transfer Revenue by $22,521.07 to reflect actual expenditures incurred primarily for the costs associated with professional service for fees.

The net change for the above items results in decreasing the General Fund Transfer to Debt by $22,875.31. To complete the reconciliation of the General Fund Transfer Revenues, this request also increases the General Fund Transfer revenue to the CIP Funds by $22,875.31 and equally decreases the use of CIP Funds fund balance by $22,875.31.

<u>Appropriation #2015112 $742,014.00</u>

Source:	General Fund Fund Balance	$ 742,014.00

This request is to appropriate a total of $742,014.00 for the County's share of the cost for the following regional public safety agencies:

- $641,325.00 to the Albemarle Charlottesville Regional Jail (ACRJ). The increase is due to the County's increased share of ACRJ's operating and debt service costs per the regional funding formula. In FY15, the County's share of the jail population relative to other localities was much higher than the previous years share, which was the basis of the initial County's FY15 budgeted contribution. During the FY16 budget process, ACRJ revised its regional funding formula to minimize large budget variances due to year to year changes in the percentage of the jail population.
- $100,689.00 to the Blue Ridge Juvenile Detention Center (BRJDC). This increase is due to the County's increased share of BRJDC's debt service pursuant to the regional funding formula. It is important to note that the County's budgeted contribution to BRJDC was also based on an assumption that a credit to the County that would be applied in FY15, but it will not be applied until FY16 after BRJDC's FY15 audit has been completed.

The proposed use of General Fund Fund Balance for the above items will not reduce the county's 10% unassigned fund balance reserve. Instead, the funds necessary to support these items will come from an additional reserve of fund balance set aside during the budget process for revenue shortfalls, assessment challenges, or unanticipated one-time expenditures.

<u>Appropriation #2015113 $ 0.00</u>

This appropriation will not increase the County Budget.

Source:	Borrowed Proceeds	$ (19,138.09)
	School CIP Fund fund balance	$ (60,000.00)

Gen. Gov't CIP Fund fund balance	$ 61,907.97
Stormwater CIP Fund fund balance	$ 17,230.12

This request is to reconcile the Office of Facilities Development's (OFD) FY 15 appropriated sources of revenues with the expenses incurred in FY 15. This appropriation will not increase the County budget.

The appropriated budget represents an initial estimate based on a projection of project management support and activities. OFD provides project management support for School, Stormwater, and General Government capital projects and for General Government projects that fall outside of the Capital budget such as the Belvedere and Lewis and Clark projects or other administrative, non-designated CIP activities. An internal service fund was established for OFD in FY 13 to collect fees for OFD's staff work. OFD charges an hourly-based project management (PM) fee for its services to individual projects. In order to properly account for the FY 15 charges per activity and fund, this appropriation request is to:

A. reduce the appropriated use of School CIP Fund fund balance by $60,000.00 and reduce the appropriated use of borrowed proceeds by $19,138.09 for a total reduction of $79,138.09 in required School Project Management Services in FY 15;
B. re-allocate $87,868.16 for project management services within the General Government CIP Fund and appropriate $61,907.97 in the use of General Government CIP Fund fund balance monies for General Government CIP Project Management Services in FY 15; and
C. re-allocate $3,435.52 for project management services within the Stormwater CIP fund and appropriate $17,230.12 in the use of Stormwater CIP Fund fund balance monies for Stormwater Project Management Services in FY 15.

_____

By the above-recorded vote, the Board adopted the following resolution to approve appropriations #2015111, #2015112, and #2015113:

RESOLUTION TO APPROVE
ADDITIONAL FY 15 APPROPRIATIONS

BE IT RESOLVED by the Albemarle County Board of Supervisors:

1) That Appropriations #2015111, #2015112, and #2015113 are approved; and

2) That the appropriations referenced in Paragraph #1, 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, 2015.

COUNTY OF ALBEMARLE
APPROPRIATION SUMMARY

APP#	ACCOUNT	AMOUNT	DESCRIPTION
2015111	3-9900-15000-315000-150253-9999	439.24	SA2015111 Reconcile-Prep Rent
2015111	3-9900-33900-333900-330063-1006	-85.00	SA2015111 Reconcile-VPSA QSCB Interest
2015111	3-9900-51000-351000-512004-9999	-8211.83	SA2015111 Reconcile-Gen. Fund Transfer
2015111	4-9900-95000-495000-310000-9999	-7857.00	SA2015111 Reconcile-Prof. Serv
2015111	4-9900-95000-495000-910040-9999	-0.59	SA2015111 Reconcile
2015111	4-1000-93010-493010-930003-9999	-8211.83	SA2015111 Reconcile-Gen. Fund Transfer
2015111	3-9910-51000-351000-512004-9999	-14663.48	SA2015111 Reconcile-Gen. Fund Transfer
2015111	4-9910-95000-495000-910076-9999	1.00	SA2015111 Reconcile
2015111	4-9910-95000-495000-910077-9999	21.88	SA2015111 Reconcile
2015111	4-9910-95000-495000-920077-9999	-20.44	SA2015111 Reconcile
2015111	4-9910-95000-495000-920074-9999	0.26	SA2015111 Reconcile
2015111	4-9910-95000-495000-920076-9999	-0.22	SA2015111 Reconcile
2015111	4-9910-95000-495000-312810-9999	-14665.96	SA2015111 Reconcile-Prof. Serv
2015111	4-1000-93010-493010-930011-9999	-14663.48	SA2015111 Reconcile-Gen. Fund Transfer
2015111	4-1000-93010-493010-930004-9999	11437.66	SA2015111 Reconcile-Gen. Fund Transfer
2015111	4-1000-93010-493010-930010-9999	11437.65	SA2015111 Reconcile-Gen. Fund Transfer
2015111	3-9000-69000-351000-510100-6599	-11437.66	SA2015111 Reconcile-Gen. Fund Transfer
2015111	3-9000-69000-351000-512004-6599	11437.66	SA2015111 Reconcile-Gen. Fund Transfer
2015111	3-9010-51000-351000-510100-9999	-11437.65	SA2015111 Reconcile-Gen. Fund Transfer
2015111	3-9010-51000-351000-512004-9999	11437.65	SA2015111 Reconcile-Gen. Fund Transfer
2015112	3-1000-51000-351000-510100-9999	742014.00	SA2015112 App Fund Balance - ACRJ & BRJDC
2015112	4-1000-33020-433020-700002-1003	641325.00	SA2015112 ACRJ
2015112	4-1000-39001-439000-563400-1003	100689.00	SA2015112 BRJDC
2015113	4-9000-69980-466730-312366-6599	-42000.00	SA2015113 Year-End Reconciliation
2015113	4-9000-69985-464600-312366-6599	-18000.00	SA2015113 Year-End Reconciliation
2015113	4-9000-69985-466730-312366-6252	-19138.09	SA2015113 Year-End Reconciliation
2015113	3-9000-69000-351000-510100-6599	-60000.00	SA2015113 Year-End Reconciliation
2015113	3-9000-69000-351000-512090-6599	-19138.09	SA2015113 Year-End Reconciliation
2015113	4-9010-93010-493010-930004-9999	-19138.09	SA2015113 Year-End Reconciliation
2015113	3-9010-41400-341000-410530-9999	-19138.09	SA2015113 Year-End Reconciliation
2015113	3-9010-51000-351000-510100-9999	61907.97	SA2015113 Year-End Reconciliation
2015113	4-9010-12142-412140-312366-1150	1821.90	SA2015113 Year-End Reconciliation
2015113	4-9010-13020-413020-312366-1170	9097.33	SA2015113 Year-End Reconciliation
2015113	4-9010-21005-421005-312366-2180	5578.71	SA2015113 Year-End Reconciliation
2015113	4-9010-21009-421005-312366-2180	-29560.57	SA2015113 Year-End Reconciliation
2015113	4-9010-32021-432010-312366-3140	2712.15	SA2015113 Year-End Reconciliation
2015113	4-9010-32022-432020-312366-3140	2189.67	SA2015113 Year-End Reconciliation
2015113	4-9010-41020-441200-312366-9999	-54561.45	SA2015113 Year-End Reconciliation

2015113	4-9010-41023-441200-312366-9999	1335.18	SA2015113 Year-End Reconciliation
2015113	4-9010-41350-441200-312366-9999	38974.80	SA2015113 Year-End Reconciliation
2015113	4-9010-43100-443200-312366-9999	-572.41	SA2015113 Year-End Reconciliation
2015113	4-9010-71020-471020-312366-7100	-2695.35	SA2015113 Year-End Reconciliation
2015113	4-9010-73025-473010-312366-7140	-478.37	SA2015113 Year-End Reconciliation
2015113	4-9010-73030-473010-312366-9999	48522.78	SA2015113 Year-End Reconciliation
2015113	4-9010-81050-481050-312366-1008	39005.31	SA2015113 Year-End Reconciliation
2015113	4-9010-94160-494070-312366-7140	538.29	SA2015113 Year-End Reconciliation
2015113	3-9100-51000-351000-510100-9999	17230.12	SA2015113 Year-End Reconciliation
2015113	4-9100-41038-482040-312366-9999	4507.20	SA2015113 Year-End Reconciliation
2015113	4-9100-82066-482040-312366-9999	3975.06	SA2015113 Year-End Reconciliation
2015113	4-9100-82067-482040-312366-9999	-3435.52	SA2015113 Year-End Reconciliation
2015113	4-9100-82068-482040-312366-9999	12183.38	SA2015113 Year-End Reconciliation
TOTAL		**1,400,709.68**	

Item No.8.4. Ordinance to Correct the Address of the Branchlands Precinct Polling Place Location and the Name of the Country Green Precinct Polling Place Location.

The executive summary forwarded to the Board states that on May 9, 2001, after the 2001 redistricting of the County's magisterial districts, the Board adopted Ordinance 01-2(1) to reflect the district changes and to include the polling place locations of the precincts in each district. The Senior Center, which is the polling place for the Branchlands precinct of the Rio Magisterial District, was identified as being located at 674 Hillsdale Drive in County Code § 2-102. The correct address is now officially 1180 Pepsi Place.

In addition, the Berean Baptist Church, which is identified as the polling place for the Country Green precinct of the Samuel Miller Magisterial District in County Code § 2-104, has changed its name to the South Ridge Christian Fellowship.

Staff has prepared the attached draft ordinance (Attachment A) to:

- amend County Code § 2-102, Rio Magisterial District, to reflect the correct address of the Senior Center at 1180 Pepsi Place; and
- amend County Code § 2-104, Samuel Miller Magisterial District, to reflect the new name of the Berean Baptist Church as the South Ridge Christian Fellowship Church.

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

Staff recommends that the Board schedule a public hearing for the attached draft ordinance (Attachment A) on October 7, 2015.

By the above-recorded vote, the Board scheduled a public hearing for October 7, 2015 to consider the proposed draft ordinance.

Item No.8.5. HO 2015-131, Jessalyn Fink Special Exception (White Hall District).

The executive summary forwarded to the Board states that the applicant is requesting a Home Occupation Class A (HOCA) modification under County Code §18-5.1(a) for the number of trips generated by a proposed home music/piano teaching business to allow up to ten (10) additional round trips per day (Monday-Thursday). Characteristics of the anticipated operation:

Hours of operation: Monday-Thursday, 3:00 PM - 7:45 PM.
Up to 10 students per day, and up to 40 per week (Monday-Thursday).
Most students will have weekly thirty (30) minute slots and one of them may have a forty five (45) minute slot.
Parking is on site. Two parking spaces available at all times.

The property (TMP 057A0-01-00-13400) is in the Highlands Subdivision neighborhood and is located on Highlands Drive, approximately .25 miles south of the intersection of Three Notched Road (Route 240) and Highland Dive in Crozet (Attachment A). The .22 acre parcel is zoned R-4, Residential, and the surrounding properties consist of single-family attached homes.

County Code § 18-5.2(e) states, "the traffic generated by a home occupation shall not exceed the volume that would normally be expected by a dwelling unit in a residential neighborhood." Traffic generation for a dwelling unit in a residential neighborhood is five (5) round trips (one vehicle entering and exiting the site) per day, 35 total round trips per week. The longstanding interpretation of County Code § 18-5.2(e) by the Zoning Administrator is that the *total normal traffic volume* generation per dwelling unit with a Home Occupation in a residential neighborhood is six (6) total round trips per day, 42 total round trips per week. The applicant's proposal would generate an additional ten (10) round trips per day, Monday through Thursday, for a total of 40 additional round trips per week, almost double the traffic volume that would normally be expected by a dwelling unit in a residential neighborhood.

The section of Highlands Drive on which the home occupation is located is of adequate geometrics and condition to accommodate the additional trips that would be generated by this proposal.

The subject property has a driveway and parking area that is of adequate geometrics and condition to accommodate client parking and/or pick-up and drop-off.

Two piano students live in the Highlands neighborhood and can choose to walk to their piano lesson when weather conditions permit. Adequate site distance exists at the driveway entrance onto Highlands Drive.

Based on the foregoing, staff opinion is that the special exception to allow an increase in traffic is not a detriment to public safety or welfare and will not disturb the quality and character of the Highlands residential neighborhood. The applicant also has contacted her neighbors and they are all aware of and support her home music/piano teaching business. Staff has received an email from the Highlands at Mechums River Home Owners Association President Ms. Pamela Bortz (Attachment C) stating that the association has no concerns regarding Ms. Fink's plans to expand her lesson schedule. Ms. Fink is in compliance with the Highlands at Mechums River Home Owner's Association's regulations and there have been no concerns or complaints registered by her neighbors in the past.

There is no budget impact from this proposal.

Staff recommends that the Board adopt the attached Resolution (Attachment D) approving the special exception to allow an increase in permitted traffic generation for HO 2015-131 subject to the following conditions, which cover peak activity:

1. Piano Lessons shall only be held Monday through Thursday.
2. During weeks in which lessons are held (Monday through Thursday), no more than forty (40) total vehicle round trips generated by this home occupation are permitted.

By the above-recorded vote, the Board adopted the following resolution approving the special exception to allow an increase in permitted traffic generation for HO 2015-131 subject to two conditions which cover peak activity:

RESOLUTION TO APPROVE SPECIAL EXCEPTION FOR HO 2015-131, JESSALYN FINK

WHEREAS, Alexander J. Fink is the owner of Tax Map and Parcel Number 057A0-01-00-13400 (the "Property"); and

WHEREAS, Jessalyn Fink resides at the Property and owns a business; and

WHEREAS, Jessalyn Fink filed a request for a special exception in conjunction with HO 2015-131, Jessalyn Fink, to modify the number of vehicle trips permitted by County Code § 5.2(e) to be generated by a proposed home occupation to add an additional ten (10) round trips per weekday- Monday through Thursday.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the executive summary prepared in conjunction with the special exception request, staff's supporting analysis included in the executive summary, and all of the factors relevant to the special exceptions in Albemarle County Code §§ 18-5.1 and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to modify the number of vehicle trips permitted in conjunction with HO 2015-131, Jessalyn Fink, as described hereinabove, subject to the conditions attached hereto.

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HO 2015-131, Jessalyn Fink Special Exception Conditions

1. Piano Lessons shall only be held Monday through Thursday.
2. During weeks in which lessons are held (Monday through Thursday), no more than forty (40) total vehicle round trips generated by this home occupation are permitted.

Item No. 8.6. Ivy Fire Emergency Signal - Maintenance Agreement.

The executive summary forwarded to the Board states that the Ivy Fire Rescue Station is located at 640 Kirtley Lane and began operation in July 2013. Service is provided from a continuously staffed fire engine and daytime staffed ambulance. Emergency vehicles currently exit Kirtley Lane onto Ivy Road (US Route 250) with only a caution sign. During development of the fire station, an emergency traffic signal was planned for this intersection to ensure the safety of emergency crews and drivers on Ivy Road.

At the County's request and expense, the Virginia Department of Transportation (VDOT) has agreed to install the emergency traffic signal at the intersection of Kirtley Lane and US Route 250 to facilitate emergency response times. VDOT will contract for the purchase and installation of the signal and the County will pay VDOT. Because this signal is not a requirement of VDOT, the County must agree to maintain the signal beyond the routine maintenance and operational control that would be retained by VDOT.

Under the proposed signal maintenance agreement (Attachment A), the County would be responsible for (a) replacing and/or repairing the traffic signal, pole and/or mast arm if subjected to any catastrophic damage; (b) performing any lifecycle maintenance activities if inspection reveals any need for replacement; and (c) notifying VDOT if the Ivy Fire Rescue Station ceases operations. VDOT would be responsible for (a) routine maintenance and operational control of the traffic signal, pole and mast arm; and (b) deactivating and removing the signal upon notice from the County that the Ivy Fire Rescue Station has ceased operations.

The estimated construction cost for the traffic signal installation is $95,000. Funds are currently appropriated in the Ivy Fire Station CIP budget to cover the cost of the signal. If the signal is installed, the County's insurer would include the signal in the County's insurance policy to cover any catastrophic damage. Based on the estimated $95,000 cost of the signal, the cost of the coverage would be approximately $75/year with a $1,000 deductible. Because signals usually have a 30-year lifespan, barring incident, the County would likely not incur any expense related to lifecycle maintenance for 30 years unless a need is identified by VDOT during its routine inspection.

Staff recommends that the Board adopt the attached Resolution (Attachment B) approving a maintenance agreement with VDOT for the Ivy Fire Station emergency signal and authorizing the County Executive to sign the agreement once it is approved as to content and form by the County Attorney.

By the above-recorded vote, the Board adopted the following resolution approving a maintenance agreement with VDOT for the Ivy Fire Station emergency signal and authorized the County Executive to sign the agreement once it is approved as to content and form by the County Attorney:

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE COUNTY AND THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR THE MAINTENANCE OF THE IVY FIRE RESCUE STATION EMERGENCY SIGNAL

WHEREAS, the Albemarle County Board of Supervisors finds it is in the best interest of the County to enter into a maintenance agreement with the Virginia Department of Transportation (VODT) for the maintenance of an Ivy Fire Rescue Station emergency signal, which is needed to facilitate the Station's emergency response times and to ensure the safety of the emergency crews and drivers on Ivy Road.

NOW, THEREFORE, BE IT RESOLVED THAT, the Albemarle County Board of Supervisors hereby approves a maintenance agreement between the County and VDOT for the maintenance of the Ivy Fire Rescue Station emergency signal at the intersection of Ivy Road (US Route 250) and Kirtley Lane, and authorizes the County Executive to execute on behalf of the County an agreement once it is approved as to content and form by the County Attorney.

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MEMORANDUM OF AGREEMENT

FOR MAINTENANCE OF THE ALBEMARLE COUNTY FIRE AND RESCUE IVY FIRE EMERGENCY SIGNAL

THIS MEMORANDUM OF AGREEMENT made and executed in triplicate this ____ day of _______________, 2015, by and between the COUNTY OF ALBEMARLE, VIRGINIA, hereinafter referred to as the COUNTY, and the Commonwealth of Virginia, Department of Transportation, hereinafter referred to as the DEPARTMENT.

WHEREAS, §33.1-12 and §33.1-13 of the Code of Virginia, as amended, provide that the Commissioner may "do all acts necessary or convenient for constructing, improving, maintaining, and preserving the efficient operation of the roads embraced in the systems of state highways …"; and

WHEREAS, the DEPARTMENT is undertaking project # 0000107920, which benefits the COUNTY; and

WHEREAS, the COUNTY has requested an emergency traffic signal to access Ivy Road from Kirtley Lane to facilitate rapid emergency responses from its Fire Station located on Kirtley Lane; and

WHEREAS, the DEPARTMENT does not object to this request.

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

1. The COUNTY shall:
    a. Replace and/or repair the traffic signal, pole and/or mast arm if subjected to any catastrophic damage requiring full replacement of mast arm/poles and/or foundations;
    b Perform any lifecycle maintenance activities if inspection reveals any need for replacement; and
    c. Notify the DEPARTMENT within 30 days of any cessation in the use of the Albemarle County Fire and Rescue site for Fire and/or Emergency Service operations.

2. The DEPARTMENT shall:
    a. Retain routine maintenance and operational control of the traffic signal, pole and mast arm.

b. Deactivate and remove from operation the Albemarle County Fire and Rescue signal upon notification from the COUNTY that the site will cease to be used for Fire and/or Emergency Service operations.

3. The DEPARTMENT and the COUNTY agree that all currently established policies and procedures for the urban system extend to this Agreement.

4. Nothing in this Agreement shall be construed as a waiver of sovereign immunity of the COUNTY or of the Commonwealth of Virginia.

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.

THIS AGREEMENT may be terminated by either party upon 30 days advance written notice. If this Agreement is terminated by the COUNTY, the DEPARTMENT will not replace the signal and the COUNTY consents to the removal of the signal at the end of its lifecycle or upon any damage making it inoperable. If this Agreement is terminated by the DEPARTMENT, the COUNTY may assume maintenance responsibility for the signal or may remove it, at the COUNTY's option.

____

Item No. 8.7. SDP201500024 Albrecht Place - Special Exception (Rio District).

The executive summary forwarded to the Board states that a zoning map amendment was approved for Albrecht Place (ZMA201100010) on September 12, 2012 that established an approved Application Plan on 3.398 acres zoned Planned Development Shopping Center ("PDSC") (no change in zoning district) (Attachment A). A Final Site Plan (SDP 2015-00024 Albrecht Place) is currently under review and the applicant is requesting a special exception to waive the prohibition of construction activities within the buffer zone adjacent to residential districts (Attachment B).

County Code § 18-21.7(c) states, "*no construction activity including grading or clearing of vegetation shall occur closer than twenty (20) feet to any residential or rural areas district. Screening shall be provided as required in section 32.7.9. The board of supervisors may waive by special exception the prohibition of construction activity, grading or the clearing of vegetation in the buffer in a particular case upon consideration of whether: (i) the developer or subdivider demonstrates that grading or clearing is necessary or would result in an improved site design; (ii) minimum screening requirements will be satisfied; and (iii) existing landscaping in excess of minimum requirements is substantially restored*".

The waiver request is for approximately 80 square feet of buffer zone disturbance in the southwest corner of the site to allow for the installation of a stormwater pipe. The developer has investigated several alternate designs and believes that this is the best option in terms of minimizing impacts to the buffer zone. This option is also less intrusive than what was shown on the approved Application Plan (Attachment A). The plan proposes a fence along the buffer zone line, and supplemental plantings will be installed to replace those that will be removed. Staff finds that the disturbance within the buffer zone is necessary and that the proposed fence, the supplemental landscaping, and the remaining existing vegetation will enable the applicant to meet the minimum screening requirements. Based on the above factors, staff has no concerns that would cause them to object to the approval of the proposed buffer zone disturbance request.

There is no budget impact.

Staff recommends that the Board adopt the attached Resolution (Attachment C) approving the special exception to waive the buffer zone requirements of County Code § 18-21.7(c).

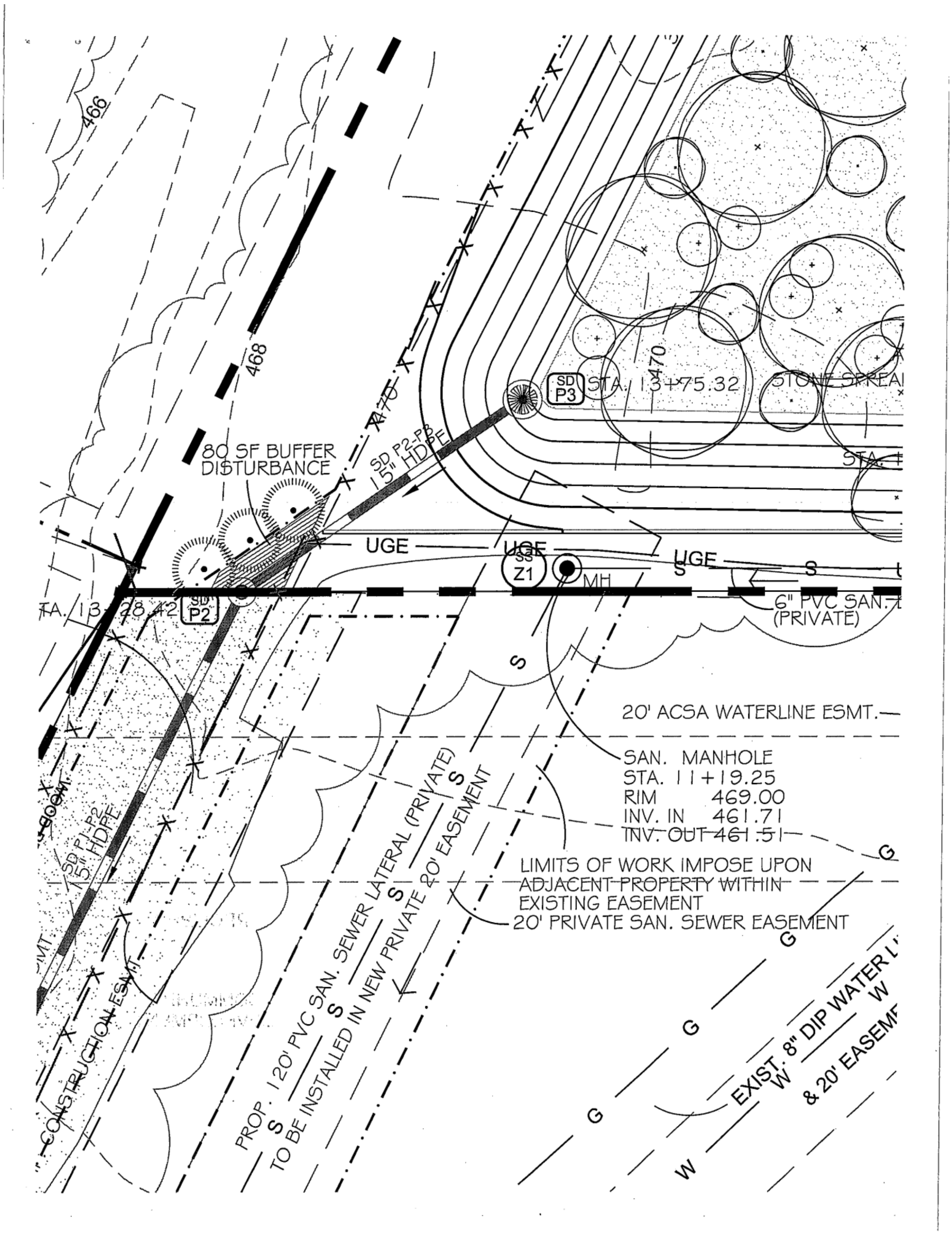
By the above-recorded vote, the Board adopted the following resolution approving the special exception to waive the buffer zone requirements of County Code § 18-21.7(c):

RESOLUTION TO APPROVE SPECIAL EXCEPTION FOR SDP 2015-00024 ALBRECHT PLACE

WHEREAS, Anvince Land Trust (the "Owner") is the owner of Tax Map and Parcel Number 061M0-00-12-001E0 (the "Property"); and

WHEREAS, the Owner filed a request for a special exception in conjunction with SDP 2015-00024, Albrecht Place, to waive the buffer zone requirement of County Code § 18-21.7(c) to allow the disturbance of 80 square feet of the buffer zone in the southwest corner of the Property to allow for the installation of a stormwater pipe.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the executive summary prepared in conjunction with the application and its supporting analysis, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-21.7(c) and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to waive the buffer zone requirements of County Code § 18-21.7(c) to allow the disturbance of 80 square feet of the buffer zone in the southwest corner of the Property as shown on the schematic drawing attached hereto.



Item No. 8.8. VDOT Compensation Agreement for Route 29 Taking.

The executive summary forwarded to the Board states that the County owns a 0.76-acre stormwater facility (Tax Map Parcel 04500-00-00-094B1) that fronts approximately 75 feet on Route 29 between Colonial Auto Center and Rio-29 Self Storage. On or about February 9, 2015, the Virginia Department of Transportation (VDOT) alerted the County that VDOT would need to acquire certain portions of this County property for the Route 29 improvement project. Specifically, VDOT indicated that it would need 761 square feet closest to the existing highway as a permanent utility easement, and the adjacent 1,034 square feet as a temporary construction easement. (See Map, Attachment A)

VDOT subsequently exercised its right to acquire these easements by eminent domain by filing a Certificate of Take on March 19, 2015. By operation of law, that Certificate immediately transferred ownership of these easements to VDOT, now VDOT Parcel 015. With the ownership of those easements now vested in VDOT, the only remaining issue is the amount of just compensation due the County for the easements.

VDOT has valued the parcel at $11 per square foot, and has offered to pay 25% of that for the permanent easement and 10% of that for the temporary easement. VDOT is offering the County a total of $3,300 as compensation for both easements. (See Valuation, Attachment B)

With ownership of these two easements already having transferred to VDOT, the only remaining issue is the amount of just compensation to the County. The County Assessor has reviewed VDOT's valuation of these two easements, and believes that VDOT's offer of compensation reflects their fair market value. The County Attorney's Office has reviewed and approved the substance and form of the attached settlement agreement (Attachment C) prepared by VDOT.

VDOT has also expressed an interest in at least four other County properties that it wishes to partially acquire as part of the Route 29 improvement project. Staff anticipates bringing similar proposals to the Board in the coming months as those other properties are acquired by VDOT.

The County would receive $3,300 in one-time revenue if the Board approves the County's acceptance of VDOT's compensation offer for this property.

Staff recommends that the Board adopt the attached Resolution (Attachment D) approving the proposed agreement in which the County accepts VDOT's compensation of $3,300 for VDOT's taking of the two easements and authorizing the County Executive to sign such an agreement and any necessary related documents once they have been approved as to substance and form by the County Attorney.

By the above-recorded vote, the Board adopted the following resolution approving the proposed agreement in which the County accepts VDOT's compensation of $3,300 for VDOT's taking of the two easements and authorizing the County Executive to sign such an agreement and any necessary related documents:

**RESOLUTION TO APPROVE AN AGREEMENT
BETWEEN THE COUNTY OF ALBEMARLE, VIRGINIA
AND THE COMMONWEALTH OF VIRGINIA
FOR THE TAKING OF TWO EASEMENTS
ON TAX MAP PARCEL 04500-00-00-094B1**

WHEREAS, the Board finds it is in the best interest of the County to enter into an Agreement with the Commonwealth of Virginia for the County to accept the Virginia Department of Transportation's offer of $3,300 for the taking of a permanent utility easement on 761 square feet and a temporary construction easement on 1,034 square feet located on County-owned property identified as Tax Map Parcel 04500-00-00-094B1.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves the Agreement between the County and the Commonwealth of Virginia regarding compensation for these two easements and authorizes the County Executive to execute an Agreement and any necessary related documents once they have been approved as to substance and form by the County Attorney.

*****

RW-38
Revised 3/15
UPC 106136
PARCEL NO. 015

THIS AGREEMENT, made this 23rd day of April, 2015, between **the COUNTY OF ALBEMARLE, VIRGINIA**, **GRANTOR**, and the **COMMONWEALTH OF VIRGINIA**, acting by and through the Commissioner of Highways, **GRANTEE,**

WITNESSETH:

WHEREAS, in connection with State Highway Route 29 Project 0029-002-901 in the County of **Albemarle** Virginia ("Project"), the **GRANTEE**, in accordance with the provisions of Title 33.2, Chapter 10 of the Code of Virginia of 1950, as amended, has lodged with the Clerk of the Circuit Court of the County of Albemarle, Virginia, Certificate Number C-715021, in the amount of $**3,300.00**, for the benefit of the **GRANTOR**; and

WHEREAS, the **GRANTEE** has appointed the law firm of St. John, Bowling, Lawrence & Quagliana, LLP as its attorney to institute condemnation proceedings for the purpose of determining the amount to be paid for the land, or interest therein, as described in the Certificate aforesaid, and damages to the remaining lands, if any, of the **GRANTOR**; and **WHEREAS**, the **GRANTEE** has not yet filed a Petition In Condemnation in the Circuit Court of Albemarle County; and

WHEREAS, the parties have now agreed upon the following amount of just compensation for the land or interests therein and damages to the remainder, if any, and for all other claims and demands by the **GRANTOR** against the **GRANTEE** arising out of the filing of the Certificate, the Petition In Condemnation, and the conveyance of the property.

NOW THEREFORE, in consideration of the recitations above which are made a part of this Agreement, the parties agree as follows:

1.) All issues between the **GRANTEE** and the **GRANTOR** as described herein, including but not limited to just compensation, public use, public necessity, lost profits and lost access, the **GRANTEE'S** bona fide but ineffectual effort to purchase the property prior to the filing of the Certificate, and all other statutory prerequisites to condemnation are hereby settled and forever resolved and the pending condemnation proceeding will be dismissed in accordance with Section 33.2-1027 of the Virginia Code (1950), as amended. The recitals set forth above are hereby incorporated herein as if repeated in full and are true in all respects.

2.) **GRANTEE** has offered and the **GRANTOR** has accepted consideration in the amount of $**3,300.00** as total just compensation for the acquisition of all of the property identified and described in the Certificate, and satisfaction of all Claims (as defined below) including but not limited to Claims arising out of the filing of the Certificate, the filing of the Petition In Condemnation, any physical invasion or physical damage to the **GRANTOR'S** property outside of the fee or easement areas described in the Certificate which the **GRANTOR** has actual knowledge of or should have knowledge of based upon a reasonable inquiry, as of the date of this Agreement, and/or the conveyance of said property to **GRANTEE** pursuant to Virginia Code Section 33.2-1001, as well as all Claims for lost profits and/or lost access, and all Claims under the Rules of the Virginia Supreme Court related to the taking of said property. Said amount is inclusive of the amount deposited under the Certificate. In addition, **GRANTOR** accepts such just compensation in full, final and unconditional settlement and release of any and all claims, demands, remedies, damages and liability in the manner and to the extent as set forth below.

3.) **GRANTOR** hereby waives and relinquishes all rights, claims, demands, remedies, damages, costs, interest, expert fees, attorney fees, and liability, including claims against **GRANTEE**, **GRANTEE'S** agents and contractors, and any utility company or agent or contractor of such utility company involved in the construction work of the Project and any other parties acting under the color of the Certificate, (collectively referred to as "Claims"), that **GRANTOR** may have arising out of or related to the filing of the Certificate, the filing of the Petition In Condemnation, the acquisition of the property and property rights described in the Certificate, any physical invasion or physical damage of the **GRANTOR'S** property outside of the fee or easement areas described in the Certificate which the **GRANTOR** has actual knowledge of or should have knowledge of based upon a reasonable inquiry, as of the date of this Agreement, and/or the conveyance of said property to **GRANTEE** pursuant to Virginia Code Section 33.2-1001, *et seq.*as well as all Claims for lost profits and/or lost access and all Claims under the Rules of the Virginia Supreme Court relating to the taking of said property.

4.) Notwithstanding any provision to the contrary, **GRANTOR'S** settlement in paragraph two (2) and waiver in paragraph three (3) does not apply to any unlawful interference with access caused by something other than the rights conveyed in the Certificate and/or Petition, any physical invasion of or physical damage to the **GRANTOR'S** property outside of the fee or easement areas described in the Certificate which the **GRANTOR** has no actual knowledge of nor should have no knowledge of based upon a reasonable inquiry, as of the date of this Agreement. **GRANTOR** hereby represents and warrants that, as of the date of this Agreement, he is unaware of (a) any unlawful interference with access caused by something other than the rights conveyed in the Certificate and/or Petitioner, (b) any physical invasion of any property outside the fee or easement area described in the Certificate and (c) any physical damage caused by **GRANTEE**, its agents or contractors to **GRANTOR'S** remaining property. Nothing in this paragraph shall be read to exclude any other lawful claims that the **GRANTOR** may otherwise possess and which are not otherwise waived in this Agreement.

5.) As part of the consideration for this Agreement, **GRANTOR** warrants and represents that since the recordation of the aforesaid Certificate and continuing to the date of this Agreement, there has been no sale or contract for sale of the land or interest therein or any part thereof between the **GRANTOR** and any third party.

6.) There have been no other promises, consideration or representations made which are not set forth in this Agreement.

7.) The consideration hereinabove mentioned represents the value of all estates or interests in such land and the damage to the remaining property, if any, and is in lieu of any and all Claims (subject to the terms of Paragraph 4, above) for compensation and damages by reason of the location, construction and maintenance of the highway including such drainage facilities within the fee and easement acquisition areas as may be described in the Certificate.

8.) The **GRANTOR** agrees to accept its legally proportionate share (if there be such apportionment) of such total consideration for the interests and rights in the land. If the settlement funds described in paragraph 2 of this Agreement are subject to any liens pursuant to Section 33.2-1021 of the Virginia Code (1950), as amended, the **GRANTOR** shall be responsible for securing and recording a proper instrument in the Clerk's Office of the Circuit Court where the Certificate was recorded releasing such liens prior to the funds being distributed. Notwithstanding any provision to the contrary, and in addition to the compensation stated above, the **GRANTEE** will pay the cost, if any, of recording such instrument.

9.) The parties hereto agree that the total consideration set forth above shall be reduced to the extent of any payment made pursuant to the provisions of Section 33.2-1023 of the Code of Virginia 1950, as amended, if any.

WITNESS the following signatures and seals:

THE COUNTY OF ALBEMARLE, VIRGINIA
By: (SEAL)
________________________ [Name]
________________________ [Title]

COMMISSIONER OF HIGHWAYS
BY: _______________________
James M. Bowling, IV,
its attorney duly authorized to act
Commonwealth of Virginia,

Item No. 8.9. ZMA200400024 Special Exception to Vary Old Trail Village Code of Development (White Hall District).

The executive summary forwarded to the Board states that a zoning map amendment was approved for Old Trail Village on September 14, 2005, that rezoned the property from Rural Areas, R-1, and R-6 to Neighborhood Model District, inclusive of an Application Plan and Code of Development. An application for a site plan is now under review for this property (SDP 2015-00007). Twenty-two (22) variations to the Application Plan and/or Code of Development have previously been granted. The Applicant has requested a special exception to vary the Code of Development to permit changes to stormwater treatment for Blocks 11, 12, 14 and 15. The Applicant has also requested four special exceptions for Block 12: to reduce lot sizes, to increase building height, to reduce setbacks and to allow architectural features such as overhangs/eaves to encroach up to one foot into the required setback. All of these variations are necessary before the site plan can be approved by staff.

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

There is no budget impact.

Staff recommends that the Board adopt the attached Resolution (Attachment E) approving the special exception to vary the Code of Development to permit changes to stormwater treatment for Blocks 11, 12, 14 and 15 and to permit the requested variations for Block 12, as described in the attached staff report.

By the above-recorded vote, the Board adopted the following resolution approving the special exception to vary the Code of Development to permit changes to stormwater treatment for Blocks 11, 12, 14 and 15 and to permit the requested variations for Block 12, as described by staff:

**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR ZMA 2004-00024, OLD TRAIL VILLAGE**

WHEREAS, March Mountain Properties, LLC (“March Mountain”) is the owner of Tax Map and Parcel Number 055E0-01-00-000A1 (the “Property”); and

WHEREAS, March Mountain filed an application to vary the Code of Development approved in conjunction with ZMA 2004-00024, Old Trail Village (the “Code of Development”):

- to permit an extended detention water quality pond to treat stormwater from Blocks 11, 12, 14 and 15;
- to permit lot sizes below 4,000 square feet in Block 12;
- to permit a building height above the maximum 2.5 stories in Block 12;
- to reduce the setbacks in Block 12; and
- to allow roof overhands and eaves to encroach the building setback in Block 12.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the executive summary prepared in conjunction with the application, and its supporting analysis included as Attachment A thereto, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-8.5.5.3(c) and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exceptions to vary the Code of Development as set forth hereinabove, subject to the conditions attached hereto.

*****

ZMA 2004-24, Old Trail Village Special Exception Conditions

1. The detention water quality pond may be located as shown on the exhibit created by Roudabush, Gale and Associates, Inc., dated July 23, 2015, attached hereto.

2. No lot size for a single family attached unit in Block 12 shall be less than one thousand eight hundred (1,800) square feet.

3. No building height in Block 12 shall be greater than 3.5 stories.

4. Lots 13-24 in Block 12 shall have five (5) foot front, zero (0) foot side, and five (5) foot rear setbacks.

5. Lots 8-12 in Block 12 shall have five (5) foot front, side, and rear setbacks.

6. Roof overhangs and eaves in Block 12 shall not be permitted to project further than one (1) foot into the building setback.

Item No. 8.10. Extension of Deferral of ZMA201200007 & SP201300027 5th Street Commercial (Scottsville District).

The executive summary forwarded to the Board states that the applicant submitted a rezoning application on October 15, 2012 (ZMA 2012-00007) to amend the Proffers and Application Plan and a special use permit application on December 9, 2013 to allow a drive-through (SP 2013-00027). The applicant subsequently deferred these applications twice, exhausting the allowable number of deferrals permitted by County Code § 18-33.4(r)(2) (See Attachment A) without Board approval. The first deferral requested by the applicant was granted on February 20, 2014. An extension of the deferral was granted by the Planning Director, as permitted by County Code § 18-33.4(r)(2), on February 12, 2015 for a six (6) month period, ending on August 31, 2015, to allow the applicant more time to resolve several outstanding issues. These applications have not been reviewed by the Planning Commission.

Since the extension of the indefinite deferral was granted by the Planning Director in February, the applicant has been working with staff to address several outstanding issues. The applicant has been making progress in resolving these issues, but remains in discussions with VDOT regarding the traffic impact analysis for the proposal. Those discussions with VDOT will not be completed by the August 31, 2015 deadline, and the applicant is requesting an additional extension of the deferral to December 31, 2015. As noted above, the applicant has exhausted the deferrals permitted in County Code § 18-33.4(r)(2), and additional extensions must be granted by the Board. Staff opinion is that the extension is justified in order to allow the applicant time to address issues identified during the review process, including the completion of the traffic study work.

If the extension is not granted by the Board, the applications will be deemed withdrawn under County Code § 18-33.4(r)(2) and the applicant will have to file new applications in order to proceed.

There is no budget impact related to this report.

Staff recommends that the Board approve the extension of the deferral of ZMA201200007 and SP201300027, 5th Street Commercial and Drive-Thru, to December 31, 2015.

By the above-recorded vote, the Board approved the extension of the deferral of ZMA-2012-00007 and SP-2013-00027, 5th Street Commercial and Drive-Thru, to December 31, 2015.

Item No. 8.11. House Bill 2 Application.

The executive summary forwarded to the Board states that Virginia House Bill 2, signed by Governor Terry McAuliffe on April 6, 2014 and effective as of July 1, 2014, requires the development of a prioritization process and directs the Commonwealth Transportation Board (CTB) to develop and use a scoring process for project selection by July 2016. The prioritization process will evaluate projects in the following factor areas**:** congestion mitigation, economic development, accessibility, safety, environmental quality and land use coordination. The HB2 implementation process will start in August 2015, with projects initially selected by the CTB for inclusion in the draft Six-Year Improvement Program (SYIP) by April 2016.

Candidate projects will be solicited from eligible entities in August of each year, with project applications due September 30th. From there, the Office of Intermodal Planning and Investment (OIPI), Virginia Department of Transportation (VDOT) and Department of Rail and Public Transportation (DRPT) will screen, review, and evaluate the projects per the HB2 process from October through early January. By mid-January, the list of projects and scores will be released to the public and the CTB, allowing the CTB to consider the evaluated project lists for inclusion in the SYIP. In April, the draft SYIP will be released by the CTB, followed by public hearings to gather input. In June, the revised final SYIP will be released and considered for adoption by the CTB. The following July, the next year’s process begins again.

The Board of Supervisor approved the County Transportation Priority list in April, 2015 **(Attachment A).**

The Commonwealth Transportation Board is now soliciting candidate projects from local communities for consideration in the new HB2 prioritization process with project applications due September 30th. A total of up to five (5) projects in the County are being recommended for funding. Under the new HB2 process, applications for funding of projects in the MPO area can be submitted by either the MPO or the locality, but not by both entities. The County and MPO's highest priority project is the I-64 and Rt. 29 Interchange (Exit 118). This project will be submitted by the MPO as its highest priority project. Staff is recommending that the *County* also request funding for the following four (4) projects.

PRIORITY #1: I-64 and Rt. 250 Interchange (Exit 124) - Increase capacity and rebuild the interchange to be safer for higher volumes of traffic. Improve Safety / Operations and increase Capacity - This project will meet congestion mitigation, economic development, accessibility, and safety factors on corridors of statewide significance.

PRIORITY #2: Proffit Road Improvements from Leake Ln. /Worth Crossing to Baker Butler Elementary School. Improve alignment, install Curb and Gutter, bike lanes and sidewalks. The project is in the Places 29 Master Plan.

PRIORITY #3: Sunset Road and County Green Road Improvements (secondary) From Fifth Street to City Limits/Moore's Creek, and from Old Lynchburg Rd to Sunset Rd. Improve alignment, install Curb and Gutter, bike lanes, and sidewalks. The project is in the Southern-Western Neighborhood Master Plan.

PRIORITY #4: Rt. 250 West Intersection Improvements at Rt. 151. Safety/operation/capacity improvements (traffic light, roundabout, lengthen turn lanes, and/or other). The project is in the Long Range Transportation Plan, Rural Long Range Transportation Plan and the Crozet Master Plan.

The two I-64 interchanges are the two highest ranked primary road projects on the County's Transportation Priority list and MPO Long Range Plan, while Proffit Road and Sunset Road are the two highest secondary road projects on the County's priority list **(Attachment A).** The intersection of Rt. 250 and Rt. 151 is listed as the 4th highest priority primary road project (Rt. 250 intersection improvements) and is being requested for funding because of its identification in the VTrans Plan Safety Needs Assessment (high number of accidents) and because of the extent of project scoping (and cost estimates) already undertaken for the project. Staff is currently working with VDOT to establish or complete cost estimates for the four projects. Accurate cost estimates are very important to the new HB2 project review and prioritization process. To date there has been limited or recent scoping/design work of the Proffit Road or Sunset Road projects. Please note that if VDOT staff cannot provide accurate and reliable cost estimates prior to the application deadline (September 30th), these projects will not be submitted this year. If not submitted this year, VDOT and County staff would complete scoping/cost estimates over the intervening period for potential submittal next year).

This is a State-funded program, so there are no direct impacts to the County's budget unless the County decides to fund a project for which some or all of the cost is being covered with Revenue Sharing funds that require a dollar for dollar County match.

Staff recommends that the Board approve submittal of HB2 applications for the following four (4) projects:

1. I-64 and Rt. 250 Interchange Improvements (Exit 124),
2. Proffit Road Improvements from Leake Ln. /Worth Crossing to Baker Butler Elementary School (provided accurate cost estimates can be completed by the application deadline)
3. Sunset Road and County Green Road Improvements (secondary) From Fifth Street to City Limits/Moore's Creek, and from Old Lynchburg Rd to Sunset Rd.
4. Rt. 250 and Rt. 151 intersection, Proffit Road Improvements from Leake Ln. /Worth Crossing to Baker Butler Elementary School (provided accurate cost estimates can be completed by the application deadline)

Further, staff recommends that the Board supports The MPO's submittal of HB2 application for the I-64 and Rt. 29 Interchange Improvements (Exit 118).

By the above-recorded vote, the Board approved the submittal of HB2 applications for the following four (4) projects and supported the MPO's submittal of HB2 application for the I-64 and Route 29 Interchange Improvements (Exit 118):

1. I-64 and Route 250 Interchange Improvements (Exit 124),
2. Proffit Road Improvements from Leake Lane/Worth Crossing to Baker Butler Elementary School (provided accurate cost estimates can be completed by the application deadline)
3. Sunset Road and County Green Road Improvements (secondary) From Fifth Street to City Limits/Moore's Creek, and from Old Lynchburg Road to Sunset Road

4. Route 250 and Route151 intersection, Proffit Road Improvements from Leake Lane/Worth Crossing to Baker Butler Elementary School (provided accurate cost estimates can be completed by the application deadline).

Item No. 8.12. Study for Pedestrian Crossings on Route 29N and Route 250 Pantops.

The executive summary forwarded to the Board states that the County has seen increasing residential and commercial development along the Route 29 North Corridor (in the Development Area), and Route 250 east corridor in Pantops, which has increased vehicular and pedestrian traffic in those areas. Residents and businesses along both corridors have petitioned for pedestrian crossings that would provide a more pedestrian friendly environment for residents and tourists to access destination locations. The Places29 Master Plan shows proposed pedestrian crossings at various locations along the Route 29 north corridor, and the Pantops Master Plan calls for pedestrian crossings along the Route 250 east corridor. A consultant has been retained who can study potential pedestrian crossings on Route 29 North (Hydraulic Road to Rio Road) and Route 250 east in the Pantops area. The consultant (Kimley Horn) would perform specific tasks and provide deliverables at the end of the contract period that would include: a feasibility study of potential at-grade and above grade pedestrian crossing locations, projected future pedestrian volumes that would potentially be using the proposed crossings, rough estimated costs for each scenario, and sketches of crossings.

The purpose of this initiative is to:

1. Determine where pedestrian crossing(s) along the Route 250 East (Pantops) and Route 29 North corridors are needed; and
2. Determine the type of pedestrian improvements needed to facilitate pedestrian crossings at the identified locations.

The attached scope of work for both corridors outlines and summarizes the anticipated locations to be studied and tasks required to meet the above purposes (Attachments A and B). The Study would conclude with a technical report that would include: a summary of the data collection, existing conditions and recommendations, projected pedestrian volumes, at-grade alternatives, above grade alternatives, recommended types of pedestrian movements, sketches of crossings, and planning level cost estimates. Kimley-Horn can provide the services described for the estimated costs shown in Attachments A and B. Key assumptions influencing the fees include the number of study intersections, number of peak periods for which data is collected, and developing planning level cost estimates for proposed recommendations.

The study would be funded from the Pantops Master Plan Implementation fund (4-9010-81110-481020-950560-1240), which has a balance of $108,731.45.

Staff recommends that the Board direct staff to proceed with the pedestrian crossing studies detailed in Attachments A and B using monies from the Pantops Master Plan Implementation fund (4-9010-81110-481020-950560-1240) to pay consultant fees.

(Discussion: Mr. Boyd stated his concerns are that Timberwood Boulevard has not been included in the study, and whether they should involve the community advisory groups in the discussion. Mr. David Benish, Acting Director of Community Development, responded they will definitely include the CACs in those projects, and Pantops and Places 29 groups will both be involved. He stated that in looking at the study, they focused on the areas where the most development and intensive activity is taking place, which is from Rio Road southward, and funding only covers the work currently in the request. He said if they also want to include Timberwood, it may require additional funding.

Mr. Boyd stated he has been hearing from constituents for a long time about the difficulty in crossing from Forest Lakes over to the restaurants and shops at Hollymead. Mr. Benish confirmed staff has heard the same, and have been aware of public interest in the crossing to be able to get to the west side.

Ms. Mallek noted a lot of study work has already been done, and the original plan during the widening was for a bridge that will take vehicles as well as pedestrians across, so she hopes they will require the consultant to look at that study. She added that with 5,000 on one side and 2,000 on the other, Timberwood will definitely rank highly in terms of density.

Mr. Boyd mentioned that a group of architectural students at UVA have done a study of crosswalks. Mr. Benish stated the MPO had done a study of pedestrian walkways and crosswalks in the early 2000s, and staff had provided that briefly to the consultant.

Ms. Mallek added the study of the pedestrian crosswalk at Fashion Square also needs to be included.

Mr. Benish stated the Pantops Master Plan implementation money is $108,000, and the maximum cost shown for the consultant's study is $105,000, so staff may have to come back and look for additional funding.

Ms. Mallek asked if there is a competitive RFP process for this. Mr. Benish said he will discuss it with Mr. Gerald Gatobu and Mr. Trevor Henry of staff, but the first step will be to ask the consultant what he can do in terms of fitting it into available funding.

Mr. Boyd stated Route 250 and Route 29 North both severed the Neighborhood Model aspect, and the Board should consider setting aside some money in next year's budget to pull down matching money from VDOT.

Mr. Benish stated the upcoming CIP assumes a certain amount of cost in the future to implement this project, but until they get the study done it is hard to know what the costs will be. He added that grade-separated interchanges can be very expensive, and this item on the agenda is to get the Board's input on the process.

Mr. Davis said the recommendation is to authorize staff to proceed with the project.

Ms. Mallek stated she would like to have another month to find out the details.

Mr. Boyd agreed, stating he would like to make sure there is no misunderstanding of the approval process.)

Item No. 8.13. FY 2015 4th Quarter Cash Proffer Report, ***was received for information.***

The executive summary forwarded to the Board states that in 2007, the Board directed staff to provide a quarterly report on the status of cash proffers.

Since that time, the report has been expanded to also include updates on non-cash proffers. The Board received the last quarterly proffer report on May 6, 2015 which included information on cash proffer revenue and expenditures and non-cash proffers for January through March, 2015. This report includes all proffer activity (both cash and non-cash) for the fourth quarter of Fiscal Year 2015 (April-June). The next quarterly report will be on the Board's November 4, 2015 agenda.

Proffer Activity for Fiscal Year 2015 Fourth Quarter (April-June)

- **A.** **New Proffered Revenue:** There were no rezoning requests approved this quarter that provided new cash proffers.
- **B.** **Total Proffered Revenue:** Total proffered revenue is $48,943,356.45. This reflects 2014 annual adjustments to anticipated proffer revenue (not received yet obligated) from proffers in which annual adjustments were proffered.
- **C.** **4th Quarter Cash Revenue:** The County received a total of $346,942.75 from existing cash proffers during this quarter from developments listed in Attachment A. Although not proffer funds, the County received $9,000 for affordable housing programs from a special use permit condition. (See Attachment A for more details.)
- **D.** **Expenditures and Appropriations:** A total of $500,000 in proffer funds from Albemarle Place/Stonefield was expended on the Northside Library project. The total expenditures for that proffer fund has been updated in Attachment B. A total of $513,982 in proffer funds was appropriated during the 4th quarter and is reflected in Attachments A and B.

Current Available Funds: As of June 30, 2015, the available proffered cash on-hand is $4,541,149.48 (including interest earnings on proffer revenue received). Some of these funds were proffered for specific projects, while others may be used for general projects within the CIP. Of the available proffered cash on hand, $2,283,649.96 (including interest earned) is currently appropriated (Attachment B). The net cash balance is $2,257,499.52 and Attachment C provides information on how the net cash balance may be used for future appropriations to CIP projects. The Community Development Department and Office of Management and Budget staff monitor proffer funds on an ongoing basis to ensure that associated projects not currently in the CIP move forward and to ensure that funding is appropriated to projects before any proffer deadlines.

FY 2015 Survey of Cash Proffers for Commission on Local Government: State law requires that localities accepting cash proffers report to the Commission on Local Government annually. The County's report for FY2015 is attached (Attachment D). During FY 2015, the County collected a total of $1,081,730.58. The amount expended in FY2015 was $1,029,488.16

Cash proffers are a source of revenue to address impacts from development and they support the funding of important County projects which would otherwise be funded through general tax revenue. Using cash proffer funding for current or planned FY17-FY19 CIP projects builds capacity in the CIP by freeing up funding for other projects. In addition, non-cash proffers provide improvements that might otherwise need to be funded by general tax revenue.

This Executive Summary is for information only and no action is required by the Board

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Item No. 8.14. County Grant Application/Award Report, ***was received for information.***

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

The attached Grants Report provides a brief description of one grant award received during the time period of June 18, 2015 through August 14, 2015.

In some instances, funding agencies request "proposals" from applicants, and then based on the proposals received, determine which organizations are eligible to formally submit applications. During the period of this report, the County submitted three Virginia Department of Emergency Management grant proposals, two of which are for the Police Department and one in the Fire Rescue Department. Information regarding these grant applications will be added to the grant report if and when the County is requested by these funding agencies to submit formal applications.

This report also includes a new component for the Board's information; a comprehensive look at potential Five Year Financial Plan implications if projects and/or programs that are supported by grants are continued with local funding after the grants end. As grant funding ends, recommendations will be included in the County Executive's proposed annual budgets for the Board's consideration as to whether local funding should be used to continue those projects and programs. No County funds will be used to fund the continuation of those projects and programs without Board approval.

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

GRANT REPORT ACTIVITY – July 18, 2015 through August 14, 2015

Applications were made for the following grants:

None at this time.

Awards were received for the following grants:

Granting Entity	Grant	Type	Amount Received	Match Required	Match Source	Department	Purpose
Library of Virginia	Virginia Circuit Court Records Preservation Program	State	$10,457.50	None	None	Circuit Court	This grant will be used to provide funds to preserve historical record books by reformatting original records to digital images. Records include deeds, wills, and minute books.

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

						Potential Financial Impact - Includes Five Year Plan salary assumptions				
Grant Name	**Summary**	**# of FTE**	**Designation of Current Budget Match**	**Expected End Date**	**FY16 Grant Amount***	**FY17**	**FY18**	**FY19**	**FY20**	**FY21**
FY16 Byrne/Justice Assistance Grant (JAG) Law Enforcement	This grant provides funding for a current police Sergeant position to form and lead the new Problem Oriented Policing (POP) Team and includes equipment/ supporting costs. This grant requires the local match to increase each year with the goal at the end of the grant to be for a full time employee to be hired.	1	Grants Leveraging Fund	6/30/2020	$125,910.00	$ 35,961.74	$ 73,308.49	$ 112,096.36	$ 152,383.46	$155,383.98
FY16 Byrne/Justice Assistance Grant (JAG) Crime Analysis	This grant provides funding for the current Crime Analyst position. The grant requires the local match to increase each year with the goal at the end of the grant to be for a full time employee to be hired.	1	Police Department	6/30/2018	$33,879.00	$ 52,420.18	$ 71,785.57	$ 73,752.87	$ 75,798.46	$ 77,925.47
*does not include local match funds						$ 88,381.92	$ 145,094.07	$ 185,849.23	$ 228,181.92	$233,309.45

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

					Potential Financial Impact				
Grant Name	**Summary**	**# of FTE**	**Designation of Current Budget Match**	**Actual End Date**	**FY17**	**FY18**	**FY19**	**FY20**	**FY21**
2006 Assistance to Firefighters	This grant provided funds for purchase of turnout gear in 2006. The equipment life span is 10 years and now expiring. Due to centrally inspected and managed process, the annual request is estimated at approximately $140,000 a year. This impact reflects what is over that annual request.	0	Fire Rescue Fund	6/30/2006	$158,068.76	$ 236,700.23	$ 191,830.46	$ 147,090.10	TBD
Equipment Grant	This grant provided funds for purchase of fitness equipment. The equipment life span is expiring.	0	Fire Rescue Fund	6/30/2009	$ 37,878.00	$ 39,117.00	$ 40,356.00	$ 53,345.00	$ 54,934.00
					$195,946.76	$ 275,817.23	$ 232,186.46	$ 200,435.10	$ 54,934.00

Item No. 8.15. Update on Broadband Vision and Planning, ***was received for information.***

The executive summary forwarded to the Board states that on February 4, 2015, the Board took the following action:

1) Adopted a Resolution to commit $30,000 in funding to complete a Community Connectivity Plan if the County is awarded the $30,000 Community Connectivity Planning Grant through the Commonwealth of Virginia Department of Housing and Community Development (DHCD); and
2) Approved an appropriation in the amount of $3,900 to contract with the Thomas Jefferson Planning District Commission (TJPDC) to assist in the writing of the Grant Application.

Staff and the TJPDC submitted the $30,000 Community Connectivity Planning Grant application on March 16, 2015, then were invited by the DHCD to submit an application for a second grant entitled the Virginia Telecommunications Planning Initiative (VATPI).

The purpose of this Executive Summary is to provide a progress update.

TJPDC and County staff submitted a VATPI grant application on August 7, 2015, and have not yet received the DHCD's award determination on either grant application. The recipients of the VATPI grant will receive $75,000 to be used toward the completion of a comprehensive telecommunication plan for their community.

Upon notification of an award, staff will release an RFP or will procure telecommunication planning services through another locality's contract. The DHCD is expected to notify grant applicants of grant awards for both grants by September 30.

Staff plans to include broadband priorities in the RFP. The telecommunications plan can be focused on one or more priority areas. Staff will return to the Board at a future meeting with an analysis that will allow the Board to determine the County's broadband priorities.

To date, the Board has appropriated $3,900 to contract with the TJPDC to write the CDBG grant application and has committed an additional $30,000 to complete a Community Connectivity Plan if a grant is awarded to the County. For VATPI application support services, $3,900 of the committed $30,000 will be paid to the TJPDC.

This Executive Summary is for information only. No action is required by the Board at this time.

Agenda Item No. 9. Rt. 29 Solutions Business Assistance Program.

The executive summary, as presented by staff, states that on June 3, 2015, the Board approved the final three elements of the County's Route 29 Solutions Business Assistance Program, which included a matching grant program. The matching grant program is intended to support business-specific construction-based advertising for Tier 2 businesses (those located in the construction zone of the Route 29/Rio Road intersection project) by providing funding to match funds committed by businesses for qualifying advertising/marketing efforts. Board members requested the opportunity to review the criteria for the matching grant program prior to the program's implementation to ensure that the grants program meets the Board's intentions and goals.

In developing draft criteria for the matching grant program, staff consulted with members of the Route 29 Solutions Business Assistance subcommittee, as well as individual business owners and other jurisdictions who have used a similar program. Staff also reviewed matching grant programs of a variety of entities, including the Virginia Tourism Corporation, the United States Department of Agriculture, and the Charlottesville Albemarle Convention and Visitors Bureau, to get a sense of what criteria have been used by others who implemented regional marketing matching grant programs. The following priorities were identified by staff based on feed-back from the Board as fundamental to the development of draft criteria for the County's grant program:

- Focus on small businesses that do not have access to significant marketing/advertising resources
- Provide small grant awards that will provide meaningful support but will make funds available to as many businesses as possible
- Maintain consistency with reinforcing the overarching messages of the County's collective marketing campaign
- Provide support to businesses that demonstrate a willingness to engage proactively
- Require that performance measures in the form of visibility data be provided

The draft criteria are outlined in Attachment A for the Board's review and comment. While staff recognizes that there may need to be some slight adjustments to the criteria as the program is implemented based on changing conditions, no substantive changes will be made to the criteria without prior consultation with the Board.

There is no budget impact associated with endorsing the grant criteria. The Board approved the use of $50,000 for the matching grant program at its July 1, 2015 meeting. This funding would be provided to the EDA, which would fund the program.

Staff recommends that the Board endorse the draft criteria for the County's matching grant program.

Ms. Lee Catlin, Assistant County Executive, addressed the Board, stating on June 3 they had approved the final three elements of the County's total business assistance program, one of which was a matching grant program intended to support business-specific construction-based advertising for Tier II businesses, defined as those in the construction footprint of the Route 29/Rio Road intersection as proscribed by VDOT. She stated the Board had approved the program but requested that staff come back with criteria, to ensure that the program is meeting what the Board intended.

Ms. Catlin presented a draft of an "Open for Business" handbook, which staff has worked on with its partners. She reported the Secretary of Transportation had announced in Charlottesville that VDOT would be awarding $200,000 for marketing efforts during the project, to be administered by the Thomas Jefferson Planning District Commission. Ms. Catlin said it is felt that the funding will best be used by being added to the $100,000 set aside by the Board for a collective marketing campaign, and they have developed a good partnership for using consultants SIR, the firm already working with VDOT on the project. She added any administrative costs will be absorbed by VDOT, so the entire pool of funding will be used for media buys and advertising. Ms. Catlin reported that staff is working with an expanded business assistance subcommittee, and Susan Stimart has done significant outreach, with 12 businesses representing each of the four project quadrants agreeing to work with them on the development and implementation of the marketing campaign.

Ms. Catlin stated staff is also devoting significant time to neighborhood outreach, and a fact sheet has been disseminated to 8,800 addresses in the Places 29 Master Plan area. She said an open house for neighborhoods will be held at the Northside Library on September 15 from 5:30-7:30 p.m., the first of several such events to be held over the next several months. Ms. Catlin stated that representatives from VDOT, Community Development, fire and rescue, police, schools, and other entities will be present. She stated beginning September 9, medians along Route 29 North will be closed, and VDOT is taking an aggressive, multi-media approach to make sure this is being publicized. Ms. Catlin said VDOT is doing maps specific for each quadrant, with news releases issued and a lot of direct outreach for neighborhoods and businesses in the new pattern of activity.

Mr. Boyd asked when those will be delivered to businesses, because they need to get them to their customers ahead of time. Ms. Catlin responded she thinks that it is happening that week.

Ms. Mallek asked if this is going to be in the newspaper, as that seems to be an easy vehicle for wide dissemination. Ms. Catlin reported in developing the matching grant program criteria, staff has spoken to individual business owners in other jurisdictions who have used a similar program, and talked with entities such as the U.S. Department of Agriculture, the Virginia Tourism Corporation, and the Charlottesville Albemarle Convention and Visitors Bureau. She said in putting the program together, they focused on making sure this is geared towards small businesses that do not have significant marketing resources. Ms. Catlin stated they want to ensure the award amount is spread across numerous businesses but also large enough to be meaningful for each, and have arrived at a figure of $2,000. She said other criteria are reinforcement of the collective marketing campaign message, the willingness on the part of businesses to engage and help themselves, and inclusion of performance measures. Ms. Catlin stated the $2,000 is a cash match only, and will be dispersed through the Economic Development Authority as the funding mechanism, with projects needing to be completed by December 2016. She said businesses will need to be existing businesses as of January 1, 2016 located in the Tier II project area, and will need to have 100 or less employees.

Ms. Catlin stated they have also discussed the possibility of including a revenue amount, because there may be a business generating a lot of revenue from a few employees that will not necessarily fall under their target objective for assistance. She said the business must also have attended a marketing workshop or completed a mentoring or consulting session. Ms. Catlin noted the businesses' messaging must align with the collective marketing campaign and use the logo or tagline developed, and said the criteria also addresses eligible and ineligible programs. She stated awardees must provide a report on performance measurements including distribution channels, circulation, placement dates, and other specifics that offer a sense of the reach. Ms. Catlin noted the dates provided in the staff report as benchmarks may shift slightly, and while there might be some minor adjustments there will not be any changes in substance without coming back to the Board.

Ms. Mallek asked if this will be an ongoing rollout, since the first batch of applications is due November 15. Ms. Catlin responded it is initially assumed that businesses will not start this until after the holidays in 2015, but staff is reconsidering that given the timeframe and will need to synch those dates up.

Ms. Mallek said the revenue parameter is an important consideration, because it ensures that money is focused where it needs to be. She stated when they had initially discussed this, they had talked about long-term marketing that is community-based and will reach people from outside the area. Ms. Mallek said she is concerned they are being funneled to SIR, as that is the group for which VDOT is agreeing to fund overhead, and she is worried they might be missing an opportunity to work with a firm that knows the County and the project objectives better.

Ms. Catlin responded that SIR has already been extremely engaged with the community and has done focus groups as well as running advertising for the VDOT construction information portion of the project. She said they have already been involved with local advertising and media buys that can be piggybacked onto, and the firm is up to speed on the project. Ms. Catlin emphasized the firm is a full-service advertising agency, and they have started to identify the need to build this area as a place and a district.

Ms. Mallek stated what she has seen thus far is adequate for the transportation side of things, but it is nowhere near at the level of the "Stay Charlottesville" type campaign, which she is looking for as a long-term approach.

Mr. Sheffield asked if staff will be coming back with the indicators of long-term success, and numbers associated with this criteria to evaluate impacts and retention. Mr. Foley responded that Finance has been doing work on this already in order to establish a baseline.

Ms. Catlin stated Ms. Faith McClintic has been working with Finance on this.

Ms. Dittmar said Finance cannot establish things like occupancy rates.

Ms. McKeel noted the Board has been given the impression that the baseline has already been established.

Mr. Foley stated with the baseline, the data exists for every month.

Mr. Sheffield commented that things like vacancy rates are not documented, and taking a snapshot of conditions now versus what they are ongoing will be helpful.

Mr. Foley said staff will follow up on this, as some of the baseline information already exists.

Ms**.** Mallek stated it may be necessary to gather that information quickly by contracting it out to a firm. Ms. Catlin said she will need to check with the Economic Development office to see how they are approaching it.

Ms. Susan Stimart, Economic Development Facilitator, addressed the Board, stating the Finance Department has been collecting geographic definitions for doing the metric analysis over time, and for occupancy rates they have a subscription to a commercial database that can provide that data.

Ms. Dittmar asked what the key indicators are that can be used to establish a baseline. Ms. Stimart responded that they have locked in BPOL, real estate assessments, and sales tax, and the occupancy will be coming from the separate data source.

Mr. Foley said staff will follow up to provide the Board with more specifics.

Mr. Sheffield then offered **motion** to endorse the draft criteria for the County's matching grant program. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield, Mr. Boyd and Ms. Dittmar.
NAYS: None.

Mr. Foley stated staff has demonstrated repeatedly its ability to step up to the task with this difficult challenge, and read an email to Joel DeNunzio from a citizen who had received the materials on the Route 29 Solutions project that expressed how impressed he has been with the caliber of the package and the regard for the public that it demonstrates.

Business Assistance Program Matching Grant Criteria

Funding

- Funded through the EDA.
- No grant award will exceed $2,000.
- Funding from this program cannot be used for administrative costs, capital and operating costs, salaries, advertising or marketing for church or faith-based organizations, or for political or lobbying activities, or for travel or entertainment costs.
- Match is a cash match only. No in-kind goods or services will be allowed.
- Any changes from the approved application must be submitted in writing.
- All advertising or marketing projects must be completed by December 2016.

Eligible Businesses

- Existing businesses as of January 1, 2016, located in the "Tier 2" project area
- Business meets the definition of a "small business" which for the purposes of this program is defined as 100 employees or less
- Businesses must not have delinquent tax status
- Business applicant must have attended at least one marketing workshop or completed a consulting or mentoring session under Albemarle County's Business Assistance Program.

Project Criteria

- The messaging of the proposed project must be in line with what is developed through the Collective Marketing Campaign ("Open For Business!") and must contain the logo and/or tagline developed through the Collective Marketing Campaign.
- Additional consideration will be given to applications in which two or more businesses partner on a project
- All projects must run between March 2016 and December 2016.
- Examples of eligible projects
    - Commercials on local media, including radio and television
    - Advertisements in local print and online periodicals
    - Sponsored content on social media (Facebook, Twitter)
    - Website enhancements[1]

  - Printed marketing materials, including direct mailings and brochures. If creating a brochure, must include a plan to disseminate it.
- Examples of ineligible projects
  - Signage
  - Administrative/overhead costs
  - Promotional items, including t-shirts, pens, and similar items.

Documentation

- Award recipients must submit a copy (digital or print) of the project
- Where two or more businesses collaborate, a letter of support from each applicant business.
- All award recipients must provide report on performance measures using the form provided by Albemarle County by January 15, 2017. Measures include:
  - Distribution channel(s)
  - Circulation of the project (based on periodical circulation, web analytics, etc.)
  - Placement date(s)

[1] Funds may not be used for website maintenance or hosting fees.

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Agenda Item No. 10. Budget Process Improvements and FY 17 Operating and Capital Budget Calendar.

The executive summary, as presented by staff, states that the process of developing the County's Operating Budget for Fiscal Year 17 (FY17) and the Capital Improvements Program (CIP) for FY17-21 is underway.

In an effort to continuously improve the County's budget development processes, the Office of Management and Budget (OMB) interviewed Board members after the FY 16 budget process to receive feedback and suggestions on ways to improve the process in the future. In addition to meeting with Board members, OMB interviewed budget development staff who work at our benchmark jurisdictions and held meetings with School Division staff and others to identify ways to improve the efficiency and effectiveness of many of the County's internal budget development processes. In addition, the five year financial planning process has been accelerated this year and an updated Five-Year Financial Plan has already been prepared for the period of FY 17 to FY 21 to ensure that the Citizen Resource Advisory Committee had up-to-date information as the Committee began its work this summer.

This Executive Summary includes three attachments for the Board's review and consideration. Attachment A provides a summary of staff's recommended budget development process improvements identified for the upcoming cycle; Attachment B includes the proposed FY 17 budget development calendar; and Attachment C includes additional details regarding staff's proposed changes to the Capital Improvement Plan (CIP) budget process.

Attachment A includes specific recommended adjustments to the County's five year financial planning process, the cultural agency contribution process, and a summary of improvements to the capital improvement planning process for the Board's review and consideration.

Attachment B provides a preliminary budget calendar for the FY 17 budget process. The budget development calendar establishes specific dates for Board meetings and public hearings on the tax rate, the budget, and the CIP. Staff will provide the public with as much notice as possible for planned community engagement opportunities, public hearings and work sessions associated with the development of the upcoming budgets.

There are several dates that are driven by Virginia Code requirements which are reflected in the attached calendar:

- Localities with a first-half tax year collection in June must adopt the tax rate on or before April 15.
- There must be at least seven days between the public advertisement of the budget public hearing and the actual hearing date.
- There must be at least seven days between the public hearing and the adoption of the budget.
- Localities must provide at least 30 days notice of the tax rate public hearing if the reassessment would result in an increase of one percent or more in the total real property tax levied compared to the prior year's tax levies. Prior to 2009, the requirement was seven days notice.

In addition to these Virginia Code requirements, the School Board and School Division staff has requested that a public hearing be scheduled so that it does not coincide with Spring Break.

The preliminary budget calendar for the FY 17 budget process meets the Virginia Code requirements and the School Board's request. Additionally, this calendar assumes that the reassessment would result in an increase of one percent or more in the total real property tax levied in Calendar Year (CY) 16 compared to CY 15, and schedules for the necessary 30 days notice.

If the Board desires to hold the tax rate and budget hearings on the same day and to increase flexibility regarding the timing of work sessions, the Board has the option to set the tax rate cap for advertisement in early February. This would require, however, that the Board set an advertised tax rate cap based on the Board's guidance during the Five Year Financial planning process and in advance of having received the County Executive's Recommended Budget and the School Board's Funding Request. If the Board chose this approach, County staff would actively communicate to the public early in the process that the advertised tax rate is the maximum rate that could be set and must accommodate future budget adjustments, and that the Board may ultimately set a tax rate lower than the advertised tax rate. Attachment C provides additional details regarding staff's proposed changes to the CIP budget development process.

Staff recommends that the Board review and concur with the recommended budget development process improvements identified in Attachments A and C and adopt the preliminary budget calendar set forth in Attachment B.

If the Board chooses to set the advertised tax rate cap at an earlier time in the cycle, staff will update the budget development calendar and provide it to the Board for the Board's adoption in October.

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Ms. Lori Allshouse, Director of the Office of Management and Budget, addressed the Board, stating they will discuss the budget development calendar and process improvements, which staff is recommending to be implemented this year. Ms. Allshouse said the tax rate must be adopted by April 15, and there is a requirement for a 30-day notice for the tax rate public hearing if reassessments result in an increase of 1% or more, and there are seven-day notice requirements for budget public hearing advertisements and adoption of the budgets. She stated they are also mindful of the Board's schedule with an effort to avoid fast turnaround times, as well as working around the school schedule. Ms. Allshouse noted the budget and tax rate public hearings will be held on separate days, due to scheduling and legal requirements, and neither will conflict with the school spring break. She stated they will be starting the five-year financial plan earlier this year, and there will be two joint work sessions with the five-year plan. Ms. Allshouse said public engagement opportunities will occur throughout the plan, with a special emphasis on staff being available from November 16-20 as a suggested window for town hall meetings. She stated the CIP has a streamlined process this year that results in one less work session. Ms. Allshouse said the Board set the tax rate and adopts the budget on April 12, 2016 in the current version of their schedule. She stated the Board has the option to set a tax rate cap earlier, in February, which will allow for some flexibility in their schedule, and it will need to be based on their five-year financial plan discussions.

Ms. Allshouse stated budget process improvements have impacted their schedule, with the five-year financial planning process already underway with increased involvement from the School Board. She said their work session schedule will include one in September, one in November, and two in December. She said staff will not ask for formal adoption of the five-year plan, given the gap from the previous year and the work of the efficiency team and citizens committee, with that information brought to the Board in November.

Ms. Allshouse stated staff had talked about streamlining the CIP process and have contacted other jurisdictions about how they handle the CIP, as well as discussing it with Board members individually and working with the school staff and others. She said one primary consideration has been a return to a biennial budget cycle, with a full-blown CIP one year and the second year reserved for emergency amendments. Ms. Allshouse stated staff is suggesting going back to this model, which is what they had in place before the recession, and this year will be a full CIP to get things started. She said staff will suggest having a work session before the Oversight Committee starts their work, but as they finish they will provide a report to the Board and the School Board.

Ms. Allshouse stated in considering ways to improve the process for cultural agencies, staff is suggesting having them submit a letter of support rather than a full application. She said since the executive summary was put together, staff has learned the City is switching over to an online process and is recommending keeping in line with that, as many agencies applied for both City and County funding. Ms. Allshouse noted they still will not have the festival and cultural applications go through the ABRT process, and staff will also be working on streamlining that process.

Ms. Mallek responded this does not make sense because those cultural agencies are not data-driven social services agencies.

Ms. Allshouse agreed, stating that in benchmarking with other jurisdictions, staff learned that James City County and Hanover only require a letter of support rather than an application. She said staff does not want to do anything that will burden applicants, and she is open to suggestions from the Board.

Ms. Mallek said applicants will not be burdened by a letter, and they would likely be grateful for that approach rather than an online application that someone else is in charge of, and maybe the City will realize that a letter will suffice.

Ms. Palmer asked if staff has inquired as to whether the City will accept a letter also from the agencies that do not fit the mold. Ms. Allshouse responded staff had not worked with the City early enough in this year's process, and explained they ran everything through the ABRT process with a separate committee for cultural agencies. She noted staff may work with them next year on moving forward with a letter instead.

Ms. Palmer suggested the agencies could be given an option of either submitting a letter along with their application. Ms. Allshouse said this can be considered.

Mr. Sheffield suggested this be an agenda item for their City/County discussion.

Ms. Dittmar commented it seems this needs some more work, and said they can address this as an issue with the City.

Ms. McKeel said she would like to know the difference between the two, and has the impression they are following the same approach.

Ms. Allshouse explained there is a joint process that has always been done with the City, and an online application might be easier as an applicant can click on both City and County with one application.

Ms. Mallek said she is just opposed to the use of one uniform instrument that requires data measurement and evaluation, which cultural organizations might not have, and there are big gaps in understanding the benefits of those agencies.

Ms. McKeel noted there had been an applicant who was penalized because the City had not been utilizing their services as much, so they are not recommended for County funding either.

Ms. Allshouse said cultural agencies and festivals have been brought in-house.

Ms. Mallek stated it is a lot to expect operational staff to know all of that, and she has recommended that an arts person be brought in as part of the evaluation process.

Board members agreed to have staff come back with some options for the budget meeting calendar.

Mr. Sheffield noted there will be two new Board members in January, which may change things.

Ms. Mallek asked if there might be some discussions slated for December that can be put off until January, because of the two new Board members who will be serving. Ms. Allshouse said the challenge is that January is the time they are putting together the annual budget document, so from a staffing perspective they will lose the advantage of having the information in December to bring into January.

Ms. Mallek stated it will be the two weeks between the December 9 meeting and the first of the year, so if they have something early in January it will not put them too far behind.

Mr. Boyd stated it will be a potential problem every two years, and he will not want to compress it too much because the School Board will be at a real disadvantage if everything is put off until the first of the year.

Mr. Foley said the purpose of the five-year plan is to identify the primary issues and get general direction from the Board based on that.

Ms. Dittmar stated the big issue is whether the Board wants to set the tax rate earlier.

Ms. Palmer said she did not like it last year and would not want to do it going forward, as she would like to have the public weigh in.

Ms. Mallek agreed, stating she does not feel she will have enough information at that time to make a reasonable decision.

Mr. Foley said staff has that recommendation also, for the reasons stated.

Ms. Dittmar asked if the Board is ready to move forward, other than the ABRT question.

Ms. Mallek said they seemed to have consensus on having an option with ABRT if possible.

Ms. Palmer stated the only other item is the calendar and meeting schedule.

Mr. Foley noted there is also direction needed on the CIP question, which staff is recommending to go to a two-year process.

Ms. Palmer said she is not sure what that would take away from new Board members, understanding how far behind they are with the CIP.

Mr. Foley stated this year will be a full review, and if they start the cycle this way it will always be a full review when newly elected members come on. He said the Board will get a full report of the Oversight Committee's work and will not get into adjusting or making decisions, which will happen as a full review during the CIP work session. Mr. Foley explained the Board will have a joint meeting in November, and the Technical Review Committee will have already gone over what has been submitted, so the question will be whether they will want to have another joint meeting or just see what has been changed.

Motion was then offered by Ms. Mallek to concur with the proposed changes to the CIP process as presented by staff. Ms. Dittmar **seconded** the motion. Roll was then called and the motion carried by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield, Mr. Boyd and Ms. Dittmar.
NAYS: None.

FY17 BUDGET CALENDAR

September 2015	
Wednesday 9	BOS/School Board Joint Work Session – Funding Formula, Five Year Plan Initial Assumptions and Major Drivers
October 2015	
Wednesday 14	BOS/School Board Joint Work Session – Compensation and Benefits
November 2015	
Wednesday 4	Citizens Resource Advisory Committee Presentation Legislative Program
Wednesday 11	BOS/School Board Work Session – Five Year Financial Plan Assumptions and Major Drivers - updates – Preliminary CIP Overview – Efficiency Team Recommendations – Citizens Resource Advisory Committee Recommendation
Mon.- Fri. 16 -20	Special Focus: Public engagement opportunities during this week on Five Year Financial Plan and guidance for FY 17 budget development*
December 2015	
Wednesday 2	BOS Work Session – Five-Year Financial Plan
Wednesday 9	BOS Departmental Budgets Presentations (Two Departments TBD)
Wednesday 9	BOS Work Session – Five-Year Financial Plan/Guidance for Annual Budget
February 2016	
Friday 19 (Noon)	County Executive's Presentation to Board - Recommended Budget
Tuesday 23	Public Hearing on County Executive's Recommended Budget
Thursday 25	BOS Budget Work Session #1
Monday 29	BOS Budget Work Session #2
March 2016	
Wednesday 2	Regular BOS meeting
Thursday 3	BOS Budget Work Session #3
Tuesday 8	BOS Budget Work Session #4 – Finalize Tax Rate for Advertisement/Approval of Board's Proposed Budget
Wednesday 9	Regular BOS meeting
Wednesday 30	Public Hearing on Board's Proposed Budget
April 2016	
Mon.-Fri. 4-8	Spring Break
Wednesday 6	Regular BOS meeting
Tuesday 12	Public Hearing on the CY 16 tax rate (BOS sets tax rate and adopts budget after public hearing**)
Wednesday 13	Holiday

* Public Engagement Opportunities will occur throughout Budget Development Process
**To meet legal requirements, BOS must set the CY 16 tax rate by April 15

Agenda Item No. 11. Opposition to Longer Double-Trailer Trucks Being Authorized in U.S. Transportation Bill.

Ms. Mallek asked if there is any opposition to the Board sending a letter to the Congressmen asking the County not be forced to accept extra-long trailers on their roads.

Ms. Palmer asked if there are concerns about wear and tear, or just safety. Ms. Mallek responded the truckers will say they pay for wear and tear with gas tax, and another item that should be considered should be that rural roads are not designed for 90,000-pound vehicles that are so wide their wheels are off the pavement.

Agenda Item No. 12. **Presentation:** 2015 Citizen Survey Results.

The executive summary, as presented by staff, states that since 2002, the County has contracted with survey consultants to conduct a reliable and valid County-wide citizen survey biennially. The survey results have been used by staff, elected officials and other stakeholders for community planning and resource allocation, program improvement and policy making.

The timing of this survey provides results that will inform both the County's strategic and ongoing planning processes.

At its February 4, 2015 meeting, the Board directed staff to conduct the County's 2015 survey using the survey tool offered by the National Citizen Survey (NCS), which is conducted collaboratively between the National Research Center, Inc. (NRC) and the International City/County Management Association (ICMA). The NCS was developed by NRC to provide a statistically valid survey of resident opinions regarding the community and the services provided by local government. After the survey template selection, staff worked individually with Board members to add several customized questions to the survey template.

Participating households were selected at random and multiple mailings went out to those households to give them several opportunities to participate. Results were statistically weighted to reflect the proper demographic composition of the community. There were 375 completed surveys, which is a representative sample. The results of this survey are statistically valid within a margin of error of plus or minus 5% points.

There are six NCS reports that examine the survey data:

- **Attachment A**, the Community Livability Report, summarizes all results and key findings.
- **Attachment B**, the Dashboard Findings, provides data in a summary chart format that shows how Albemarle County results compare with national benchmarks as well as over time.
- **Attachment C**, the Demographic Crosstabs, analyzes the data by age, sex, and race/ethnicity.
- **Attachment D**, the Geographic Crosstabs, analyzes the data by geographic area. (Note: "Urban ring" = Neighborhoods 1-7, Pantops, Places 29; "Other developed areas" = Village of Rivanna, Crozet; "Rural areas" = Rural Areas (including Scottsville))
- **Attachment E**, Technical Appendices, provides raw data.
- **Attachment F,** Trends over Time, shows Albemarle County response trends between 2011, 2013, and 2015.

Two important acknowledgements about this data:

1. The survey measures what citizens think about the community. Beyond the local government, other sectors that influence community quality include businesses, non-profit agencies, service organizations, and other community groups (like neighborhood associations). Therefore, some of these questions are not necessarily a reflection on County services.
2. Much of this data is most meaningful when compared to the national benchmark. Even then, as NCS points out, less desirable ratings for some indicators should not automatically be seen as negative for a community, but instead a reflection of the community's resources and priorities. Communities may have intentionally directed their resources to areas with a higher priority. In addition, not all indicators that show a lower level of achievement require a call to action, just as not all indicators that are strong should become a gateway to complacency. Without this framework in which to consider the data, it might be easy to misinterpret some of the data.

Looking at the 2015 survey results, citizens continue to rate overall quality of life in the County very high. Of the survey respondents, 93% rated the quality of life in the County as excellent or good, and 95% rated the County as an excellent or good place to live.

Other notable survey findings according to NCS include:

- **County residents identified Safety as one of the most important focus areas for the community.** Safety services such as fire, fire prevention, ambulance/EMS and police services were all rated highly by more than 80% of residents. Almost all residents said they felt safe in their neighborhood and had an overall feeling of safety in the County.
- **Mobility is a potential area for improvement.** Some aspects of Mobility tended to be lower than for the other facets of community. Ease of walking, travel by bicycle, travel by public transportation and public parking all received ratings that were lower than the national benchmarks.
- **Education and Enrichment is important to County residents.** Almost all residents thought it was essential or very important for Albemarle County Public Schools to focus on student to teacher/educator ratio and student performance over the next two years. More residents in the County than in other communities rated education and enrichment opportunities positively and approximately 80% of respondents rated cultural/arts/music activities and adult education higher than the national benchmark. Child care/preschool ratings saw an increase from 2013 to 2015 and more residents participated in religious or spiritual activities than in 2013.
- **Recreation and Wellness is a priority for County residents.** Almost all residents rated health and wellness in the County as excellent or good. More residents in the County

positively rated preventative health services and health care than residents in other communities across the nation; these ratings increased from 2013 to 2015.

As appropriate, staff is prepared to go into a more detailed analysis of survey data relating to urban issues at the Sept 25 retreat.

There is no budget impact related to this executive summary. The survey results will inform both the County's strategic planning and ongoing budget processes.

Staff recommends that Board members review the attached survey findings and provide any feedback or comment as desired.

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Ms. Louise Wyatt, Organizational Development Manager, addressed the Board, stating the County has been doing these surveys every two years since 2002, which have been used for planning, policy-making and resource allocation. She stated at its February 4 meeting, the Board had directed staff to use the National Citizens Survey tool for the most recent survey, adding a few custom questions. Ms. Wyatt explained this is a statistically valid survey, and NCS had done random sampling based on GDS files provided, with a total of 375 completed surveys, which is a representative sample based on their survey expertise. She said they statistically weigh results to reflect the proper demographic composition of the community, with a plus/minus margin of error of 5%. Ms. Wyatt noted she is not a survey expert, but answers to some specifics can be found in the technical appendices report in the executive summary. She stated there are six reports available included as attachments, with the summary report being the focus of her discussion. She also referenced demographic and geographic cross-tabs, which includes place of residence and length of time living in the County. Ms. Wyatt said this is the third year the County has used this survey, with 2011 and 2013 results available for comparison.

Ms. Wyatt noted the survey measures what citizens feel about the community, and government is just one part of that, so the County does not have control over some of the indicators. She stated another important matter to keep in mind is how it compares to national benchmarks, and there is always room for improvement, so it is important to think strategically about how to focus resources and which indicators are most important to the community.

Ms. Wyatt reported that 93% of residents rated the quality of life in Albemarle as excellent or good, which is comparable to the national benchmark and has remained consistent over the three years they have done the survey. She stated Albemarle is similar to the benchmarks in all eight of NCS's categories, with the most important focus areas identified as safety and economy.

Ms. Mallek asked if the national benchmark communities are like Albemarle. Ms. Wyatt responded the national benchmarks are from about 500 communities that have taken the survey, but there is also data from peer benchmarks that are like Albemarle in the technical appendices. She stated NCS has grouped the indicators into three pillars: community characteristics, governance, and participation. She noted with community characteristics, Albemarle ranks higher than the national benchmark in the areas of overall image, place to raise children, and place to retire; with overall appearance and neighborhood ranking as similar to benchmarks. Ms. Mallek stated with the governance category, about 81% or residents gave excellent to good ratings to the overall quality of County services, which is similar to the national benchmarks. She stated the benchmarks in the governance category has remained consistent over time and are in line with the national levels, so that may be a conversation for them to have in the future.

Ms. Dittmar stated her observation has been that citizens often group all levels of government together, and asked how they can be sure the 375 citizens in the survey are reacting to local government only. Ms. Wyatt responded that in the survey itself, there was a series of questions that rated Albemarle County, the state government and the federal government, but there may be services for which citizens do not know which arm of government is responsible.

Ms. Dittmar said she would like to put this on a list for future discussion.

Ms. Mallek stated these surveys are very different from the ones they had done in the past that were developed locally, so ratings can be based on incorrect knowledge, but the local surveys also took longer to administer.

Ms. Wyatt stated that under the category of participation, 65% of survey respondents ranked "sense of community" as good or excellent, which is similar to the national benchmark. She said in looking at trends over time, the trend of contacting County employees has decreased over time, which could be related to use of the internet rather than contacting staff for answers. She stated the survey had asked which services residents feel are important to offer, and which services they are willing to pay more taxes for in order to receive.

Ms. Wyatt said in their community livability report, NCS had offered some conclusions in that County residents care about safety, with public safety services ranked at 80%, with almost all residents stating they feel safe in their neighborhoods. She stated mobility is a potential area for improvement, specifically ease of walking, travel by bicycle, travel by public transit and public parking, which all received ratings lower than the national benchmarks. Ms. Wyatt noted education, enrichment, recreation and wellness are rated very highly by respondents.

Ms. Wyatt stated the next steps are to establish a staff team to further explore the data and determine which areas are most important and aligned with the Board's strategic goals and interests, do benchmarking with other localities, and to make recommendations going forward.

Mr. Boyd stated he would like to get a paper copy of the survey and study it in more detail.

Ms. Dittmar said she finds it striking that one of the lowest ratings pertains to people's sense of cost of living, as they feel it is an expensive place to live.

Ms. Mallek stated Charlottesville's MSA is second only to Northern Virginia, so it is no surprise to her that people feel the cost of living is high.

Mr. Boyd agreed, noting that many who work in the County do not live here.

Ms. McKeel said a lot of salaries are depressed because the University is the largest employer but is a state institution.

Mr. Foley stated the combination of the income issue and the cost of housing are factors in that cost of living dynamic.

Ms. McKeel thanked the Board for taking a look at the older neighborhoods in the urban ring, as the newer neighborhoods are more expensive.

Ms. Dittmar commented she wished in some ways they could afford the locally-crafted survey, but this still provides good information.

Mr. Foley responded this is high-level macro information, and staff can also contact benchmark localities who are doing this type of survey to see how Albemarle really compares.

Recess. At 3:27 p.m., the Board recessed, and then reconvened at 3:42 p.m.

Agenda Item No. 13. **Presentation:** Video Streaming of Board of Supervisors Meetings.

(Due to time constraints, this item was moved to later in the meeting.)

Agenda Item No. 14. **Work Session:** CPA-2015-00001. Boundary Adjustment to the Southern Urban Neighborhood (Route 29/I-64 Interchange) (Samuel Miller Magisterial District).

The executive summary, as presented by staff, states that consistent with a Board of Supervisors Resolution of Intent approved on June 10, 2015 (Attachment A), the Planning Commission has completed its consideration of the above noted Comprehensive Plan Amendment (CPA), holding a work session on July 21, 2015 (see staff report - Attachment B) and public hearing on August 18, 2015 (see staff report - Attachment C). The specific staff recommended amendment considered by the Planning Commission at its public hearing can be found in Attachment C. For its August 18th public hearing, staff also provided to the Planning Commission additional information made available after the August 18 staff report was completed and distributed (see Attachments D and E). In addition to the Planning Commission work session and public hearing, community meetings on this CPA were held on July 7, July 30 and August 12, 2015 (see Community Meeting notes – Attachment F). Due to time constraints, minutes of the Planning Commission's work session and public hearing are not yet available; however, the action memos for both meetings are provided (see Attachments G and H). At the conclusion of its August 18th public hearing, the Planning Commission unanimously recommended disapproval of CPA201500001 Boundary Adjustment for the Southern Urban Neighborhood.

This work session was scheduled by the Board of Supervisors to review and discuss the above noted information and material for this CPA. Staff will also present a synopsis of this information at the Board work session.

No action is necessary at this work session. The Board has a public hearing scheduled for this CPA on September 9, 2015. The information contained herein is provided for the Board's review and discussion in advance of that public hearing.

Ms. Faith McClintic, Director of Economic Development, addressed the Board, stating in June they had introduced a resolution of intent asking the Planning Commission and staff to study the area at Route 29 South and I-64 for a possible boundary area adjustment. She said this was, in some respects, a reaction to the Board's desire to be responsive to a prospective business with whom the Economic Development Office has been working with for a number of months. Ms. McClintic stated they were also asked to look at facilitating enhanced employment opportunities in Albemarle County, and this provides an opportunity to address the known lack of land and buildings for business purposes while exploring site options along primary transportation routes. She noted all of these things played into the Board's strategic goal with respect to economic development, and growing the revenue base to support broader community goals. Ms. McClintic said the community's long-term viability is dependent on a number of factors, some of which can be influenced by the County, and they are critical to attracting and retaining businesses in the community. She noted in order to be successful, there are needs for products, available sites and buildings, land zoned and ready for development, appropriate infrastructure, accessibility to suppliers and workforce, a streamlined and timely permitting process, a competitive tax structure, a trained workforce, and minimization of investor risks. Ms. McClintic stated the general goal for commercial and industrial tax base is 70% residential to 30% commercial/industrial as a gold standard; most communities hover at around 25% on the commercial/industrial side, but Albemarle is currently at 17%. She said residential growth contributes to the local economy, but also cost the County money in providing government services such as education, so having businesses operating here will help bridge the shortfall of roughly $3,200 per household.

Ms. McClintic said they had looked at a lot of data over the last few months, and the ACRA organization that measures cost of living shows Charlottesville is above average by about 3%, with Northern Virginia at the highest level. She stated a lot of components are factored into the cost of living index, and housing costs are generally a big contributor, with the Charlottesville area at about 103%. Ms. McClintic said the median home value specific to Albemarle County is $319,000, with median gross rent at $1,100, but median household income is just $67,000.

Ms. McClintic presented information on the distribution of employment centers, with approximately 16,376 jobs in the government sector, 11,000 of those specific to state government, with both the University and the University hospital included in those figures. She stated retail has 5,400 employees, with 3,495 in food service, the lowest-paying industry sectors. Ms. McClintic said there are not many wage-leader jobs in the area, such as scientific/technical services and manufacturing, and healthcare and social assistance comprised just 11% of total employment. She stated regarding future land use dedicated for industrial or non-residential and agricultural purposes, Albemarle is at the bottom with just over 604 acres available for industrial purposes. Ms. McClintic said she has worked with planning staff to try to establish how much industrially-designated property has been redirected for other uses, and that totals 421 acres over the past 18 years. She stated based on data received from Community Development staff, the size of the parcels is very small, with just one parcel over 25 acres is designated, but not zoned for, industrial uses. Ms. McClintic said that in looking at light industrial uses, above five acres, there are exactly nine properties on the list, with the majority of them being small. She noted the Wilson-Jones/ACME property in the Crozet area is 35 acres with 28 buildable, but is in remediation due to contamination and thus cannot be recommended for industrial use. Ms. McClintic said regarding redevelopment options, there are two sites that have LI zoning, the Badger building in Seminole north, a 38,000 square foot building which sits on a 16-acre parcel. She noted the property abuts a parcel with parks and green space designation, precluding future expansion. She stated the International Sports building at 60,000 square feet is also for sale, but also has significant green space buffer. Ms. McClintic said most of the nine available industrial parcels are along the Route 29 corridor, and the majority are small, with only the Yancey Mills property in Crozet and Hunters Way property in Shadwell located near interstate interchanges.

Ms. McClintic stated in looking at the properties on 29 North, there are other challenges noted. She said the Northside Drive property has multiple landowners and is zoned heavy industrial, light industrial, and R-1, so there would need to be some rezoning. She said there is also a significant water protection overlay, with a stream running through the property, and topographic challenges in comparison to the properties fronting Route 29. Ms. McClintic reported there is also a property on Coffey Drive off of Airport Road, which is very small, and there is a seven-acre property nearby that is also zoned LI. She noted even if the ACME property in Crozet were available, it contains a fairly significant water protection overlay that limits buildable area; additionally, the railroad tracks are an obstacle, and there is no road access.

Ms. McClintic said she has spoken with numerous companies, as had Susan Stimart, and 19 businesses representing 750 jobs have expressed concern that they have nowhere to grow and expand in the area. She stated the limited availability of industrial land also makes land prices higher and thus puts Albemarle County at a competitive disadvantage with neighboring counties. Ms. McClintic said the growth area boundary expansion provides an opportunity to “move the dial” on employment opportunities and career-ladder jobs that will help increase median household income. She stated the expansion provides a unique opportunity, with its location at both I-64 and Route 29, and is a great location with respect to downtown and other local assets. She said the parcel has good utility infrastructure in place as well as a jurisdictional area boundary for water and sewer, with a nearby park that will help create a sense of place for companies establishing new locations. Ms. McClintic stated there have been many discussions along the way with landowners, with “sweet spot” properties identified, and they have indicated they would prefer for all of their parcels to be included in the boundary adjustment, although they would be willing to have some in R-1 zoning. She said what concerns them the most is proposed green area designations, which are reserved for parks and greenspace, and they had expressed concern about those designations prior to formal evaluation of soils and critical slopes.

Ms. Palmer stated she had asked Ms. Elaine Echols in the context of 5th Street Station about the “PD-SC” district under the Comp Plan, which permits by right “laboratories, research, development, experimental testing, manufacturing process, assembly, fabrication, recycling, storage warehouse, distribution, transportation.” She said this sounds like Light Industrial to her, and asked if there is still some space if a company wants to locate here.

Ms. Elaine Echols, Chief of Planning, asked Mr. Mark Graham to comment.

Mr. Mark Graham, Director of Community Development, stated the property currently has site plans for all of it that would be of a commercial/retail use, and there are deliberate provisions that allow those uses to change as opportunities arise. He clarified that “PD-SC” is Planned Development-Shopping Center.

Ms. Palmer asked if there are other PD-SC areas they may be wanting to look at as possible Light Industrial. Ms. Echols clarified there is one area in the Southern Neighborhood designation that is shown as “Community Mixed Use” – the Southpoint property – which is located south of the interstate and has an optional industrial use in the land use plan but is not zoned that way, and the property owners have shown no interest in having it for industrial development.

Mr. Wayne Cilimberg, Deputy Director of Community Development, stated all of the commercially zoned properties, unless they were proffered to restrict uses, have the potential for industrial use based on the zoning ordinance changes that occurred two years ago. He said this existed for some properties zoned commercial, and some were already developed, with some having restrictions through the zoning such as proffers that would limit uses. Mr. Cilimberg stated this is what was intended when the Planning Commission and staff had recommended having the Board include analysis of larger land use possibilities, which will be part of Ms. McClintic’s work.

Ms. Palmer asked if a company comes to town and staff is looking at sites for them, would they look at any of those spots or just those that are clearly industrial. Ms. McClintic responded it would depend on the type of use, but there are caps of 4,000 square feet in the special districts.

Mr. Cilimberg explained there are opportunities for more square footage, and the 4,000 is a limitation in some of the commercial districts with special exception beyond that, but it can be larger with a special exception, not a rezoning.

Ms. McClintic said her office will work with Ms. Echols and planning staff to see which spaces have that flexibility, and they would certainly want to avoid a lengthy process for the applicant. She stated they will look at anything that has a possibility for business uses.

Ms. Dittmar stated her impression is that there are not “ready” sites, whereas other communities do, so in the broader scheme of things they will want to have the spots ready for applicants, not instructions to follow a process for change to get them ready later.

Ms. McClintic said most applicants are going to need it yesterday, and “ready” means the zoning is in place, the utilities are already there, or they are designed so they can be constructed.

Ms. Echols stated in the planning part of this, staff did an evaluation with the Planning Commission on all kinds of requests, which is different in that it has been many years since the Board asked for a study of a particular area for a use. She said the Comprehensive Plan Amendment in this case is in response to an economic development need, but also stems from the Comp Plan itself, because of the goals in the Economic Development chapter of the plan relates to improving opportunities for target industries, etc. Ms. Echols said often changes for land use are at an applicant’s request, but this is different because it is something the Board asked staff to work on and take to the Planning Commission. She stated it is also not a project-specific request, because prospects come and go, and staff wants it to be clear that the land will be available for any prospect that meets criteria, especially those in the target industry categories with specific needs for locations. Ms. Echols said the staff report, text and map reflect input from Economic Development, Planning, and Parks and Rec staffs, and there is language in the Comp Plan as to how to best achieve goals. She stated there have been a lot of questions regarding the potential business and their site layout, but staff does not know these things. Ms. Echols said a zoning map amendment can be initiated by a property owner, the Board, or for a special district, and a lot of the comments received have pertained to a conventional district, LI, but there has not been a decision made yet on how a CPA would be implemented.

Ms. Echols stated the Board had adopted a resolution of intent on June 10 and had asked for specific items related to minimum requirements for targets, establishment of what is developable and not developable on land in the quadrant on I-64/29 South, adequacy of infrastructure, and improvements to water, sewer and roads necessary for development. She said the Board had asked staff for a recommendation on whether the development area should be expanded, and if so, where the boundaries should be; where preservation areas should be established and avoided; what the impacts on transportation and utility provision would be, and what improvements would be needed to support those uses. Ms. Echols stated staff began its review in a work session on July 21, and the Planning Commission held a public hearing on August 18; there have also been three community meetings at which the proposal has been discussed, as well as significant community input.

Ms. Echols reported the area for consideration is outside of development area boundaries and is heavily vegetated with a lot of rocky terrain. She presented photos taken from the parcel, and from Gold Eagle Drive as well as Shepherd’s Hill Road. She said staff has suggested the nine parcels within the boundaries as shown be considered for land use changes. Ms. Echols stated the areas shown on the slides, as designated with specific colors, are slopes in excess of 25%, areas for mountain protection, and stream protection, with close proximity to the Moore’s Creek area, but no floodplain on the property. She said the heavily wooded areas with steep slopes provide habitat for the new parkland area in the Ragged Mountain area for species needing protection.

Ms. Echols stated there have been transportation concerns with regard to this proposed change, particularly the impact on Route 29 South if this parcel is developed industrially. She said the interchange already needs improvements, so there are heightened concerns as to safety for the site’s users and the general public. Ms. Echols said interchange improvements are the highest priority for the MPO but are not fully funded, and when staff looked at this proposal with VDOT they sent information on their best guess as to how many employees there might be under full development of the site, based on developable acreage. She said VDOT has indicated that a traffic impact analysis is not yet needed, but any impacts with over 5,000 vehicle trips per day would need that analysis. Ms. Echols noted how much impact occurs will depend on the users, as a user without a lot of traffic would have less of an impact, and how quickly the site develops will also have an impact. She stated the traffic impact analysis with a future ZMA will be the time at which an assessment is done, and staff has provided VDOT with the parameters of about 85 acres of developable land, with as many as 1,100 employees on multiple shifts, and VDOT looks at two other scenarios of additional development, environmental features notwithstanding. Ms. Echols said VDOT's trip generation manual talks about industrial development on 80 acres, and shows that full development might generate as much as 5,200 vehicle trips per day, with fewer trips depending on the types of employment. She stated when a rezoning is proposed, VDOT will require a traffic impact analysis at some level so they can understand what access management is being proposed. Ms. Echols emphasized VDOT does not want multiple access points on Route 29 and is concerned about queuing of vehicles between the site and the interchange, and what the traffic movements will be for tractor-trailers. She said they are trying to avoid the need for a signal at this location and wants to ensure the County is making plans for traffic access management, with a traffic impact analysis provided by the County as the initiator of the rezoning, or the applicant if they initiate the rezoning.

Ms. Echols stated with regard to utility concerns, there have been questions about capacity of water supply and sewage treatment, and the Service Authority confirmed that both are acceptable, although there might need to be acceleration of the interceptor upgrade. She said they have also indicated the extensions need to be paid for by whomever needs the service, but does not anticipate any issues.

Ms. Echols presented a map showing the proposed land use map change, noting the current boundary and a regional mixed use area, and said there is already text relating to this area in the Southern Neighborhoods Master Plan. She said staff is suggesting that the green areas on the map be designated for preservation and environmental protection, and noted staff has received a lot of questions as to what that means. Ms. Echols pointed out the areas with slopes in excess of 25% and the mountain protection area, stating there is no floodplain on the property but there is a 100-foot stream buffer area in the floodplain protection area. She said there had been a question as to whether slopes noted on the map are natural or manmade, and staff's assessment is that they are natural slopes although more work will need to be done to determine these are not related to road-building. Ms. Echols pointed out other slopes related to a drainage way or creek bed, which are the ones most in question, and said when a property comes into the development areas the steep slope regulations are applied, and that is when it is determined which slopes should be designated. She stated in terms of impacts to the Entrance Corridor, staff is recommending a forested buffer along I-64 and Route 29 South, as well as along the rural area boundary.

Ms. Echols stated the recommended text provided for the Planning Commission talks about designating the area for target industries that needs a location like this, and the specific types of industries are those shown on the screen: research and development (R&D) with associated light industry, specialty food production, adult beverages, small distribution facilities, and business and financial processing operations. She said staff is suggesting habitat protection be noted as a purpose for the parks and green systems designation, but there could be some passive recreation such as trails put in the area, and trails that do not have a strong impact would be acceptable. Ms. Echols stated there would be an important part of that with regards to site design, such as having buildings designed to fit with terrain rather than extensive grading, pedestrian and bicycle interconnections, road connections to the regional mixed use center, protection of nearby properties from any noise and odors, and interchange improvements. She said it is also important to have those improvements done concurrent with or in advance of the development, and the Planning Commission feels those are important if they are going to provide a favorable recommendation.

Ms. Echols stated that favorable factors include the lack of availability of other parcels near the urban interchanges in the development areas for the target uses, especially with regard to size; suitability of site for some operations; reasonable access to utilities; potential for permanent conservation of the parkland area; designation that could possibly accelerate funding of interchange improvements; and job opportunities. She said there will be some forest resource removal with the development of the site. Ms. Echols stated the Economic Development Office has not completed their parcel inventory, and staff has just provided a first level of review. She said they will need to look at specific parcels and what they can or cannot do for proposed targets. Ms. Echols stated there is no current plan of development, and impacts will need to be assessed at rezoning, with the potential for a new zoning district to ensure that expectations are met.

Ms. Echols reported while staff has recommended approval, the Planning Commission indicated they cannot recommend approval at this time. She said the Commission cited reasons as: the proximity to the interchange does not make it ideal for this type of development; more work needed to be done with the inventory assessment; there were no services onsite at this time, and the costs of water and sewer are likely to be expensive; uncertainty about the impact on Moore's Creek and the lack of assurance for habitat protection; traffic problems that lack solutions; the expedited process and their belief that it is not in keeping with good planning practices; the need for the Economic Development Office to complete their review of inventory and time to present it; and any incentives the County might be providing for an industry here.

Ms. Echols stated staff needs to know what else the Board wants from staff or other professionals representing pertinent agencies to be able to consider the CPA on September 9.

Ms. Palmer asked what could be built on the property already in the development area to the north. Ms. Echols responded it would be the regional mixed use area, some of which is zoned Highway Commercial (HC). She pointed out on a map the extension of zoning to R-1 property, and regional mixed-use designation anticipated a mixture of residential and commercial uses.

Ms. Palmer asked if there could be light industrial in the commercial area. Ms. Echols responded currently the Comp Plan says the area can be used industrially, and the zoning on the HC land will allow for the three industrial uses mentioned earlier at 4,000 square feet of additional area by special exception.

Ms. Palmer stated she had read in the newspaper recently that the Chamber of Commerce had announced that the private sector has increased 12% in job growth, and asked Ms. McClintic to comment on this statistic. Ms. McClintic responded that numbers from the Bureau of Labor Statistics and the Virginia Employment Commission lagged behind by about six months, and the degree and location of new jobs, whether they are Albemarle or Charlottesville, is not specific. She stated she was pleased to see an uptick, and this seems to be concurrent with what is being experienced in other areas.

Mr. Timothy Hulbert, Executive Director, Chamber of Commerce, addressed the Board and stated that over a 10-year period, the region, including Albemarle, Charlottesville, Greene, Orange, Fluvanna, Louisa and Nelson have added 12,000 jobs, with a growth rate of about 1.8% per year. Mr. Hulbert said Albemarle and Charlottesville are the primary employment centers of that region, and manufacturing has become the fifth largest sector, with the largest being trade/retail/wholesale, and the second being business and professional services. He noted the Orange Dot report revealed about 5,000 families lack self-sufficiency, primarily because they lack education, and while the job news overall is good, it could be better.

Mr. Boyd asked if the scenarios staff has presented are intended to be different options. Ms. Echols clarified the whole area is about 223 acres, but the 80-85 acres as noted on the map is the only portion that staff is recommending to be available for development. She said it does not have a zoning classification yet, but the land use classification would be industrial, which would allow for any of the industrial uses.

Mr. Boyd asked if the Board could make a decision just on that smaller parcel, rather than the entire 223 acres that includes the green area. He stated it seems most of the objections the Planning Commission put forward are things that could be resolved at the zoning phase, and this is a Comprehensive Plan Amendment. Mr. Boyd said people are getting ahead of themselves in requesting information that normally would not come out until the County goes through the rezoning process, and those questions do not need to be answered today as part of the CPA.

Ms. Palmer stated a lot of people recognize that if an area is brought into the development area, then the next step will be a rezoning. She said if you bring RA-zoned into the development area, it is bound to be something different. Ms. Palmer said if an applicant comes forward with a Comp Plan Amendment with the zoning, the County would be in a better negotiating spot.

Ms. Mallek commented the cost of a combined application would be overwhelming, and it seems unreasonable at this Comp Plan stage to expect the detailed information typically brought forth with a rezoning request.

Ms. Palmer said people want assurance that if you put something in the Comp Plan that is in the development area, the particulars during rezoning will actually happen as they are presented.

Ms. Dittmar stated she cannot blame anyone for being confused about this, because if you have not had planning classes and are not a planner, you tend to smoosh it all together. She emphasized that all they are looking at is land use, how they want land to be used, and then they move onto the detail. Ms. Dittmar said the Board has the assurance that the next steps will be done properly.

Ms. Palmer said there are a lot of people out there who are not confused at all about what is going on, and they know the next step is the zoning amendment.

Ms. Mallek commented there is no guarantee it will go forward.

Ms. Dittmar stated the next step is almost always the zoning, and her point is the two steps need to be separated out. She said the Board is holding a public hearing the following week that has nothing to do with zoning.

Ms. Palmer said she realizes that, and so does a lot of other people, and they realize that if the County puts the land in the development area, the next step is rezoning.

Mr. Sheffield stated an example of this now is the Brookhill development, as the Comp Plan clearly states it should be a mixed-use, planned unit development approach, and they will be coming to the Board for a rezoning. He said there will very likely be a wave of opposition, particularly in the Forest Lakes area, for that kind of project, so it is not a guarantee, and that applicant knows a rezoning is not guaranteed.

Ms. Palmer asked if it is going to stay in the rural area, and a lot of people recognize the next step is a zoning change.

Mr. Foley stated it is unfortunate timing to mix both of these things, and everyone knows it is driven by a company that showed some interest in this, but the County has no idea at this point whether they are coming or not. He emphasized the important point is that certain types of uses are being allowed that might be breweries or something else, so the Board needs to consider this in light of the uses that the planning staff has recommended. Mr. Foley said any next step depends on what type of use will go there, and this is a broader consideration that typically discourages specific companies at the time because of the level of involvement needed. He stated somebody else might come in, so the Board should consider the broader uses, with planning staff recommending those that are consistent with target industries and not recommending some others.

Ms. Echols reviewed some different options for a boundary area adjustment, presenting a rough area drawing that shows the possibility of taking in about 90 acres and leaving the remainder in rural area rather than parkland; taking in approximately developable 40 acres currently zoned R-1, which is in the jurisdictional area; or splitting out a parcel of the R-1 zoned property for another designation. She stated there are different ways to achieve their objectives, and the important consideration is whether they are getting enough land that is usable for an applicant, to be able to provide jobs and accommodate future expansions.

Ms. Palmer asked if the owner of the property now is concerned about losing land use. Ms. McClintic responded his concern is the presence of preserved slopes, and without soils testing and/or GIS analysis, they meet the definition of “critical slopes.” She said with the designation as parks and green space, if one were to come in with a master plan that includes any encroachment into the green area, this could be problematic.

Ms. Palmer said if the County was to bring in the R-1 and there are a lot of steep slopes on that, and they are not bringing in the steep slopes area, it would still be zoned R-1 even though half of it is not in the development area. She asked for confirmation that if there are properties in the steep slopes but are also areas to build on, a property owner could still build a house. Ms. Echols responded they would have to have access and building sites.

Ms. Palmer asked if they had looked at whether the areas connected to this parcel could be potential building sites. Ms. McClintic responded that some of the areas are still being considered by this particular company and they have had discussions with those landowners, and those properties would have to be rezoned and have similar topographic and environmental constraints.

Ms. Palmer asked where the critical slopes are as designated on the map. Ms. Echols responded they are noted in green, and confirmed they are not as problematic as the parcel in question. She stated the environmental map will show critical slopes all the way down the map, because staff expects the entrance will need to be moved if the property develops, and there is only one place where an entrance can go.

Ms. Mallek asked if the reason they are not shown on a map now is because critical slopes would be required to be exempted for the entrance. Ms. Echols stated they would not be required to exempt them, but if that is the only place to put an entrance there are certain criteria that would need to be met in order to disturb critical slopes. She added this intended to make it clear that there was an expectation that there would probably have to be some disturbance in order to get an access way.

Ms. Mallek said there may be a potential access point further south that would avoid tearing up the other preserved slope, which would get everyone out at one point. Ms. Echols stated the expectation would be to try to use the existing roadway, which is very narrow and very steep. She emphasized that Gold Eagle Drive is too close to the interchange, and getting the entrance to the property down as far as possible would be advantageous. Ms. Echols noted it might be possible to have a right-in/right-out turn, with the road connecting as part of an interconnected road system, but avoiding the critical slopes. She emphasized she is getting ahead of herself, but they do know the road needs to be interconnected because there would be housing and shops there, and VDOT wants the County to practice good access management.

Ms. Mallek asked if she is referring to another town center to be located there. Ms. Echols responded the land use plan calls for regional mixed-use designation, which expects housing and retail shops that could be a regional destination.

Ms. Mallek commented it currently has no access at all. Ms. Echols pointed out an access point, but said VDOT has indicated it is too close to the interchange for them to further develop it, so an applicant would have to figure that out.

Mr. Boyd asked VDOT to comment on whether HB2 might rank this highly, given that Mr. DeNunzio had previously indicated that it might. Mr. Joel DeNunzio, VDOT Resident Administrator, addressed the Board and stated that Interchange 118 has a lot going for it, with I-64 and Route 29 both being corridors of statewide significance, identified safety and capacity issues, and its location in the urban development area. He said there is an understanding there may be an application at the end of September for one of the three options studied in 2013. Mr. DeNunzio stated the idea with HB2 is transparency, and there are two pools of funding, Culpeper District and statewide funding, and while he is very certain the project will meet screening criteria, the funding will depend on how it scores. He emphasized it is an expensive project at $123-$170 million, with the Culpeper District having about $30 million out of $600 million statewide, so it is hard to say whether the funding will be there in the very near future.

Mr. Boyd asked if that would be reduced if it qualified as the same type of interchange as was done at Zion's Crossroads. Mr. DeNunzio said the diversion diamond concept (DDI) is one of the concepts presented for this intersection, but the one at I-64 and Route 29 differs in that it does not include traffic signals so the crossing movement of north and southbound lanes happens at grade separation. He stated this is the cheapest concept studied, and he likes it because it keeps the footprint of the intersection very small and allows for utilization of existing ramps, with minimal right of way impacts. Mr. DeNunzio said the problem now is the loops and merging issues, and this would also eliminate having trucks cross traffic to turn left.

Ms. Palmer asked if this scores well and gets funded, how the timing would change. Mr. DeNunzio responded it all depends on the funding, because if resources are designated then things move more quickly. He stated the concepts are already there.

Ms. Palmer said the General Assembly would have to put more money in the fund. Mr. DeNunzio stated there is enough in there now, $1.2 billion, but there is a lot of competition for that money. He said an advantage of HB2 is that projects in the six-year plan that addresses the biggest problems will be funded faster, adding it is possible they could award the funding for design now and construction later.

Ms. Palmer asked for clarification of the funding levels, as a letter she is referencing states $500 million over six years. Mr. DeNunzio responded the VDOT annual construction budget is $1.2 billion.

Mr. DeNunzio stated initially it was $500 million in both programs statewide, and of the districtwide programs, Culpeper was going to get about 6.2% of that, or $31.1 million over the six-year planning cycle.

Ms. Dittmar mentioned that Mr. DeNunzio had said the I-64/Route 29 project would qualify for both funds. Mr. DeNunzio said he would recommend they apply for all funds available.

Ms. Dittmar stated in order to focus on the CPA, they need to clear up some misconceptions, and she needs for staff to review the answers to some of these questions. She said one of the issues has been related to the balance of 95% rural/5% development area and the County's adherence to that, which would not be compromised by this action. Ms. Dittmar asked staff to provide a summarization of light industrial availability, and the lack of sufficient LI to be able to generate economic development funding. She stated staff also needs to clarify the difference between Comp Plan Amendment and rezoning processes, as well as the timing of this opportunity with the Board's Comp Plan update.

Ms. Dittmar noted the Board had decided to close out the CPA process and then consider the application, and she would like to know what has been expedited, as that terminology has received significant focus.

Ms. McKeel emphasized the information needs to be clear, concise and factual.

Ms. Palmer said she would like to know staff's opinion as to whether the County would be better off negotiating with an applicant, rather than with itself.

Mr. Cilimberg explained the County had not encouraged joint Comprehensive Plan rezonings in the past, although there have been CPAs that were spurred by development proposals. He said they have tried to step back from that and look first at the bigger picture, and the first thing they want to ensure is that they are doing the right kind of change for the area, as it is uncertain as to whether an initial proposal will be what ends up happening on a site. Mr. Cilimberg stated staff has tried hard to focus the resolution of intent so that it speaks to those things that need emphasis and established expectations, so they can talk with any applicant about what is necessary. He said there have been other CPAs that had specific concepts floating around them, such as Old Trail, and the Towers Land Trust, which ended up as North Pointe. Mr. Cilimberg added they had focused in the Comp Plan stage about what was right in terms of setting the stage for guidance on any future rezoning.

Ms. Palmer asked if there is a way to strengthen the CPA text. Mr. Cilimberg responded after going through a year and a half of a Comp Plan review, there are certainly words that can be changed, and the Board can address that in any action.

Ms. Dittmar asked how they will determine what might go forward in terms of boundaries. Mr. Cilimberg responded they have already advertised the larger parcel as a maximum that will go into a Comp Plan change, but the Board can act to approve anything less that is covered by the advertisement, although it may require a deferral.

Ms. Mallek said it will be helpful for her to have more detail brought forth in the options, so they will already be predesigned, rather than having to go back after the public hearing. Mr. Foley noted there is a property owner present, so staff can engage with them to help define parameters for the options.

Ms. Echols stated they need to be careful about what they are being asked to do by the following week, because this will require some map work that she cannot do and will need assistance on, and she is not sure how quickly it can be done in advance of their public hearing.

Mr. Foley clarified they need to proceed with what has been advertised, but they do want to keep it moving, so they can go ahead with the public hearing and then refine what the Board would ultimately act on.

Mr. Boyd mentioned the Board will take public comment at 6:00 when they return for their evening meeting.

Agenda Item No. 15. Closed Meeting.

At 4:55 p.m., Mr. Sheffield **moved** that the Board go into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (1) to consider appointments to Boards, Committees, and Commissions in which there are pending vacancies or requests for reappointments; under Subsection (7) to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice concerning agreements relating to the Ivy Landfill; and under Subsection (7) to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to easements acquired for the restoration and maintenance of pipes necessary for a road in Carrsbrook; and under Subsection (7) to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to the negotiation of an agreement for court facilities. Ms. Mallek **seconded** motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield, Mr. Boyd and Ms. Dittmar.
NAYS: None.

Agenda Item No.16. Certify Closed Meeting.

At 6:09 p.m., Mr. Sheffied **moved** that the Board certify by a recorded vote that to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield, Mr. Boyd and Ms. Dittmar.
NAYS: None.

Agenda Item No 17. Boards and Commissions: Vacancies and Appointments.

Motion was then offered by Ms. Palmer to make the following appointments:
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- **appoint** Ms. Lin Burton, Ms. Nancy Hunt, Mr. David Wayland and Ms. Michelle Busby to the Places 29 Rio Community Advisory Committee with said terms to expire September 30, 2017; and
- **appoint** Mr. Peter Borches, Ms. Virginia Roy, Ms. Katie Collins and Ms. Audrey Kocher to the Places 29 Rio Community Advisory Committee with said terms to expire September 30, 2018

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

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield, Mr. Boyd and Ms. Dittmar.
NAYS: None.

Agenda Item No. 13. **Presentation:** Video Streaming of Board of Supervisors Meetings.

The executive summary, as presented by staff, states that earlier this year the Board approved video streaming of regular Board meetings as part of implementing Granicus, the County's new agenda management platform. The first phase of Granicus involving the new online platform for agendas was successfully implemented in June, and since that time staff has been taking the necessary steps to prepare for video streaming. Staff anticipates that video streaming will begin with the Board's first regular meeting in October, and is providing this update in advance of that meeting.

The Board approved video streaming to increase the transparency of and access to the Board's actions and deliberations. In developing the budget and parameters for the initial phase of video streaming, the Board established and approved the following parameters:

- Only regularly scheduled meetings of the Board of Supervisors that take place in Lane Auditorium would be included;
- In addition to live streaming, video on demand must be available within 36 hours of each meeting; and
- The video produced must be reliable, consistent and of broadcast quality video.

Audio for the video stream will be provided by the existing microphone system, so it will remain very important for all speakers to speak clearly into their microphones to ensure the highest possible quality. Details regarding camera placement and operations/impacts associated with video streaming will be discussed at the October Board meeting.

There is no budget impact related to this executive summary update.

No action is required by the Board regarding this item.

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Ms. Lee Catlin addressed the Board, stating that earlier in the year they had approved the use of video streaming as part of bringing Granicus, an agenda-management system, online. She said since June staff had been working to bring that system online, and there are three cameras currently in place, with live video streaming going forward in October as a "soft launch." Ms. Catlin stated there will be four or five staff members who will be trained to use the cameras, plus one temp who will essentially serve as director, running the cameras and deciding which camera to go to as the meeting progresses. She said in the initial phase of video streaming, the funding request only involved regularly scheduled meetings of the Board in the auditorium, and if they decide it is very useful they can expand that. Ms. Catlin stated the goal is to have video on demand on the website within 36 hours after the meeting is done, and the video will be segmented as the audio is now so that viewers can watch just one particular agenda item of the meeting. She said the goal for the video is that it be reliable, consistent, and of broadcast quality, with the audio provided by the existing microphone system, although that might be re-evaluated in the future.

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Agenda Item No. 18. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Mr. Lonnie Murray addressed the Board, stating much more can be done in the County to promote industry, and they have missed some good opportunities, but as they consider approving the growth area expansion they should keep in mind the reason for having growth areas was to protect rural areas and natural resources. He stated they should look at whether expansion of the boundary will reduce the number of by-right development rights, which will be a reason to proceed with it. Mr. Murray said the Board will also be considering the Franklin Street steep slopes item, and when that comes before environmentalists they were promised that preserve means preserve. He encourages the Board to contemplate the impacts their decisions will have in the near term, as well as any potential precedent.

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Agenda Item No. 19. **Public Hearing: PROJECT: SP-2015-00007. All Saints Chapel – Special Use (Sign #97).**
MAGISTERIAL DISTRICT: Rivanna.
TAX MAP/PARCEL: 04800-00-00-001600 and portion of 04800-00-00-019E0.
LOCATION: 3929 Stony Point Road.
PROPOSAL: Expansion of an existing Church to construct a 795 SF building addition (social hall), associated parking, and entrance upgrades. ZONING: VR Village Residential - 0.7 unit/acre.
ENTRANCE CORRIDOR: Yes.
SCENIC BYWAYS: Yes.
SOUTHWEST MOUNTAINS RURAL HISTORIC DISTRICT: Yes.
PROFFERS: No.
COMPREHENSIVE PLAN: Rural Areas 2 – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/acre in development lots).
PETITION: Church uses in the VR zoning district require a Special Use Permit per Section 12.2.2(15). *(Advertised in the Daily Progress on August 17 and August 24, 2015.)*

The executive summary, as presented by staff, states that on August 4, 2015, the Planning Commission held a public hearing on the application for the special use permit for All Saints Chapel. The Planning Commission recommended approval of this SP with modified conditions.

The staff report for the August 4, 2015 Commission public hearing (Attachment C) provides a complete analysis of the application. Prior to the meeting the applicant requested the Commission reconsider three of the staff-recommended conditions of approval (#6, #7, and #10). The Commission discussed these conditions at length and, as part of its recommendation of approval of the SP, directed staff to revise the conditions pursuant to its discussion. A draft of those revised conditions are attached to the Resolution (Attachment A) for the Board's consideration.

Staff recommends that the Board adopt the attached Resolution (Attachment A) to approve SP2015-7 All Saints Chapel, with the conditions attached thereto.

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Ms. Dittmar stated this special use permit will consider the expansion of an existing church in the Rivanna District.

Mr. Chris Perez, Senior Planner, addressed the Board and stated the Planning Commission had considered the item on August 4 and unanimously recommended approval with modified conditions as reflected in the staff report and the action item. Mr. Perez said the proposal is for property located on two properties, 48.16 and 48.19E, and he presented the proposed concept plan and initial site plan. He stated that favorable factors for consideration are that this is an existing nonconforming use that will be brought into conformity with the zoning ordinance, there are no significant impacts with the proposed addition, and the ARB has recommended approval with the proposed conditions. He noted there are no unfavorable factors. Mr. Perez stated the conditions as presented were modified, and at the Planning Commission the applicant and Commission wanted changes to conditions 6, 7 and 10, which staff went back and modified with the County Attorney's office. He said that condition #6 was modified to provide more flexibility for the drainfields; condition #7 was modified to increase the type of tree up to six inch caliper that could be replaced by native saplings; and condition #10 allows the applicant to determine cost feasibility of saving one of the historic posts as discussed through the ARB. Mr. Perez said the applicant had requested further modification of condition #6, which will eliminate the need for condition #7, and staff has endorsed that change. He stated staff recommends approval of the SP with conditions, based on the analysis provided in the staff report.

Ms. Dittmar asked if staff feels the changes are acceptable. Mr. Perez responded they are okay with the changes with some possible language alterations, and the point of condition #6 is to swap the primary with the reserve as shown on the concept plan in order to preserve trees along the Entrance Corridor, and with the applicant going back and getting soil work, that will eliminate the ARB's concerns of EC trees being lost. He clarified this will also solve any issues relating to the stones onsite, which could possibly be cemetery stones.

Mr. David Benish stated staff's condition would also have solved that issue, but the applicant is more comfortable with what he has proposed.

Mr. Davis asked if there is language for condition #6. Mr. Perez responded it is in the email that was sent to the Board and is in his staff report.

Mr. Benish stated the applicant may review that while staff is finding it, and condition #6 will reference the picture as showing the location of the septic fields. He said he is not sure how this will impact the language of the resolution.

Mr. Davis said the resolution will need to include the conditions.

The Chair then opened the public hearing.

Ms. Marcia Joseph addressed the Board on behalf of the applicant, All Saints Chapel, and presented photos of the site. She stated the applicant is proposing to amend condition #6, responding to the ARB, the Planning Commission and the unidentified stones on the site, and noted the applicant would like for the County to consider waiving the fees for the final site plan review. Ms. Joseph stated they would like for the Board to consider the scale and intensity of use of the existing building and the proposed addition, noting the existing structure is 600 square feet and the proposed addition is 700 square feet. She said VDOT accepted the 50 vehicle trips per week and is allowing a low-volume entrance, with service at the church two mornings per month at 9:00 a.m. on Sunday. Ms. Joseph stated the site constraints provide for a specific location for the entrance, and the septic field needs to be located in one spot because of soil suitability, with as much tree preservation as possible. She mentioned the facility was built in 1929 and currently has no water, so this application will install a bathroom.

Ms. Joseph asked the Board to consider looking at the church in the same way the County looks at country stores, which are exempt from onsite parking and landscape requirements. She stated on the current concept plan, the applicant has removed the location of the drainfield sites so if the condition were changed it could be enforced. She stated condition #6 has been amended to reflect the drainfield locations in the southern portion of the parcel, which was done for a number of reasons including minimizing visibility and the soil quality. Ms. Joseph stated there are smaller trees existing including small oaks and sassafras, and presented a view of the church in the wintertime. She said the applicant has tried to keep the stone "pier" while keeping the entrance 10 feet wide, and stated the design planner had said it was good to support the continued use of the historic church and recognize the site constraints.

Ms. Joseph requested the Board consider the same review standards used for country stores, and asked them to consider the minimal impact of this small addition. She said the congregation has already paid $2,400 for the special use permit fees, and the final site plan fee will be $1,500, which the applicant would like them to waive.

Mr. Boyd asked how many parishioners attend the church. Ms. Joseph responded at Easter and Christmas, about 25 parishioners show up for services.

Mr. Adam Sutfin addressed the Board, stating that he is the project architect and the requirements are very simple: a bathroom, water for flowers, a sacristy, and a place for coffee. He stated the addition slightly surpasses the existing chapel footprint, and the new structure will be set behind and slightly to the left of the chapel. Mr. Suftin stated in looking at the elevations, the church is still prominent, and only part of the addition can be seen from the front. He said the scale is deliberately kept smaller to defer to the original structure.

Mr. Corky Shackelford addressed the Board and said he has been a church member since 1930. Mr. Shackelford stated another lifelong member, Tommy Crenshaw, had left his entire estate to the chapel in his will but died the morning before he was going to meet with his attorney. He said the church got a good portion of the estate due to the family's generosity, and enough to build the addition, but changes to the design have made that uncertain, which is why Ms. Joseph has requested the final site plan fee be waived. Mr. Shackelford stated the church adjoins his property and means a lot to the congregation and the community.

Ms. Mary Aston Shackelford addressed the Board and stated she has been a member of the church for about 60 years, and the congregation started thinking about the addition over a year ago. Ms. Shackelford said the person who cared for Tommy Crenshaw has since died, but had confirmed his intent for the plan. She asked those in favor of the application to stand.

Mr. Fred Missel addressed the Board and stated he is vice-chair of the ARB and is pleased that the applicant was able to relocate the drainfield to the rear of the site so as not to impact the Entrance Corridor.

There being no further comments, the Chair closed the public hearing.

Mr. Boyd asked if the Board has the authority to waive the site plan fee. Mr. Davis responded there is no authority to waive the fee, and no authority to make a donation to a church.

Mr. Boyd asked if Mr. Davis has reviewed the revised condition #6. Mr. Davis stated the condition is acceptable, and will just need to be slightly altered to note the Exhibit A date of September 2, 2015 illustrating the drainfield location is in the southern portion of the site. He said this will effectively eliminate condition #7 and cause renumbering of the conditions.

Ms. Mallek stated at the Historic Preservation Committee meeting, there was great concern about the destruction of the gate and the entrance way, and she appreciates the idea put forth that there should be the same respect for country parishes as there are for country stores. She said she understands the challenge of having 10 families keeping a 300 year old building from falling down, while keeping up the grounds. Ms. Mallek stated if there is anything they can push back to VDOT in terms of entrance requirements that would be helpful, as it seems out of balance to her.

Mr. Boyd agrees with her points, and said the church would have to remove the fence, which does not make any sense from an historic standpoint.

Mr. Davis said he does not know if VDOT will be amenable to that, but if they want to leave that possibility open they can amend the condition #4 to say "if required by VDOT."

Mr. Benish stated it will be required by VDOT.

Ms. Mallek asked for an explanation of cost feasibility, because Mr. Perez's staff report indicates there is a caveat in the event removal of the gate post is cost prohibitive. Mr. Perez explained there is really no access or entrance to the site at this point, which is why VDOT is requiring an upgraded entrance.

Ms. Mallek stated driveways are only required to be 10 feet wide, including provisions for emergency vehicles, so there certainly seems to be enough width without removing the fence. Mr. Benish said the language added to the condition will give them the maximum latitude, but a commercial entrance would require a width and radius that will require the gate to come down.

Ms. Mallek stated this same discussion occurs with VDOT over the Pro Re Nata brewery in her district, and they eventually backed off on the entrance requirement, which would have cost the business about $500,000.

Mr. Boyd agreed to call a meeting with VDOT to discuss the church entrance requirements.

Ms. Mallek commented it bothers her greatly that some of these historic properties are being paved over for some seemingly good theoretical reason.

Ms. McKeel said it seems there would be something pertaining specifically to historic properties.

Mr. Boyd stated even if it is not possible with this application, he would like to look into whether those requirements can be altered, and if the fees can be waived.

Ms. Dittmar asked if there is enabling legislation for that. Mr. Davis responded fees must be based on a rational basis that reflects the cost of processing the fees, and the fee system adopted is based on a study that classifies certain categories of applications so there will be equally assessed fees. He added that once you start carving out exceptions to fees, it is a slippery slope.

Mr. Boyd said an application such as this for an historic church certainly cannot take as much staff time as a major project. Mr. Davis stated one of the items on staff's work plan is looking at the need for a special use permit for small historic churches.

Ms. Mallek said having it treated like a country store is completely appropriate.

Mr. Benish stated this is something they can weigh in on as part of the long list of zoning text amendments they need to get to.

Mr. Boyd said if the ZTA is patterned after country stores, he does not understand why it would be particularly difficult. Mr. Benish stated churches come in all sizes, and the idea has been to make the smaller churches and accessory improvements that do not add to traffic and noise review differently from larger churches. He added public input is also important.

Ms. Mallek said she understands what he is saying, especially with regard to newly constructed churches, but the smaller historic churches should be addressed separately.

Mr. Boyd then offered **motion** to adopt the proposed resolution to approve SP-2015-00007, All Saints Chapel, subject to the recommended conditions as modified, with the new condition #6, the elimination of condition #7, and condition #4 as revised to add after the word “entrance” if required by VDOT. Ms. Mallek **seconded** the motion.

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

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield, Mr. Boyd and Ms. Dittmar.
NAYS: None.

RESOLUTION TO APPROVE
SP 2015-07 ALL SAINTS CHAPEL

WHEREAS, the Trustees of St. Johns Mission Church is the owner of All Saints Episcopal Church and of Tax Map and Parcel Number 04800-00-00-01600 and Dovedale LLC is the owner of Tax Map and Parcel Number 04800-00-00-019E0, collectively the “Owners” and the “Property”; and

WHEREAS, the Owners filed an application for a special use permit to expand the existing church by constructing a 795 square foot building addition (social hall), associated parking, and entrance upgrades on the Property, and the application is identified as Special Use Permit 2015-00007 All Saints Chapel (“SP 2015-07”); and

WHEREAS, the proposed use is allowed on the Property by special use permit under Albemarle County Code § 18-12.2.2(15); and

WHEREAS, on August 4, 2015, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2015-07 with modified conditions; and

WHEREAS, on September 2, 2015, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2015-07.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the Transmittal Report prepared for SP 2015-07 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 2015-07, subject to the conditions attached hereto.

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SP-2015-00007 All Saints Chapel Conditions

1. Development and use shall be in general accord with the conceptual plan titled “All Saints Chapel SP201500007” prepared by Joseph Associates LLC and dated June 1, 2015 (hereafter “Conceptual Plan”), as determined by the Director of Planning and the Zoning Administrator. To be in accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, as shown on the Conceptual Plan:

   - *building orientation*
   - *building mass, shape, and height*
   - *location of buildings and structures*
   - *location of parking areas*
   - *relation of buildings and parking to the street*

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

2. Side and rear setbacks shall be commercial setback standards, as set forth in Section 21.7(b) of the Albemarle County Zoning Ordinance, and shall be maintained adjacent to residential uses or residentially zoned properties. Front yard setbacks associated with parking shall be commercial setback standards, as set forth in Section 21.7(a) of the Albemarle County Zoning Ordinance.

3. There shall be no day care center or private school on site without approval of a separate special use permit.

4. The applicant shall obtain VDOT approval of a commercial entrance, if required by VDOT, prior to approval of the final site plan.

5. The applicant shall obtain Virginia Department of Health approval of well and/or onsite sewage system prior to approval of the final site plan.

6. The drainfields shall be placed in the areas shown on Exhibit A dated September 2, 1015 illustrating the drainfield locations in the southern portion of the parcel.

7. Materials and colors of the addition shall be compatible with the materials and colors of the historic chapel.

8. Except for repair and maintenance of the fence where there is no substantial change in design, and except for renovation of the fence to accommodate a new gate to provide access from the parking area to the existing front entrance of the chapel where the gate design is compatible in form and materials with the existing fence design, the fence and its stone end piers shall be retained without change, provided that the easternmost stone pier forming the existing gate edge need not be retained if the applicant determines that the cost of retention is cost prohibitive as provided in Condition 9.

9. If the applicant determines that relocating the easternmost stone pier to the east side of the new entrance drive is cost prohibitive, prior to its removal the applicant shall document the stone pier in photographs and a to-scale, annotated line drawing. Copies of the documentation shall be provided to the County's Design Planner for the County's files and for forwarding to the Virginia Department of Historic Resources.

10. Prior to final site plan approval, the entrance to the site shall either be located entirely on the Church Property (TMP 04800-00-00-01600) by adjusting the property line between TMP 04800-00-00-01600 and TMP 04800-00-00-019E0, or the applicant shall obtain an easement from the owner of TMP 04800-00-00-019E0 to allow the portion of the entrance to be located on that parcel.

11. The construction of any structure required for the use must commence within five (5) years from the approval of the Special Use Permit.

Agenda Item No. 20. **Public Hearing: PROJECT: SP-2015-00019. UVA Indoor Golf Practice Facility (Sign #104).**
MAGISTERIAL DISTRICT: Samuel Miller.
TAX MAP/PARCEL: 07500-00-00-06300; 06000-00-00-028B0; 06000-00-00-028C0.
LOCATION: 470 Birdwood Drive, Charlottesville, VA.
PROPOSAL: Amend SP96-53 to allow construction of 10,000 square foot indoor golf practice facility for University of Virginia golf teams.
PETITION: Swim, golf, tennis or similar athletic facilities under Section 13.2.2 of Zoning Ordinance. No dwellings proposed.
ZONING: R-1 Residential - 1 unit/acre.
ENTRANCE CORRIDOR: Yes.
AIRPORT IMPACT AREA: Yes.
COMPREHENSIVE PLAN: Institutional – schools, universities and colleges and ancillary facilities and public facilities and utilities.
(Advertised in the Daily Progress on August 17 and August 24, 2015.)

The executive summary, as presented by staff, states that

At their meeting on July 14, 2015, the Planning Commission voted 6:0 to recommend approval of SP201500019 with the conditions recommended by staff.

Though the Planning Commission recommended approval with the conditions as recommended by staff, they did ask the applicant two follow-up questions about the proposal. They asked the applicant what, if any, level of archeological study has been or will be done on the site. They also asked the applicant to consider limiting the hours that the parking lot would be lit or to consider other measures to limit the impacts of the parking lot lighting. The applicant told the Commission they would look into their questions.

Since the meeting, the applicant has informed staff that they will be following the Department of Historic Resources (DHR) recommendations regarding the archeology on site. During their review of the proposal, DHR stated that the site of the proposed facility lacked archaeological significance and recommended the applicant proceed with caution as they develop this site. No archeological studies are proposed for the site.

In regards to lighting, the applicant told staff that they feel Albemarle County has one of the best Dark Skies Ordinances in the state and that they will depend on those guidelines to determine the appropriate amount of lighting for the parking area.

The Planning Commission's action letter, staff report and minutes from the July 14 meeting are attached.

Staff recommends that the Board adopt the attached Resolution to approve SP201500019 with the conditions attached thereto.

Ms. Rachel Falkenstein. Senior Planner, addressed the Board and stated the purpose of the public hearing is to request amendment of an existing special use permit to allow the construction of an indoor golf practice facility, and SPs are required for swim, golf, tennis or other athletic facilities. She stated the property is located on Route 250 West between the neighborhoods of Bellair and Ednam, and was three parcels recently combined into one. Ms. Falkenstein said the property is 554 acres total, and the uses are the Birdwood Golf Course and Birdwood mansion, an historic property, and the new facility to be located south of the mansion. She stated the proposal is to amend an existing SP for the golf course to allow the construction of a 10,000 square foot indoor golf practice facility, and it will include eight hitting bays opening to the existing driving range. Ms. Falkenstein said the users will include the UVA men's and women's golf teams as well as private lessons for club members.

Ms. Falkenstein stated the site will be accessed via Golf Course Drive, and the applicant will be constructing a new road off of that drive. She noted one residence at 470 Birdwood Drive will be demolished, and it is a non-contributing structure to the historic district that was built much later. She said there are two entrances to the property and four outbuildings used as rental properties. She presented photos of the site, including Golf Course Drive, which meet commercial entrance standards. She presented a concept plan of the site and stated that Birdwood Drive will continue to provide access to the existing structures, but they will restrict access with a gate between Birdwood Drive and the new parking area. Ms. Falkenstein said the facility will not be visible from Ivy Road and is not anticipated to be visible from the Birdwood mansion, with limited visibility from adjacent neighborhoods. She noted an existing historic slave house will remain.

She stated favorable factors are the facility's limited visibility, the lack of impact on Birdwood's status on the National Register of Historic Places, and the fact that no additional traffic is expected to be generated since the UVA golf teams already use the facility. Ms. Falkenstein stated the Planning Commission held their public hearing on July 14 and recommended approval with four conditions, with conditions #3 and #4 carried over from the previous SP. She said the Department of Historic Resources is not recommending archeological studies, so the applicant is not planning to proceed with one, and the applicant will follow lighting ordinance requirements.

Mr. Boyd asked how large the facility will be. Ms. Falkenstein responded that it will be 10,000 square feet, and will appear as one story from the front, with a lower basement/walkout that will be used for hitting out into the driving range.

Ms. Palmer asked if the outdoor lighting is just over the parking lot. Ms. Falkenstein responded there will be no lighting on the driving range itself, but that will be further reviewed at the site plan phase.

Ms. Palmer asked if the parking lot lighting has conditions associated with it, and whether the lighting will go off at night. Ms. Falkenstein said there are no conditions recommended pertinent to that, but the Planning Commission had asked that as well, and the applicant has stated they will meet the County's dark skies ordinance, which will limit lighting at the property line and any spillover, and the lighting will be full cut-off.

Ms. Mallek stated there is no reason to have the lighting on after people have left the facility and the gate is closed. Ms. Falkenstein responded the applicant's justification is that the teams will be using the facility after hours for meetings and wants lights in the parking lot.

Ms. Mallek said she also wants to know how they establish lack of visibility, as there are a lot of houses to the south and west of the site. Ms. Falkenstein responded they have based it on the existing house, as this will be about the same height, and there are also topographic features and vegetation that will help to shield it.

The Chair opened the public hearing.

Mr. Fred Missel, Director of Design and Development for the UVA Foundation, addressed the Board and introduced Project Manager, Chris Scholey. Mr. Missel stated the reason the Foundation did not apply for this at the time they took over management of the golf course was because they did not own the historic mansion, which belonged to the University. He said it was transferred to the Foundation last July so there could be one contiguous piece of property, and that has prompted the special use permit request.

Ms. Palmer asked for clarification of the lighting visibility concerns. Mr. Missel responded the Foundation's primary concern is the safety of students and other users of the property, and while he does not feel he can answer the question fully, they have adjacent rental units and will be very sensitive to light spillover. He stated the Foundation has discussed the lighting issue with the UVA Athletics Department, and it will be possible to request the lights be turned off at midnight or whenever they close.

Mr. Davis stated the County's lighting ordinance is pretty effective and reduces spillover lighting almost entirely, but turning them off would also be advantageous although would not be recommended as a condition.

Ms. Palmer said she and others would appreciate the possibility of having it cut off at midnight. Mr. Missel said they will look into it, as there are also energy savings considerations.

Mr. Missel stated the Foundation has done balloon tests to check for visibility, and it is not visible to the south due to the distance to the next neighborhoods, and from Bellair a significant amount of tree cover will maintain a visual buffer between the seventh hole and the facility.

There being no further public comment, the Chair closed the public hearing.

Ms. Palmer then **moved** to adopt the proposed resolution to approve SP-2015-00019 with the recommended conditions. Ms. Mallek **seconded** motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield, Mr. Boyd and Ms. Dittmar.
NAYS: None.

RESOLUTION TO APPROVE
SP 2015-19 UVA INDOOR GOLF PRACTICE FACILITY

WHEREAS, the University of Virginia Real Estate Foundation is the record owner of Tax Map and Parcel Number 07500-00-00-06300 and the University of Virginia Foundation is the record owner of Tax Map and Parcel Numbers 06000-00-00-028B0 and 06000-00-00-028C0 (collectively the "Owner"); and

WHEREAS, a special use permit to allow the existing golf course in R-1 zoning and to allow the enclosure of a golf cart storage area on the property (SP 1996-53) was approved in 1997 with a condition that required an amendment to the special use permit to allow new construction or any expansion outside of the current boundaries of the existing golf course; and

WHEREAS, the Owner has submitted an application to construct an indoor golf practice facility consisting of eight indoor hitting bays, which will open to the existing driving range, as well as locker rooms, coaches' offices and a meeting space, and the application is identified as Special Use Permit 2015-00019 UVA Indoor Golf Practice Facility ("SP 2015-19"); and

WHEREAS, on July 14, 2015, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2015-19 with the conditions recommended by County staff; and

WHEREAS, on September 2, 2015, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2015-19.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2015-19 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code § 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2015-19, subject to the conditions attached hereto.

*****

SP-2015-0019 UVA Indoor Golf Practice Facility Conditions

1. Development shall be in general accord with the plan titled "UVA Golf Indoor Practice Facility, Site Plan Diagram" prepared by Dewberry dated April 30, 2015 (hereafter "Layout Plan") as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Layout Plan, development and use shall reflect the following major elements as shown on the Plan:
   - Building location, orientation and mass
   - Access to the site via new road labeled "Access Drive"

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

2. Ingress and egress along Birdwood Drive shall be restricted, to the satisfaction of the Zoning Administrator, to only those residences served by Birdwood Drive and shall not be used as an access to the indoor golf practice facility.

3. Any new construction at the existing golf course facility and site other than the site improvements shown on the Layout Plan, except for minor changes (such as additional practice tees, modifications of greens and other changes that do not require a site plan), shall require an amended special use permit.

4. The Owner shall continue to implement an Integrated Pest Management/Nutrient Management Plan to reduce adverse water quality impacts.

Agenda Item No. 21. **<u>Public Hearing: PROJECT: ZMA201500003/Riverside Village Neighborhood Model District.</u>**
MAGISTERIAL DISTRICT: Rivanna.
TAX MAP/PARCEL: 07800-00-00-05800.
LOCATION: Located on the west side of Stony Pointe Road/Route 20 and the east side of Free Bridge Lane/Route 1421, approximately 350 feet south of the intersection of Route 20/Elks Drive.
PROPOSAL: Request to amend proffers and code of development to allow affordable units in

Block 5 and allow accessory apartments as affordable housing.
PETITION: Request to amend proffers, and amend code of development on property zoned NMD Neighborhood Model District which allows residential uses at a density of 3 – 34 units/acre, mixed with commercial uses, service and industrial uses. No increase of dwellings proposed.
ENTRANCE CORRIDOR: Yes.
FLOOD HAZARD OVERYLAY: Yes.
SCENIC BYWAYS OVERLAY: Yes.
STEEP SLOPES MANAGED: Yes.
STEEP SLOPES PRESERVED: Yes.
PROFFERS: Yes.
COMPREHENSIVE PLAN: Greenspace – undeveloped areas; Neighborhood Density Residential – residential (3-6 units/acre); supporting uses such as religious institutions, schools and other small-scale non-residential uses; and River Corridor – parks, golf courses, greenways, natural features and supporting commercial and recreational uses in Neighborhood 3 – Pantops Comp Plan Area.
(Advertised in the Daily Progress on August 17 and August 24, 2015.)

The executive summary, as presented by staff, states that on July 14, 2015, the Planning Commission held a public hearing on the application and recommended approval with amended Proffers and Code of Development, dated May 21, 2012, revised June 18, 2015 as recommended by staff.

The staff report for the July 14, 2015 Commission public hearing (Attachment D) provides a complete analysis of the application. The Commission recommended approval of the rezoning ZMA201500003, Riverside Village Neighborhood Model District, with the revised Proffers and Code of Development, dated May 21, 2012, revised June 18, 2015 and described in the July 14, 2015 staff report. The revised Proffers are attached (Attachment B).

Staff recommends that the Board adopt the attached Ordinance (Attachment A) approving ZMA 201500003.

____

Ms. Claudette Grant. Senior Planner, addressed the Board, stating that Riverside Village is located on the west side of Route 20 (Stony Point Road), and pointing out on a map the location of the Elks Lodge and the intersection of Route 250 and Route 20. She stated the property pertaining to this ZMA is zoned Neighborhood Model district, which allows residential uses at a density of 3-34 units per acre, and allows a mix of commercial service and industrial uses. Ms. Grant said the Pantops Master Plan designates the property as Neighborhood Density – Residential, which allows residential density of 3-6 units per acre, as well as supporting uses such as religious institutions, schools, and other small-scale non-residential uses. She stated it also allows green space, which is undeveloped areas, with the river corridor allowing parks, golf courses, greenways, natural features, and supporting commercial and recreational uses.

Ms. Grant said the applicant has requested amending the proffers in the code of development from ZMA 2012-00002 to allow affordable units in Block 5 so that he can maximize the location options for affordable housing units within the development, and to allow accessory apartments as an affordable housing type. She stated the total number of residential units and density remains the same as the original approval, and she presented a rendering of the application and block plan, noting the location of Block 5. Ms. Grant said the Planning Commission held a public hearing on July 14, 2015 and recommended approval of the request inclusive of the amended proffers and code of development, and there was additional information in the staff report. She stated that staff recommends adoption of the ordinance to approve ZMA 2015-00003 including the revised proffers dated August 20, 2015, and the code of development attached to the staff report.

The Chair opened the public hearing.

Mr. Justin Shimp addressed the Board, stating the applicant is trying to broaden opportunities with affordable housing, and there will now be six rental units and more targeted for sale units in one block.

Mr. Boyd asked if the first unit going up is a duplex, as he thought there was going to be more single-family dwellings. Mr. Shimp responded the majority are single-family homes, which currently has footers in the ground and will begin construction within the next two weeks.

Mr. Kirk Bowers of the Rivanna District, addressed the Board, stating the comments about this project have not been good, and a lot of people in the area do not like it, feeling it is intrusive to their scenery and quiet. Mr. Bowers said the road construction in front of the site is probably the roughest he has seen, with roller coaster bumps, and people are getting tired of development in the Pantops area, particularly Route 20.

Ms. Dittmar asked for feedback on the road conditions. Mr. Benish stated he will check with VDOT about the road conditions, but it may be a sub-base that is still rough.

Mr. Shimp stated there are a lot of people who drive past that site, and part of the applicant's proffer was to do additional road work so they have put in two lanes, which creates a longer period of construction. He said there have been some asphalt bumps, but they will need to fix them anyway prior to VDOT releasing the bond.

Ms. Dittmar said Mr. Bowers seems to be referring to Route 20 itself, not the entrance to the site.

Mr. Boyd said he drives the road at least twice per day and has not noticed a problem.

Mr. Shimp stated that rough conditions are part of the process of laying new asphalt.

Ms. Dittmar then closed the public hearing.

Mr. Boyd offered **motion** to adopt the proposed ordinance to approve ZMA-2015-00003 as proffered dated August 20, 2015. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recording vote.

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield, Mr. Boyd and Ms. Dittmar.
NAYS: None.

ORDINANCE NO. 15-A(4)
ZMA 2015-00003 RIVERSIDE VILLAGE NEIGHBORHOOD MODEL DISTRICT

AN ORDINANCE TO AMEND THE ZONING MAP
FOR TAX MAP AND PARCEL NUMBER 07800-00-00-05800

WHEREAS, the application to amend the zoning map for Tax Map and Parcel Number 07800-00-00-05800 (the "Property"), is identified as ZMA 2015-00003, Riverside Village Neighborhood Model District ("ZMA 2015-00003"); and

WHEREAS, the Property is zoned Neighborhood Model District – NMD, subject to the Proffers, a Code of Development, and an Application Plan, all of which were adopted on November 13, 2013 in conjunction with ZMA 2012-00002; and

WHEREAS, ZMA 2015-00003 proposes to amend the Proffers and the Code of Development applicable to the Property in order to add Block 5 as a location for affordable housing and to allow accessory apartments as affordable rental housing; and

WHEREAS, on July 14, 2015, after a duly noticed public hearing, the Planning Commission recommended approval of ZMA 2015-00003.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the staff report prepared for ZMA 2015-00003 and its attachments, 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 2015-00003 with the Proffers dated August 20, 2015, and the Code of Development, which is contained on sheets 5 and 6 of the document entitled "Rezoning Application Plan Amendment for Riverside Village Tax Map 78, Parcel 58 Rivanna District, Albemarle County, Virginia ZMA 201500003" prepared by Shimp Engineering and dated May 21, 2012, with sheets 2, 3, 4, 6, 7, and 8 last revised on May 18, 2015 and sheets 1 and 5 last revised on June 18, 2015, and the zoning map for Tax Map and Parcel Number 07800-00-00-05800 is amended accordingly.

Original Proffers ______
Amendment __X__

PROFFER STATEMENT

ZMA Number:	201500003
Tax Map and Parcel Number:	07800-00-00-05800
Owner:	Riverside Village Properties, Inc. 200 Garrett Street, Suite O Charlottesville, VA 22902
Date of Proffer Signature:	November 13, 2013
Date of Proffer Amendment Signature:	August 20, 2015

18.66 acres to be rezoned from NMD to NMD

Riverside Village Properties, Inc, is the owner (the "Owner") of Tax Map and Parcel Number 07800-00-00-05800 (the "Property") which is the subject of rezoning application ZMA No. 2012-00002, a project known as "Riverside Village" (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 zoning district identified above. 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. **Park Land Dedication; Trails System.** Within five (5) years after the date that ZMA 2012-00002 is approved by the County, or within thirty (30) days after the request of the County, whichever is sooner, the Owner shall dedicate to the County for public use for parks and open space resources an 8-acre park, (the "Park) more particularly shown as "Block 6" on sheet 4 of the Application Plan, dated May 21, 2012, revised May 18, 2015 and prepared by Shimp Engineering, P.C. (the "Application Plan"). After it is dedicated to public use, the Park may continue to be included in Project for the purposes of calculating total area of green space and amenities within the Project. The Park shall continue to be subject to the Architectural and

Landscape Standards for Riverside Village, as set forth in the approved Code of Development for ZMA 2012-00002. Any remaining green or open space land within the Property not dedicated for public use shall be maintained by the Riverside Village Owner's Association. The dedication of the Park shall be in fee simple. If the Park land is not dedicated as part of a site plan or subdivision plat, the Owner shall pay the costs of surveying the land and preparing the deed of dedication. The Owner shall construct trails through the Park area as shown on sheet 7 of 8 of the Application Plan, within six (6) months after the approval by the County of the first subdivision plat or site plan applicable to any portion of Blocks 2 through 5 of the Project. The trails shall be constructed to the standards for a Class B trail, as shown in the Design Standards Manual.

2. Affordable Housing. The Owner shall provide ten (10) affordable housing units ("Affordable Housing Units") in the form of for-sale and/or for-rent accessory apartments, condominiums or apartment units. The Affordable Housing Units shall be subject to the requirements as set forth in Section VI of the Code of Development. The Affordable Housing Units shall be constructed within Block 1, Block 2, and/or Block 5, as shown on the Application Plan. Before the Owner applies for a building permit for the fortieth (40^{th}) residential unit within the Property, the Owner shall have offered for sale or rent, as provided herein, six (6) Affordable Housing Units within the Project. Before the Owner applies for a building permit for the fiftieth (50^{th}) residential unit within the Property, the Owner shall have offered for sale or rent, as provided herein, all ten (10) Affordable Housing Units within the Project.

A. **For-Sale Affordable Units.** All purchasers of the for-sale Affordable Housing Units shall be approved by the Albemarle County Housing Office or its designee. The Affordable Housing Units will be designed for households with incomes less than eighty percent (80%) of the area median income such that housing costs consisting of principal, interest, real estate taxes, and homeowners insurance (PITI) do not exceed thirty percent (30%) of the gross household income. The Owner shall provide the County or its designee a period of ninety (90) days to identify and prequalify an eligible purchaser for the affordable units. The ninety (90) day period shall commence upon written notice from the Owner that the unit(s) will be available for sale. This notice shall not be given more than sixty (60) days prior to receipt of the Certificate of Occupancy for the applicable Affordable Housing Unit; the County or its designee may then have thirty (30) days within which to provide a qualified purchaser for such Affordable Housing Unit. If the County or its designee does not provide a qualified purchaser during the ninety (90) day period, the Owner shall have the right to sell the unit(s) without any restriction on sales price or income of the purchaser(s). This proffer shall apply only to the first sale of each of the for-sale affordable units.

B. For-Rent Affordable Units.

(1). **Rental Rates.** The initial net rent for each for-rent Affordable Housing Unit shall not exceed the then-current and applicable maximum net rent rate approved by the Albemarle County Housing Office. In each subsequent calendar year, the monthly net rent for each for-rent Affordable Housing Unit may be increased up to three percent (3%). For purpose of this proffer statement, the term "net rent" means that the rent does not include tenant-paid utilities. The requirement that the rents for such for-rent Affordable Housing Units may not exceed the maximum rents established in this paragraph 2B shall apply for a period of ten (10) years following the date the certificate of occupancy is issued by the County for each for-rent Affordable Housing Unit, or until the units are sold as low or moderate cost units qualifying as such under either the Virginia Housing Development Authority, Farmers Home Administration, or Housing and Urban Development, Section 8, whichever comes first (the "Affordable Term").

(2). **Conveyance of Interest.** All deeds conveying any interest in the for-rent Affordable Housing Units during the Affordable Term shall contain language reciting that such unit is subject to the terms of this paragraph 2. In addition, all contracts pertaining to a conveyance of any for-rent Affordable Housing Unit, or any part thereof, during the Affordable Term shall contain a complete and full disclosure of the restrictions and controls established by this paragraph 2B. At least thirty (30) days prior to the conveyance of any interest in any for-rent Affordable Housing Unit during the Affordable Term, the then-current owner shall notify the County in writing of the conveyance and provide the name, address and telephone number of the potential grantee, and state that the requirements of this paragraph 2B(2) have been satisfied.

(3). **Reporting Rental Rates.** During the Affordable Term, within thirty (30) days of each rental or lease term for each for-rent Affordable Housing Unit, the then-current owner shall provide to the Albemarle County Housing Office a copy of the rental or lease agreement for each such unit rented that shows the rental rate for such unit and the term of the rental or lease agreement. In addition, during the Affordable Term, the then-current Owner shall provide to the County, if requested, any reports, copies of rental or lease agreements, or other data pertaining to rental rates as the County may reasonably require.

3. **Cash Proffer for Park Master Plan.** Within one (1) year after the date that ZMA 2012-00002 is approved, or within thirty (30) days after the request by the County, whichever is sooner, the Owner shall make a cash contribution to the County in the amount of Thirty Thousand Dollars ($30,000.00) for the purpose of funding a master plan for the Park (the "Park Master Plan"). If the Park Master Plan is completed for less than Thirty Thousand Dollars ($30,000.00), any remaining funds may be retained by the County and used to fund construction or maintenance of the park. Albemarle County at it's sole discretion may choose to use this cash proffer ($30,000) toward improvements to the existing Darden Towe Park in lieu of onsite park planning and improvements.

4. **Frontage and Other Road Improvements.** Contemporaneously with, and as part of, frontage improvements along Stony Point Road (Rt. 20) in connection with the first subdivision plat or site plan for the Property, the Owner shall construct all turn lanes and improvements to the horizontal alignment, vertical alignment and cross-section of Stony Point Road (Rt. 20) as shown in the Application Plan, to provide safe and convenient access to Riverside Village. Improvements constructed in accordance with this proffer shall be designed and constructed to applicable Virginia Department of Transportation ("VDOT") standards, including, without limitation, VDOT's Geometric Design Standard for an Urban Collector Road as such standards may be amended from time to time.

Contemporaneously with, and as part of the first subdivision plat or site plan for the Property, Owner shall dedicate sufficient land along the frontage of Stony Point Road (Rt. 20) to permit the future widening of Rt. 20 by others, as shown on the Application Plan. Owner shall pay the costs of surveying the land, preparing a subdivision plat creating the parcel to be dedicated for review and approval by the County, and for preparing the deed of dedication.

Certain road improvements and dedicated portions of property for such improvements described in this Proffer 4 exceed those required for the development of the parcel and are for the benefit of the public.

5. Cash Proffers for Residential Units.

Subject to the credits for in kind and cash contributions as outlined below, the Owner shall contribute cash for each new residential unit in excess of the number of units that are allowed by-right under the zoning in existence at the time of this zoning map amendment (18) and that is not classified as an Affordable Housing Unit for the purposes of addressing the fiscal impacts of development on the County's public facilities and infrastructure, *i.e.*, schools, public safety, libraries, parks and transportation. The cash contributions shall be at the following rates: Twenty Thousand Four Hundred Sixty and 51/100 dollars ($20,460.51) cash for each new single family detached dwelling unit, Thirteen Thousand Nine Hundred Thirteen and 18/100 dollars ($13,913.18) cash for each new single family attached or townhome dwelling unit, and Fourteen Thousand Four Hundred Ninety Seven and 77/100 dollars ($14,497.77) cash for each new multi-family dwelling unit. The cash contribution shall be paid at the time of the issuance of the building permit for each new unit, unless the timing of the payment is otherwise specified by state law; provided however that the cash contributions shall not be made until the number of units have been completed that results in what would otherwise have been a cash contribution of $971,189.00 (the "In-kind Contribution). The In-kind Contribution reflects the value of the improvements that the Owner has committed to make in these proffers that are for the benefit of the public. In other words, the Owner shall not be required to pay the per unit cash contributions described herein until the time of the issuance of the building permit for a new unit completed after applying a credit for the In-kind Contribution of $971,189.00. In the event that the Project is completed prior to the balance of the In-kind Contributions being exhausted, no remaining balance of the In-kind Contribution may not be applied for any other project or development.

Beginning January 1, 2014, the amount of the cash contribution required by this proffer shall be adjusted annually until paid, to reflect any increase or decrease for the proceeding calendar year in the Marshall and Swift Building Cost Index ("MSI"). In no event shall any cash contribution amount be adjusted to a sum less than the amount initially established by this proffer. The annual adjustment shall be made by multiplying the proffered cash contribution amount for the

preceding year by a fraction, the numerator of which shall be the MSI as of December 1 in the preceding calendar year, and the denominator of which shall be the MSI as of December 1 in the year preceding the calendar year most recently ended.

OWNER:

Riverside Village Properties, Inc.

By: Paul B. Manning

Title: President

Tax Map and Parcel Number: 07800-00-00-05800

Agenda Item No. 22. **Public Hearing: PROJECT: ZMA-2015-00005. Out of Bounds (Sign #44).**
MAGISTERIAL DISTRICT: Jack Jouett.
TAX MAP/PARCEL: 06000000006500.
LOCATION: Located on Barracks Road (Route 654) across from its intersection with Georgetown Road (Route 656). 225 Out of Bounds Road, Charlottesville, Virginia 22901.
PROPOSAL: To amend the proffers, application plan, and code of development for approved ZMA201200003 Out of Bounds. No change to maximum allowed density is proposed.
PETITION: Request to amend proffers, application plan, and Code of Development for ZMA201200003 on property zoned Neighborhood Model District (NMD) which allows residential mixed with commercial, service and industrial uses at a density of 3-34 units/acre.
OVERLAY DISTRICT: Entrance Corridor (EC); Airport Impact Area (AIA).
PROFFERS: YES.

COMPREHENSIVE PLAN: Neighborhood Density Residential- residential (3-6 units/acre); supporting uses such as religious institutions, schools, and other small-scale non-residential uses in Neighborhood 7.
(Advertised in the Daily Progress on August 17 and August 24, 2015.)

The executive summary, as presented by staff, states that at their meeting on July 14, 2015, the Planning Commission voted 6:0 to recommend approval of ZMA201500005.

The County Attorney has prepared the attached Ordinance (Attachment D) reflecting the recommendation of the Planning Commission. The Planning Commission’s Action letter, Staff Report and minutes from the July 14th meeting are also attached.

Staff recommends that the Board adopt the attached Ordinance (Attachment D) approving ZMA201500005 and the attached Resolution (Attachment E) approving the special exception.

_____

Ms. Meghan Yaniglos, Principal Planner, addressed the Board, stating that Out of Bounds is proposing alteration of the proffers, application plan and code of development. She stated the site is currently under construction, and presented a map noting the location of the site in proximity to Georgetown and Barracks Road. Ms. Yaniglos said the applicant is proposing a change to the affordable housing proffer to allow for sale or for rent affordable townhouse units in lieu of the for rent multi-family units, which are to be two stacked units within one structure. She stated the applicant now prefers to construct single townhouse units, each on their own lot, and no additional units are proposed. Ms. Yaniglos noted that minor revisions to the application plan and code of development are requested, and these changes are necessary for the requested affordable housing change. She presented slides showing the approved current application plan showing the stacked unit type, and the amended application plan with the townhouse units on each lot. She noted the applicant is requesting a special exception for the sidewalk and planting strip located along Georgetown Court, and during site construction it was found the anticipated grading is inaccurate and a 36-inch retaining wall is needed. Ms. Yaniglos stated the planting strip and street trees will still be provided with an easement on the back side of the sidewalk, and she noted the location of the strip between the road and sidewalk.

Ms. Yaniglos said favorable factors include the rezoning amendment will not change the site layout or the intent of the original rezoning, and there are no unfavorable factors identified. She stated the Planning Commission has recommended approval of the amendment and the landscape modification request.

The Chair opened the public hearing.

The applicant, Vito Cetta, addressed the Board and stated he had a lot of involvement with the neighbors, including Ms. McKeel. Mr. Cetta stated there are a variety of housing types in the area, ranging from homes in the $900K range to townhomes in the mid-$200s. He said the buildings all look similar, and there do not seem to be any friction between the residents there. Mr. Cetta stated people are proud of their homes, and can walk to Barracks Road.

There being no other comments from the public, the public hearing was closed.

Ms. McKeel said it has been interesting for her to see the development go into the neighborhood behind hers, and the residents there appreciate the second entrance to Barracks Road that was created.

Motion was then offered by Ms. McKeel, **seconded** by Ms. Mallek to adopt the following ordinance to approve ZMA-2015-00005. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield, Mr. Boyd and Ms. Dittmar.
NAYS: None.

ORDINANCE NO. 15-A(5)
ZMA 2015-00005 OUT OF BOUNDS

AN ORDINANCE TO AMEND THE ZONING MAP
FOR TAX MAP AND PARCEL NUMBER 06000-00-00-06500

WHEREAS, the application to amend the zoning map for Tax Map and Parcel Number 06000-00-00-06500 (the “Property”), is identified as ZMA 2015-00005, Out of Bounds (“ZMA 2015-00005”); and

WHEREAS, the Property is zoned Neighborhood Model District – NMD, subject to the Proffers, a Code of Development, and an Application Plan, all of which were adopted on December 11, 2013 in conjunction with ZMA 2012-00003; and

WHEREAS, ZMA 2015-00005 proposes to amend the Proffers, the Application Plan, and the Code of Development applicable to the Property in order to allow for the sale or rental of affordable townhouse units instead of the rental of multi-family units in Block 3; and

WHEREAS, on July 14, 2015, after a duly noticed public hearing, the Planning Commission recommended approval of ZMA 2015-00005.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the staff report prepared for ZMA 2015-00005 and its attachments, 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 2015-00005 with the Proffers dated August 19, 2015, and the Application Plan entitled "Rezoning Application Plan Amendment for Out of Bounds TMP 06000-00-00-06500 Jack Jouett District, Albemarle County, Virginia" prepared by Shimp Engineering and dated April 1, 2013, with sheets 2, 3, 5, 6 and 8 last revised on April 20, 2015 and sheets 1, 4 and 7 last revised on June 30, 2015, and the zoning map for Tax Map and Parcel Number 06000-00-00-06500 is amended accordingly.

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Ms. McKeel then offered **motion** to adopt the proposed resolution to approve the special exception request. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield, Mr. Boyd and Ms. Dittmar.
NAYS: None.

RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR ZMA 2015-00005, OUT OF BOUNDS

WHEREAS, Barracks Heights, LLC (the "Owner") is the owner of Tax Map and Parcel Number 06000-00-00-06500; and

WHEREAS, the Owner filed a request for a special exception to vary the Code of Development approved in conjunction with ZMA 2015-05, Out of Bounds, to permit the elimination of planting strips for a 200 foot portion along the existing single family residential lot and Georgetown Court; and

WHEREAS, ZMA 2015-00005 was previously approved this same day.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared in conjunction with the special exception request, staff's supporting analysis included in the staff report, and the attachments thereto, and all of the factors relevant to the special exceptions in Albemarle County Code § 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to vary the Code of Development approved in conjunction with ZMA 2015-00005, Out of Bounds, to permit the elimination of planting strips for a 200 foot portion along the existing single family residential lot and Georgetown Court, subject to the condition attached hereto.

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ZMA 2015-05, Out of Bounds Special Exception Condition

1. A six (6) foot landscape easement shall be established on the back of the sidewalk.

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Agenda Item No. 23. **<u>Public Hearing: PROJECT: ZMA-2015-00002. Franklin Street Steep Slopes (Sign #29).</u>**
MAGISTERIAL DISTRICT: Scottsville.
TAX MAP/PARCEL: 077000000040B0.
LOCATION: Property is located in the southeast corner of the intersection of Franklin Street and Broadway Street.
PROPOSAL: Request to change the zoning designation of 37, 918 square feet from preserved slopes to managed slopes which would allow the slopes to be disturbed.
PETITION: Rezone 0.87 acres from Steep Slopes Overlay District (preserved) which allows uses under Section 30.7.4(b) to Steep Slopes Overlay District (managed) which allows uses under Section 30.7.4(a). No dwellings proposed.
OVERLAY DISTRICT: Steep Slopes (SS); Flood Hazard (FH).
PROFFERS: No.
COMPREHENSIVE PLAN: Industrial Service – warehousing, light industry, heavy industry, research, office uses, regional scale research, limited production and marketing activities, supporting commercial, lodging and conference facilities, and residential (6.01-34 units/acre) in Neighborhood 4.
(Advertised in the Daily Progress on August 17 and August 24, 2015.)

The executive summary, as presented by staff, states that at their meeting on July 14, 2015, the Planning Commission voted 5:1 to recommend disapproval of ZMA201500002. The disapproval was based on several factors, including:

1. The slopes are a contiguous area of more than 10,000 square feet.
2. The slopes are identified as a resource in the Comprehensive Plan and are designated for preservation.
3. Slopes in Area "A" have characteristics of both managed slopes and preserved slopes, but on the whole, contain more characteristics of preserved slopes.

This application is the first rezoning request related to steep slopes since the Board established the Steep Slopes Overlay District on March 5, 2014. The subject property is adjacent to the City-County boundary at the intersection of Franklin Street and Broadway Street. At their meeting on May 19, 2015, the Planning Commission accepted a deferral request from the applicant to allow time for a discussion with the City's Planning Commission at the City-County Joint Work session on June 23, 2015.

Prior to the County's Planning Commission meeting on July 14, 2015, the applicant notified staff that they were modifying their application plan to match the recommendation provided in the staff report, where the slopes in Area "A" are recommended to be designated as managed slopes and the slopes within Area "B" and Area "C" are recommended to remain as preserved slopes. The updated Application Plan is shown in Attachment F. The Planning Commission's staff report from the May 19th meeting is an attachment to the July 14th executive summary in Attachment D. The action letter and minutes from the July 14th meeting are also attached (Attachment E).

The County Attorney has prepared the attached Ordinance (Attachment A) to be adopted if the Board approves the zoning map amendment, as well as the attached Resolution (Attachment B) to be adopted if the Board disapproves the zoning map amendment.

Staff recommends that the Board adopt the attached Ordinance (Attachment A) to approve ZMA201500002.

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Mr. J.T. Newberry, Planner, addressed the Board, stating this is the first rezoning application received related to steep slopes, so he will provide a brief overview of the ordinance. Mr. Newberry stated this was adopted by the Board in early 2014 and changed the previous consideration of "critical slopes" by dividing them into two categories: preserved slopes and managed slopes. He said that disturbance of preserved slopes is permitted only under limited circumstances by right or by SP, and under managed slopes disturbance is permitted but is subject to specific design standards to mitigate impacts. Mr. Newberry stated the parcel affects is 12 acres, but they will focus primarily on the frontage along Franklin Street, which forms the City/County boundary. He said across the street is Carlton Mobile Home Court and the old H.T. Ferron concrete plant, soon to be residential pursuant to the City's approval of an apartment development. Mr. Newberry noted to the northeast of the site is the Broadway industrial area, with light industrial uses, and behind the parcel to the east is the Moore's Creek Wastewater Treatment Plant.

Mr. Newberry stated before looking at the application plan he wants to show the County's slopes map, and said based on aerial topography the County adopted preserved and managed slopes in the area. Mr. Newberry said staff categorized the area of slopes discussed as preserved because it appears as a comprehensive area greater than 10,000 square feet and greater than 25% grade, and therefore it will be correctly characterized as preserved slopes. He stated the applicant has used field run topography, which is more accurate than what the County has used, and pointed out the location of the area proposed to be changed from preserved to managed slopes. Mr. Newberry said the field run topography shows areas that are less than 25% slope, which totals about 5,000 square feet or almost 21% of the area being requested.

Using the applicant's more accurate topography and some additional research, Mr. Newberry said, staff is providing the following analysis: Area A contains characteristics of both managed and preserved slopes, but in looking closely there are more characteristics of managed slopes. He said Area A is not associated with or abutting a water feature and likely contains some manufactured slopes, and those areas are integral to the parcel not just on the edges, which may be associated with utility lines and the Franklin Street construction. He noted Area A is part of a hillside system, it just happens to be manufactured, and presented images of slopes that were created with the construction of Broadway Street, which was granted a critical slopes waiver in 2013 for Yves Delorme. Mr. Newberry said even if they took out the 5,000 square feet of preserved slopes, they will still be left with a contiguous area of greater than 10,000 square feet, and there are the issues of it being identified as a resource in the Comp Plan and designated for preservation.

He stated the designation has changed from industrial service to parks and green systems in the Comp Plan, and the specific language of the Southern and Western Neighborhoods Master Plan talks about steep slopes being preserved, but also specifically used the word "adjacent" to Moore's Creek. Mr. Newberry said in looking at the area map, those characteristics can be applicable to B and C in the staff report, and their systems continue down to Moore's Creek and can be adjacent, but that is not as applicable to Area A. He stated upon review, staff felt that on the whole there are more characteristics of managed slopes than preserved slopes in Area A. Mr. Newberry said the Planning Commission has recommended denial with a vote of 5-1, but with these considerations staff is recommending approval because they feel the design standards within managed slopes are appropriate to mitigate the impacts and will recommend approval of changing the designation from preserved to managed slopes.

Ms. Palmer asked what the applicant's technology was in looking at the topography versus what the County has used. Mr. Newberry responded the applicant can likely provide more detail on their application of field run topography for this site, but the County has relied on aerial photographs to adopt its topographic maps included in GIS.

Ms. Julia Skare of Draper Aden Associates stated her office had done the topographic field survey on the site, and explained that this involved surveying in a grid format whereby an elevation was taken every 25 or 50 feet. Ms. Skare stated this data was taken and input into a computer to form a topographic line, which helps determine the elevation of the actual area and is much more accurate especially on a treed site, within a foot or two.

Ms. Palmer asked if that is what made them conclude these should be managed slopes. Mr. Newberry said a few of the characteristics of managed slopes speaks to how much the site was disturbed prior, and the language of the overlay district allows landowners to provide more information for the County to reconsider whether it has applied the correct designation.

Ms. Palmer stated the question is how many are out there and whether this designation will hold up under the idea of doing managed versus preserved slopes. Mr. Benish said the ordinance allows for the process so the maps can be corrected based on the more detailed analysis of the site.

Mr. Davis added the ordinance anticipated this would happen, and one of the criteria for applying for an overlay district amendment was to provide the field topography information, because staff realized that aerial photography was not exact but was the best that could be done for purposes of establishing the district.

Mr. Benish stated there are measures that said it could fit under one or the other, and the information will always be out there and the ordinance allows for the process to take place any number of times. He said any decision looks at the information available to the Board.

Mr. Davis said it is a legislative decision for the Board to decide based on the characteristics in the ordinance which best fit this specific steep slope area.

Mr. Newberry stated the question of precedent has been raised repeatedly, and the only precedent being set is how the process works, not any particular outcome, and this is the first application they have received. He said they have held two community meetings, a joint work session with City and County, two meetings with the Planning Commission, and all of that time provided staff with a good opportunity to do additional resource and what lens through which they will be looking at applications. Mr. Newberry emphasized their approval of a given site is no indication that future applications will be recommended.

Ms. Palmer said she now understands the mapping of slopes is not as accurate, and those developing it will probably do a more accurate evaluation, but she wonders what the purpose is for designating the slopes managed or preserved.

Mr. Benish stated when it becomes a smaller or constrained site, these decisions become more important, and a lot of the information the County has is fairly accurate even though it is done based on aerials. He said in the scheme of a larger project, it is probably not as important to have every square foot subject to analysis. Mr. Benish added this is a new ordinance, and they are going to see how it works.

The Chair opened the public hearing.

Mr. Mark Mascot addressed the Board, stating that Mr. Newberry has done good work on behalf of the County. He stated he is a real estate broker with a client that is a large Virginia bank which now owns the parcel due to a bank merger, and the bank has enlisted his services to sell the site, which is a challenging property. Mr. Mascot referenced the GIS map provided, stating the property is 11.77 acres, with 6.4 acres in the 100-year floodplain, and the 4.9 acres on the north side is developable, currently zoned light industrial. He stated he has met with Economic Development Facilitator Susan Stimart about potential development, and there are a number of challenges, particularly the floodplain and the bisection by Moore's Creek. Mr. Mascot stated there are also site access issues, and access to Moore's Creek is not possible because of the Rivanna Water and Sewer Authority property, which both the RWSA and VDOT have said they will not approve. He said the access on the corner of Broadway is a steep slope, so Franklin Street is the most likely access point but also has steep slopes. Mr. Mascot stated the applicant agrees with staff that the slopes are managed slopes, and future development will require a site plan and stormwater management that will ultimately dictate how the site is developed. He said he has spoken with a number of industries, including breweries and food service businesses that are looking for good space, and the zoning here is already LI.

Mr. John Cruickshank addressed the Board, stating that he is representing the Piedmont Group of the Sierra Club, which is urging the Board to deny the request to rezone the steep slopes along Franklin Street from preserved to managed, and feels it is a precedent. Mr. Cruickshank said they have analyzed the application and have concluded that a reclassification of these slopes will degrade the water quality of Moore's Creek and the Rivanna River, bodies of water that are already impaired, and every effort must be made to eliminate sediment from flowing into them. He stated the County Planning Commission has rejected this request after careful study and consultation with the Charlottesville Planning Commission, and reclassification of slopes can set a dangerous precedent. Mr. Cruickshank said he is concerned that developers can come in with their own studies and say the slope is not critical and thus does not need to be preserved, so at a minimum that evaluation should be done by a neutral third party.

Mr. Morgan Butler addressed the Board, stating the Southern Environmental Law Center urges them to keep the preserved designation of the slopes at issue, as there is plenty of justification under the ordinance to do so. Mr. Butler stated the County code includes a characteristic in the language that stated, slopes may be designated preserved if they are "part of a system of slopes associated with or abutting a water feature," and in looking at this parcel, the slopes are part of a larger system of slopes that borders on, extends within, and drains into the Moore's Creek floodplain and the creek itself. He stated that given the badly impaired condition of the creek, they need to be minimizing the amount of grading and earth disturbance along the floodplain, rather than finding ways to remove the protections put in place. Mr. Butler said there is another characteristic in the code worth emphasizing, because it comes into play after these slopes are already designated: under the ordinance if a slope is identified as a resource designated for preservation in the Comp Plan, that factor favors a preserved slopes designation. He stated the Board has adopted an updated Comp Plan, which includes the slopes on this parcel in the parks and green systems designation, with one of the purposes of that designation intended for environmentally sensitive areas for preservation. Mr. Butler said the SELC is not opposed to the parcel being developed, but feels that a special use permit request for access across the slopes is a more reasonable request than completely removing the preserved slopes designation and its inherent protections.

Mr. Jeff Werner of the Piedmont Environmental Council addressed the Board and stated that in 2007 they had reviewed recommendations from the Development Review Task Force, which had included comments on this issue. Mr. Werner said in January 2009, the Board amended the zoning regulations to allow disturbance of steep slopes, but only under certain circumstances, and in April 2009 they directed staff to further amend the steep slopes regulations, which led to a series of stakeholder roundtables, worksessions, the establishment of two types of slopes, and the detailed mapping of the slopes' existence in the growth area. Mr. Werner stated in March 2014, the Board adopted the proposed amendments and codified the two types of slopes, with preserved slopes to be protected, and managed slopes allowed to be built upon. He said it took less than a year to receive a request to remove the protections from an area designated for preservation, and it is important for regulations to mean something. Mr. Werner stated the Board has stressed to the community in the context of growth area expansion that steep slopes designations will keep land from being flattened. He said that an appropriate analogy would be a bucket, which can hold water until holes are drilled into it.

Mr. Kirk Bowers addressed the Board, stating he is an employee of the Sierra Club and manager of the pipeline issues statewide, which are accelerated by erosion. Mr. Bowers said as an engineer, it is always his practice to avoid steep slopes, as this avoids a lot of problems. He stated perhaps they need to remove the "managed" part of the regulations, as this seems to give developers an in-between option, and just keep the preserved slopes. Mr. Bowers added there have been too many exceptions given by previous Boards, which have a cumulative effect, and continuing to allow variances and waivers will add to river pollution.

Mr. Bill Emory addressed the Board and stated that an engineer had performed a ground survey of the slopes in Area A and found that 85% of the slopes meet the grade parameters for preserved slopes. Mr. Emory said to best conform with the purpose and intent delineated in the code for the steep slopes overlay district, the ground survey confirms that the Area A slope, given its size, should be preserved to the maximum intent practicable. He stated the preserved slope bordering Franklin Street has a contiguous area of more than 28,000 square feet, is part of a hillside system and a system of slopes associated with the floodplain, and is identified as a resource in the Comp Plan designated for protection. Mr. Emory said the goal of the steep slope preservation can be most closely attained by entering the parcel at a point with less grade, and should the owner wish to bisect the preserved slope in Area A, he can acquire an entrance by special use permit that will be designed to do as little damage as possible to the hillside paralleling Franklin Street. He stated this area is noted in the current master plan as being of particular value, with the slopes contributing to its value, and the property is an important resource. Mr. Emory said reasonable use of the property can be used with the current zoning in place, and the steep slopes overlay district ordinance provides a means to enhance the quality of development on this parcel at the intersection of the County and the City. He stated this thoughtful growth will fit well with Piedmont Virginia and the Rivanna River, and he requested the Board vote to disapprove the ZMA and allow the applicant to pursue access by means of special use permit or develop an entry plan that does not involve preserved slopes. Mr. Emory added he does not believe this slope is part of a manufactured hillside system, but is part of the first foothill west of Monticello that has been sculpted over the years.

Mr. John Frazee addressed the Board and stated he is a resident of East Market Street in the City and is Chair of the Woolen Mills Neighborhood Association, and the neighborhood contains a small portion of County land in the Scottsville District. Mr. Frazee stated he is completely supportive of development in this area if it is done in a way that enhances the natural course for this area, in support of the natural resources of the river. He said that through a special use permit and site plan they will have a much better idea of the impact this will have on the neighbors opposite this site and the Woolen Mills and Belmont/Carlton area residents, and he is pleased to have discussed this with the Planning Commission. Mr. Frazee stated he is very much in favor of having this grow in a positive way, but taking the steep slopes designation off of this is probably not the best support for the development of the area as a whole. He urges the Board to consider that and look long-term at the area and its many opportunities.

Mr. Mascot stated the slopes along Franklin Street they are asking to be rezoned are not associated with a water feature, so that concern will be handled through stormwater management in the site plan phase. He said the client is also in favor of economic development and has invested in topographic information to determine the specific issues that will help facilitate the thoughtful development of the site.

There being no further public comment, the Chair closed the public hearing.

Mr. Sheffield asked Mr. Benish to address the special use permit aspect of this.

Mr. Benish explained another option in terms of development potential on this site is a special use permit for access to this site, if it has to be through critical slopes.

Mr. Sheffield commented the applicant will need to have a better understanding about what they want to build. Mr. Benish confirmed that would be the case with a special use permit process, as the intent will be to minimize the impact of critical slopes and thus more detail will be needed. He stated the process being undertaken now pertains only to how the designations of preserved and managed are determined, not how the site will be developed, and the SP process will look at more facts related to the entrance.

Mr. Davis said with a special use permit, the applicant will have to show that there is no other reasonable entrance other than one that encroaches on the critical slopes.

Mr. Boyd asked if this is not specifically for the entrance then. Mr. Benish explained there is not a particular proposal for this site, although the applicant did provide a concept and a development envelope, but there is not a specific entrance identified.

Ms. Mallek stated there is access a bit further south that does not cross the critical slopes at all, and she disagrees strongly that stormwater falling on this precipice will not run downhill, as the water will run down with high velocity into the wetland, and will impact the creek.

Mr. Newberry said staff has talked to several people about access opportunities for the site, and the City controls Franklin Street. He said VDOT has looked at this and said that opportunities currently outside preserved slopes are not appropriate for an entrance because of the proximity resulting from the two entrances being that close to each other. Mr. Newberry stated the City has said if the site would develop and an entrance is requested off of Franklin Street, the applicant will have to demonstrate that access was denied through Moore's Creek Lane and Broadway. He said staff has contemplated whether there may be access through the Yves Delmore site, and access points on Moore's Creek Lane will also involve preserved slopes, so if a Franklin Street entrance were ever approved, it would have to be on the preserved slopes shown.

Ms. Dittmar said that City planning staff cannot dictate what will be decided by Council, especially since there is not a plan yet for the site, and it may be advantageous for them to work together on a larger plan that will involve a broader historic area.

Ms. Mallek stated the "just in case" is not enough to make her want to approve a change on this. Mr. Newberry stated staff has met with Water Resources Manager Greg Harper about the water quality impacts of the site developing in the future, and his analysis is that there will be no way to know whether there will be positive or negative impacts. Mr. Newberry said Mr. Harper has indicated that a lot of sites developing now are resulting in a net positive, and he is unwilling to confirm the assertion that site development will degrade the water quality.

Ms. Palmer said it is identified in the Comp Plan now, and both City and County Planning Commissions have denied it, and there is a special use permit option available as well.

Ms. Dittmar stated it is to the applicant's credit that they work hard to see how this might work as a managed slope, and it is difficult to take the step to make the change from preserved to managed, and there must be a very compelling fact in order to do so. She said this neighborhood has great pride and includes both City and County residents, and her motion will be to deny the resolution, although she is pleased there is a special use permit option. Ms. Dittmar stated that a company interested in the site may need to work with the land as presented or wait for a small area plan that incorporates the larger slope system.

Ms. Dittmar then offered motion to adopt the proposed resolution disapproving ZMA-2015-00002. Ms. Palmer **seconded** motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield, Mr. Boyd and Ms. Dittmar.
NAYS: None.

RESOLUTION DISAPPROVING
ZMA 2015-00002 FRANKLIN STREET

WHEREAS, the application to amend the zoning map for Tax Map and Parcel Number 07700-00-00-040B0 (the "Property"), is identified as ZMA 2015-00002, Franklin Street ("ZMA 2015-00002"); and

WHEREAS, the Property is zoned Light Industry and Steep Slopes Overlay District; and

WHEREAS, ZMA 2015-00002 proposed to amend the Steep Slopes Overlay District zoning map to rezone 31,894 square feet of steep slopes on the Property to change the designation of those slopes from preserved slopes to managed slopes in order to allow their disturbance for any use permitted in the Steep Slopes Overlay District zoning district pursuant to County Code § 18-30.7.6, subject to the design standards in County Code § 18-30.7.5; and

WHEREAS, on July 14, 2015, after a duly noticed public hearing, the Planning Commission recommended disapproval of ZMA 2015-00002.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for ZMA 2015-00002 and all of its attachments, the information presented at the public hearing, the written comments received from members of the public, the factors articulated by the Planning Commission in its recommendation for disapproval, and the material and relevant factors in County Code § 18-33.6 and Virginia Code § 15.2-2284, the Board hereby disapproves ZMA 2015-00002.

Agenda Item No 24. **Presentation:** Route 29 Solutions Project Delivery Advisory Panel (PDAP) Monthly Update.

Mr. Mark Graham, Director of Community Development, addressed the Board, stating there are two crossovers on Route 29 at the Rio area that are closing the following Wednesday, and two temporary crossovers will be opened, one at Myers Drive and one at Berkmar. He said once this happens, the pace of construction for the project will accelerate, including lane closures while the structures are put in place to build the walls for grade separation. Mr. Graham stated VDOT is committed to try to get this done on the Albemarle Square and Fashion Square frontage before Thanksgiving, when the holiday season starts, so it will be quite a busy work pace for the next few months.

Mr. Sheffield stated VDOT has told him the farmland on Rio Road where dirt is being taken is not being done under their purview, but Fielder's Choice is selling that dirt to the landowner. Mr. Graham confirmed that is correct, and explained that contractually, VDOT declares any material not being used as "excess," and it then becomes the property of the contractor. He stated the property owner has a grading plan to allow that to be a waste area, and it is permitted and regulated by the County.

Ms. Mallek asked where the area in question is. Mr. Sheffield stated it is on the right-hand side when traveling south and turning at the CATEC intersection, across from Dunlora Forest. He said the issue has been that they are doing work past 10:00 p.m. and the contractors have claimed they are exempt because they are doing work as part of the VDOT project.

Mr. Graham said staff had worked with the property owner and contractor on this about two weeks ago.

Mr. Sheffield stated they are still doing it.

Mr. Graham said staff will need to get back out to the site, and while there is nothing in the erosion and sediment control permit that prevents working at night, construction noise is only exempted until 10:00 p.m. He stated they will need to get with the police on enforcement, if there are still issues.

Mr. Davis stated this situation had bounced around a bit, and it is possible that the noise ordinance needs to be amended to correct this. He said when the noise ordinance was adopted, they anticipated that public projects would require exemption because of their nature, and this is the type of use expected for exemption. Mr. Davis said VDOT has thrown a wrinkle into that because of the way they are managing the project, and staff is struggling with this a bit because their initial advice to police was that this is an exempt project, and Mr. Graham has been working with the contractor to mitigate noise impacts and address the most significant ones, but perhaps more work needs to be done.

Mr. Sheffield said the problem he is encountering is noise related particularly to slamming tailgates, and this will need to be addressed because it has happened off of Woodburn and Lochlyn Hills, and the contractors will dump the dirt wherever they can.

Mr. Davis stated staff is concerned about the impact of what this will be next year when the grading for the grade-separated interchange starts, because it is uncertain where that dirt will be dumped, and their understanding with the waste to which Mr. Sheffield is referring is that it will be finished within the next week. He said this is something they need to address going forward because of the potential for the situation to repeat and intensify the following summer as the project accelerates, and staff will do some work on this and bring it back to the Board. Mr. Davis noted it may have an associated cost and an impact on public projects.

Mr. Graham said VDOT is working with businesses on the tour story and signage program, which fits in with the County's business assistance program, and is waiving their fees for the signs as well as relaxing some of their qualification criteria. He stated VDOT has worked with the business community on place naming for the area, working with a consultant to put information together, and it will likely be available at the PDAP meeting the following day. Mr. Graham stated VDOT will give the County until the end of the calendar year to advise whether any information should be incorporated into the VDOT signs for the project area.

Mr. Graham reported the Route 250/29 interchange is moving along quickly, with work being done on the retaining walls. He said the median barriers are in place for the Route 29 North widening, and VDOT will start doing some of the clearing inside for the lane widenings, with lanes on one side added first and then a median to shift all the traffic over to one side. Mr. Graham stated the 60% plans have been done for Berkmar Road and VDOT is working toward the final. He said the County has been pushing for a boat or canoe launch for under Berkmar Bridge, and the Department of Game and Inland Fisheries have been working with Parks and Rec and VDOT to figure out how to make it happen. Mr.

Graham said it is looking promising, as the gravel can be left in place for the launch. He stated there is a revised traffic warrant signal for Greenbrier and Hillsdale, and the data looks positive at this point.

Ms. Mallek asked what staff has received from VDOT regarding storm water control for the Berkmar project at the top of the hill that will protect the vernal pool at the bottom.

Mr. Graham responded it is part of the 60% plans but is not fully developed, and staff has also raised concerns, particularly in light of the presence of salamanders. He stated everyone is on the same page with it due to concerns about the pool and the presence of a particular threatened species of bat, but overall they have completed their environmental work.

Ms. McKeel commented the advertisements VDOT has released regarding the changes to the roadways are very good, and are appearing on radio and TV.

Mr. Graham stated VDOT's outreach with the business community and general communication has been very good, and everyone is aware the roadwork is happening.

Ms. Mallek commented this should be the new standard to strive for, and when people put their minds to it a lot can get done.

Ms. McKeel stated she recalled that Mr. Phillip Shucet had talked about having a camera in place during work of the Rio interchange to follow the construction as it goes along.

Mr. Graham said staff is working on that because they want to have a real time as well as a time lapse camera.

Mr. Boyd noted that Martha Jefferson Hospital had done that with their construction and could be consulted as far as how that was done.

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(Note: Mr. Sheffield read the following Transactional Disclosure Statement: "I am employed as Executive Director of JAUNT, a regional public transportation provider owned by the City of Charlottesville and the counties of Albemarle, Fluvanna, Louisa, Nelson, Buckingham, and Amherst located at 104 Keystone Place, Charlottesville, Virginia 22902, and have a personal interest in JAUNT because I receive an annual salary from JAUNT that exceeds $5,000 annually. He said he would not participate in this matter." He then left the meeting at 8:30.

Ms. McKeel said the Board has the opportunity to discuss possible commuter routes during the construction period of the Route 29 projects, to include JAUNT busses, and they are discussing a route from Hollymead Town Center to UVA to the City. She added she understands the County has the ability to match this with some proffer money.

Mr. Boyd stated his understanding is since that section of Hollymead Town Center has not been developed yet, the proffer is not in place. Mr. Graham responded the proffer is upon the demand of the County, and is not restricted as to how much development has to occur. He said there are some other points about the proffer to keep in mind: it allows for a $50,000 contribution per year for up to 10 years, but the contribution can only be demanded by the County once the transit line is in place. Mr. Graham stated once the County pulls the trigger on the 10 years, they will need to continue it for 10 years consecutively, not just during construction, or the money will be off the table.

Mr. Boyd said he recalled the proffer being made by the Octagon Company, which had bought a segment of the project, and S.L. Williamson agreed to the original proffer, but that section of Hollymead was defaulted on and retracted. He stated his understanding is that it would not have been instigated until that section of the development moved forward.

Mr. Graham stated the property was in Area A, and the proffer has been amended by the current owner since it was taken back. He stated the property was subject to an amendment to the zoning and the proffer has actually been increased as part of the rezoning, which speaks to on demand by the County but not a certain level of development.

Mr. Boyd said he did not realize the proffer had been increased.

Ms. Mallek responded it was because extra sections had been added, and it was originally for a bus line. She stated she would be thrilled to have a bus that goes through Hollymead Town Center and out to the airport, and even a bus coming down a country road would be better than all of the cars.

Ms. McKeel commented a small bus would be nimble.

Ms. Mallek said it would need to be a real transit bus, because to qualify for the proffer they will need to have a CAT bus.

Mr. Graham stated it is important to clarify these points, adding the proffer will only cover about one-half to one third of the cost, so the County will need a sizable contribution to make a CAT route work. He noted the Board had set higher priorities when working on their transportation priority list, and staff plans to bring something back to them in October.

Mr. Boyd said his question for Ms. Karen Davis is how much can be done in the $50,000 range.

Ms. Karen Davis of JAUNT addressed the Board, stating the organization has federal dollars available to them this year and next if they have a local match, and already have commuters going up to Hollymead and NGIC so they have been contemplating the route anyway. She stated with the combination of the proffer money, the federal dollars and fare revenue, they can conceivably cover about $115,000 for two busses in the morning and two runs in the afternoon. Ms. Davis said they already have busses on order and can redesign the wraps to feature a commuter route, with more discussions needed for a 10-year plan. She added she lives in Forest Lakes and sees people daily walking to Target to go to work, so there is a need for this, and over time if demand grows the costs will also grow.

Mr. Boyd stated they used to run a bus up to this area called "Big Blue," but there was not enough ridership so the route failed and CAT withdrew it.

Ms. Davis responded it takes time to establish a commuter route, and there are two regular commuter routes from Buckingham and Nelson and one from Fluvanna, with 28-passenger buses from Buckingham that are often full and have waiting lists. She stated they will need to look at the target audience to figure out when people will get to work, and the more stops the slower the route and the more frustration for riders. Ms. Davis said they would want to stop at the Hollymead Town Center and perhaps others, and would like to be part of the conversation.

Ms. McKeel said she would like to direct staff to work with JAUNT to bring back information for the Board at the first meeting in October.

Mr. Foley stated staff has already met with JAUNT and started the analysis, so it will not be a problem to meet that timeframe.

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NonAgenda. The Board recessed their meeting at 8:42 p.m., and reconvened at 8:48 p.m. Mr. Sheffield returned when the Board reconvened.)

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Agenda Item No. 25. **Presentation:** Albemarle County Service Authority (ACSA) Quarterly Update.

The following memorandum was received from Mr. Gary O'Connell, Executive Director:

"We at the ACSA again appreciate the regular opportunity to update the Board of Supervisors on our projects and issues. We look forward to presenting our quarterly report and being available for questions at your September 2nd meeting:

1. **<u>Budget and Rates</u>** – The Board at their June 18th meeting approved the FY 2016 Budget of $29.05 million. The increase in the budget is largely due to the water and wastewater treatment charges from our wholesaler RWSA (a 7% increase). The average residential customer, at 3,300 gallons usage, saw a $1.41 increase in their monthly bill. The ACSA average residential bill continues to be below the statewide average. Also, the ACSA residential bill is 22% less than a comparable City of Charlottesville customer bill.

2. **<u>Rate Survey</u>** – The water association (AWWA – American Water Works Association) annually conducts a survey of rates. Residential water bills (from the AWWA survey) rose 9.5% from 2012 to 2014, more than twice the Consumer Price Index increase. For the same three year period, the ACSA's increase in an average residential customer's bill was 2.38% (assuming the customer used 3,300 gallons).

3. **<u>Annual Water Conservation Report</u>** – (1) under the low flow Toilet Rebate Program, 272 toilets were replaced, (2) 33 rain barrels installed, (3) four car washes in the Certification Program, (4) public awareness events and advertising and, (5) active Leak Detection Program.

4. **<u>Major Agreements</u>** – We thank the Board of Supervisors for your support of two recent agreements: (1) Deed of Transfer for Crozet and Scottsville; completion of the 1973 Four Party Agreement Deed Transfers; (2) New Debt Formula Amendment to the Four Party Agreement that uses fixed debt service payments for RWSA, replacing a prior formula based on flows that was widely variable month to month and difficult to budget.

5. **<u>Financial Accomplishments</u>** – The ACSA for the 33rd year received the GFOA (Government Finance Officers Association) Certificate of Excellence in financial reporting, quite a kudo for our agency. Also, we are in the midst of implementing a new financial system (Microsoft Dynamics AX) to replace a 25 year old system.

6. **<u>ACSA Capital Projects Update:</u>**

- **<u>Key West Water Main Replacement</u>** – A waterline project to replace an existing line that is old and deteriorating. In addition to a new waterline, additional fire hydrants will be added to increase the level of fire protection in Key West. This contractor started the installation of a new 12 inch water main in early April;

about 30% of the project is complete, with 30 water services connected to the new water main that is in service.

- **Westmoreland Water Main Replacement** – This project is to replace a 50 year old waterline that has recently experienced multiple leaks. The Westmoreland subdivision is located between the Carrsbrook and Northfields subdivisions that are also scheduled for future waterline upgrades. Project surveying has been completed. We are at work on the 50% design documents. We recently hosted a community meeting with the affected customers to get their input on the proposed project.
- **Ashcroft Water Improvements** – A new tank has been installed and pressure reducing stations have been upgraded. A replacement pump station has been completed and is now in operation. The project is complete.
- **Michie Tavern Water Main Replacement** – A new waterline is being designed that would connect near PVCC on Route 20. The current line is over 70 years old and badly deteriorating. The project is at 90% final design, with necessary easements being obtained. Looking to a late September bid.
- **Ivy Water Main Extension** – This is a new water main extension to serve residences and businesses in the Village of Ivy, adjacent to Route 250 West that have had their wells contaminated by leaking underground fuel tanks. This is a DEQ funded project.
- **Crozet Water Main Replacement Phase 2** – A phased waterline replacement program has been completed in Crozet. Work recently has been completed on High and Myrtle Streets, and we have completed the work on Hilltop Street. This project is complete.
- **Berkeley Water Main Replacement** – This is another one of our waterline replacement projects for an older line, nearly 60 years old. A recent community meeting was held to review the project with our customers in the Berkeley subdivision. We have completed 100% of the design. We are also coordinating with Charlottesville Gas, as the neighborhood is very interested in new gas service.
- **Glenmore Water Tank Project** – This project is designed to add an emergency backup to the Village of Rivanna area, as there is a single 4½ mile waterline to the east to serve this area. The easements needed for the project have been completed. The final site plan has been approved, and the County as co-owner has executed the Deed of Easement. We have completed the 90% design documents. The timing of the bid is dependent on the rough grading schedule for the Rivanna Village development, so as to coordinate the two projects and not have conflicts.
- **Water Tank Maintenance** – Annual Comprehensive Program for the maintenance and rehabilitation of the eight (8) ACSA water tanks. Services include cleaning, inspection, coating evaluation and repairs.
- **Ivy Road-Flordon Water Connection** – This project, located near Ivy Nursery at Route 250, is an interconnect project to connect to the West Leigh area for water system and fire protection redundancy in emergencies. A contractor has started work on the project and is 35% complete. VDOT has awarded their bridge relocation project, which constructs a portion of this new water main connection; this work has started.
- **Ednam Water Pump Station Upgrade** – This project will provide an alternate source of water to West Leigh by upgrading the existing pump station and increasing pumping capacity. We are in the final design phase with final site plan and approvals underway.
- **Orchard Acres Waterline Extension** – One of our Crozet area waterline replacement projects to upgrade and replace aging waterlines. This project is at the 50% stage in the design documents. A community meeting was held for this project in May.
- **Sewer System Rehabilitations** – Work is near completion in the Ednam Sewer System. We are working with Farmington on sewer upgrades to their private system that connects into the Ednam System. The study phase of the PVCC Sewer Drainage Basin has been completed and the rehabilitation work should begin in September.
- **Greenbrier Drive Sewer Replacement** – As the City's Hillsdale Drive Extension Project is being designed, we are coordinating to replace a 700 foot section of sewer. This is a future CIP project, so doing the work now in conjunction with the City project will be a significant cost savings.
- **Oak Hill Sewer (Phase 2)** – The ACSA staff continues to appreciate the work of the Albemarle Housing Office to assist in seeking CDBG grant funding for this new sewer line project to serve 20 additional properties that have failing septic systems. We have completed easements. The grant application goes to the Governor's office next for approval.
- **West Leigh Waterline Replacement** – Work has been completed to replace an existing waterline on Devonshire Road, Wendover Drive, Suffolk Road and Cornwall Road.
- **Sanitary Sewer Rehabilitation** – We continue our ongoing program to rehab the sewer system, lines and manholes. Relining projects include the Woodbrook area, Camelot, Ednam, PVCC and the Woolen Mills area.

- **<u>Route 29 Solutions (VDOT Project) – Utilities</u>** – As the Board is well aware, road work for this project is under a design-build contract for construction. The project consists of the three parts: (1) Rio Road/Route 29 Grade Change Intersection, (2) 29 North Widening, and (3) Berkmar Drive Extended. All these projects have major impacts on both ACSA and RWSA utilities. This includes utility line relocations in a number of areas. Construction on Rio and Route 29 has begun.
- **<u>Crozet Water Main Replacement Phase 3 (New Proposed FY 2016 CIP Project)</u>** – This project continues our work to replace aging, undersized, and deteriorating water mains in the Crozet Water System. The proposed work will be on Jamestown Road, and a section of Park Road to Dunvegan Lane. The work proposed for next year is the design of the new water mains to provide a more reliable water distribution system.
- **<u>Key West – Dunlora Water Connection (New Proposed FY 2016 CIP Project)</u>** – To continue the ACSA goal of building redundancy into the water system, this project provides another major water main connection across the Rivanna River. By creating a loop with the Dunlora subdivision and the Key West subdivision, this new waterline will help fortify the water system on the east side of the Urban Ring. It also improves water quality in Key West. The design is complete, and the work will be coordinated with the ongoing Key West Water Main Replacement Project.
- **<u>Camelot Drainage Basin Sewer Study (New Proposed FY 2016 CIP Project)</u>** – This project continues the ACSA work to identify sewer system areas in need of rehabilitation to reduce infiltration and inflow (I/I). The study areas include the older portions of Camelot and Briarwood, as well as the Rivanna Station area. The study will be completed in FY 2016 and rehabilitation work will carry over into FY 2017.
- **<u>Oak Forest Pump Station Abandonment (New Proposed FY 2016 CIP Project)</u>** – This wastewater pump station was constructed 35 years ago and is deteriorating, and the original pumps are in need of replacement. With the development of the Stonefield area (and the associated sewer lines), we have identified a sewer main extension project that could eliminate this aging pump station and avoid an expensive upgrade.
- **<u>Peter Jefferson Place Pump Station Improvements (New Proposed FY 2016 CIP Project)</u>** – This pump station constructed 17 years ago was designed to serve a large drainage basin with the potential for dense development. To date the potential development within the drainage basin has been slow, and as a result the pumps are over-sized for the amount of flow received at the station. Due to the lower flows the pumps are not operating efficiently and this is increasing the wear and tear on the equipment. A study to evaluate options to improve the efficiency of the pumps without replacing them will be undertaken to determine the best approach.
- **<u>Airport Sewer Collector Upgrade Evaluation (New Proposed FY 2016 CIP Project)</u>** – The original sewer collector serving the airport and the area west of Route 29, which now includes the Hollymead Town Center and Willow Glen, was originally sized to serve the light industrial zoning designated for that area at the time of construction. As a result, the increased density specified in the County Comprehensive Plan for the same drainage basin, at buildout, will exceed the capacity of the existing sewer main. This project will review the current zoning, the County's Places 29 Master Plan and the existing conditions of the sewer system to develop a plan for upgrading the capacity of the Airport Sewer Collector.

Thank you for your continued support, and for giving us a regular opportunity to update the Board on the ACSA activities as we work to provide high quality water and service to our 18,500 Albemarle County customers."

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Mr. Gary O'Connell, ACSA Executive Director, addressed the Board and stated the ACSA and RWSA focuses on putting good practices into place, such as the use of granular-activated carbon, to improve water quality in the community. Mr. O'Connell stated over the past quarter, the ACSA's budget and rates were approved, with 22% cheaper on the average residential customer bill than the City, and are also lower than the statewide average as well as a national survey. He said the Authority put forth a lot of water conservation incentives such as toilet and rain barrel rebates, and partnered with the City on conservation and public information. He stated the ACSA has an active leak detection effort and discourages outdoor watering during dry times. Mr. O'Connell stated the Authority is partnering with the RWSA to do a water audit to look at water use from the point it leaves the treatment plant to when it gets to the consumer, to determine how much water is used in the City versus the County, to help zero in on specific areas that might need attention. He thanked the Board for their support of transfer of the facilities, and said the Rivanna boards had approved the four-party agreement and the fixed-debt formula. Mr. O'Connell stated the ACSA has received a certificate of excellence in financial reporting, and the agency is in its 33rd year.

Ms. Palmer commented that she was surprised to see there is a leaky underground storage tank in Ivy, and mentioned the ACSA had to rescue 11 homes in the Red Hill area due to contamination. She said there are others around, and her concern is how much of the area the DEQ has notified, and it is important when these things take place that everyone in the area is notified so they can get their wells checked. Ms. Palmer noted the Ivy site is also near the creek.

Ms. Mallek said she is surprised this was not public knowledge, at least in the newspaper.

Mr. Graham stated the County keeps a GIS map online of all the underground leaking storage tanks in the County, including marking a 1,000-foot radius around it as an affected area. He noted as part of the Red Hill incident, the County has changed its groundwater ordinance so people in the area or drilling a well for a new house are required to get a test for Benzene and other gasoline compounds.

Ms. Palmer asked if the incident in Ivy is an old well, because her impression was that it is a new well.

Mr. Graham stated he does not know about this particular well, but the County's database is updated every 30 days and if he pulls it up he is confident this well will be on there.

Ms. Palmer commented she has asked for a DEQ response and said a plume did not necessarily stay in a circle around the contamination area. Mr. O'Connell stated he only knows the DEQ approached the ACSA about providing public water for five properties around the site, but he is not aware of the history.

Mr. Boyd stated part of the reason they are putting a pipe in his neighborhood is that about eight or nine years ago there was a contamination incident that made his water undrinkable for about a year, which is how long it took the lines to be brought out there.

Ms. Mallek stated that Governor Allen had canceled all of the records containing the history of these leaking tanks, which removed the ability of localities to get federal funding for reparations.

Ms. Mallek stated she is happy to hear about the ACSA's conservation efforts, as she noticed the South Fork of the Rivanna has dropped two feet since Friday. She said she has gotten calls from residents about a truck stopped on Hydraulic Road filling up at the irrigation hydrants, and wants to know what that process entails. Mr. O'Connell explained for water haulers in the County, there is a program through which the ACSA rents out a hydrant meter and has six yellow meters for authorized users. He said they have issued about 200 hydrant meters, and those are the only locations authorized. Mr. O'Connell said the ACSA had put a note in the newsletter that went out to customers the previous month to ask them to contact the Authority if they see anyone drawing water from a hydrant, either yellow or red, in the system.

Ms. Dittmar asked if there has been much problem with that. Mr. O'Connell responded that either people do not know or are sneaking in and stealing it.

Ms. Mallek said about six weeks earlier, an ACSA supervisor caught someone. Mr. O'Connell stated the contractor in that instance was doing it late at night because the project was on Route 29 and was starting late at night, and said the City has a similar program. He said if they see anyone drawing from a fire hydrant other than the fire department, to call the ACSA, regardless of who it is.

Ms. McKeel said she had also called about one.

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Agenda Item No. 26. **Presentation:** Rivanna Water and Sewer Authority (RWSA) Quarterly Update.

The following memorandum was received from Mr. Tom Frederick, Executive Director:

"I am preparing this as a report in advance of a scheduled briefing with the Board of Supervisors on September 2, 2015, and I am also distributing it to City Council as a written update. I am happy to address questions or other topics, either at scheduled briefings, or by e-mail or telephone:

1. <u>Amendment No. 1 to the Service Agreement</u>: All four parties have now approved the Amendment No. 1 to the Service ("Four Party") Agreement, and subject to the approval of RWSA's Bond Trustee, the amendment will take effect. The Amendment allows RWSA to modify wholesale water and wastewater charges to the ACSA and City for the urban area such that the fixed annual costs for debt service will now be a monthly charge and no longer converted to a rate based upon actual water consumption or wastewater flow. The ACSA, City, and RWSA all agree this is a "win-win" for all agencies, and it does not affect the rates either ACSA or the City charge to homeowners or businesses. The changes in wholesale rates and charges will be advertised to the public in early September and a public hearing will be held on September 22; the effective date may be as soon as October 1. The changes are revenue "neutral", meaning they are based on RWSA collecting the same estimated revenue as with the wholesale rates last adopted in May 2015. Congratulations to all agencies for the cooperation that made this happen.

2. <u>Schenks Branch Interceptor Replacement</u>: The City's Schenks Greenway public park is presently closed for RWSA to construct a new 30-inch interceptor between Harris Street and the McIntire Recycling Center. A fence has been installed to shield the construction

zone from surrounding development and construction is being limited to business hours. RWSA has been sharing information with the associations in the North Downtown area, and we invite any questions or comments from the public. A local contractor, Digs, Inc., is performing the construction. This construction is a part of the infrastructure RWSA needs to support the City's proposed upgrade to its 14th/15th Street Collector.

3. Water Treatment Plant Activated Carbon Filtration Improvements: Construction is underway to incorporate advanced carbon filtration technology at RWSA's water treatment plants, supporting an interest developed from within the community. This project will advance water provided to our citizens by ACSA and the City, which is already high quality, to a superior level. Completion is anticipated in late 2017. We have recently met with the homeowners association officers in subdivisions near the Crozet Water Plant toward providing education and outreach about the project and what to anticipate during and after construction.

4. New Rivanna Pump Station: Excavation of the new tunnel between the existing Woolen Mills site and the new site on RWSA's Moores Creek property is approximately 50% complete. The tunnel will be completed in about 60-90 days. Foundation for the new pump station is also underway with completion scheduled for mid-2017.

5. Wastewater Plant Odor Control: Preliminary design and value engineering has been completed and final design is now underway. RWSA is hoping to bid this project before the end of 2015 and will also be planning outreach activities in the coming months for public education about the project.

6. Ivy Materials Utilization Center: We understand that Albemarle County continues to consider its future interest in providing publicly supported solid waste programs for its citizens, and a part of that is the extent to which it desires to contract with RSWA to design, build, and/or operate its programs. The County is also considering specific actions at the Ivy transfer station to address deficiencies defined by DEQ. These latter actions must be concluded to allow a narrative plan to be completed by DEQ's December 31 deadline. Without that narrative plan, DEQ may order the existing transfer station closed by March 31, 2016."

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Mr. Tom Frederick, RWSA Executive Director, addressed the Board and added his thanks to them for their support of the four-party service agreement. Mr. Frederick stated the RWSA still has to get approval from their bond trustee, which should be easy but will take time. He said because of the way Virginia law is written on rate setting, in order to implement the rates in the new agreement, the RWSA has to hold a public hearing to authorize the rates, and that will take place with their regular Board meeting on September 22.

Mr. Frederick reported the RWSA is doing quite a bit of capital improvement work, and replacement of a portion of the Shenk's Branch interceptor is taking place in the City's Shenk's Greenway Park, where a fence has been put up to shield the homes from the project. He stated a local company, Diggs Incorporated, has won the bid for that project. Mr. Frederick said the carbon filtration improvements projects are well underway in construction, and the South Fork Rivanna Water Treatment Plant is in progress with other plants to follow. He stated as the project comes closer to completion, how they brand the work should be a collective effort as they will be producing outstanding drinking water for the community. Mr. Frederick noted the Crozet plant is near some residential subdivisions, and Rivanna has been talking with homeowners association leaders and has offered a public outreach meeting for residents of those associations.

Mr. Frederick stated the tunnel for the new Rivanna Pump Station is now half finished, and within the next few months will be extended all the way to Woolen Mills, although the contractor overall is behind schedule. He said one of the biggest accomplishments the Board and community has is approval of the odor control project, which is important for residents of Belmont and Woolen Mills, and it is hoped the project will out to bid before the end of the calendar year.

Mr. Frederick said there is a lot to do in a short period of time before the end of the calendar year that relates to solid waste, and he encourages the Board to contact him for any information or education related to the decisions they need to make, as communications and information-sharing are critical at this point.

Mr. Frederick reported the weather has been unusual for Sugar Hollow Reservoir, and the last 60 days have been extremely dry, with the Sugar Hollow watershed dry for longer than that. He stated in transferring water to Ragged Mountain, the RWSA has been monitoring Sugar Hollow and saw some things that were puzzling, so the Authority sought the advice of the Department of Game and Inland Fisheries. Mr. Frederick said the RWSA then made the decision to shut the transfer to Ragged Mountain, but since making that decision Sugar Hollow continues to fall by about two million gallons per day, which coincides with the amount being released per day into the Moorman's River under the DEQ permit. He stated Rivanna sent some people up to look at the North Fork to the Moorman's above the reservoir and it looks like a dry creek bed. Mr. Frederick said he had just looked at the long-range forecast on Accu-Weather, and they show almost three weeks without measurable rainfall. He said if that does happen, it is expected for the Sugar Hollow Reservoir level to reach the bottom level intake, which means all releases to the river will cease and there will be no transfers. Mr. Frederick stated that is a concern particularly for aquatic life in the reservoir unless the weather gets cooler and wetter. He said the RWSA will do everything possible, and will issue alerts if necessary.

Ms. Palmer said that further up on the North Fork above the Moorman's, the water is running. She stated the first half mile has been a dry creek bed, and for years she has been told the river went underground for quite a distance, and asked Mr. Frederick if that is true. Mr. Frederick responded he has not heard that.

Mr. O'Connell explained the section right above the reservoir can look totally dry, but if you go up the stream there is an active flow, and if you go into the reservoir where it is currently low you can see where the water is coming out of the ground and spurts of water coming back up in the lake, so there is some kind of underground system.

Ms. Palmer stated during the 2001/2002 drought, you could go down in the mud and see the water bubbling up.

Ms. Mallek mentioned a lot of the changes were reported by neighbors after the earthquake of 2000, when there was a fairly substantial earthquake that was centered almost in Sugar Hollow. She stated the theory was that it had sprung a leak, which meant they were not capturing all of the water, even during high water times, and the high water mark was four or five feet lower than it had been as evidenced by all of the exposed roots.

Mr. Frederick stated whatever the reasons, they are not drawing from the reservoir but are still releasing to the stream and still losing two million gallons per day. He stated they are releasing about 1.5 million gallons per day as calculated natural inflow. Mr. Frederick said he had asked the RWSA Water Resources Manager to walk the Moorman's River below the dam, about 1/3 to ½ a mile to see if there are any visible signs that there is water appearing in the creek, and to see if there is any seepage under the dam.

Ms. Mallek stated the rains in the mountains are unusual, and the Lake Albemarle Road area is getting rain, whereas other areas are not. Mr. Frederick said there are interesting micro-climates associated with mountain ranges.

Ms. Mallek stated she is appreciative of Andrea Terry's help with exclusion of cars and blocking off of gateways at Sugar Hollow, and she hopes they will soon work on design of a parking lot closer to the gatekeeper's house. She emphasized it is important to note the reservoir is a water resource, not a playground.

Ms. Dittmar asked if she should worry about this, and if there is anything they can do as Board members. Mr. Frederick responded from the standpoint of implementing the plan of releasing water to the stream, there is concern about whether they may need to make some changes, based on existing patterns.

Ms. Palmer commented that building the pipeline will take care of the entire thing.

Ms. Mallek asked if they are beginning to accrue funding for the pipeline, built into the four-party agreement. Mr. Frederick responded the capital improvement program will start having that funding in 2017, and that is a study to define the corridor and can affect people's property in some cases. He stated they also have an ongoing reservoir management study, which is currently in the data collection phase, and hopefully by spring they will have some recommendations in terms of economic, practical measures that can be taken to improve the health of reservoirs. Mr. Frederick said it is hoped this will provide detail as to the best way to build the pipeline project.

Ms. Mallek said hopefully there will also be some suggestions for land use strategies. Mr. Frederick said they are trying to focus on things that are practical and achievable, and there is 269 square miles of coverage so they need to focus on what can be done in the short term.

Ms. Mallek stated that buffering alone with forested buffers will be helpful. She asked if Mr. Frederick can provide any information on the longer hours for septic collection. Mr. Frederick responded the RWSA Board had discussed it the previous week, and they are still collecting data, with staff meeting the following week and a recommendation planned for the Board meeting on September 22.

Ms. Mallek said it is a real concern to figure out a better way to do this, as septage haulers are not going to keep a full truck in their garage overnight.

Ms. Mallek commented the South Fork is falling fast, as consumption increases when students go back to school. Mr. Frederick responded what they are seeing at South Fork is normal, as it happens about 7 out of every 10 years.

Ms. Palmer asked about the need for the bond trustees' approval of the amendment to the four-party agreement, stating they should be thrilled at this change. Mr. Frederick responded it often takes time to work with financial institutions, but they will most likely be very pleased.

Mr. Foley recognized Mr. Frederick and his staff for their hard work on solid waste issues, and noted there is more in the coming few weeks.

Agenda Item No. 27. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. Dittmar stated the Broadband Management Committee had met the previous Monday. She reported that regarding the Connect America Funds they had petitioned Century Link for in Virginia to help deploy more internet access ability, Century Link has agreed to accept the funding, which amounts to about $5 million for Albemarle. Ms. Dittmar said the committee will be meeting with Century Link on October 8 and can bring information back to the Board for their second meeting in October. She stated the County is eligible for one of two grants, and has applied for the one pertaining to mapping, and either way will need to do mapping because that qualifies them for everything else.

Ms. Palmer stated they really do not know what this means for Albemarle County, so they need to be careful not to get people's hopes up.

Ms. Mallek asked when they met with Century Link, they affirmed how important it is to have hardwired broadband instead of running to wireless, because without that people have nothing when the power goes out. She said even just offering encouragement to the company will be valuable.

Ms. Dittmar distributed a handout from the VACO session, which she and Mr. Foley had attended. She stated she had met with Colonel Sellers about crime statistics and hopes other Board members had reached out to him as well.

Ms. Mallek reported there is a lack of cohesion among the state agency departments that have been part of the one-stop agreement, as they are not working together, and she feels the County may need to reach out to the Governor about this issue. She said that the community college system has gotten control of the workforce center money, so they will be gearing that for courses they offer, but that will not include certificate programs, because the state only gives credit for associate degree programs. Ms. Mallek stated that despite lots of outreach from the workforce council to the VCCS chancellor, the system seems completely disinterested in the issue, and is putting some pretty significant restrictions on things like transportation and childcare, yet still demanding the workforce center have no carryover from year to year. She said it has been very frustrating, and she will keep the Board posted.

Agenda Item No. 28. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Foley stated for the next three months, there will be afternoon worksessions at 3:00 p.m. on the dates of the night meetings, primarily in review of the five-year plan with the School Board, as well as with the City Council this month. He said the tentative major agenda items include reports from three major citizen committees: the Solid Waste Advisory Committee, Water Resources Funding Committee, and Citizens Resource Advisory Committee. Mr. Foley noted this will be happening during a transition time on the Board with fall elections. He stated the Shenk's Branch easement, court project and Ivy transfer station will all require an agreement and negotiation, and both the Community Development and Economic Development work programs will also be coming forward. Mr. Foley said all of this will be feeding into the five-year plan, which will be discussed in December. He mentioned that S&P, Fitch and Moody's rating agencies had all visited the County the previous week, and the agencies had expressed that the County is a good risk, so hopefully this will allow Albemarle to retain its AAA rating as it goes out for $40 million in bond issuance. Mr. Foley acknowledged Betty Burrell, Bill Letteri and Susan Stimart for their work, and around Labor Day the County should hear how this turns out.

Agenda Item No. 29. Adjourn to September 9, 2015, 3:00 p.m., Room 241.

At 9:32 p.m., with no further business to come before the Board, **motion** was offered by Ms. Mallek, **seconded** by Ms. Palmer to adjourn the meeting to September 9, 2015, 3:00 p.m., for joint meeting with School Board.

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield, Mr. Boyd and Ms. Dittmar.
NAYS: None.

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Chairman

Approved by Board
Date: 11/11/2015
Initials: EWJ