An adjourned meeting of the Board of Supervisors of Albemarle County, Virginia, was held on December 14, 2016, at 3:00 p.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia. The meeting was adjourned from December 7, 2016. The regular night meeting was held at 6:00 p.m.

PRESENT: Mr. Norman Dill, Ms. Ann Mallek, Ms. Liz A. Palmer, Mr. Richard Randolph, and Mr. Brad L. Sheffield.

ABSENT: Ms. Diantha H. McKeel.

OFFICERS PRESENT: County Executive, Thomas C. Foley, County Attorney, Greg Kamptner, Clerk, Claudette Borgersen, and Senior Deputy Clerk, Travis O. Morris.

Agenda Item No. 1. Call to Order. The meeting was called to order at 3:00 p.m. by the Chair, Ms. Palmer.

Agenda Item No. 2. **Work Session:** Approval of FY 18 - FY 19 Two-Year Fiscal Plan.

The Executive Summary as presented by staff states that The Five Year Financial Plan developed in November, 2015, demonstrated that the cumulative impacts of community and Board aspirations, growing citizen expectations, and service obligations created by population growth would outpace available resources into the future unless significant transformation was achieved. The Board of Supervisors, staff, and public had significant discussions about finding a balance between a realistic level of revenues going forward and the expenditures which can be supported by that revenue. As a result, beginning in April 2016, the County embarked upon a priority based budgeting process that cumulated in the development of a new Strategic Plan and a corresponding FY18-FY19 Two-Year Fiscal Plan.

The chart below demonstrates the several milestones along the way which cumulated with a plan that was presented to the Board of Supervisors on Nov. 9, 2016:

April 2016	• FY17 Budget adopted including priority driven budget process / balanced Two Year Fiscal Plan
May, 2016	• Board of Supervisors (BOS) identifies strategic priorities
June, 2016	• BOS ranks most urgent strategic priorities
July, 2016	• BOS reviews detailed breakdown of all County programs and services including expenditures for each (Program and Service Inventory)
July - August, 2016	• Staff refines strategic priorities to create action objectives to be achieved in the FY17 – 19 Strategic Plan, provides public feedback opportunity
September, 2016	• Joint BOS / School Board work session on the Two Year Plan • BOS discusses refined action objectives and resource needs
October 2016	• BOS continues work on refined action objectives and resources needs and endorses the resulting FY17 – 19 Strategic Plan
November, 2016	• Draft balanced Two Year Fiscal Plan which supports the Strategic Plan presented to BOS

The Recommended Two-Year Fiscal Plan includes stronger than previously projected revenues, strategic use of new revenue and one time monies, and a focus on transformation activities that will result in reduced costs and improved productivity. The plan does not include real estate tax rate increases for operating expenses and it delays the timing of previously projected real estate tax rate increases projected to be required to support the Capital Improvement Plan (CIP).

The Board has held work sessions on November 9, November 17 and on December 7, 2016 to review, discuss and provide guidance to staff. The final work session is scheduled for December 14th at which time staff will request that the Board to approve the Fiscal Plan.

The FY18- FY19 Two-Year Fiscal Plan will inform the FY 18 Budget Development Process.

Staff recommends the Board approve the FY 18 - FY 19 Two-Year Fiscal Plan.

Ms. Lori Allshouse, Director of Office of Management and Budget, addressed the Board and reminded them that this is the fourth work session held to discuss the Two-Year Fiscal Plan, and the desired outcome is for the Board to approve the plan, which would then enable staff to begin developing an FY18 budget. She presented a slide that listed four items in the agenda as follows: brief review – plan highlights; review staff recommendation – dedication of additional funding targeted to small, small area level projects and improvements; Board approval of Two-Year Fiscal Plan – guidance for development of FY18 budget; and next steps. Ms. Allshouse noted that the next slide lists the guiding principles used to develop the Two-Year Fiscal Plan: 1) prioritize services; 2) do the important things well; 3) question past patterns of spending; 4) know the cost of doing business; and 5) provide transparency.

The next slide presented by Ms. Allshouse listed the plan highlights:

- Building blocks established by long-range planning and FY17 budget
- Shaped by strategic plan and priority-driven budgeting
- Opportunities provided by stronger than previously projected revenues and one-time year-end funds.
- Utilizes funding formulas for schools and CIP
- No tax rate increases for operating costs and CIP tax rate increase delayed
- Strategic use of new revenue and one-time monies
- Incorporates transformation concepts that reduce costs and improve productivity
- Enhances use of dedicated revenue for specific services
- Continue to face unmet needs

The next slide provided a summary of the topics of discussion at the three previous work sessions: 1) How well the plan advances the strategic plan; 2) How well the plan maximizes transformation; and 3) How well the plan sustains our quality organization.

Ms. Allshouse noted that at the last work session, she was asked to provide detail on revenues provided to the Fire Rescue Services Fund. She presented a slide that showed an estimate of a $546,000 increase in local revenues for FY18 and an increase of $360,000 for FY19 and included the following information:

- The establishment of the Fire Rescue Services Fund occurred in FY16 and included the dedication of an additional penny on the real estate tax rate.
- The local tax funding for the Fire Rescue Services Fund is equivalent to 7.6 pennies on the real estate tax rate.
- Local revenue increases to the Fire Rescue Services Fund are based on increases in the value of those 7.6 pennies.
- A portion of the 7.6 pennies supports Fire Rescue related CIP and debt expenses.
- The Fire Rescue Services Fund also includes related expenses from the state, EMS cost recovery, permits and fees.

Mr. Sheffield asked if they have stopped transferring money from the General Fund. Ms. Allshouse responded that all funds come into the General Fund, and local revenues transferred to the Fire Rescue Fund only come from the growth in real estate, based on calculations.

Mr. Foley interjected that the two-year plan does not supplement the fund, but lives within the means of the 7.6 cents.

Ms. Palmer said she had been confused before it was explained to her, and emphasized that real estate tax revenue increases go to the CIP, not the Fire Rescue Fund.

Ms. Mallek asked for confirmation that it is the value of 7.6 cents in any particular year. Ms. Allshouse confirmed this.

Mr. Foley said there could come a time when the value of the 7.6 cents is not sufficient to meet expenses.

Ms. Allshouse continued with her presentation. She said at the previous meeting, the Board directed to staff that they target additional resources to implement priorities identified for small, small area plans and provide an overview of an implementation approach. She said that staff recommends to initially provide $75K in one-time CIP funding to each of the seven Citizen Advisory Council (CAC) areas; provide additional funding in a pool for future allocation; and have an implementation approach to achieve this. She presented a slide entitled, “Summary, Two-Year Fiscal Plan Update – Neighborhood Revitalization Initiatives,” i.e. small-scale planning and improvements, which showed that the total initially designated to CAC areas would be $525K, with $875 left as a balance in the pool, which could also be used to fund staff and technical support. She noted that the total amount designated for revitalization initiatives is $1.4M.

Ms. Palmer asked what the average small, small-area plan would cost. Ms. Allshouse said the $75,000 is not for planning, but for implementation of small projects.

Ms. Mallek asked if these funds could be used advantageously to obtain a match for a bigger grant or if that would be a separate category.

Mr. Sheffield said the Federal Transit Administration has a 5309 program for transient-oriented development planning purposes and has just released the latest recipients. He stated that now is the time to start formulating an application for that grant, noting that those getting grants have been those who have been matching it with a healthy amount of money. Mr. Sheffield said they can almost double the amount of money in a short time period. He noted that the planning efforts would have to be transit oriented to obtain these grants, and said he would provide Mr. Foley with information on this and the application cycle.

Mr. Foley stated that there are seven CACs, and they would all try to figure out what is most important in their neighborhoods. He said the next question would be how to allocate the $875K within the CACs.

Ms. Allshouse introduced Ms. Lee Catlin to continue with the remainder of the presentation.

Ms. Lee Catlin, Assistant County Executive, stated that the Board's discussion last week set off some very energetic discussion among staff, and they are eager to make sure they are correctly understanding the Board's intentions and manage community expectations as to what the funding initiative is about. Ms. Catlin said their understanding of the Board's intention is that this be a transparent, inclusive, community-driven process to allow neighborhood-level improvements and priorities to come forward that do not necessarily have a path through the CIP or other funding mechanisms. She stated that there are 185 established neighborhoods within the development areas that are covered by master plans, and the critical role of the CACs is to act as conduit liaisons for their larger communities of interest. Ms. Catlin said they would focus on immediate, doable projects that would positively impact quality of life, which is her understanding of the Board's directive. She said this could involve a small planning study to position for projects, and noted that they would allow all CAC areas to participate. She pointed out that there are fundamental differences within the CACs in terms of population, density and land area, and they think something should be put in place to recognize these differences rather than use a cookie cutter approach. Ms. Catlin stated that their assumption is the Board would want them to formulate small, small-area plan projects that are consistent with the master and comprehensive plans. She said that staff is checking in with other communities that have successfully implemented a similar approach to make sure they are considering critical factors, and said that after obtaining Board feedback and conducting research with other communities, they will return to the Board on February 1 to finalize and obtain approval for a detailed process.

Ms. Catlin provided a tentative timeline of events. She stated that they would convene CAC chairs in February/March to update and educate them on the process and provide them with a list of potential projects already identified that are within the scope of the proposed funding allocation. She said they could have a community brainstorming meeting in April so that members of the community could provide feedback and additional project ideas. She said that by June, they could have the list of potential projects narrowed down and presented at a second public forum to obtain community feedback. Ms. Catlin noted that the CACs could meet with staff in July to discuss logistical issues, with the Board approving projects and allocating funding in August.

Ms. Catlin presented a slide that requested Board direction for the following:

- Should this be considered a one-time pilot or an ongoing commitment to be built into future fiscal planning?
- How does this process interact with the CIP process?
- How do we manage resource impacts not anticipated in the two-year plan?

Ms. Catlin concluded her presentation and invited questions and comments.

Mr. Sheffield expressed his approval of the aggressive schedule. He said there is a gap in the planning that needs to go into identifying what they may term as a project, but which is really an accumulation of small capital investments. Mr. Sheffield stated that the master plans identify a broad vision but lack details, and he thinks members of the community are craving the opportunity to present neighborhood-level ideas.

Ms. Catlin said that Mr. Sheffield has made a good point and what they anticipate is small-scale planning that needs to occur before a project happens, and they also want to leave open the possibility that projects that are almost ready to go can be approved.

Ms. Palmer asked about the impact on staff time of planning of all the projects. Ms. Catlin said she thinks they can assume that some of the funds allocated would go to planning support in some form or fashion.

Mr. Dill asked if a project has to be a capital one or if something such as a community festival or hiring of a tutor at a local school could be funded under the project. Ms. Catlin said they discussed this and it is their understanding that the Board intends projects to be of a construction nature, not services.

Mr. Foley said it is important for them to receive some clarity about this from the Board, as they had assumed the Board's intention is for physical improvements. Addressing Ms. Palmer's question about impact on staff, he said this would involve neighborhood-level planning and they might have to add a planner to focus on these projects.

Mr. Randolph said they are talking about a very different way of allocating funds, and taking funding out of the CIP is a concern to him. He stated he is also concerned that funding allocations can drive future expectations, and said that by setting up this funding apparatus they would inevitably receive pressure from the communities that the program be ongoing, rather than just a one-time pilot. Mr. Randolph said he has heard that part of the $875,000 allocated to this project would be used to hire additional staff, and they have recently added three additional Community Development staff. He stated that they are not getting funding for critical planning studies through the CIP, and this project sets up a competition among CACs for funding, through an extensive process. He expressed concern about the CACs determining the top three projects themselves and said they could be creating a recipe for built-in conflict. Mr. Randolph noted that the budget surplus provides an opportunity to direct funds for small area plan projects they have not been able to fund before; however, they are creating a drawn-out, potentially contentious and debatable process.

Ms. Mallek, addressing the timeline presented by Ms. Catlin, asked if there would be separate discussions for the seven CACs or a combined free-for-all meeting. Ms. Catlin replied that there would be separate discussions.

Ms. Mallek said she has been hoping for years that they could create separate pots of money for each magisterial district to allocate and not to have Supervisors decide on how it would be spent. She expressed great confidence that members of the various communities could discuss things and come to consensus, adding that she does not perceive this initiative as competing with the CIP and sees the initial $75,000 of allocated funding being used for leverage to obtain matching funds/grants.

Mr. Sheffield asked for confirmation of his understanding that the Crozet Master Plan did not provide specifics of planning for streetscapes, but instead took a 30,000-foot view. He said that master plans are great for general planning ideas but not for specifics, commenting that it is important to have detailed planning so they can be prepared for potential opportunities from developers. Mr. Sheffield stated that small-scale planning empowers a community to know where their money is going to be invested. He noted that Mr. Randolph has some valid concerns, although he does not share all of them. Mr. Sheffield suggested that they have Chip Boyles address the Board regarding projects for which Charlottesville obtained funding through the Smart Scale Project, noting that Charlottesville had specific plans in place beforehand and were then able to obtain funding.

Ms. Mallek confirmed Mr. Sheffield's understanding of the Crozet Master Plan.

Ms. Palmer agreed with concerns expressed by Mr. Randolph. She said some CACs have not yet formed and used the one at 5th Street and Avon as an example, and there are plans to split this into two CACs to fund specific projects.

Ms. Catlin acknowledged Mr. Randolph's comments and said that staff has talked about the same things and want this to be a community-building, not a community-dividing, activity.

Mr. Randolph recommended that this be a one-time pilot based upon the budget surplus and that they make this clear to the community. He stated that they could use it as a test to see what does and does not work and potentially do it again at a future time if they have another surplus.

Mr. Sheffield expressed agreement with Mr. Randolph that they should indicate this is a one-time pilot, and not commit to an ongoing process until they can gauge its success.

Ms. Catlin proposed that staff come before the Board on February 1 with a more definitive plan to obtain approval.

Several members of the Board expressed agreement with Ms. Catlin's plan.

Ms. Allshouse resumed her presentation with a slide entitled, "Where the resources for this initiative would come from in the Two-Year Fiscal Plan," including a chart showing an allocation of $320,000 for initial funding in the Two-Year Fiscal Plan. She noted that additional funding is recommended as $250,000 in the FY17 budget for economic development investment urbanization initiative pool, $250,000 for rainy day/stabilization fund, $500,000 for transportation revenue sharing to support neighborhood revitalization, and $80,000 for economic development investment opportunities support; the total of allocated funds is $1.4 million.

Mr. Randolph stated that the chart has helped establish part of the funding selection criteria for this proposal for him, and identified three criteria he believes they should use when approving funding for a plan: 1) a project has applied for CIP funding in the past and has been through the CIP process; 2) approved plans should have a mass transit/multi-modal basis, as this would increase the likelihood of obtaining funding; and 3) project should have an economic development aspect with benefits exceeding costs. He said if they have a policy of funding the top three projects, they would set a precedent of always funding three projects, which could lead to less compelling projects in the future.

Ms. Catlin stated that the funding is not based upon a particular number of projects, but would be budget driven. She said that staff's sense was that, to some degree, these are projects that never made it to a level of consideration in the CIP, and it would be important for them to know if the Board thinks differently.

Ms. Palmer and Mr. Dill indicated this was their understanding.

Ms. Mallek said she would strenuously push back on $500,000 from revenue sharing, emphasizing she has fought for 10 years to get more money into this program and that other counties allocate much more. She stated that she voted to approve a higher tax on cars last year to generate funds to use as leverage to get this money for revenue sharing, and this changes the entire basis for that collection of revenue.

Mr. Foley interjected that this money has already been dedicated to other projects.

Ms. Mallek said that it is all needed to get the match, stating that representatives from the state have told them that revenue sharing would not be available forever, so they should try to get it while they can. She asked that the $500,000 be left alone.

Mr. Sheffield said the $75,000 initial allocation is to begin the planning effort to better define how the remaining funds are spent, adding that the $500,000 could fund a legitimate transportation revenue-sharing project.

Ms. Mallek commented that it is her guess that they have $20 million of revenue-sharing projects that have been on the list for years that they have not been able to get accomplished.

Ms. Palmer said it is her understanding that there is a list of things for revenue sharing in waiting, and she questions whether they could use this revenue sharing now, in this coming year.

Mr. Sheffield stated that these projects are not at the detail level that an organization like VDOT has signed off on, adding that they have money allocated for projects, but not for planning, to get them off the ground and take them to the next level. Mr. Foley concurred with Mr. Sheffield's assessment and suggested they consider allocating the $500,000 only to neighborhood projects that would bring transportation matching funds.

Ms. Mallek responded that they had a discussion a couple of years ago about how they would never get enough money to fund the big projects unless they were disciplined and did not use monies for small items, but instead for big projects that connect businesses and neighborhoods that have been on the list for 20 years.

Mr. Sheffield pointed out that two years ago, they sacrificed Places 29 CIP funds in order to balance the budget.

Ms. Catlin asked for clarification that Mr. Randolph would like them to set aside $500,000 as a reserve for projects that could pull down a match.

Ms. Mallek said she would rather leave it in revenue sharing until they have a project for it.

Ms. Palmer commented that it needs to be fleshed out a bit more.

Ms. Allshouse said the $2 million for the CIP was to be spent in FY19, the second year of the plan. She stated that there is other transportation revenue sharing ahead of it, and said that Ms. Palmer made a good point that this is about timing, adding that they are looking for guidance as they move to the budget process.

Mr. Foley stated that staff would need direction if the Board did not wish to allocate some funding to smaller projects that would obtain VDOT matches, but instead to bigger projects. He noted that they could move the $500,000 back.

Mr. Sheffield stated that once they get beyond defining the specifics of projects, they could provide assurance that would not use the funds directly, but may use them to pull down revenue sharing. He noted that this decision could be put off.

Mr. Randolph stated they need to make it clear that they have set aside this money in FY19 and it is sacrosanct, and he does not want the temptation to arise next year that they use this money for projects. He said they should make a commitment and not waver from it, to allocate funds for critical projects and small-area plans that have not traditionally been funded.

Ms. Allshouse asked the Board to approve the Two-Year Fiscal Plan as presented and to provide guidance for the FY18 budget development.

Ms. Mallek **moved** that the Board adopt the FY18 to FY19 Two Year Fiscal Plan, as presented originally, with adjustments related to small, small area planning. Mr. Dill **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

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

Ms. Mallek stated that the fifth bullet point is tentative, as they do not know how much state funding they will receive in future years, and she does not want to make promises. Ms. Allshouse responded that they would be approving a plan, not a budget.

Mr. Sheffield stated that the public should understand that they are adopting a plan that provides direction to staff as to how to develop the budget. Ms. Allshouse said they are moving ahead with the budget process and presented the following timeline for the school's division budget adoption: budget presentation to the School Board on January 19; School Board public hearing on January 31; School

Board adopts the budget on February 9; the School Board then presents the budget request to the Board of Supervisors at a Board of Supervisors' work session.

Ms. Allshouse presented the following timeline for adoption of the County's budget: February 17 – presented to the Board; February 21 – public hearing on recommended budget; February 23 – work session begins; March 7 – finalize tax rate for advertisement.

Ms. Mallek suggested that in their research, staff contact the City of Arlington as they have strong neighborhoods and a dense, urban environment. She asked if work session dates and times have been distributed.

Ms. Palmer confirmed they have dates and times scheduled for the work sessions.

Agenda Item No. 3. **Work Session:** Exploration of Public/Private Partnership to Relocate Courts/County Admin to County Location.

The Executive Summary as presented by staff states that Albemarle County has been engaged for some time in a thorough analysis and assessment of the County's future court needs and the best way to meet those needs. Given the status of discussions with the City and the results of various studies and analyses since 2011 regarding potential expansion options, the Board of Supervisors scheduled a public review and discussion of potential options with an opportunity for public comment on October 24, 2016. The Board was particularly interested in giving County taxpayers an opportunity to review the identified options and provide comment as the court expansion project reflects a very major investment of County funds and is in fact the most expensive project in the County's Capital Improvement Program budget. This meeting provided an overview of major milestones in the evaluation of options since 2011 and a review of information for each expansion option.

The Board adopted a resolution on November 2, 2016, directing County staff to fully explore and pursue partnership possibilities that deliver the most cost efficient economic benefit to County residents while preserving accessible Court facilities by relocating either Court facilities or County administration offices to an urban area in the County. The resolution also directed that these possibilities should be explored and vetted by the County prior to engaging in additional negotiations with the City about the Court facilities remaining in their downtown Charlottesville location so that the Board has fully developed options to make an informed decision about the future direction of the Court facilities expansion project. In response to the Board's direction, staff has developed a proposed process for moving forward with the exploration of a public/private partnership to relocate the courts and/or County administration to a site in Albemarle County.

The November 2 resolution emphasized the Board's respect for the fundamental role the Court system plays in our community and the importance of fair and equal administration of justice. The resolution also outlined justifications for exploring partnership possibilities including:

- Potential for significant savings in project costs and debt service
- Opportunity for investment of capital funding into urban development and revitalization to expand the County's commercial and industrial tax base
- Prospect for establishing a new community focal point/catalyst and commercial hub that fully benefits the residents of the County in the most cost efficient manner

The exploration of a public/private partnership requires a variety of skills and expertise to ensure a well thought out and successful process. The initial steps in building the necessary team and moving through the required steps are outlined below:

First Step - Internal preparation - underway
- Education/ongoing dialogue with Board of Supervisors and Economic Development Authority
- Assemble staff work group with required skill sets/functional knowledge to provide capacity to oversee process and identify other resources required for successful project development and implementation

Second Step - Engage legal advisor - Hunton and Williams already available in this role
- Legal advice on transactional elements of the partnership
- Assist in developing scope of work for RFP for development advisor

Third Step - Procure Development advisor - to be procured in open process by County through regular channels
- Act as a technical advisor to the County to analyze proposals and explore viability of project options and opportunities in order to optimize private investment potential
- Help advise on alternative development possibilities- assess market dynamics to understand what benefit various options provide as an economic catalyst
- Assess time and resource effort associated with identified options
- Assist with all technical aspects of non-county owned property that involve redevelopment issues
- Critical skill set required - track record of successfully completing new mixed-use development with multi-use elements including site identification and selection process/site comparisons

Additional Milestones:
- Issue request for proposals (RFP) from property owners/development partners

- Evaluate adoption of Public-Private Education Facilities and Infrastructure Act (PPEA) guidelines, a mechanism that encourages innovative approaches to financing construction and renovation for all types of public ventures
- Board provides direction on geographic location or other terms to include in procuring proposals
- Evaluate proposals for viability - decision point for the Board regarding continued process
- Public engagement/education for selected proposal
- Referendum on ballot if Circuit Court is proposed to be relocated

Roles and Responsibilities for Major Stakeholders

- Board of Supervisors - participate in education sessions, monitor process as it moves forward, decide on future direction of project once proposals are received and evaluated
- Economic Development Authority - participate with Board in education sessions, be kept informed as process moves forward, active role if proposal is selected and development project commences
- County Staff - participate in education sessions, develop detailed milestone schedule, manage process including oversight of contracted advisors, keep elected and appointed stakeholders informed
- Legal Advisor - assist with developing scope of work for development advisor RFP, provide legal support as needed
- Development Advisor - assist with establishing parameters for issuing invitations for development proposals and evaluation of proposals for viability and potential economic impact, assess market issues; consider alternatives for possible approaches to mixed use development
- Financial Advisor - provide insight/guidance in development of funding approaches and financing plan including consideration of any impacts on the County's adopted financial management policies
- Planning Commission - be kept informed as process moves forward, active role if proposal is selected and development project commences

Potential budget impacts and funding sources will be discussed at the meeting.

Staff recommends that the Board provide feedback regarding the proposed approach and direct staff to proceed with procuring legal advisor and development advisor.

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Mr. Foley addressed the Board and noted that the Supervisors have a copy of staff's executive summary. He stated that instead of a discussion of relocation of the courts to the County, they would discuss initial steps to explore public/private partnerships as they relate to the court expansion project. Mr. Foley noted that some of the options explored do not move the courts out of the City and some do.

Mr. Foley presented the following agenda:

Previous Board Direction
- Courts
- Strategic Plan

Needed Services
- Development Advisory Services
- Legal Services

Potential Funding Sources for Initial Steps
General Process Going Forward

The next slide was titled, Reasons for Exploring Partnerships. It listed the following:

Courts Expansion Project
- Potential movement of courts to a County location
- Potential relocation of County Office Building uses to the County

Strategic Plan
- Redevelopment
- Revitalization
- Economic Development

Potential to address multiple priorities through Courts or COB relocation
- Address long-term space needs of the court system
- Opportunity to develop or redevelop areas of the County to create the County's comprehensive plan vision of urban places
- Address County financial challenges and economic development priorities

Mr. Foley stated that a decision to move the courts to the County has not been made, as they are considering several options. He said they have considered four additional options to Option 1, as they all present significant savings ranging from $2-13 million in construction as well as annual debt service cost savings. Mr. Foley stated that options 3-5 require consideration of a public/private partnership to make them viable, and said they do not have particular expertise regarding staffing, real estate and development, so they should consider hiring developer advisory services.

Mr. Foley presented a slide that lists potential development advisory services as follows:

Development Advisory: Assist County staff in the identification and evaluation of County and/or privately owned properties that present development and/or redevelopment opportunities wherein such opportunities may be leveraged to assist in financing the construction of County owned facilities.

Real Estate Advisory: Provide real estate advisory services in connection with developing, modeling and evaluating project financing plans, the acquisition, sale or lease of public lands, implementation and evaluation of neighborhood residential and commercial revitalization strategies, the privatization and adaptive reuse of underused public facilities, multi-family new construction, rehabilitation and redevelopment projects, infrastructure financing strategies and long-term strategic planning.

Market Analysis and Valuation: Conduct market analysis in conjunction with generally accepted methods for market valuation, leasability, modeling, trending and/or forecasting, and research assistance for development of county owned or partnership properties and in furthering all aspects of the County's stated goals for economic success. Such analysis may include the appraised value of all aspects of a property's development potential.

Financial Analysis: Develop and/or review pro forma and perform financial analyses, as required, for selected transactions, including advising on the appropriate form of public financing or investments to achieve County goals [such as tax increment financing or use of commercial Development Area districts].

Fiscal Impact Analysis: Develop and/or review pro forma and perform analyses, as required, for selected transactions, including assessment of direct and secondary economic benefits or proposed developments, during construction phase and for recurring annual operations. These may include: cost-benefit analysis comparing projected public revenues to public service costs accrued.

Request for Proposals: Assist in all aspects of drafting, evaluating and negotiating RFP's for development projects including, but not limited to, preparing RFP documents, developing evaluation criteria, assisting with proposal evaluations, proposed development budgets, internal rates of return (IRR) calculations, buy-out options, and assisting with the developer selection process.

Other Services: Public Outreach, Development Negotiations, Third-Party Performance Evaluation, Preparation of Legal Documents, Research, Additional Expertise, Land Acquisition.

Mr. Foley stated that these all require expertise that they do not have with County staff. He said he used the RFP of Fairfax County as an example in developing today's presentation, noting that there is some overlap with these advisory services.

Mr. Randolph asked for confirmation that Mr. Foley is suggesting they contract with consulting firms and not that they intend to hire additional staff. Mr. Foley confirmed this. He said he does not think they should hire staff for this work, as it requires too much focused expertise.

The next slide presented by Mr. Foley was entitled, "Potential Funding Sources," which included financial information: Existing economic development budget – anticipate $75,000 balance in current FY; Strategic Initiatives Money – $400,000 one-time Economic Development Investment Opportunities Support; $250,000 ongoing – Economic Development Investment Urbanization Initiative Pool; and EDA Funds – Depending on special circumstances to be discussed.

Ms. Palmer asked if the $400,000 remaining balance in the "Economic Development Investment Opportunities Support of the Two-Year Fiscal Plan," as presented by Ms. Allshouse, is the same $400,000 presented by Mr. Foley as one-time "Economic Development Investment Opportunities Support."

Mr. Foley confirmed that it is the same money set aside in the two-year plan, and staff is now suggesting how this can be used.

He presented a slide containing the general process going forward: 1) Issue RFP for development advisor; 2) Advisor selection process and contract; 3) BOS approval of project definition and general location alternatives for new County facilities; 4) Development and approval of PPP procurement guidelines and a RFP for a developer; 5) Issue RFP for developer proposals (with landowner); 6) BOS selection of proposal & partner for development; and 7) If courts proposed to move to County location – referendum question to court in August.

Mr. Foley stated that to get a court relocation referendum on the ballot for next November 17, they would have to present this to the courts for approval by August.

Mr. Kamptner added that they would have to take a petition to the Circuit Court by mid-August.

Mr. Foley stated that they are looking for Board action today and have drafted a motion that would allow them to proceed with procurement of a development advisor and legal services to support efforts to evaluate a public/private partnership to address the potential relocation of County facilities.

Mr. Dill and Ms. Palmer asked to have additional discussions before proceeding with a vote on the motion.

Mr. Dill pointed out that they do not have an EDA Director, the County Executive is leaving, and there is a new Director of Planning. He suggested that they defer on proceeding until a new County Executive and other key staff are in place.

Ms. Palmer said that Mr. Dill has made a good point.

Ms. Mallek said that in their search for a County Executive, they would need someone with experience and vision on these issues. She said this is the perfect time to do this because it would allow them to obtain information they desperately need to make decisions. Ms. Mallek stated she would like to get a new County Executive working soon so that they can obtain this information and then proceed to the second range of questions based upon what they learn. She stated if they do not start, they will never get answers and would be stewing around for another year.

Mr. Randolph used a metaphor that, if a captain and first mate are sick, you do not stop the ship in the water but continue to the destination. He acknowledged Mr. Dill's concern but said they have reached a juncture where they think they know where they want to go, and it is even more important to hire an expert as a consultant. He stated that potential candidates for the County Executive position would want to know what the County is planning to do in terms of broadening its tax base and if they do not move forward, their credibility and effectiveness will be compromised in the future.

Mr. Dill replied that there are ways they can move forward with economic development. He said that Albemarle is a very desirable place for a County Executive to come, and they can find a candidate who has already worked with consultants on this type of project. He commented that a business that is about to hire a new chief executive would not start on something before the executive was in place. Mr. Dill stated that an Economic Development Director would be intimately involved in this plan, and the new County Executive would have a role in hiring a new Economic Development Director, as they would be working as a team.

Ms. Mallek said these decisions are policy decisions to be made by the Board, not by the County Executive and Economic Development Director, and the Board needs the information to make the right kind of decision.

Mr. Sheffield urged that they should be mindful, if they do not move forward, of creating a perception in the community that they are stalling. He stated that he does not want to stall the project because Ms. McClintic and Mr. Foley are leaving, and emphasized that the County has capable staff that can carry on.

Mr. Foley acknowledged that Mr. Dill has raised important questions, but said he agrees with Mr. Sheffield that they have very capable staff. He stated that they should be realistic about the education process of the Board and community, and they cannot start the education process unless they obtain some expertise that would come from a consultant, not the next County Executive.

Ms. Palmer said she understands they need expertise to move forward with this, but she is concerned that they have not had a robust discussion about moving the County Office Building. She stated that she has not been shy about expressing her opinion regarding moving the courts and she would vote against it, though she recognizes the need to have the folks go ahead.

Ms. Mallek said it would be hard to have a public discussion until they have the information for people to consider, which is what they would be getting from this next effort.

Mr. Dill mentioned how they have discussed proactive zoning and changing some rules to make the County more accessible, but have not made any progress.

Ms. Mallek stated that there is progress happening behind the scenes, and this is probably a year and a half away.

Mr. Foley said the Board has approved an action plan and funding for implementation that is being moved forward, although there is work to do. He said that proceeding with steps to research the court options would not stop other efforts.

Ms. Mallek **moved** to direct staff to proceed with procuring a legal advisor and development advisor. Mr. Sheffield **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

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

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NonAgenda. Ms. Mallek **moved** to amend the agenda to allow for a closed meeting. Mr. Sheffield **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

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

NAYS: None.
ABSENT: Ms. McKeel.

Agenda Item No. 3a. Closed Session.

At 4:56 p.m., Mr. Dill **moved** that the Board go into a closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (1) to discuss and consider the performance of the Deputy County Executive in his Board-appointed role as the Interim County Executive effective February 1, 2017; and under Subsection (7) to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to an ordinance being considered by the Charlottesville City Council regarding permitted activities at the Ragged Mountain Reservoir. Ms. Mallek **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

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

Agenda Item No. 3b. Certify Closed Session.

At 6:02 p.m., the Board reconvened into open meeting, and Mr. Dill **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 passed by the following recorded vote:

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

Agenda Item No. 4. Call Back to Order. At 6:03 p.m., the meeting was called back to order by the Chair, Ms. Palmer.

Ms. Palmer introduced County staff and the presiding security officer, Officer Chris Levy. She announced that Supervisor McKeel was absent due to travel.

Agenda Item No. 5. Pledge of Allegiance.
Agenda Item No. 6. Moment of Silence.

Agenda Item No. 7. Adoption of Final Agenda.

Ms. Palmer added Agenda Item 17a, discussion of a street renaming and numbering ordinance to be added to the February 2017 agenda.

Ms. Mallek **moved** to adopt the final agenda, as amended. Mr. Sheffield **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

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

Agenda Item No. 8. Brief Announcements by Board Members.

Mr. Sheffield requested consent of the Board to allow Mr. John Jones to address the Board at the January meeting in relation to a CIP item under consideration for a senior center at Belvedere, to discuss potential construction of an alternate Route 11 if the senior center is to be constructed.

Ms. Palmer said she would review the agenda and could allow Mr. Jones to speak, providing his comments were brief. She asked Mr. Sheffield to send an email about it so the Clerk could add it to the agenda.

Mr. Randolph announced that he attended a presentation on Saturday by Mr. Brian Connor, Executive Director of Virginia 2121, addressing the issue of gerrymandering. He said the first such effort was made by Patrick Henry to favor James Monroe over James Madison in the election for the U.S. House of Representatives, although Mr. Madison still won the election.

Mr. Randolph announced his attendance at the annual Christmas meal of the Scottsville Volunteer Rescue Squad on Saturday evening. He said that he invited attendees to tell him of their primary concerns, and broadband was the number one issue mentioned.

Ms. Mallek reported that she, Mr. Dill and Ms. Lee Catlin had attended the Defense Affairs Committee luncheon. She said that a team hired by the Governor to keep military installations in Virginia made a presentation of its efforts. Ms. Mallek stated that they have homework to do in Albemarle to keep the station here that employs 3,000 and is the fastest growing sector of the Virginia economy. She stated that she would distribute information about this to the Supervisors.

Agenda Item No. 9. Recognitions.

Item No. 9a. Recognition – John Halliday recipient of the George Mason Award.

Ms. Mallek presented the George Mason Award to Mr. John Halliday, Director of the Jefferson-Madison Regional Library System. She said the Crozet Library was first planned in 1988 and finally delivered by Mr. Halliday in 2010. She then read and **moved** to adopt the recognition as follows:

RECOGNITION

WHEREAS, John Halliday has been Executive Director of the Jefferson-Madison Regional Library since 1997, overseeing the building of two new libraries; and

WHEREAS, during the process leading up to the building of the libraries John managed multiple public meetings to gain input and ideas for the new libraries and incorporated as many ideas as possible and to this day both libraries have demonstrated impressive growth and usage by the public; and

WHEREAS, the demonstrated success of the new libraries has led to the creation of several friend groups who are now exploring new libraries in their area of the Jefferson-Madison system; and

WHEREAS, while spending hundreds of hours managing two new library projects, John has maintained a high standard of operation for the Jefferson-Madison Regional Library, a system of eight libraries, 100 plus employees and over 200 volunteers; and

WHEREAS, John is a published children's authority, a professional at every aspect, a gifted communicator and an excellent administrator who is passionate about making library services available for all.

NOW, THERFORE, BE IT RESOLVED, that, we, the Albemarle County Board of Supervisors, do hereby congratulate John Halliday on receiving the 2016 George Mason Award for his overall excellent leadership, opening two new libraries: an 18,300 square foot library in Crozet and a 30,000 square foot library in Albemarle County, and his ability to operate a library system that covers four counties and a city.

Ms. Palmer **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

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

Mr. John Halliday addressed the Board and thanked them for the recognition. He stated that it is a privilege to be a public servant and that people in the community love their libraries, which he said are community centers with an education focus. Mr. Halliday stated that last year, more books were checked out of the library than at any other time in its history. He stated that the Crozet and Northside Library projects were team efforts, and cited Bill Schroeder of Crozet for leading fundraising efforts for the Crozet Library, as well as Supervisor Anne Mallek for her efforts. He described County staff as being "gold star" for their effort with the library projects, which he said were completed on time and within budget. He also credited Tom Foley for his efforts with construction of the new libraries.

Mr. Sheffield stated that the library provided a safe haven while he was growing up in a troubled family and is a safe place for kids to go.

Agenda Item No. 10. From the Public: Matters Not Listed for Public Hearing on the Agenda.

There were none, and the Chair closed the agenda item.

Agenda Item No. 11. Consent Agenda.

Mr. Randolph **moved** to approve Items 11.1 through 11.4 on the consent agenda. Ms. Mallek **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

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

Item No. 11.1. Rio Road, Avon Street Extended, US250W/Rockfish Gap Turnpike Sidewalks.

The Executive Summary forwarded to the Board states that this is a request for Board concurrence to include a mid-block pedestrian crossing on US-250W/Rockfish Gap Turnpike and to transfer of a portion of the remaining Meadow Creek Parkway revenue sharing funds to cover the additional costs

The US-250W/Rockfish Gap Turnpike Sidewalk is one of three sidewalk projects included in this Virginia Department of Transportation (VDOT) Revenue Sharing funded and locally managed project. The objective of this specific project is to provide sidewalks and a crosswalk to provide a safe connection between the residential/commercial areas on the north side of US-250W to the commercial areas on the south side.

This portion of US-250W is functionally classified as an Urban Minor Arterial with a posted speed limit of 45 mph. It is generally characterized as a three-lane roadway with two through lanes, a center two-way shared left-turn lane, and continuous right-turn lanes on the north and south sides of the road between Radford Lane and Clover Lawn Lane. An overview map of the project is provided as Attachment A.

The design scope for the project includes 1400 foot of curb and sidewalk along the north side of US-250W between Clover Lawn Lane and Cory Farm Road; 380 foot of sidewalk along the south side of US-250W from Radford Lane (south) and Clover Lawn Lane (Blue Ridge Builders Supply access road); and a Pedestrian Safety Study to evaluate and recommend improvements to accommodate safe and convenient passage of pedestrians across US-250W.

The Pedestrian Safety Study conducted by the County's consultant (Timmons Group) focused on the Radford Lane intersection. The options considered included a signalized intersection and a compact oval-shaped roundabout. Timmons concluded that the intersection would not meet the VDOT warrants for a signal and that VDOT would prefer a roundabout option. VDOT concurred with the findings; however, their preference was for a traditional "circular" roundabout with a much larger diameter. The magnitude of the scope and cost of VDOT's roundabout was well beyond the project scope and budget.

Staff conducted the VDOT design public hearing on the sidewalk project on October 10, 2016, and the feedback received indicated that a pedestrian crossing was much desired at this location. We also discovered that VDOT issued an Instructional and Informational Memorandum (IMM-384) in July 2016 to provide consistent and uniform guidance (for designers and reviewers) on the implementation of pedestrian crosswalks across the State, specifically mid-block pedestrian crossings.

Using this information, local VDOT and County staff worked together to generate a conceptual plan for a mid-block pedestrian crossing on US-250W between Radford Lane and Clover Lawn Lane (Attachment B). This option would provide the pedestrian crossing that was the goal of the project at a much more reasonable cost. Staff and the County's consultant estimated the project budget would need to be increased $200,000 to include the mid-block crossing design and construction.

This shortfall may be addressed by transferring funds from the remaining balance of approximately $919,354 from the Revenue Sharing funds VDOT holds from the Meadow Creek Parkway project (UPC 2530). Only active Revenue Sharing projects are eligible to utilize these funds. With Board concurrence, staff will request VDOT transfer the necessary funds to this project (UPC 104159) where they would be available to reimburse the County for eligible project expenses.

Including the mid-block pedestrian crossing will increase the design and construction budget by $200,000, which may be offset by requesting VDOT transfer a portion of the remaining Revenue Sharing funds from the Meadow Creek Parkway project.

Staff recommends that the Board concur with the inclusion of the mid-block pedestrian crossing in this project and with staff requesting VDOT transfer $200,000 of the remaining Meadow Creek Parkway (UPC 2530) Revenue Sharing funds to this project (UPC 104159). An appropriation request will follow at a later date if approved.

By the above-recorded vote, the Board concurred with the inclusion of the mid-block pedestrian crossing in this project and with staff requesting VDOT transfer $200,000 of the remaining Meadow Creek Parkway (UPC 2530) Revenue Sharing funds to this project (UPC 104159), with an appropriation request to follow at a later date.

Item No. 11.2. B2016002090 Woodburn Road Personal Wireless Service Facility Special Exceptions.

The Executive Summary forwarded to the Board states that this is a resolution to approve special exceptions to waive and/or modify requirements of County Code § 18-5.1.40 for an antenna collocation on an existing water tank at 2226 Woodburn Road

Several special exception requests have been submitted by Verizon Wireless associated with its building permit application to add antenna and equipment on top of an existing 123' water tank at 2226 Woodburn Road. (Attachment A-Location Map and Attachment C-Plans).

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

1) Request to waive the requirement for a tree survey
2) Request to waive the requirement of a tree conservation plan
3) Request to modify projection of antenna to allow a stand-off beyond 18" from the top of the water tank, provided that the antenna project no more than 10' above the water tank as shown on Sheet C-3.

There is no budget impact related to the approval of this special exception.

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

By the above-recorded vote, the Board adopted the following resolution approving the special exceptions, subject to the conditions attached thereto:

**RESOLUTION TO APPROVE SPECIAL EXCEPTIONS FOR
B201602090ATWR WOODBURN ROAD
PERSONAL WIRELESS SERVICE FACILITY SPECIAL EXCEPTIONS**

WHEREAS, Verizon c/o Stephen Waller, AICP filed an application for a building permit to add an antenna to the existing water tank located on Tax Map Parcel Number 04500-00-00-00720, which application is identified as Building Permit 2016-2090ATWR Woodburn Road Personal Wireless Service Facility ("BP 2016-2090"); and

WHEREAS, BP 2016-2090 included a request for a special exception to waive the requirements of County Code §§ 18-5.1.40(a)(4)(f) and 18-5.1.40(b)(3), and to modify the requirements of County Code 18- 5.1.40(b)(2)(c); and

WHEREAS, Albemarle County Code § 18-5.1.40.a(4)(f) requires that the applicant submit a tree survey identifying and labeling all trees within 50 feet of the facility and all trees to be removed, which may be waived by special exception; and

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

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

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared in conjunction with the application, all of the factors relevant to the special exceptions in County Code §§ 18-5.1.40(a)(4)(f), 18-5.1.40(b)(3), 18-5.1.40(b)(2)(c), 18-33.5, and 18-33.9, and the information provided at the Board of Supervisors meeting, the Albemarle County Board of Supervisors hereby approves the special exceptions to waive the requirements of County Code §§ 18-5.1.40.a(4)(f) and 18-5.1.40.b(3), and to modify the requirements of County Code 18-5.1.40.b(2)(c), subject to the conditions attached hereto.

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**B201602090ATWR Woodburn Road Personal Wireless Service Facility
Special Exception Conditions**

1. No trees or vegetation shall be removed.

2. Land disturbance shall be limited as shown on the site plan referred to as "Verizon Site Name: Woodburn", prepared by NB+C Engineering Services, LLC, last revised August 25, 2015.

3. The antenna shall not project more than ten (10) feet above the water tank as depicted on Sheet C-3 of the site plan referred to as "Verizon Site Name: Woodburn", prepared by NB+C Engineering Services, LLC., last revised August 25, 2015.

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Item No. 11.3. SDP201600042 Region Ten Women's Treatment Center - Special Exceptions to Modify Setback Requirements and to Waive Buffer Zone Requirements.

The Executive Summary forwarded to the Board states that the applicant proposes to construct an 8,000 square foot substance abuse treatment center for women and associated parking and infrastructure. Two special exceptions are requested: 1) to reduce the required side yard setback adjacent to residentially zoned lots; and 2) to permit the disturbance of the required buffer zone.

County Code §§ 18-4.20 and 18-21.7 authorize the Board to approve special exceptions to modify or waive the County's setback requirements pursuant to County Code §§ 18-33.5 and 18-33.9. It is staff's opinion that granting these special exceptions creates an improved site design that allows the protection of managed steep slopes and existing wooded areas on the site and results in additional landscaping and screening adjacent to a residentially zoned area. See Attachment C for staff analysis of the request.

No budget impact will result from authorizing these special exceptions.

Staff recommends that the Board adopt the attached Resolution (Attachment E) approving the two (2) special exceptions, subject to the conditions attached thereto.

By the above-recorded vote, the Board adopted the following resolution to approving the two (2) special exceptions, subject to the conditions attached thereto:

**RESOLUTION TO APPROVE SPECIAL EXCEPTIONS
FOR SDP 2016-00042 REGION TEN WOMEN'S TREATMENT CENTER**

WHEREAS, the Owner of Tax Map Parcel Number 07600-00-00-046F0 (the "Property") filed a request for two special exceptions in conjunction with SDP201600012, Region Ten Women's Treatment Center, to modify the required 50' setback and to waive the buffer zone requirement, as depicted on the pending plans under review by the County's Department of Community Development.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the executive summary prepared in conjunction with the application, and its supporting analysis included as Attachment C thereto, the Applicant's special exception request dated July 5, 2016 and Major Site Plan Amendment entitled "Region Ten Women's Shelter" prepared by Alan Franklin, P.E. and dated July 5, 2016, and all of the factors relevant to the special exceptions in Albemarle County Code §§ 18-4.20, 18-21.7, 18-33.5, and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exceptions to modify the required 50' setback and to waive the buffer zone requirement for the development of the Property, subject to the conditions attached hereto.

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SDP 2016-00042, Region Ten Women's Treatment Center Special Exception Condition

1. The minimum setback between the proposed building and the north-western strip of the adjacent property, Tax Map Parcel 07600-00-00-054A1, shall be 25 feet; and

2. The disturbance of the required twenty (20) foot buffer zone adjacent to Tax Map Parcel 07600-00-00-046A0 and Tax Map Parcel 07600-00-00-054A1 shall be for the purpose of installing an entrance off of Old Lynchburg Place, a bio-filter for stormwater management in the low point of the topography between the proposed parking lot and Old Lynchburg Place, and additional landscaping and screening that meet the minimum screening requirements and the Entrance Corridor guidelines to screen the biofilter, parking lot, and building.

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Item No. 11.4. Cancel January 11, 2017, Regular Night Meeting.

By the above-recorded vote, the Board cancelled its January 11, 2017 regular night meeting.

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Item No. 11.5. FY 2017 1st Quarter 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 last quarterly proffer report the Board received on August 3, 2016 included information on cash proffer revenue and expenditures and non-cash proffers for April through June, 2016. This report includes all proffer activity (both cash and non-cash) for the first quarter of Fiscal Year 2017 (July-September, 2016). The next quarterly report will be on the Board's February, 2016 agenda.

Proffer Activity for Fiscal Year 2017 First Quarter (July-September)

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 $49,234,856.45. This reflects annual adjustments to anticipated proffer revenue (not received yet, but obligated) from proffers in which annual adjustments were proffered.

C. **1st Quarter Cash Revenue**: The County received a total of $555,023.79 from existing cash proffers during this quarter from developments listed in Attachment A.
D. **Appropriations:** A total of $1,325,594.20 was appropriated this quarter from developments listed in Attachment A.
E. **Expenditures:** A total of $120,000 of affordable housing funds from Kenridge were expended this quarter for Habitat for Humanity projects.
F. **Current Available Funds:** As of June 30, 2016, the available proffered cash on-hand is $4,977,596.68 (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, $3,260,341.80 (including interest earned) is currently appropriated (Attachment B). The net cash balance is $1,717,254.88 and may be used for future expenditures. 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 2016 Survey of Cash Proffers for the Commission on Local Government: State law requires localities accepting cash proffers to report to the Commission on Local Government annually. The County's report for FY 2016 is attached. The County collected a total of $1,101,505.02 and expended a total of $792,129.11 in FY2016. (Attachment C)

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.

Item No. 11.6. VDOT Monthly Report, ***was received for information***.

Item No. 11.7. 2016 Board of Equalization Annual Report, ***was received for information***.

Agenda Item No.12. ZMA 2015-00001 Old Trail Special Exception to Modify Freestanding Sign Regulations.

The Executive Summary as presented by staff states that this request was initially submitted and processed with an Old Trail rezoning (ZMA 2015-00001) application that was approved by the Board on February 10, 2016. While the sign ordinance modifications were discussed, the Board acted to indefinitely defer the special exception request to modify the sign regulations (Attachment A). Since February, the applicant has revised its request (Attachment B), submitted photo simulations, and the request has been reviewed by the Architectural Review Board. (Attachment D)

The applicant requests a special exception to increase sign area and sign height for two freestanding signs proposed at the entrance to Old Trail from Rt. 250. (Attachments B and C). Old Trail is zoned Neighborhood Model District (NMD) and under the County Code, Planned Development districts may request a modification of County Code § 18-4.15. Under the NMD sign regulations, Old Trail is permitted one free standing sign up to 32 square feet in area or two freestanding signs of up to 16 square feet each to identify commercial establishments. The height limit for freestanding signs is 12 feet. Along with these freestanding sign provisions, Old Trail is permitted one subdivision sign of 24 square feet or up to two subdivision signs of 12 square feet each to identify residential uses. The height limit for subdivision signs is 6 feet. The applicant has proposed two freestanding signs of up to 64 square feet in size and 15 feet tall and no subdivision signs.

Staff supports the increase in sign area and height at this location given the nature of the site, unique vertical design of the signs, and because this would eliminate two freestanding signs that would otherwise be permitted. Staff finds that the proposal does not adversely impact any of the review criteria in the planned development regulations or the purpose and intent of the sign regulations as stated in the Zoning Ordinance. A detailed analysis of this request has been provided in Attachment E.

No budget impact will result from approving this special exception.

Staff recommends that the Board adopt the attached Resolution (Attachment F) to approve the special exception to modify the freestanding sign regulations of County Code § 18-4.15.10 to increase freestanding sign area and increase sign height, subject to the conditions attached thereto.

Ms. Rebecca Ragsdale, Senior Planner, addressed the Board, stating that this item was presented to the Board in February and she would provide an update on changes. She said the request is to modify two regulations related to area and height of freestanding signs, and presented an aerial photo of the sign locations, which are at the intersection of Old Trail Drive and Route 250 at Western Albemarle High School. Ms. Ragsdale stated that Old Trail is zoned Neighborhood Model District, and Planned Development Districts can ask for flexibility with the ordinance in terms of Sections 4, 5 and 32, as well as some other sections. She said they want two, freestanding signs at the intersection of up to 64 square feet, and the maximum height allowance would increase from 12 to 15 feet. Ms. Ragsdale displayed photo simulations of the existing and proposed signs. She said the final design has not been submitted, as the Architectural Review Board which, while not making any objections, commented that they preferred that it appear more rural and blend in with the corridor and tree buffer. She displayed an architectural drawing of the proposed signs that shows the height, width, square footage and text that would appear.

Ms. Ragsdale next displayed a list of reasons as to why staff recommends approval of the special exception: commercial and residential development components within the commercial core located central to the planned development, more than half a mile from Route 250; the tree backdrop and preservation area along Route 250 prevents business wall signage, etc. from being visible from 250; the development is served directly by Old Trail Drive, which connects Route 250 and Jarman's Gap Road; the signage plan includes unique design monument themed panels using vertical design to which the Architectural Review Board has no objection; the height of 15 feet is less than maximum height permitted in PDMC and PDSC, which allows up to 16 feet.

Ms. Ragsdale presented the recommended motion to adopt the resolution (Attachment E) to approve the Special Exceptions ZMA201500001 Old Trail Village Special exception subject to the following conditions:

1) No more than two permanent signs shall be located at the intersection of Old Trail Drive and Route 250, and no subdivision signs or bonus tenant panels shall be permitted at this location.
2) Each sign may be three-sided, composed of two sign copy panels and one panel containing no sign copy.
3) Sign copy panels shall be no more than 32 square feet each.
4) The total sign structure, including base and monument theme panels, shall not exceed 82.5 square feet for each sign.
5) Sign height shall not exceed 15 feet.

Ms. Mallek said that originally she was confused, but has since studied the proposal, visited the site, and viewed mock-ups, and her questions have been answered.

Ms. Mallek **moved** to adopt the proposed resolution to approve the special exception to modify the freestanding sign regulations of County Code § 18-4.15.10, subject to the conditions attached thereto. Mr. Sheffield **seconded** the motion.

Roll was called, and the motion passed by the following recorded vote:

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

(Note: The resolution is set out in full below.)

RESOLUTION TO APPROVE SPECIAL EXCEPTION FOR
ZMA 2015-00001 OLD TRAIL VILLAGE

WHEREAS, March Mountain Properties, LLC ("March Mountain") is the owner of Tax Map Parcel Numbers 055E0-01-00-000A3 and 055E0-01-00-000A4 (collectively, "the Property"); and

WHEREAS, on February 10, 2016, the Board approved a zoning map amendment for the Property (ZMA 2015-01, Old Trail Village); and

WHEREAS, the application for ZMA 2015-01 included a request for a special exception to modify the sign regulations for maximum sign area and maximum sign height in County Code § 18-4.15.10 for certain freestanding signs in the Neighborhood Model District, and the special exception request was indefinitely deferred; and

WHEREAS, the Applicant has submitted a revised request for a special exception to modify the sign regulations for maximum sign area and maximum sign height in County Code § 18-4.15.10 for certain freestanding signs described herein.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the executive summary to the Board of Supervisors and all of its attachments, staff's supporting analysis, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-8.2(b)(4) and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to modify the freestanding sign regulations in County Code § 18-4.15.10 to allow two freestanding signs, each of up to 64 square feet in size and 15 feet tall, subject to the conditions attached hereto.

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ZMA 201500001 Old Trail Village Special Exception Conditions

1. No more than two permanent signs shall be located at the intersection of Old Trail Drive and Route 250, and no subdivision signs or bonus tenant panels shall be permitted at this location.

2. Each sign may be three-sided, composed of two sign copy panels and one panel containing no sign copy.
3. Sign copy panels shall be no more than thirty-two (32) square feet each.
4. The total sign structure, including base and monument theme panels, shall not exceed 82.5 square feet for each sign.
5. Sign height shall not exceed fifteen (15) feet.

(The next two agenda items were discussed jointly:)

Agenda Item. No.13. **PUBLIC HEARING: SP-2016-00011. Malloy Ford Outdoor Storage & Display.**
MAGISTERIAL DISTRICT: Rio.
TAX MAP/PARCEL: 045000000068C1.
LOCATION: 2070 Seminole Trail.
PROPOSAL: Establish outdoor sales/storage/display of vehicles on 5.19 acres.
PETITION: Outdoor storage, display and/or sales serving or associated with a permitted use within the Entrance Corridor Overlay under Section 30.6.3 of zoning ordinance. No dwelling units proposed.
ZONING: HC Highway Commercial – commercial and service; residential by special use permit (15 units/acre); EC Entrance Corridor Overlay District – overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access.
AIA Airport Impact Area: Yes.
COMPREHENSIVE PLAN: Commercial Mixed Use – commercial, retail, employment uses, with supporting residential, office, or institutional uses in Neighborhood 1 – Places 29.
(Advertised in the Daily Progress on November 28, 2016 and December 5, 2016.)

Agenda Item No.14. **PUBLIC HEARING: SP-2016-00018. Malloy Ford Body Shop.**
MAGISTERIAL DISTRICT: Rio.
TAX MAP/PARCEL: 045000000068C1.
LOCATION: 2070 Seminole Trail.
PROPOSAL: Establish body shop on 5.19 acres .
PETITION: Body shop under Section 24.2.2.17 of the Zoning Ordinance which allows body shops by special use permit. No dwelling units proposed.
ZONING: HC Highway Commercial – commercial and service; residential by special use permit (15 units/acre); EC Entrance Corridor Overlay District – overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access.
AIA Airport Impact Area: Yes.
COMPREHENSIVE PLAN: Commercial Mixed Use – commercial, retail, employment uses, with supporting residential, office, or institutional uses in Neighborhood 1 – Places 29.
(Advertised in the Daily Progress on November 28, 2016 and December 5, 2016.)

The Executive Summary as presented by staff stated that at its meeting on October 18, 2016, the Planning Commission voted unanimously (7:0) to approve both special use permits, with conditions.

Attachments C, D and E contain the action letter, staff report, and minutes from the October 18, 2016 Planning Commission meeting. At the meeting the applicant requested a revision to the ARB's recommended condition that would require large shade trees along the full length of the southern perimeter of the middle vehicle storage area. The applicant preferred to provide the trees along the eastern half of the perimeter only, not the full length, and the Planning Commission agreed. The ARB's recommendation was based on Entrance Corridor Design Guideline #35, which reads in part: "Large trees should align the perimeter of parking areas, located 40 feet on center."

The Planning Commission recommends that the Board adopt:
1. The Resolution approving the special use permit for outdoor storage and display (Attachment A), subject to the conditions attached thereto.
2. The Resolution approving the special use permit for the body shop (Attachment B), subject to the conditions attached thereto.

Ms. Margaret Maliszewski, Principal Planner, addressed the Board, stating that this request is for outdoor storage and display of vehicles and for a body shop. She showed an aerial photo of the parcel, which is located along Route 29 at the Better Living building supply business, extending west to Berkmar Drive. She displayed the concept plan of the proposed facilities. She pointed out the location for the body shop, showroom, parking area for vehicles awaiting repair and parking lot for customers, noting that the current parking lot of Better Living would be reconfigured. Ms. Maliszewski said that a special use permit is required because the site falls within the Entrance Corridor overlay district, and noted that the sale of motor vehicles is considered to be one of the commercial uses permitted by right in this zoning district. She explained that the consideration before the Board is whether to permit outdoor display of vehicles, not sale of vehicles, which is permitted.

Ms. Maliszewski said the purpose of requiring a special use permit for outdoor display is to allow for review of potential visual impacts of the outdoor display on the Entrance Corridor. She said the intent of the Entrance Corridor Overlay District is to ensure quality development that is compatible with the County's important scenic, historic, architectural and cultural resources. She said the County has adopted Entrance Corridor guidelines to meet that intent, and the ARB has applied those guidelines to the request and had no objections to the special use permit, with conditions. She said the ordinance contains supplemental regulations requiring body shop services to be performed within an enclosed building with all parts, materials and equipment to be stored in an enclosed building. Ms. Maliszewski stated that the applicant proposes to convert the western most building on the site for body shop use and would be enclosed to meet the supplemental regulations, which would also require that vehicles awaiting repair in the body shop not be visible from any public street or residential property. She showed a diagram of where screening plants would be added so that in the event a wooded area on the adjacent property were to be removed, the property would still comply with the regulations.

Ms. Maliszewski stated that at its October 18 meeting, the Planning Commission unanimously recommended approval of both special use permits. She invited questions.

Ms. Palmer asked for a review of how the decision to add trees as screening, as suggested by the ARB, was established. Ms. Maliszewski said the Entrance Corridor guidelines require trees along the perimeter of parking areas, explaining that there are currently four trees along the southeastern end of the parking lot and trees would have to be added to the entire side of the parking area to meet the guidelines. She stated that the Planning Commission believed it was okay as it is now and that additional trees did not have to be added.

Ms. Palmer opened the public hearing.

Ms. Valerie Long, attorney representing the applicant, addressed the Board and invited questions on behalf of Malloy Ford, the applicant. She said that Ms. Maliszewski has covered all the issues.

Ms. Mallek asked if there was discussion about using the current shed for the parking of cars awaiting repair in the body shop, rather than tearing it down. Ms. Long responded that some of the sheds are not in good condition.

Mr. Sheffield asked if the Board could have taken any kind of proactive action to prevent the applicant from having to apply for a special use permit to repurpose an existing site. Ms. Long replied in the affirmative and said the Board recently removed the requirement to obtain a special use permit for drive-throughs. She said they adopted a set of standard conditions for drive-throughs, which are now a by-right use, and time and money could have been saved if they had made the suggested changes at an administrative level instead of through the special use permit process. Ms. Long stated that the regulations governing body shops were established many years ago, and these shops are much cleaner today.

Mr. Sheffield said there may have been businesses that passed on using the site because they did not want to go through the special use permit process and wonders how long the parcel where Malloy Ford is currently located would remain vacant after they relocate.

As no other individuals wished to speak, Ms. Palmer closed the public hearing.

Mr. Sheffield **moved** that the Board adopt the proposed resolution approving SP-2016-00011 subject to the recommended conditions. Ms. Mallek **seconded** the motion.

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

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

(**Note:** The resolution is set out in full below.)

RESOLUTION TO APPROVE
SP 2016-11 MALLOY FORD OUTDOOR STORAGE & DISPLAY

WHEREAS, Malloy Properties III, LC submitted an application for a special use permit to establish an outdoor vehicle sales, storage, and display area on Tax Map Parcel Number 04500-00-00-068C1, and the application is identified as SP201600011 Malloy Ford Outdoor Storage & Display ("SP 2016-11"); and

WHEREAS, on October 18, 2016, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2016-11 with conditions; and

WHEREAS, on December 14, 2016, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2016-11.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2016-11 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code §§ 18-30.6.3 and 18-33.8, the

Albemarle County Board of Supervisors hereby approves SP 2016-11, subject to the conditions attached hereto.

*****

SP-2016-11 Malloy Ford Outdoor Storage & Display
Special Use Permit Conditions

1. Use of this site shall be in general accord with the concept plan "Conceptual Special Use Application Plan for Malloy Ford" last revised August 30, 2016 (the "Concept Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in general accord with this plan, development and use of the site shall reflect the general size, arrangement and location of the vehicle display and storage areas. Permitted modifications may include those required by the ARB, those necessary to satisfy the conditions of this special use permit, and additional landscaping/screening approved by the Site Plan Agent.
2. Vehicles shall be displayed or stored only in areas indicated for display or storage on the Concept Plan.
3. Vehicles for display shall be parked in striped parking spaces.
4. Vehicles shall not be elevated anywhere outside of a building on site.
5. Final site plan approval is subject to ARB approval of the lighting plan (submitted with the site plan). Maximum height of new pole lights (including bases and fixtures), shall not exceed twenty (20) feet. Maximum light levels shall not exceed thirty (30) foot candles in the display lot and twenty (20) foot candles in all other locations. Nonconforming pole lights shall be removed or fixtures shall be replaced with full cutoff fixtures to match other proposed fixtures.
6. Final site plan approval is subject to ARB approval of the landscape plan (submitted with the site plan). Landscaping shown on the plan may be required to be in excess of the minimum requirements of the ARB guidelines and/or the Zoning Ordinance to mitigate visual impacts of the proposed use, and shall include, but not be limited to, the following:
    a. Planting area along the Entrance Corridor frontage shall be increased, if necessary, to accommodate planting outside of easements.
    b. Large shade trees shall be evenly distributed at the interior of the display lot at a rate of 1 tree for every ten (10) spaces.
    c. Ground cover shall be provided continuous throughout the north, east and south sides of the front display area.
    d. Shrubs provided at the perimeter of the display area shall be a minimum of 30"-36" high at planting.
    e. Large shade trees spaced 40' on center shall be provided in new planting beds or islands along the south perimeter of the middle vehicle storage area as shown on the Concept Plan.

_____

Mr. Sheffield **moved** that the Board adopt the proposed resolution to approve SP-2016-00018 subject to the recommended conditions. Ms. Mallek **seconded** the motion.

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

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

(**Note:** The resolution is set out in full below.)

RESOLUTION TO APPROVE
SP 2016-18 MALLOY FORD BODY SHOP

WHEREAS, Malloy Properties III, LC submitted an application for a special use permit to establish a body shop on Tax Map Parcel Number 04500-00-00-068C1, and the application is identified as SP201600018 Malloy Ford Body Shop ("SP 2016-18"); and

WHEREAS, on October 18, 2016, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2016-18 with conditions; and

WHEREAS, on December 14, 2016, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2016-18.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2016-18 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 2016-18, subject to the applicable performance standards for the body shop use in Albemarle County Code § 18-5.1.31, and the conditions attached hereto.

*****

SP-2016-18 Malloy Ford Body Shop
Special Use Permit Conditions

1. Use of this site shall be in general accord with the concept plan "Conceptual Special Use

Application Plan for Malloy Ford" last revised August 30, 2016, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with this plan, development and use of the site shall reflect the general size, arrangement and location of the parking area for vehicles awaiting repair. Permitted modifications may include those required by the ARB, those necessary to satisfy the conditions of this special use permit, and additional landscaping/screening approved by the Site Plan Agent.
2. There shall be no storage of parts, materials or equipment except within an enclosed building.
3. No vehicle awaiting repair shall be located on any portion of the property so as to be visible from any public road or any residential property, and shall be limited to locations designated on the approved site plan. Landscape screening or other measures added to eliminate visibility shall be shown on a site plan and are subject to approval of the Director of Planning or his designee.

Agenda Item No.15. **PUBLIC HEARING: ZMA 201600009. Wood Von Storch.**
MAGISTERIAL DISTRICT: Rio
TAX MAP/PARCEL: 04500000011200, 045000000112E0.
LOCATION: 3400 Berkmar Drive PROPOSAL: Request to rezone parcels from R-6 Residential to HC Highway Commercial.
PETITION: Rezone 4.428 acres from R-6 Residential zoning district which allows residential uses at a density of 6 units per acre, to HC Highway Commercial which allows commercial and service, residential by special use permit (15 units/ acre).
OVERLAY DISTRICT: Airport Impact Area; Managed Steep Slopes.
PROFFERS: Yes.
COMPREHENSIVE PLAN: Office/R&D/Flex/Light Industrial – commercial, professional office; research and development, design, testing of prototypes; manufacturing, assembly, packaging in the Places29 development area.
(Advertised in the Daily Progress on November 28, 2016 and December 5, 2016.)

The executive summary as presented by staff states that at its meeting on October 18, 2016, the Planning Commission voted 7:0 to recommend approval of ZMA201600009 conditioned on the applicant making the revisions noted in the staff report (Attachment B) and adding an additional proffer to address the treatment and preservation of an onsite cemetery.

The applicant has made all revisions to the concept plan and to the proffers that were recommended by staff and the Planning Commission (Attachments D and E). Attachments A, B and C are the Planning Commission's action letter, staff report, and minutes from the October 18, 2016 meeting. The County Attorney has prepared the attached Ordinance reflecting the recommendation of the Planning Commission (Attachment F).

The applicant has also submitted a request for a special exception in accordance with Section 24.2.1 to allow the gross floor area of certain uses such as laboratories, manufacturing, and warehousing facilities to exceed 4,000 square feet, as discussed in the staff report. Staff recommends approval of this request. The Planning Commission supported the special exception request but took no action on it because only Board approval is required. The County Attorney has prepared the attached resolution to approve the special exception (Attachment G).

Staff recommends that the Board adopt the attached Ordinance (Attachment F) to approve ZMA201600009 Wood Von Storch and the attached Resolution (Attachment G) to approve the special exception.

Ms. Rachel Falkenstein, Senior Planner, addressed the Board and explained that this request is to rezone 4.5 acres from R6 Residential to HC Highway Commercial. She stated that the property consists of two parcels, TMP 45-112 and 45-112E, located at 3400 Berkmar Drive. She said the property is mostly wooded with an existing house and cemetery, and the adjacent parcels are mostly commercial uses. Ms. Falkenstein said that Better Living and Harvest Moon Catering plan to move to the two adjacent properties. She displayed a color-coded map of the area that showed most of the surrounding properties on the east side of Berkmar Drive zoned for C1 and Highway Commercial. She noted that the comprehensive plan designates the parcel as Office/R&D/Flex/Light Industrial.

Ms. Falkenstein displayed the concept plan submitted by the applicant, stating that this is a speculative rezoning, and the final uses of the parcel are not yet known. She stated that the applicant has made commitments to be consistent with the Neighborhood Model, including having two development zones, relegated parking, and pedestrian access, and proposes to preserve the cemetery. She said the concept plan also shows areas for reservation to allow for future widening of Berkmar Drive, if recommended by the small area plan, as well as a potential connection between Berkmar Drive and Route 29. Ms. Falkenstein said the Planning Commission voted unanimously on October 18 for approval conditioned on the applicant making the revisions noted on the staff report (Attachment B) and adding an additional proffer to address the treatment and preservation of an onsite cemetery.

Ms. Falkenstein listed nine proffers offered by the applicant:

1) Proffered concept plan
2) Proffered out by-right certain uses
3) Retail uses limited to no more than 25,000 square feet
4) Eating establishments limited to 1,500 square feet or less

5) Residential uses limited to upper floors
6) Reservation of area along Berkmar for future widening
7) Relegated parking
8) Reservation area for potential Berkmar and Route 29 road connection
9) Cemetery treatment plan

Ms. Falkenstein next reviewed a special exception request in accordance with Section 24.2.1 to allow for the gross floor area of the following uses to exceed 4,000 square feet:

- Laboratories/Research & Development/Experimental Testing
- Manufacturing/Processing/Assembly/Fabrication/Recycling
- Storage/Warehousing/Distribution/Transportation

Ms. Falkenstein concluded her presentation and invited questions.

Mr. Dill asked why the 25,000 square foot limit on retail is beneficial. Ms. Falkenstein responded that it is because the property is designated in the comprehensive plan for office, R&D flex/light industrial, and retail use is supposed to be a secondary use, not a primary use.

Mr. Randolph said the proffer does not reference installing an historical marker, treatment plan, delineation of the cemetery, fencing or a maintenance plan. He said the Planning Commission had indicated a desire to see these items during their discussions, and also noted language indicating the cemetery could be removed, and he is concerned about this. Ms. Falkenstein stated that all those items are addressed in the treatment plan. She noted that she discussed this with Ms. Maliszewski, who deals with the historic preservation plan, and she is comfortable with the language of the proffer. Regarding removal of the cemetery, Ms. Falkenstein said this would have to be addressed by the treatment plan and go through certain steps before it could be removed.

Ms. Mallek said it is her understanding that to move a cemetery, one must obtain approval from descendants and if they cannot be found, a cemetery cannot be moved.

Ms. Palmer asked Ms. Falkenstein to review the pedestrian access. Ms. Falkenstein stated that any buildings located within the gray shaded area of the concept plan would be required to have pedestrian access from Berkmar Drive.

Ms. Palmer opened the public hearing and invited the applicant to address the Board.

Mr. Frank Stoner of Milestone Partners, addressed the Board, stating that he was representing both owners. Mr. Stoner said that he does not have a formal presentation, as Ms. Falkenstein has covered everything, and he invited questions. He stated that the concerns of the Planning Commission have been addressed in full, including the reservation of a potential future connector from Berkmar Drive. Mr. Stoner said his understanding is that a treatment plan would require issues with the cemetery to be addressed. He stated that pedestrian access has been addressed in the revised proffers.

Abe Von Storch, applicant, addressed the Board. He reiterated the effort he has made in working with Ms. Falkenstein to use Highway Commercial, an existing zoning category. Mr. Von Storch emphasized that the Comp Plan asks for a zoning category that does not exist, so they have taken Highway Commercial and worked it into what the Comp Plan calls for.

Ms. Palmer closed the public hearing.

Mr. Kamptner said the signed proffers were received earlier that day. He noted that Mr. Wood had passed away.

Mr. Sheffield said they would not be here if they had proactively prepared this corridor for both the Von Storch and Better Living properties.

Mr. Sheffield **moved** that the Board adopt the following Ordinance to approve ZMA 2016-00009. Mr. Randolph **seconded** the motion.

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

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

(**Note:** The ordinance is set out in full below.)

ORDINANCE NO. 16-A(10)
ZMA 2016-00009 WOOD VON STORCH
AN ORDINANCE TO REZONE 4.428 ACRES
FROM R6-RESIDENTIAL DISTRICT TO HIGHWAY COMMERCIAL (HC)
FOR TAX MAP PARCEL NUMBERS 04500-00-00-11200 AND 04500-00-00-112E0

WHEREAS, the application to rezone 4.428 acres from R6-Residential District to Highway Commercial (HC) for Tax Map Parcel Numbers 04500-00-00-11200 and 04500-00-00-112E0 is identified as ZMA 2016-00009 Wood Von Storch ("ZMA 2016-09"); and

WHEREAS, staff recommended approval of ZMA 2016-09 provided that minor revisions were made to the proffers and the concept plan; and

WHEREAS, the Planning Commission held a duly noticed public hearing on ZMA 2016-09 on October 18, 2016, and recommended approval conditioned on the applicant making the staff-recommended revisions, as well as an additional revision, and such revisions have since been made; and

WHEREAS, on December 14, 2016, the Albemarle County Board of Supervisors held a duly noticed public hearing on ZMA 2016-00009.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the staff report prepared for ZMA 2016-09 and its attachments, including the proffers dated December 9, 2016, 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 2016-09 with the proffers dated December 9, 2016.

Original Proffers X
Amendment

PROFFER STATEMENT

ZMA No. **2016-09**

Tax Map and Parcel Number(s): **04500-00-00-112E0, 04500-00-00-11200**

Owner(s) of Record: **Brian J, McMahon & Stephen K von Storch (TMP 04500-00-00-112E0)**
Stuard R Wood (TMP 04500-00-00-11200)

Date of Proffer Signature: **December 9, 2016**

4.428 acres to be rezoned from **R-6 Residential** to **HC – Highway Commercial with restrictions.**

Brian J, McMahon & Stephen K von Storch (TMP 04500-00-00-112E0) Stuard R Wood (TMP 04500-00-00-11200)

are the owners (the "Owners") of Tax Map and Parcels **04500-00-00-112E0 and 04500-00-00-11200** (the "Property") which is the subject of rezoning application **ZMA No. 2016-09**, a project known as the Wood von Storch Rezoning (the "Project").

Pursuant to Section 33.3 of the Albemarle County Zoning Ordinance, 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.

The Owners shall construct improvements on the Property in general accordance with the Concept Plan prepared by Stoneking von Storch Architects entitled "3400 Berkmar Drive Concept Plan" dated November 16, 2016 which is attached hereto and other applicable County zoning and site plan requirements as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Concept Plan, future development shall reflect the following major elements as shown on the Concept Plan:

a. **Primary Development Zone** - Fronting on Berkmar Drive and extending into the collective properties approximately 50% of the total property depth. Within the Primary Development Zone, buildings shall have relegated parking as defined in proffer 7 below and pedestrian access from Berkmar Drive.
b. **Frontage Zone** – An area fronting on Berkmar Drive of approximately 378 feet, in which buildings must occupy a minimum of thirty-five percent (35%) of the total Frontage Zone and provide for pedestrian access from Berkmar Drive.
c. **Cemetery Zone** – An area at the northwestern corner of the site, along Berkmar Drive in which a preexisting cemetery has been identified and shall be preserved or removed in accordance with the laws of the State of Virginia.
d. **Reservation Areas** – An area along Berkmar Drive between the existing right-of-way and a building setback line measured on the property, 44 feet from the Center Line of the Berkmar Drive Right and a 40 foot wide area along the northern property boundary as shown on the Concept Plan, subject to the terms in proffers 6 and 8 below.

2. a) The following by right uses in Highway Commercial (HC) zoning shall not be permitted:
   i. Pipe and tobacco shops
   ii. Barber/Beauty shops
   iii. Laundromats
   iv. Farmer's Markets
   v. Funeral Homes
   vi. Wayside Stands
   vii. Hospitals
   viii. Restaurant drive thru windows

   b) The following use shall be restricted:
   i. Cemeteries – The existing cemetery shall not be expanded.
   ii. Mini-storage – Shall be limited to the Secondary Development Zone or the upper floors within the Primary Development Zone.

3. Retail uses will be limited to no more than 25,000 square feet of the total floor area built on the site. This represents approximately 25% of the projected total floor area projected to be built on the Property.

4. Eating establishments built on the property shall be limited to 1,500 square feet or less per establishment.

5. Residential uses shall be secondary and limited to the upper floors of multi-story buildings.

6. Owners shall reserve an area along the Berkmar Drive frontage between the edge of the existing right-of-way and a building setback line measured on the property, 44 feet from the Center Line of the Berkmar Drive Right of Way (Reserved Area) until the Small Area Plan for Berkmar Drive is completed. This reservation, or a portion thereof, will terminate upon determination by the County in the Small Area Plan that some or all of such Reserved Area is not needed (The Reservation Period). The Reserved Area shall remain free of buildings or other obstructions during the Reservation Period. However, the Owners reserve the right to construct turn and taper lane improvements within the Reserved Area. If the determination of the County in the Small Area Plan is that the Reserved Area, or a portion thereof, will be needed for future Berkmar widening or improvements, then the Reserved Area, or a portion thereof, shall be dedicated to the County upon demand.

7. The Owner shall restrict parking uses to the side or rear of buildings within the Primary Development Zone. The front minimum parking setbacks shall be no closer to the right-of-way than any existing or proposed primary structure in the Primary Development Zone.

8. Owners shall reserve an area 40 feet wide along the northern property boundary as shown on the Concept Plan until the Small Area Plan for Berkmar Drive is completed. This reservation, or a portion thereof, will terminate upon determination by the County in the Small Area Plan that some or all of such Reserved Area is not needed but not later than January 1, 2020 (The Reservation Period). The Reserved Area shall remain free of buildings or other significant obstructions during the Reservation Period. However, the Owners reserve the right to construct parking lots within the Reserved Area. If the determination of the County in the Small Area Plan is that the Reserved Area, or a portion thereof, will be needed for a future connector road from Berkmar Drive to Rte 29, then the Reserved Area, or a portion thereof, may be acquired by the County or VDOT for such purpose.

9. Owner shall delineate the boundaries of the cemetery identified on the Concept Plan and submit a treatment plan for such cemetery for approval by the County Director of Community Development, or designee at the plan or plat review stage of any development on the property which could impact the cemetery.

OWNERS:

____
Brian J. McMahon

____
Stephen K. von Storch

____
Robin M. Wood

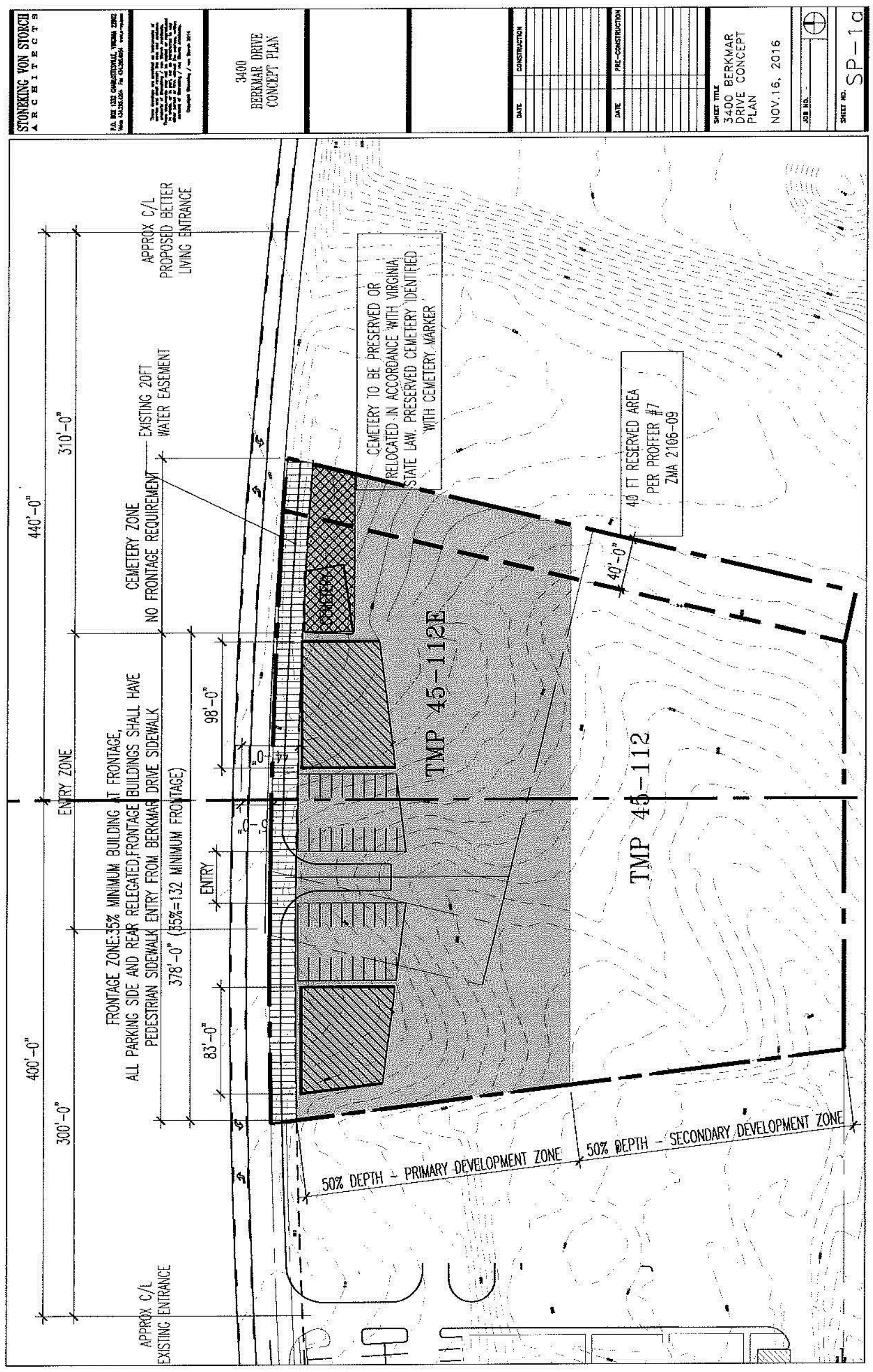
9. Owner shall delineate the boundaries of the cemetery identified on the Concept Plan and submit a treatment plan for such cemetery for approval by the County Director of Community Development, or designee at the plan or plat review stage of any development on the property which could impact the cemetery.

OWNERS:

____
Brian J. McMahon

____
Stephen K. von Storch

Robin Wood
____
Robin M. Wood



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Mr. Sheffield **moved** that the Board adopt the proposed resolution to approve the special exception for ZMA 2016-00009. Mr. Randolph **seconded** the motion.

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

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

(Note: The resolution is set out in full below.)

RESOLUTION TO APPROVE SPECIAL EXCEPTION FOR
ZMA 2016-00009 WOOD VON STORCH

WHEREAS, the Owners of Tax Map Parcel Numbers 04500-00-00-11200 and 04500-00-00-112E0 filed a request for a special exception in conjunction with ZMA 2016-00009 Wood Von Storch to allow the gross floor area to exceed 4,000 square feet for each of three Highway Commercial (HC) uses, as depicted on the pending plans under review by the County's Department of Community Development.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared in conjunction with the application, and all of its attachments, including its supporting analysis, the Applicant's special exception request dated June 20, 2016, and Concept Plan entitled "3400

Berkmar Drive Concept Plan" prepared by Stoneking Von Storch Architects and dated November 16, 2016, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-24.2.1(47), (48), and (49), 18-33.5, and 18-33.9, the Albemarle County Board of Supervisors hereby approves the special exception to allow the gross floor area to exceed 4,000 square feet for each of the following uses:

- Laboratories/Research and Development/Experimental Testing,
- Manufacturing/Processing/Assembly/Fabrication and Recycling, and
- Storage/Warehousing/Distribution/Transportation.

Agenda Item No.16. **PUBLIC HEARING: ZTA 201600013. Historic Restaurants, Inns and Taverns, expansion (Clifton Inn Request).** To receive comments on its intent to recommend adoption of an ordinance amending Secs. 18-3.1, Definitions, and 18-10.2.2, By special use permit (Rural Areas), and adding Sec. 18-5.1.61, Historic restaurants, taverns, and inns, to Chapter 18, Zoning, of the Albemarle County Code. This ordinance would amend Sec. 18-3.1 by amending the definition of Historic District; add Sec. 18-5.1.61 establishing regulations applicable to historic restaurants, taverns, and inns by delineating the requirements for establishing and expanding allowable uses, including a requirement that proposed additions, new structures, and structure modifications be complementary and proportionate to the existing structures and site and must not adversely impact the historic character or significance of the structure or site; or result in de-listing of the structure or site from the National Register of Historic Places and/or Virginia Landmarks Register; and must protect archeological resources and preserve them in place; and amend Sec. 18-10.2.2 by amending the requirements of what constitutes an allowable use after the effective date of this ordinance, if adopted, including a requirement that any additions or new structures to a historic structure or site shall serve a restaurant, tavern, or inn use existing within a historic structure and lawfully operating on the effective date of this ordinance.
(Advertised in the Daily Progress on November 28, 2016 and December 5, 2016.)

The executive summary as presented by staff states that in December 2015 the Planning Commission adopted a Resolution of Intent to address expansions to historic restaurants, taverns, and inns operating in the Rural Areas zoning district by special use permit (Attachment B). The Board endorsed this resolution on February 3, 2016. On July 26, 2016 the Commission held a work session to discuss the proposed ordinance (Attachment C). On October 18, 2016 the Commission held a public hearing on the proposed ordinance (Attachment D) and recommended approval with changes noted in the minutes (Attachment E).

Following action on the proposed ordinance, the Commission requested that the Board of Supervisors authorize staff to proceed as quickly as possible with a Phase 2 zoning text amendment to address other historic properties that are eligible to apply for a special use permit under County Code § 18-10.2.2.27. The Phase 2 text amendment(s) would clarify what constitutes a historic use, create definitions for taverns and inns, and provide parameters for evaluation of how much of an expansion would be considered appropriate.

Attachment A contains the proposed ordinance incorporating the changes requested by the Planning Commission. This ordinance would allow the three historic establishments currently in operation – Clifton Inn, Keswick Hall, and Michie Tavern – to apply for a special use permit to expand their use by either modifying their historic structure(s) and/or adding new structures on the property.

Staff does not anticipate this ordinance would result in the need for additional staff or funding; however, expediting Phase 2 would impact the Community Development Work Program and the Board would need to reprioritize projects for the Department. Phase 2 could be included with work on lodging in the Rural Areas.

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

Ms. Amanda Burbage, Senior Planner, addressed the Board and displayed a slide containing the current ordinance: 10.2.2 by Special Use Permit (in the Rural Area Zoning District); 27. Restaurants and inns that are: a. Located within an historic landmark as designated in the comprehensive plan, provided: (i) the structure has been used as a restaurant, tavern or inn; and (ii) the structure shall be restored as faithfully as possible to the architectural character of the period and shall be maintained consistent therewith.

Ms. Burbage said their regulations allow for restaurant or inn use by special use permit within an historic landmark previously used as a restaurant, tavern or inn. She said there are two inns operating under this special use permit: the Clifton Inn and Keswick Hall. Ms. Burbage stated that Michie Tavern is located within a state designated resource, predating the special use permit requirement. She said the language of the ordinance is problematic for those wishing to expand because the use has to be within an historic landmark. She commented that another problem is that it references a static list of historic landmarks designated in the comprehensive plan and does not reflect properties added or removed from the register of historic landmarks.

Ms. Burbage presented the following timeline of Clifton Inn's request:

Sept. 2015 Clifton Inn ZTA Application

Dec. 2015	Planning Commission Resolution of Intent
Feb. 2016	Board Affirms Resolution
July 2016	Planning Commission Work Session
Aug. 2016	Historic Preservation Committee Input
Oct. 2016	Planning Commission Public Hearing

Ms. Burbage said the ordinance amendment process began last fall when the Clifton Inn submitted a zoning text amendment request. She said the Planning Commission adopted a resolution of intent to address expansions of historic restaurants and inns last December. She said the County assumed responsibility for the ordinance amendment, and it was no longer considered an applicant-driven request. She said the Board endorsed the resolution in February and requested the amendment be expedited, and stated that the Planning Commission's July meeting focused on two main issues: 1) Who should be involved with reviewing impacts of expansions on an historic resource; and 2) What scale of expansion is appropriate. Ms. Burbage said they divided the ZTA into two phases, expediting the first phase to deal only with the existing three establishments. She stated that the Ordinance was vetted by the Historic Preservation Committee and the three affected properties, and the Planning Commission met in October and approved the ordinance with minor changes that were incorporated into the draft.

Ms. Burbage presented a slide of the history of the phasing: Phase 1 (Current): Addresses historic restaurants and inns currently in operation; Phase 2: Addresses all other historic restaurants and inns, clarifies what constitutes a historic use, defines taverns and inns, and quantifies how much expansion is appropriate. She said that staff estimates there are 28 properties eligible to apply for Phase 2, which the Planning Commission has recommended expediting. However, she said, the work would have to be considered within the context of a large number of department-led strategic initiatives currently in the community development work plan.

Ms. Burbage reviewed the three proposed changes to the ordinance:

1) Change definition of historic district: definition made consistent with "historic structure or site" definition. References structures or sites listed in National or State register.
2) Modify eligibility criteria for special use permit: eligibility based on historic use of the structure as inn, tavern, or restaurant or prior SP approval, renovations must be related to period of architectural significance, additions and expansions available only to restaurants, taverns, or inns existing within a historic structure and lawfully operating on the date of ordinance adoption.
3) Additional criteria for review of a special use permit request: use is consistent with RA goals, expansions are complementary, proportionate and subordinate to the historic resource, proposed physical changes would not adversely impact National or State register listing, and proposed physical changes would not adversely impact archeological resources.

Ms. Burbage concluded her presentation by stating that staff recommends the Board adopt the ordinance in Attachment A.

Ms. Randolph commended Ms. Burbage and her staff, as well as staff of the Planning Commission and the Historic Preservation Committee, for their hard work. He stated it was a creative idea to have two phases, and there were many value-laden questions that had to be deliberated. He said the proposal is eminently worthy for the County and represents the best interests of all. Ms. Burbage acknowledged Elaine Echols as a key member of the team.

Ms. Mallek asked if staff was certain that DHR would be able to provide what is being required of them. Ms. Burbage said this was deliberated, and considering the strapped resources of the department, it is not a guarantee that a determination would be available. She stated that they added a provision to allow staff to make an assessment in the event DHR is not able to.

Ms. Maliszewski added that it is expected that most of the applicants would apply for tax credits, which requires DHR input. Ms. Mallek asked about AirBnBs.

Ms. Burbage replied that there is language in the Rural Area District regulations that clarifies that, in order to be eligible for an expansion, the use has to be within a historic structure that is lawfully operating on the date of ordinance adoption. She stated that without this language, there could be the potential for an owner of an AirBnB on a site that is designated to try to make the case for an allowance of expansion, and the language allows them to avoid putting the Board in a position to have to make a determination.

Mr. Randolph stated that this morning he talked with Planning Commissioners Tim Keller and Pam Riley, and they discussed which body should have oversight, the Architectural Review Board or the Historic Preservation Committee. Mr. Randolph said he expressed his opinion that historic preservation take on a broader role, rather than add additional responsibilities to the ARB, stating that they can have discussions about this during Phase 2.

Ms. Palmer opened the public hearing.

Mr. Katurah Roell of the Piedmont Development Group addressed the Board and thanked staff and Mr. Kamptner for their assistance with this process. He said they have DHR pre-approval for the initial phase, and stated that their property lies on 100 acres but the impact is on only 1.5 acres, and the only additions would be made to existing structures.

Ms. Mallek stated she understands the challenges of being the guinea pig.

Ms. Valerie Long addressed the Board. She expressed her wholehearted support of the zoning text amendment as well as the applicant's specific request to expand their facility. She suggested that, once they arrive at Phase 2, they make uses by right, subject to compliance with the supplemental regulations they are creating. She stated they can still treat applications on a case-by-case basis with all of the intricacies involved but, by making them by right, they can make things easier for future applicants.

Ms. Palmer closed the public hearing.

Mr. Randolph **moved** to adopt the proposed ordinance to approve ZTA 2015-00013. Ms. Mallek **seconded** the motion.

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

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

(Note: The ordinance is set out in full below.)

ORDINANCE NO. 16-18(7)

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

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article I, General Provisions, Article II, Basic Regulations, and Article III, District Regulations, are hereby amended and reordained as follows:

By Amending:

Sec. 3.1 Definitions
Sec. 10.2.2 By special use permit

By Adding:
Sec. 5.1.61 Historic restaurants, taverns, and inns

Chapter 18. Zoning

Article I. General Provisions

Sec. 3.1 Definitions

…….

Historic district: Any historic district listed in the National Register of Historic Places or the Virginia Landmarks Register. (Added 12-10-09)

…….

Article II. Basic Regulations

…….

Sec. 5.1.61 Historic restaurants, taverns, and inns

In addition to the factors to be considered for a special use permit under section 33.8, each application for one or more uses authorized under section 10.2.2(27)(a) shall conform to the following:

1. The use shall be consistent with the Rural Area goals listed in the Comprehensive Plan.

2. The location and scale of proposed structures and additions shall be complementary and proportionate to the existing structures and/or site, and additions and new structures shall be clearly subordinate to the historic structures on the site. In no event shall the proposed additions, new structures, or exterior modifications to the historic structure adversely impact the historic character or significance of the structure and/or site as determined by the director of planning or his/her designee.

3. In no event shall the proposed additions, new structures, or exterior modifications to the historic structure result in de-listing of the structure and/or site from the National Register of Historic Places and/or Virginia Landmarks Register, as indicated in a determination by the Virginia Department of Historic Resources.

4. The proposed additions, new structures, and exterior modifications to the historic structure shall protect archaeological resources and preserve them in place. If such resources must be disturbed, mitigation measures as determined by the director of planning or his/her designee shall be undertaken.

....

Sec. 10.2.2 By special use permit

The following uses shall be permitted by special use permit in the RA district, subject to the applicable requirements of this chapter:

....

27. Restaurants, taverns, and inns that are:

a. Located on a site containing a structure that is a historic structure and/or site as defined in section 3.1 or located on a site containing a structure that is identified as contributing to a historic district as defined in section 3.1, provided: (i) the structure was historically used as a restaurant, tavern or inn or previously approved for such use by special use permit; and (ii) if renovation or restoration of the historic structure is proposed, such changes shall restore the structure as faithfully as possible to the architectural character of the period(s) of its significance and shall be maintained consistent therewith; and (iii) that any additions or new structures shall serve a restaurant, tavern or inn use existing within the historic structure and lawfully operating on December 14, 2016; or

b. Nonconforming uses, provided the restaurant or inn is served by existing water and sewerage systems having adequate capacity for both the existing and proposed uses and facilities without expansion of either system. (Amended 11-8-89; 10-18-00)

Agenda Item No.17. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. Mallek said she has circulated a digital copy by e-mail of Mary Biggs' letter to the legislature about school support, and asked if there is interest in having the Board compose a similar letter to the legislature.

Mr. Randolph, noting that President-Elect Trump made a campaign promise to provide local police with excess military equipment, said he emailed Police Chief Lantz yesterday asking if he sees a need for surplus military hardware, such as bayonets, grenade launchers, armored vehicles, high-powered firearms and ammunition. He said Chief Lantz replied that the department has been furnished with fantastic equipment that supports the officers and staff in their daily duties and he does not see a need for military equipment at this time.

Mr. Randolph said that Charlottesville City Council was expecting the Board of Supervisors to address the issue of Sanctuary Cities and join with the City in assessing what impact the loss of federal funds would have if they were to not comply.

Ms. Palmer asked Mr. Kamptner if a Sanctuary City is permitted in Virginia. Mr. Kamptner stated he is not aware of any enabling authority, but would look into it.

Ms. Palmer said she does not believe the County can take any action with respect to this. She suggested that they compose a letter of response to the Charlottesville City Council.

Ms. Palmer asked to add discussion of the Albemarle County Road Naming and Property Numbering Ordinance and Manual to the agenda of one of the February 2017 meetings. She said the addresses of a neighborhood would be renumbered and there are some homes with shared driveways. She said the manual permits the use of suffixes for homes with shared driveways, though the County has not been interpreting the manual to allow this. Ms. Palmer stated that Mark Graham requests Board approval to be able to do this. She said a meeting would be held in January that includes the HOA, EMS and County officials. She invited Supervisors to join her in attendance and said she hopes they will not have to put a whole neighborhood through this process, especially if the few affected properties that have additional structures are willing to use suffixes and properly label the homes with signage. She said if the Board allows the manual to be interpreted in this way, then she would also like them to look at the ordinance to see if they can make some GIS upgrades.

Ms. Mallek mentioned the havoc it wreaks with people's lives when they learn their address would be changed, and she expressed her support for allowing suffixes to be used.

Ms. Palmer asked for consensus from other Supervisors to add this issue to the agenda in February. Various Supervisors nodded or said yes, so she would add this item to the agenda.

Ms. Palmer said she would not seek Chairmanship of the Board next year, as she has some time-consuming personal issues that she would have to address, and so she would not be able to devote as much time to her duties.

Ms. Mallek referenced a recent by-right application that has been submitted as an example of density bonuses for an interior street, when an interior street is the only thing that makes the number of lots possible. She asked the County Attorney if there is a way they can attack this individually or if they need to wait.

Mr. Kamptner said it would be his recommendation to do away with density bonuses, as they are completely meaningless, noting that they give a bonus for putting in a required subdivision street. He said they are working on this issue and similar issues before codification resurfaces.

Agenda Item No. 18. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Foley said that he did not have any matters to address.

Agenda Item No. 19. Adjourn to December 21, 2016, 6:00 p.m., Lane Auditorium.

At 7:12 p.m., Ms. Mallek **moved** to adjourn the meeting until December 21, 2016 at 6:00 p.m. in Lane Auditorium. Ms. Palmer **seconded** the motion.

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

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

____
Chairman

Approved by Board
Date: 04/05/2017 Initials: CKB