

<p style="text-align: center;">ACTIONS Board of Supervisors Meeting of July 13, 2016</p>		
		July 15, 2016
<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>	<u>VIDEO</u>
1. Call to Order. <ul style="list-style-type: none"> Meeting was called to order at 2:59 p.m. by the Chair, Ms. Palmer. All BOS members were present. Also present were Tom Foley, Greg Kampner and Travis Morris. 		Link to video
2. Joint Work Session with Economic Development Authority: a. The Powers, Duties, and Role of the Albemarle County Economic Development Authority. <ul style="list-style-type: none"> Held. 		
4. Discussion: Legislative position regarding County authority to establish 'economic revitalization zones'. <ul style="list-style-type: none"> Discussed. 		
5. Closed Meeting. <ul style="list-style-type: none"> At 4:46 p.m., the Board went into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (7) to consult with and be briefed by legal counsel and staff regarding specific legal matter requiring legal advice relating to the negotiation of an agreement for court facilities. 		
6. Certify Closed Meeting. <ul style="list-style-type: none"> At 6:01 p.m., the Board reconvened into open meeting and certified the closed meeting. 		
7. Call back to Order. <ul style="list-style-type: none"> The Chair called the meeting back to order at 6:12 p.m. 		
10. Adoption of Final Agenda. <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED the final agenda. 		
11. Brief Announcements by Board Members. <u>Brad Sheffield:</u> <ul style="list-style-type: none"> Asked Supervisors if they would like to add for a discussion on "Public comments at other meetings" under Matters from the Board. <u>Ann Mallek:</u> <ul style="list-style-type: none"> Announced that brochures for the Blue Ridge Heritage Project were available and that an information meeting would be held at the White Hall Community Center on Thursday, July 14. <u>Norman Dill:</u> <ul style="list-style-type: none"> Announced that he attended the unveiling of the Gregory Swanson plaque and dedication. 		
12. Proclamations and Recognitions: a. Resolution of Appreciation – James "Jim" Hingeley. <ul style="list-style-type: none"> By a vote of 6:0, ADOPTED resolution and presented to Jim Hingeley. 	(Attachment 1)	
13. From the Public: Matters Not Listed for Public Hearing on the Agenda. <ul style="list-style-type: none"> <u>Jim Morris</u>, requested that the Board provide guidance and relief toward student parking at Albemarle High School. <u>Salam Altallal</u>, resident of the City of 		

	<p>Charlottesville and County business owner, addressed the Board and spoke in favor Salam LLC an item being heard later in the agenda.</p> <ul style="list-style-type: none"> • <u>Marta Keane</u>, Executive Director of JABA, updated the Board on JABA's strategic direction. • <u>Liz Russell</u>, spoke on behalf of the Albemarle County Historic Preservation Committee, provided the Board with an update on its newly completed "Owner's of Historic Property Manual". 	
14.1	<p>County Property on Founders Place in the Mill Creek area (TMP 09100-00-00-002E0) and on Polo Grounds Road (TMP 04600-00-00-02600).</p> <ul style="list-style-type: none"> • RETAIN parcels in the land-banked properties and not dispose of the property as this time. 	<u>Trevor Henry</u> : Proceed as directed.
15.	<p>Business License Ordinance Amendments deferred from July 6.</p> <ul style="list-style-type: none"> • By a vote of 4:2 (Dill/Sheffield), ADOPTED ordinance. 	<u>Clerk</u> : Forward copy of signed ordinance to Finance and County Attorney's office. (Attachment 2)
16.	<p>Discussion: Rental By Owner (RBO) Business License Requirements Update</p> <ul style="list-style-type: none"> • Discussed. 	
17.	<p><u>Pb. Hrg.: PROJECT: SP-2015-00031. Salam LLC – Motor Vehicle Sales.</u></p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED Resolution approving SP 2015-31 Salam LLC – Motor Vehicles and SP 2015-34 Salam LLC – Body Shop. 	<u>Clerk</u> : Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 3)
18.	<p><u>Pb. Hrg: PROJECT: SP-2015-00034. Salam LLC – Body Shop.</u></p> <ul style="list-style-type: none"> • See agenda item #17. 	
19.	<p><u>Pb. Hrg: ZMA-2016-00003. Out of Bounds cash proffer amendment.</u></p> <ul style="list-style-type: none"> • By a vote of 6:0, ADOPTED Resolution for denial of ZMA 2016-003, Out of Bounds. 	<u>Clerk</u> : Forward copy of signed resolution to Community Development and County Attorney's office. (Attachment 4)
20.	<p><u>Pb. Hrg: ZMA-2015-00009. Spring Hill Village – Proffer Amendment.</u></p> <ul style="list-style-type: none"> • By a vote of 4:2 (McKeel/Dill), ADOPTED Resolution for denial of ZMA 2015-09 Spring Hill Village. 	<u>Clerk</u> : Forward copy of signed ordinance to Community Development and County Attorney's office. (Attachment 5)
21.	<p>From the Board: Committee Reports and Matters Not Listed on the Agenda.</p> <p>a. Discussion: Public comment at "Other Meetings".</p> <ul style="list-style-type: none"> • Directed staff to look other appointed boards and if they allow public comment and bring back at future Board meeting. <p><u>Diantha</u>:</p> <ul style="list-style-type: none"> • Reiterated that she would like to on the staff report summaries for impacts on development would like to see along with the magisterial districts the schools that are impacted. 	<u>Lee Catlin</u> : Proceed as directed.
22.	<p>From the County Executive: Report on Matters Not Listed on the Agenda.</p> <p><u>Tom Foley</u>:</p> <ul style="list-style-type: none"> • Announced that he would like to speak with a couple of Supervisors as staff prepares for the joint meeting with the Fiscal Impact Advisory Committee. 	

23. Adjourn to June 19, 2016, 9:00 a.m., Lane Auditorium. • The meeting was adjourned at 10:02 p.m.		
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Attachment 1 – Resolution of Appreciation – James “Jim” Hingeley

Attachment 2 – Ordinance No. 16-8(1)

Attachment 3 – Resolution to Approve SP 2015-31 Salam LLC – Motor Vehicle Sales and SP 2015-34 Salam LLC – Body Shop

Attachment 4 – Resolution Denying ZMA 2016-00003 Out Of Bounds Proffer Amendment

Attachment 5 – Resolution Denying ZMA 2015-00009 Spring Hill Village Proffer Amendment

Resolution of Appreciation for

JAMES "JIM" HINGELEY

WHEREAS, Jim Hingeley opened the Office of the Public Defender for the County of Albemarle and the City of Charlottesville in 1998, with the mission of defending the accused in serious criminal cases and managing a community-oriented public defender office that provides high quality criminal defense services to indigent clients; and

WHEREAS, Jim Hingeley received his A.B. from Harvard College and his J.D. from the University of Virginia School of Law, and is admitted to practice law in the states of Virginia and West Virginia, all federal courts in Virginia, and the United States Supreme Court; and

WHEREAS, Jim Hingeley has been a clinical supervisor of the Criminal Defense Clinic at the University of Virginia School of Law since 1999, providing first rate training for the next generation of criminal defense attorneys; and

WHEREAS, Jim Hingeley has received several prestigious awards to include the Virginia Bar Association's Roger D. Groot Pro Bono Publico Service Award in 2014 and has served on innumerable state and local advocacy groups as a contributing member or in a leadership capacity in his ongoing mission to provide the best defense for all; and

WHEREAS, Jim Hingeley, in addition to being a lawyer and public servant, has also been a certified welder; a VISTA volunteer in West Virginia; a high school social studies teacher in Pocahontos County, West Virginia; and an all-around nice guy to have in your corner.

NOW, THEREFORE BE IT RESOLVED that, we, the Albemarle County Board of Supervisors, present to James "Jim" Hingeley on the occasion of his retirement as The Public Defender for the County of Albemarle and the City of Charlottesville, with this Resolution of Appreciation for the immeasurable and excellent public service that he has provided to this community; and

BE IT FURTHER RESOLVED that, this Resolution be spread upon the minutes of this meeting of the Albemarle County Board of Supervisors.

Signed this 13th day of July, 2016.

ORDINANCE NO. 16-8(1)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 8, LICENSES, 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 8, Licenses, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained as follows:

By Amending:

- Sec. 8-402 License fee.
- Sec. 8-406 Penalty on delinquent license tax or license fee.
- Sec. 8-502 Assessment when license tax not assessed or under-assessed; fraudulent intent.
- Sec. 8-600 Alcoholic beverages.
- Sec. 8-603 Contractors, developers, electricians, plumbers, steamfitters and speculative builders.

By Repealing:

- Sec. 8-403 Proration of license tax based on a flat rate for beginning businesses.

By Adding:

- Sec. 8-620 Federal research and development contractors.

CHAPTER 8. LICENSES

ARTICLE IV. LICENSE TAX AND LICENSE FEE

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Sec. 8-402 License fee.

Each person required to obtain a license, who is not required to pay a license tax based on gross receipts or gross expenditures, shall pay a fee of fifty dollars (\$50.00). The license fee shall be paid with the license application.

(Ord. 96-11(1), 11-13-96, § 11-4.2; Code 1988, § 11-4.2.; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 58.1-3703.

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Sec. 8-406 Penalty on delinquent license tax or license fee.

A penalty of ten percent (10%) of the tax shall be imposed upon the failure to file an application or the failure to pay the license tax or the license fee by the appropriate due date, subject to the following:

A. If additional taxes are determined to be due as provided in section 8-501, but the director of finance determines that the license application and, if applicable, the return were made in good faith and the understatement of the tax was not due to any fraud, reckless or intentional disregard of the law by the person, a late payment penalty shall not be imposed on the additional tax, except as provided in paragraph (B).

B. If any taxes assessed by the director of finance as provided in section 8-500 or 8-501 are not paid within thirty (30) days, the director of finance shall impose the penalty.

C. A penalty shall not be imposed, or if imposed, shall be abated by the director of finance if the failure to file or pay was not the fault of the person. In order to demonstrate lack of fault, the person must show that he acted responsibly and that the failure was due to events beyond his control.

1. The term "acted responsibly" means that: (i) the person exercised the level of reasonable care that a prudent person would exercise under the circumstances in determining the filing obligations for the business; and (ii) the person undertook significant steps to avoid or mitigate the failure, such as requesting

appropriate extensions where applicable, attempting to prevent a foreseeable impediment, acting to remove an impediment once it occurred, and promptly rectifying a failure once the impediment was removed or the failure discovered.

2. The term "events beyond the person's control" include, but are not limited to, the unavailability of records due to fire or other casualty; the unavoidable absence (e.g., due to death or serious illness) of the person with the sole responsibility for tax compliance; or the person's reasonable reliance in good faith upon erroneous written information from the director of finance, who was aware of the relevant facts relating to the person's business when he provided the erroneous information.

D. If an assessment of additional or omitted tax by the director of finance is found to be erroneous, the penalty imposed and collected on the amount of the assessment found to be erroneous shall be refunded to the person, together with interest on the refund from the date of payment or the due date, whichever is later.

(3-15-73, § 7; 4-21-76; 3-10-82; 4-13-88; 4-20-88; Ord. 3-20-91; Ord. 94-11(9), 8-3-94; Ord. 96-11(1), 11-13-96, § 11-12; Code 1988, § 11-12; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 58.1-3703.1.

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ARTICLE V. CORRECTION OF TAX ASSESSMENTS

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Sec. 8-502 Assessment when license tax not assessed or under-assessed; fraudulent intent.

If the director of finance determines that a person has fraudulently, or with intent to evade the payment of proper license taxes, failed or refused to obtain a proper license as required by this chapter, for any one or more of the six (6) license years last past, or for the then current license year, and the liability therefor is ascertained, the omitted or additional license tax and the penalty and interest provided by this chapter shall be assessed for each and every year of the six (6) license years last past and for the current license year, for which he was assessable. The failure to obtain such license as is required by the provisions of this chapter shall be taken as prima facie evidence of an intent to evade such taxes.

(3-15-73, §§ 16, 18, 19; 4-21-76; Ord. 96-11(1), 11-13-96, § 11-15; Code 1988, § 11-15; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 58.1-3903.

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ARTICLE VI. SCHEDULE OF TAXES

DIVISION 1. GENERALLY

Sec. 8-600 Alcoholic beverages.

Each person engaged in the following alcoholic beverage businesses shall be subject to the applicable license tax, and other provisions, set forth herein:

A. The following annual tax rates shall apply:

1. For each distiller, if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, seven hundred fifty dollars (\$750.00); if more than 36,000 gallons manufactured during such year, one thousand dollars (\$1,000.00); and no license shall be required for any person who manufactures not more than five thousand (5,000) gallons of alcohol or spirits or both during the license year.

2. For each winery, fifty dollars (\$50.00).

3. For each brewery, if not more than 500 barrels of beer manufactured during the year in which the license is granted, two-hundred fifty dollars (\$250.00), and if more than 500 barrels of beer manufactured during the year in which the license is granted, one thousand dollars (\$1,000.00).

4. For each bottler, five hundred dollars (\$500.00).

5. For each wholesale beer distributor, seventy-five dollars (\$75.00).
 6. For each wholesale wine distributor, fifty dollars (\$50.00).
 7. For each retail on-premises wine and beer license for a hotel, restaurant or club, and for each retail off-premises wine and beer license, thirty-seven dollars and fifty cents (\$37.50).
 8. For each retail on-premises beer license for a hotel, restaurant or club, and for each retail off-premises beer license, twenty-five dollars (\$25.00).
 9. For each fruit distiller, five hundred dollars (\$500.00).
 10. In addition to the foregoing for each license issued to a hotel, restaurant or club for the sale of mixed alcoholic beverages, as defined in Title 4.1 of the Code of Virginia, and acts amendatory thereto, the tax shall be two hundred dollars (\$200.00) for areas seating fifty (50) to one hundred (100) persons; three hundred fifty dollars (\$350.00) for areas seating one hundred (100) to one hundred fifty persons (150); five hundred dollars (\$500.00) for areas seating more than one hundred fifty persons (150+) and three hundred fifty dollars (\$350.00) for nonprofit clubs.
- B. For purposes of this section, the term "beer" includes porter, ale, stout and other malt beverages, but not vinous beverages.
- C. No license shall be issued to any person under the provisions of this section unless the applicant therefor holds at the same time, or simultaneously procures, a state license from the alcoholic beverage control board.
- D. All dining rooms, restaurants, lunchrooms and club rooms, wherein the beverages defined in this section are sold for consumption on the premises, shall at all times be open to inspection by the state police and the police authorities of the county. Any store, room or other building from which deliveries are made either at wholesale or retail by bottlers, wholesalers or retailers shall at all times be open to the inspection of state police and the police authorities of the county.

(3-15-73, § 25; 4-21-76; Ord. 96-11(1), 11-13-96, § 11-27; Code 1988, § 11-27; Ord. 98-A(1), 8-5-98; Ord. 14-8(1), 9-3-14; Ord. 15-8(1), 7-1-15)

State law reference--Va. Code § 4.1-233.

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Sec. 8-603 Contractors, developers, electricians, plumbers, steamfitters and speculative builders.

Each person engaged as a contractor, developer, electrician, plumber, steamfitter or speculative builder shall be subject to a license tax, and other provisions, as set forth herein:

- A. Each contractor, developer, electrician, plumber, steamfitter or speculative builder shall be subject to a license tax of sixteen cents (\$0.16) for each one hundred dollars (\$100.00) of gross receipts from the business conducted during the preceding fiscal or calendar year.
- B. Each person engaged in the business of a contractor shall include in his gross receipts all work done, whether such work is done by contract, subcontract, day labor or time and material.
- C. Each contractor who has paid a local license tax or fee to another locality in which his principal office or branch office is located shall be exempt from obtaining a license and from paying a the applicable license tax or fee to this county, as provided in sections 8-101 and 8-402, for conducting any such business within this county unless the amount of business done by any such person in this county is equal to or greater than twenty-five thousand dollars (\$25,000.00) but less than one hundred thousand dollars (\$100,000.00), in which case the person shall be subject to the license fee provided in section 8-402, and if the amount of business done in this county is equal to or greater than one hundred thousand dollars (\$100,000.00), the person shall be subject to the license tax provided in section 8-101 at the rate established in subsection (A) of this section. The amount of business done in the other locality in which the license tax or fee is paid may be deducted by the person from the gross receipts reported to this county. The director of finance shall have the power to require such periodic reports as he may deem necessary of all persons claiming exemption under this paragraph.

(3-10-82; Ord. 96-11(1), 11-13-96, § 11-55; Code 1967, § 11-14; 3-10-82; Ord. 96-11(1), 11-13-96, § 11-58; Code 1988, §§ 11-55, 11-58; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code §§ 58.1-3714, 58.1-3715.

DIVISION 4. PERSONAL, PROFESSIONAL, BUSINESS, AMUSEMENT OR REPAIR

SERVICE BUSINESS, OCCUPATIONS AND PROFESSIONS

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Sec. 8-620 Federal research and development contractors.

Each person, person, firm, or corporation designated as the principal or prime contractor receiving identifiable federal appropriations for research and development services as defined in § 31.205-18 (a) of the Federal Acquisition Regulation in the areas of (i) computer and electronic systems, (ii) computer software, (iii) applied sciences, (iv) economic and social sciences, and (v) electronic and physical sciences in the county shall be subject to a license tax of three cents (\$0.03) per each one hundred dollars (\$100.00) of such federal funds received in payment of such contracts upon documentation provided by such person, firm or corporation to the director of finance confirming the applicability of this subsection.

State law reference--Va. Code § 58.1-3706(D).

**RESOLUTION TO APPROVE
SP 2015-31 SALAM LLC - MOTOR VEHICLE SALES
AND SP 2015-34 SALAM LLC - BODY SHOP**

WHEREAS, RMD Properties, LLC (the “Owner”) is the record owner of Tax Map and Parcel Number 061W0-02-0A-00200 and the three buildings located thereon (collectively, the “Property”); and

WHEREAS, Salam Altallal (the “Applicant”) leases one of the buildings at the back of the Property in which he runs the C’ville 29 Auto Repair shop; and

WHEREAS, the Applicant submitted applications for Special Use Permits to permit the sale of motor vehicles and a body shop in conjunction with the auto repair shop, and the applications are identified, respectively, as Special Use Permit 2015-00031 Salam LLC – Motor Vehicle Sales (“SP 2015-31”) and Special Use Permit 2015-00034 Salam LLC – Body Shop (“SP 2015-34”); and

WHEREAS, on May 3, 2016, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2015-31 and SP 2015-34 with conditions; and

WHEREAS, on July 13, 2016, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2015-31 and SP 2015-34.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2015-31 and SP 2015-34 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 §§ 18-22.2.2(8), 18-22.2.2(12), and 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2015-31 and SP 2015-34, subject to the applicable performance standards for the body shop use in Albemarle County Code § 18-5.1.31, and the conditions attached hereto.

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**SP-2015-31 Salam LLC – Motor Vehicle Sales
and SP 2015-34 Salam LLC – Body Shop
Special Use Permit Conditions**

1. Use of the site shall be in general accord with the concept plan “Concept Plan for Salam, LLC” dated May 3, 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 sales area, parking area for sales vehicles and parking area for body shop vehicles. Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.
2. Not more than five (5) vehicles may be made available for sale outdoors at any time.
3. Not more than five (5) vehicles may be parked or stored outdoors for body shop work at any time.

**RESOLUTION DENYING
ZMA 2016-00003 OUT OF BOUNDS
PROFFER AMENDMENT**

WHEREAS, the application to amend the proffers that were approved with ZMA 2015-00005 for Tax Map and Parcel Numbers 06000-00-00-06500; 060L0-00-05-01900; 060L0-00-05-02000; 060L0-00-05-02100; 060L0-00-05-02200; 060L0-00-05-02300; 060L0-0-005-02400; 060L0-00-05-02500; 060L0-00-05-02600; 060L0-00-05-02700; 060L0-00-05-02800; 060L0-00-05-02900; 060L0-00-05-03000; 060L0-00-05-03100; 060L0-00-05-03200; 060L0-00-05-03300; 060L0-00-05-03400; 060L0-00-05-03500; 060L0-00-05-03600; 060L0-00-05-03700; 060L0-00-05-03800; 060L0-00-4A-00400; (the "Property") is identified as ZMA 2016-00003, Out of Bounds ("ZMA 2016-00003"); and

WHEREAS, ZMA 2016-00003 proposes to amend Proffer #3 to reduce the amount of cash proffered to address the impacts from the rezoning from \$20,460.51 to \$4,918.00 for each single family detached unit and from \$13,913.18 to \$3,845.00 for each single family attached or townhouse unit; and

WHEREAS, staff recommended approval of ZMA 2016-00003 because the applicant's requested cash proffer amounts are consistent with the County's current Capital Improvements Program (CIP), with the Capital Needs Assessment (CNA), and with the cash proffer amounts recommended by the Fiscal Impact Advisory Committee (FIAC); and

WHEREAS, on April 26, 2016, after a duly noticed public hearing, the Planning Commission recommended denial of ZMA 2016-00003.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Albemarle, Virginia, that, upon consideration of the foregoing, the staff report prepared for ZMA 2016-00003 and all of its attachments, the information presented at the public hearing, the factors articulated by the Planning Commission in its recommendation for denial, the material and relevant factors in County Code § 18-33.6 and Virginia Code § 15.2-2284, the Board's repeal of the Cash Proffer Policy on June 8, 2016, and because Proffer #3 was stated by the original applicant in ZMA 2012-00003 (where the per unit cash proffer was identified as Proffer #2) and in ZMA 2015-00005 to be reasonable and to have been voluntarily made, the Board hereby denies ZMA 2016-00003.

**RESOLUTION DENYING
ZMA 2015-00009 SPRING HILL VILLAGE
PROFFER AMENDMENT**

WHEREAS, the application to amend the proffers that were approved with ZMA 2013-00017 for Tax Map and Parcel Numbers 00000-00-00-02800 (the "Property") is identified as ZMA 2015-00009, Spring Hill Village Proffer Amendment ("ZMA 2015-00009"); and

WHEREAS, ZMA 2015-00009 proposes to amend Proffer #2 to reduce the amount of cash proffered to address the impacts from the rezoning from \$20,460.57 to \$4,918.00 for each single family detached unit and from \$13,913.18 to \$3,845.00 for each single family attached or townhouse unit; and

WHEREAS, staff recommended approval of ZMA 2015-00009 because the applicant's requested cash proffer amounts are consistent with the County's current Capital Improvements Program (CIP), with the Capital Needs Assessment (CNA), and with the cash proffer amounts recommended by the Fiscal Impact Advisory Committee (FIAC); and

WHEREAS, on February 23, 2016, after a duly noticed public hearing, the Planning Commission recommended denial of ZMA 2015-00009.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Albemarle, Virginia, that, upon consideration of the foregoing, the staff report prepared for ZMA 2015-00009 and all of its attachments, the information presented at the public hearing, the factors articulated by the Planning Commission in its recommendation for denial, the material and relevant factors in County Code § 18-33.6 and Virginia Code § 15.2-2284, the Board's repeal of the Cash Proffer Policy on June 8, 2016, and because Proffer #2 was stated by the original applicant in ZMA 2013-00017 to be reasonable and to have been voluntarily made, the Board hereby denies ZMA 2015-00009.