

An adjourned meeting of the Board of Supervisors of Albemarle County, Virginia, was held on March 3, 2016, at 1:00 p.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia. The meeting was adjourned from March 2, 2016.

PRESENT: Mr. Norman G. Dill, Ms. Ann Mallek, Ms. Diantha H. McKeel, Ms. Liz A. Palmer, Mr. Rick Randolph, and Mr. Brad L. Sheffield.

ABSENT: None.

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

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

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

Agenda Item No. 4. Adoption of the Final Agenda.

Ms. Palmer introduced County staff members.

Ms. Palmer stated that she would like to move Item #22 – Recruitment and Selection Process – up on the agenda as Item #14a, to take place before the Closed Meeting.

Ms. Mallek **moved** to adopt the final agenda as presented. Ms. McKeel **seconded** the motion.

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

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

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

Ms. Mallek reported that Carroll Conley of Crozet had recently passed away. She stated that Mr. Conley had run the J.B. Barnes Lumber Company for many years, which employed 60 residents. She stated that Mr. Conley was a true community leader who coached both youth and adult baseball, and encouraged his employees to volunteer for the fire department.

Mr. Randolph stated that he read an article in *The Washington Post* indicating the Supreme Court has declined to hear a challenge to the Chesapeake Bay cleanup plan, which had been brought forth by 21 states that had no link at all to the watershed.

Ms. Mallek reported the local ACE Program recently received its largest ever state Farmland Preservation Trust grant.

Agenda Item No. 6. From the Public: Matters Not Listed for Public Hearing on the Agenda.

There were none.

Agenda Item No. 7. Consent Agenda.

(Discussion: Ms. Mallek stated that she needed to pull her assigned minutes)

Ms. McKeel **moved** to approve Items 7.1 (as read) through Item 7.3. Ms. Mallek **seconded** the motion.

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

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

Item No. 7.1. Approval of Minutes: December 1, December 4 and December 9, 2015; January 6 and January 13, 2016.

Ms. Palmer had read the minutes of December 1, 2015 and December 4, 2015, and found them to be in order.

Ms. McKeel had read her portion of the minutes of December 9, 2015 pages 1-36 (end with Item #13), and found them to be in order.

Mr. Sheffield had read his portion of the minutes of December 9, 2015 pages 36 (begin with Item #13) to end, and found them to be in order.

Ms. Mallek asked that the minutes of January 6, 2016 pages 1-29, ending with Item #15 be pulled and carried forward to the next meeting.

Mr. Randolph had read his portion of the minutes of January 6, 2016 pages 29 (begin with Item #15) to end, and found them to be in order.

Mr. Dill had read the minutes of January 13, 2016, and found them to be in order.

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

Item No. 7.2. FY 2016 Appropriations.

The executive summary forwarded to the Board states that Virginia Code § 15.2-2507 provides that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget; provided, however, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The Code section applies to all County funds, i.e., General Fund, Capital Funds, E911, School Self-Sustaining, etc. The total increase to the FY 16 budget due to the appropriation itemized below is \$2,376,925.01. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

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

- One (1) appropriation (#2016061) to appropriate \$300,000.00 in federal funding from the Virginia Department of Housing and Community Development (DHCD) for a Community Development Block grant to support Phase II of the Oak Hill project;
- One (1) appropriation (#2016062) to appropriate \$30,000.00 in federal funding from the Virginia Department of Housing and Community Development (DHCD) for a Community Development Block planning grant to support planning activities for the southeastern area of Albemarle County;
- One (1) appropriation (#2016063) to re-appropriate \$508,760.66 for expenditures in the Schools' Computer Equipment Replacement Fund;
- One (1) appropriation (#2016064) to appropriate \$32,303.32 to the Stormwater Management Program capital project. This appropriation will not increase the County Budget;
- One (1) appropriation (#2016065) to appropriate \$9,899.00 in federal funding to the Police Department for advanced Problem Oriented Policing (POP) training to police supervisors. \$495.00 of this appropriation is the County's match and will not increase the County Budget;
- One (1) appropriation (#2016066) to appropriate \$75,000.00 in state funding from the Virginia Department of Housing and Community Development (DHCD) for a fully funded broadband planning grant through the Virginia Telecommunication Planning Initiative (VATPI). The telecommunication plan will identify and develop elements necessary to develop a successful community broadband network;
- One (1) appropriation (#2016067) to appropriate \$850.50 in donations received to support the Sheriff's volunteer reserve programs; and
- One (1) appropriation (#2016068) to appropriate \$1,452,909.55 to the School Division.

Staff recommends that the Board adopt the attached Resolution (Attachment B) to approve appropriations #2016061, #2016062, #2016063, #2016064, #2016065, #2016066, #2016067, and #2016068 for local government and school division projects and programs as described in Attachment A.

Appropriation #2016061		\$300,000.00
Source:	Federal Revenue	\$ 300,000.00

This request is to appropriate \$300,000.00 in federal funding provided by a Commonwealth of Virginia Department of Housing and Community Development's Community Development Block Grant (CDBG). The funding will provide public sanitary sewer to twenty homes in Phase II if the Oak Hill Subdivision project.

Appropriation #2016062		\$30,000.00
Source:	Federal Revenue	\$ 30,000.00

This request is to appropriate \$30,000.00 in federal funding provided by a CDBG Planning Grant for southern Albemarle. The grant will support planning activities to assess current conditions in the southeastern portion of Albemarle County. The assessment effort will include housing, infrastructure and related neighborhood conditions, and will include the development of an implementation plan for curing

those deficiencies identified. The primary target area will be the Alberene community with a potential secondary area of Porter's Road based on interest and need in the primary area.

Appropriation #2016063		\$508,760.66
Source:	School Special Revenue Fund fund balance	\$ 508,760.66

This request is to appropriate the School Division's appropriation request that was approved by the School Board on January 14, 2016:

This request is to re-appropriate School Division Computer Equipment Replacement funds in the amount of \$508,760.66 from FY 15 to FY 16. This local School Division Computer Equipment Fund fund balance of \$508,760.66 available at the end of FY 15 may be used in FY16 to pay for devices and networking equipment in the schools, transportation staff devices, and routine and end-of-school-year annual maintenance to support services in the schools.

The mission of the Computer Equipment Replacement Fund is to provide students and staff reliable access to technology and to support its use in meaningful ways. The Computer Equipment Replacement Fund provides funding for the following major programs: Computer Replacements for teachers and staff, Specialty Computers and Labs, Audio/Visual Systems, Classroom Technologies, Hardware Repair, and Maintenance on school-based systems.

Appropriation #2016064		\$0.00
This appropriation will not increase the total County budget.		
Source:	Water Resources Capital Projects	\$ 32,303.32

This request is to appropriate available balances of \$17,867.16 from the Capital Church Road Basin project, \$9,834.13 from the Capital Multi-Facility Maintenance project, and \$4,602.03 from the Capital Western Albemarle High School (WAHS) Stormwater Improvements project, for a total of \$32,303.32, to increase the funding available in the Stormwater Management Program for drainage infrastructure repair and improvements. The Stormwater Management Program funding would increase from \$16,648.06 to \$48,951.38, and the scope of the program would be revised to include supporting the assessment and repair of failing or otherwise problematic public drainage infrastructure. The quantity and severity of incidents of infrastructure failure have increased to a level which demands more consistent funding. The balances of these capital projects are available to re-appropriate because the projects are substantially complete.

Appropriation #2016065		\$9,404.00
Source:	Federal Revenue	\$ 9,404.00
	Grants Leveraging Fund*	\$ 495.00

*The Grants Leveraging Fund component of this appropriation will not increase the County Budget.

This request is to appropriate \$9,404.00 in federal revenue through the Virginia Department of Criminal Justice Services (DCJS). This federal award requires a local cash match of \$495.00 for a project total of \$9,899.00. This award will provide the Police Department with one-time funding for advanced Problem Oriented Policing (POP) training for police supervisors.

Appropriation #2016066		\$75,000.00
Source:	State Revenue	\$ 75,000.00

This request is to appropriate \$75,000 in Virginia Department of Housing and Community Development (DHCD) grant funding for a fully-funded broadband planning grant through the Virginia Telecommunication Planning Initiative (VATPI). The telecommunication plan will identify and develop elements necessary to develop a successful community broadband network. The goal of the program is to ensure community sustainability and competitiveness in the global marketplace through comprehensive planning for broadband deployment. VATPI community telecommunication plans include an assessment of current broadband availability and usage, address demand aggregation and future use, address the relationship to regional planning and telecommunication networks, address community development applications, and network design.

Appropriation #2016067		\$850.80
Source:	Donations	\$ 850.80

This request is to appropriate donations received to support the Sheriff's volunteer reserve programs. These contributions will support the various reserve programs such as Project Lifesaver, TRIAD, Search and Rescue, child fingerprinting, and any other community programs and activities in which the Reserves are involved.

Appropriation #2016068		\$ 1,452,909.55
	Local Non-Tax Revenue	\$ 309,405.42
	Federal Revenue	\$ 1,133,472.57
	Shannon Grant Fund Balance	\$ 10,031.56

This request is to appropriate the School Division's appropriation request approved by the School Board on February 11, 2016:

E-rate Program Funds – This request is to appropriate \$309,405.42 for the E-rate program. This program is designed to ensure that all eligible schools and libraries have affordable access to modern telecommunications and information services. The E-rate Program, which was established by the Federal Government, provides discounts for eligible telecommunications services, depending on economic need and location (urban or rural). The level of discount is based on the percentage of students eligible for participation in the National School Lunch Program or other federally approved alternative mechanisms. These funds will be used to provide students and staff reliable access to technology by supporting the construction of the school division’s wide area wireless project.

Investing in Innovation Grant – This request is to appropriate \$1,133,472.57 in federal grant funding for the Investing in Innovation program. The Albemarle County, City of Charlottesville, and Fluvanna County public schools consortium was awarded this grant by the U.S. Department of Education. Funding will continue until December 2017 and is expected to total \$2,989,541.00. Albemarle County will serve as the fiscal agent. The Investing in Innovation program is a natural progression from the growing emphasis in education on the “maker curriculum” in elementary, middle, and high schools. This approach emphasizes project-based learning in which students develop their creativity and critical analysis skills as well as their ability to work in teams and communicate their findings. Grant funds will be used to purchase advanced 3D printers, laser cutters and computers, and for professional development programs to prepare teachers for this new instructional model. This appropriation request is for the FY 16 grant award of \$1,133,472.57.

Shannon Foundation for Excellence – This request is to re-appropriate \$10,031.56 in remaining Shannon Grant fund balance from FY 15. The mission of the Shannon Foundation for Excellence in Public Education is to award teachers of all grade levels and subject areas with funds to support individual projects through an annual grant process in support of the Division’s strategic plan.

By the above-recorded vote, the Board adopted the following Resolution to approve appropriations # 2016061, #2016062, #2016063, #2016064, #2016065, #2016066, #2016067 and #2016068 for local and school division projects and programs:

**RESOLUTION TO APPROVE
ADDITIONAL FY 16 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2016061, #2016062, #2016063, #2016064, #2016065, #2016066, #2016067, and #2016068 are approved; and
- 2) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2016.

**COUNTY OF ALBEMARLE
APPROPRIATION SUMMARY**

APP#	ACCOUNT	AMOUNT	DESCRIPTION
2016061	3-1219-33000-333000-330009-1008	300000.00	SA2016061 Federal Revenue
2016061	4-1219-81030-481030-300205-1008	15000.00	SA2016061 Administrative Services
2016061	4-1219-81030-481030-950523-1008	285000	SA2016061 ACSA-Oak Hill
2016062	3-1224-33000-333000-330009-1008	30000	SA2016061 Federal Revenue
2016062	4-1224-81032-481030-300205-1008	5550	SA2016061 Administrative Services
2016062	4-1224-81032-481030-950523-1008	24450	SA2016061 Southern Albemarle
2016063	3-3907-63907-351000-510100-6599	508760.66	SA2016063 App-Fund Bal Comp Equip Repl
2016063	4-3907-63907-461101-800700-6599	508760.66	SA2016063 Tech Equip Comp Equip Repl
2016064	4-9100-82067-482040-999999-9999	-17867.16	SA2016064 Church Road Basin
2016064	4-9100-82068-482040-999999-9999	-9834.13	SA2016064 Multi-Facility Maintenance
2016064	4-9100-82066-482040-800975-9999	-4602.03	SA2016064 WAHS Stormwater Improvements
2016064	4-9100-82040-482040-800975-9999	32303.32	SA2016064 Stormwater Management Program
2016065	3-1508-33000-333000-330412-1003	9404	SA2016065 JAG State Grant Revenue - Federal
2016065	3-1508-51000-351000-512004-9999	495	SA2016065 Grant Leveraging Fund - General Fund
2016065	4-1508-31013-431010-550100-1003	9899	SA2016065 Travel/Training/Education expenses
2016065	4-1000-99900-499000-999974-9999	-495	SA2016065 Grants Leveraging fund
2016065	4-1000-93010-493010-930200-9999	495	SA2016065 transfer to new fund
2016066	3-1213-24000-324000-240500-9999	75000	SA2016066 State Revenue
2016066	4-1213-12200-412200-392000-9999	75000	SA2016066 Contratual Services

2016067	4-1000-21070-421070-301230-1002	850.8	SA2016067 Donations from Jun 2015, Nov 2015, Jan 2016
2016067	3-1000-51000-351000-512020-9999	850.8	SA2016067 Donations from Jun 2015, Nov 2015, Jan 2016
2016067	4-8408-93010-493010-930009-9999	850.8	SA2016067 Donations from Jun 2015, Nov 2015, Jan 2016
2016067	3-8408-18110-318000-181117-9999	850.8	SA2016067 Donations from Jun 2015, Nov 2015, Jan 2016
2016069	3-3502-63502-351000-510100-6599	10031.56	SA2016069 Reapp Shannon Foundation Grant
2016069	4-3502-63502-460601-601300-6599	10031.56	SA2016069 Reapp Shannon Foundation Grant
2016069	3-3225-63225-333000-330225-6599	1133472.57	SA2016069 Investing in Innovation Grant
2016069	4-3225-63225-461313-111400-6530	89468.00	SA2016069 Investing in Innovation Grant
2016069	4-3225-63225-461313-112100-6530	116940.00	SA2016069 Investing in Innovation Grant
2016069	4-3225-63225-461313-160300-6530	33000.00	SA2016069 Investing in Innovation Grant
2016069	4-3225-63225-461313-210000-6530	18315.00	SA2016069 Investing in Innovation Grant
2016069	4-3225-63225-461313-221000-6530	25000.00	SA2016069 Investing in Innovation Grant
2016069	4-3225-63225-461313-231000-6530	31614.57	SA2016069 Investing in Innovation Grant
2016069	4-3225-63225-461313-232000-6530	1000.00	SA2016069 Investing in Innovation Grant
2016069	4-3225-63225-461313-241000-6530	1500.00	SA2016069 Investing in Innovation Grant
2016069	4-3225-63225-461313-301210-6530	498785.00	SA2016069 Investing in Innovation Grant
2016069	4-3225-63225-461313-520100-6530	250.00	SA2016069 Investing in Innovation Grant
2016069	4-3225-63225-461313-550100-6530	5500.00	SA2016069 Investing in Innovation Grant
2016069	4-3225-63225-461313-580500-6530	62250.00	SA2016069 Investing in Innovation Grant
2016069	4-3225-63225-461313-600100-6530	1000.00	SA2016069 Investing in Innovation Grant
2016069	4-3225-63225-461313-600260-6530	1500.00	SA2016069 Investing in Innovation Grant
2016069	4-3225-63225-461313-601300-6530	40500.00	SA2016069 Investing in Innovation Grant
2016069	4-3225-63225-461313-601700-6530	850.00	SA2016069 Investing in Innovation Grant
2016069	4-3225-63225-461313-800100-6530	206000.00	SA2016069 Investing in Innovation Grant
2016069	3-3907-63907-319000-190241-6599	309405.42	SA2016069 E-rate
2016069	4-3907-63907-461101-800700-6599	309405.42	SA2016069 E-rate
TOTAL		4,756,541.62	

Item No. 7.3. Acquisition of Conservation Easements (ACE) - Virginia Department of Agriculture and Consumer Services grant for easement acquisition.

The executive summary forwarded to the Board states that the Virginia Department of Agriculture and Consumer Services’ (“VDACS”), Office of Farmland Preservation, has awarded a grant in the amount of \$411,890 to the County under a program established by the 2007 General Assembly to provide funds for the preservation of working farms and forest lands.

This is the largest award the County has received under this grant program; the County was awarded grants of \$286,883 in 2015, \$149,678 in 2014, \$160,716 in 2013, \$110,952 in 2012, \$55,290 in 2011, \$93,932 in 2010, \$49,900 in 2009 and \$403,220 in 2008. The 2015 General Assembly appropriated almost \$2,000,000 for this grant program statewide, and Albemarle County is one of six localities to receive a grant this year, and one of only four to receive the full amount requested.

VDACS has requested that the County enter into a FY16 Intergovernmental Agreement (the “IGA”) (Attachment A) as a condition for receiving this grant. While the County has yet to identify the specific easement(s) to which it would apply these funds, it intends to apply them toward the acquisition of the next qualifying easement(s), most likely from the last two ACE applicant pools that were received on October 31, 2014 and October 31, 2015. This grant will remain available to (partially) reimburse any qualifying purchase for up to two years from the date of the IGA. The key provisions of the IGA are the same as in past years and summarized below.

1. The IGA would obligate VDACS to set aside the grant amount in a restricted account and reimburse the County for its eligible costs for the purchase of conservation easement(s). The County's funds would be restricted exclusively for the County's qualifying costs for a period of up to two years.
2. The IGA also would restrict conversion or diversion of a subject property from open-space use, unless the conversion or diversion satisfied the requirements of the Open Space Land Act. Conversion or diversion of land is permitted under the Open-Space Land Act in limited circumstances upon the concurrence of the County and the Public Recreational Facilities Authority and upon the placement of substitute land of equal or greater value and quality under an open-space easement. The Agreement would entitle VDACS to reimbursement of its pro rata share of the market value of the easement if conversion or diversion ever occurred.

3. In exchange for the state's grant commitment, the IGA would obligate the County to:
- appropriate matching funds equal to the grant amount for the purchase of a subject easement,
 - apply the grant funds to the purchase of the easement,
 - provide VDACS with annual progress reports (while the grant Agreement is in force) describing the County's efforts to obtain easements on other working farms, and its programs for public outreach, stewardship and monitoring, and measuring the effectiveness of the County's efforts to bring working farms under easement.
 - maintain sufficient title insurance for the subject easement(s), which is already a standard County practice,
 - allow VDACS the opportunity to review easement instruments and the title insurance policy prior to closing,
 - receive copies of the recorded easement instrument after closing,
 - provide notice to VDACS if the County receives an application to convert or divert a subject easement from its permitted easement uses, and
 - enforce the terms and conditions of the deed of easement.

Staff has reviewed the terms of the FY16 IGA between VDACS and the County and finds its terms acceptable.

In addition, VDACS provided a Pre-award Notification (Attachment B) to the County, which allows the recordation of an ACE easement after October 30, 2015 but before the full execution of the FY16 IGA to be reimbursable under the terms of the FY16 IGA, provided that: 1) any easement recorded during that timeframe must conform to the requirements and procedures outlined in the FY16 IGA; 2) any approved reimbursement will not be paid to the County until after the FY16 IGA is fully executed; and 3) VDACS is under no obligation to reimburse the County should the recorded easement not meet the requirements set forth in the FY16 IGA or should VDACS' matching funds to the County be reprogrammed, reduced, or eliminated prior to the full execution of the FY16 IGA. Staff has reviewed the terms of the Pre-award Notification and finds its terms acceptable.

The County's execution of the FY16 IGA would allow the County to receive \$411,890 in state funding to apply to the ACE program. In order for the County to receive these funds, it must appropriate matching funds of \$411,890. That local match is available through funds previously appropriated for ACE by the Board in FY16.

Staff recommends that the Board adopt the attached Resolution (Attachment C) authorizing the County Executive to execute the Agreement (Attachment A – on file) and the Pre-award Notification (Attachment B – on file) on behalf of the County, provided that they are first approved as to form and content by the County Attorney.

By the above-recorded vote, the Board adopted the following Resolution authorizing the County Executive to execute the Agreement and the Pre-award Notification on behalf of the County, provided that they are first approved as to form and content by the County Attorney:

**RESOLUTION TO APPROVE THE FY16 AGREEMENT
BETWEEN THE COUNTY OF ALBEMARLE AND
THE COMMONWEALTH OF VIRGINIA
DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

WHEREAS, the Board finds it is in the best interest of the County to enter into an Agreement with the Commonwealth of Virginia Department of Agriculture and Consumer Services as a condition of receiving a FY 16 grant award for the preservation of working farms and forest lands through the ACE Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia hereby approves the FY 16 Agreement between the County of Albemarle and the Commonwealth of Virginia Department of Agriculture and Consumer Services, as well as the Pre-Award Notification, and authorizes the County Executive to execute the FY 16 Agreement and the Pre-Award Notification, on behalf of the County after approval as to form and content by the County Attorney.

**INTERGOVERNMENTAL AGREEMENT
Between
Virginia Department of Agriculture and Consumer Services
and
Albemarle County**

This INTERGOVERNMENTAL AGREEMENT is entered into this 31st day of December, 2015, in the City of Richmond, Virginia, between the Virginia Department of Agriculture and Consumer Services ("VDACS") and Albemarle County (collectively, "the Parties") to provide mutually advantageous terms for cooperation between VDACS and Albemarle County to implement VDACS' contribution of funds in support of Albemarle County's purchase of agricultural conservation easements.

WHEREAS, the General Assembly, by Chapter 665 of the 2015 Acts of Assembly, has appropriated \$1,750,000.00 in the fiscal year ending June 30, 2016, to VDACS for the continuation of a state fund to match local government purchase of development rights program funds for the preservation of working farms and forest lands; and,

WHEREAS, § 3.2-201 of the Code of Virginia authorizes VDACS' Office of Farmland Preservation to develop methods and sources of revenue for allocating funds to localities to purchase agricultural conservation easements, and to distribute these funds to localities under policies, procedures, and guidelines developed by VDACS' Office of Farmland Preservation; and,

WHEREAS, for all purposes of this INTERGOVERNMENTAL AGREEMENT, the term "agricultural conservation easement" shall mean a negative easement in gross that has the primary conservation purpose of preserving working farm and/or forest land; and,

WHEREAS, the Albemarle County Board of Supervisors has enacted an ordinance or passed a resolution that: authorizes, in accordance with Title 10.1, Chapter 17 of the Code of Virginia ("the Open-Space Land Act") and other applicable law, Albemarle County to purchase agricultural conservation easements from landowners (each hereinafter called "Grantor"); sets forth a clear, consistent, and equitable administrative process governing such purchases; and outlines the goals and purposes of Albemarle County's farmland preservation program; and,

WHEREAS, Albemarle County has agreed to maintain a public outreach program designed to educate various stakeholders in Albemarle County-including farmers, landowners, public officials, and the non-farming public-about Albemarle County's initiatives to preserve working farms and forest lands; and,

WHEREAS, Albemarle County has agreed to establish a transparent and replicable process for valuation of agricultural conservation easements; and,

WHEREAS, the purchase of agricultural conservation easements is one component of Albemarle County's broader farmland preservation program; and,

WHEREAS, Albemarle County has agreed to use a deed of easement that is sufficiently flexible to allow for future agricultural production in purchases of agricultural conservation easements for which Albemarle County uses funds contributed to it by VDACS; and,

WHEREAS, Albemarle County has agreed that any agricultural conservation easement purchased as per the terms of this INTERGOVERNMENTAL AGREEMENT shall meet the definition of "real estate devoted to agricultural use", "real estate devoted to horticultural use" or "real estate devoted to forest use" as established in § 58.1-3230 of the Code of Virginia; and,

WHEREAS, Albemarle County has agreed to establish a clear strategy for monitoring and enforcing the terms of the agricultural conservation easements that Albemarle County purchases; and,

WHEREAS, Albemarle County has agreed to establish a process that Albemarle County will use to evaluate the effectiveness of its farmland preservation program, including a protocol for making changes to Albemarle County's agricultural conservation efforts based on such evaluations; and,

WHEREAS, VDACS, in reliance on the veracity of the foregoing recitals, certifies Albemarle County is eligible to receive contributions of funds from VDACS in reimbursement for certain costs Albemarle County actually incurs in the course of purchasing agricultural conservation easements; and,

WHEREAS, Albemarle County, and the agents and employees of Albemarle County, in the performance of this INTERGOVERNMENTAL AGREEMENT, are acting on behalf of Albemarle County, and not as officers or employees or agents of the Commonwealth of Virginia;

NOW, THEREFORE, VDACS and Albemarle County agree their respective responsibilities, pursuant to this INTERGOVERNMENTAL AGREEMENT, shall be defined as follows:

1. VDACS Responsibilities

- a. VDACS shall, within thirty (30) days of the date of execution of this INTERGOVERNMENTAL AGREEMENT, restrict \$411,890.87 (hereinafter "the Allocation Amount") in an account, from which VDACS shall withdraw funds only to pay contributions of funds that Albemarle County is eligible to receive pursuant to this INTERGOVERNMENTAL AGREEMENT, except that upon the expiration of two (2) years from the date of this INTERGOVERNMENTAL AGREEMENT, or immediately upon Albemarle County's failure to perform any of its obligations under the terms of this INTERGOVERNMENTAL AGREEMENT, VDACS shall have the right to withdraw any funds then remaining in such account and the right to redirect those funds to other localities that VDACS certifies as being eligible to receive matching funds and that enter into an intergovernmental agreement with VDACS to govern the distribution of matching funds for the purchase of agricultural conservation easements. The allocation amount from this and any prior INTERGOVERNMENTAL AGREEMENT shall not be considered to be a grant as that term is used in paragraph 1 (b) of this INTERGOVERNMENTAL AGREEMENT.

- b. Upon Albemarle County or any agent acting on behalf of Albemarle County's recordation of a deed evidencing Albemarle County's purchase of an agricultural conservation easement in the circuit court of the city or county where the Grantor's land is located and Albemarle County's submission to VDACS of a completed claim for reimbursement, on a form prescribed by VDACS, together with the supporting documentation required under paragraph 2(e) of this INTERGOVERNMENTAL AGREEMENT, VDACS shall reimburse Albemarle County fifty percent (50%) of the reimbursable costs that Albemarle County actually incurred in the course of purchasing that agricultural conservation easement, limited to that portion of the allocation amount remaining in the account maintained by VDACS pursuant to paragraph 1(a) of this INTERGOVERNMENTAL AGREEMENT. The following shall not be considered to be reimbursable costs that Albemarle County actually incurred and shall be subtracted from the total amount of reimbursable costs considered for reimbursement by VDACS in connection with any particular agricultural conservation easement transaction: grants made by the United States of America, the Virginia Department of Agriculture and Consumer Services (VDACS), the Virginia Department of Conservation and Recreation (DCR), the Virginia Outdoors Foundation (VOF), or any other governmental agency or political subdivision of the Commonwealth of Virginia; payments made by any other funding sources either directly to the landowner or to reimburse Albemarle County; or in-kind donations or contributions. VDACS may make alternative arrangements for the distribution of funds pursuant to this INTERGOVERNMENTAL AGREEMENT, provided Albemarle County presents a written request for such alternative arrangement to the Commissioner of VDACS or the Commissioner of VDACS's designated agent (referred collectively hereinafter as "the Grant Manager") prior to incurring any expense for which Albemarle County seeks a distribution of funds under the proposed alternative arrangement.

For purposes of this INTERGOVERNMENTAL AGREEMENT, "reimbursable costs" include:

1. The purchase price of the agricultural conservation easement actually incurred by Albemarle County, at present value, including any portion that Albemarle County will pay overtime pursuant to an installment purchase agreement;
 2. The cost of title insurance actually incurred by Albemarle County;
 3. The cost actually incurred by Albemarle County of any appraisal of the land by a licensed real estate appraiser upon which Albemarle County purchases an agricultural conservation easement;
 4. The cost actually incurred by Albemarle County of any survey of the physical boundaries of the land by a licensed land surveyor upon which Albemarle County purchases an agricultural conservation easement, including the cost of producing a baseline report of the conditions existing on the land at the time of the conveyance of the agricultural conservation easement;
 5. Reasonable attorney fees actually incurred by Albemarle County associated with the purchase of an agricultural conservation easement, where reasonable attorney fees include those fees associated with outside counsel required for the completion of the easement, but do not include fees related to county or city attorneys serving as staff and who are paid regular salary in the county's or city's employ;
 6. The cost actually incurred by Albemarle County of issuing public hearing notices associated with Albemarle County's purchase of an agricultural conservation easement that Albemarle County is required by law to issue; and
 7. Any recordation fees actually incurred by Albemarle County that Albemarle County is required to pay pursuant to the laws of the Commonwealth of Virginia.
- c. VDACS shall only be responsible for reimbursing Albemarle County under paragraph 1 (b) of this INTERGOVERNMENTAL AGREEMENT for reimbursable costs that Albemarle County actually incurs in the course of purchasing an agricultural conservation easement when Albemarle County or any agent acting on behalf of Albemarle County acquires, by such purchase, a deed of easement that, at a minimum, provides:
 1. The primary conservation purpose of the easement conveyed by the deed of easement is the conservation of the land in perpetuity for working farm and/or forestal uses.
 2. The Grantor and Albemarle County agree that the land subject to the agricultural conservation easement shall not be converted or diverted, as the Open-Space Land Act employs those terms, until and unless the Grant Manager, with the concurrence of Albemarle County or an assignee of Albemarle County's interest in the agricultural conservation easement, certifies that such conversion or diversion satisfies the requirements of the Open-Space Land Act.
 3. The Grantor and Albemarle County agree that, in the event of an extinguishment of the restrictions of the agricultural conservation easement that results in the receipt of monetary proceeds by Albemarle County or an assignee of Albemarle County's

interest in an agricultural conservation easement in compensation for the loss of such property interest, VDACS shall be entitled to a share of those proceeds proportional to VDACS' contribution toward the total reimbursable cost of acquiring the agricultural conservation easement as evidenced by the completed claim for reimbursement required under paragraph 1 (b) of this INTERGOVERNMENTAL AGREEMENT.

4. If the Grantor conveys the agricultural conservation easement for less than its fair market value, the Grantor and Albemarle County mutually acknowledge that approval of the terms of this Deed of Easement by VDACS and/or its legal counsel does not constitute a warranty or other representation as to the Grantor's qualification for any exemption, deduction, or credit against the Grantor's liability for the payment of any taxes under any provision of federal or state law.
5. All mortgagors and other holders of liens on the property subject to the restrictions contained in the deed of easement have subordinated their respective liens to the restrictions of the deed of easement acquired by Albemarle County. All such mortgagors and other holders of liens shall manifest their assent to the easement's priority over their respective liens by endorsing the deed of easement.
6. A baseline report documenting the conditions existing on the land at the time of the conveyance of the agricultural conservation easement is incorporated into the deed of easement by reference.

2. Albemarle County Responsibilities

- a. Albemarle County shall, within thirty (30) days of the date of execution of this INTERGOVERNMENTAL AGREEMENT, have available local funds greater than or equal to the allocation amount for the purpose of purchasing agricultural conservation easements.
- b. Albemarle County shall use matching funds that VPACS contributes to Albemarle County, pursuant to this INTERGOVERNMENTAL AGREEMENT, only for the purpose of purchasing agricultural conservation easements that are perpetual and that have the primary conservation purpose of preserving working farm and/or forest lands.
- c. Within one (1) year from the date of this INTERGOVERNMENTAL AGREEMENT, and for each subsequent year in which the INTERGOVERNMENTAL AGREEMENT or a subsequent agreement is in force, Albemarle County shall submit to VDACS a progress report that:
 1. describes any properties that Albemarle County has identified as prospects for Albemarle County's purchase of agricultural conservation easements and the status of any negotiations for the purchase of such agricultural conservation easements;
 2. estimates the timeframes within which Albemarle County will execute contracts for any such purchases, close on such purchases, and request reimbursement of reimbursable costs for those purchases from VDACS;
 3. describes the measures Albemarle County has undertaken to develop and/or maintain a public outreach program designed to educate various stakeholders in Albemarle County's community-including farmers, landowners, public officials, and the non-farming public about Albemarle County's agricultural conservation easement program and other initiatives to preserve working agricultural land;
 4. describes the measures Albemarle County has undertaken to develop and/or maintain a formal plan for stewardship and monitoring of the working agricultural land on which Albemarle County acquires agricultural conservation easements; and
 5. describes the measures Albemarle County has undertaken to develop and/or maintain a process that Albemarle County will use to evaluate the effectiveness of its program, including a protocol for making changes to Albemarle County's agricultural conservation efforts based on such evaluations.
- d. For any purchase of agricultural conservation easements for which Albemarle County requests reimbursement from VDACS pursuant to this INTERGOVERNMENTAL AGREEMENT, Albemarle County shall obtain a policy of title insurance on its purchased interest that covers at least an amount equal to the amount for which Albemarle County requests reimbursement from VDACS.
- e. Prior to closing on a purchase of an agricultural conservation easement for which Albemarle County requests reimbursement from VDACS pursuant to this INTERGOVERNMENTAL AGREEMENT, Albemarle County shall submit, for review and approval by VDACS and its legal counsel, the following documentation:
 1. a written agreement setting forth, in the manner prescribed by Albemarle County's ordinance or resolution governing its program to acquire agricultural conservation easements, the terms of Albemarle County's purchase of the agricultural conservation easement, including the purchase price;

2. a written confirmation from the Albemarle County Commissioner of Revenue or Director of Finance, or the Albemarle County Commissioner of Revenue's or Director of Finance's designated agent that the property/properties to be encumbered by the agricultural conservation easement meet the definition of "real estate devoted to agricultural use", "real estate devoted to horticultural use" or "real estate devoted to forest use" as established in §58.1-3230 of the Code of Virginia;
3. a written description of the agricultural, environmental and social characteristics of the property/properties to be encumbered by the agricultural conservation easement;
4. any installment purchase agreement;
5. the deed of easement that the Grantor will deliver to Albemarle County at closing, including all exhibits, attachments, and/or addenda;
6. a title insurance commitment for a policy to insure the easement interest under contract indicating an amount of coverage at least equal to the amount of funds for which Albemarle County requests reimbursement from VDACS; and
7. an itemized list of all reimbursable costs that Albemarle County has or will, up to the time of closing, incur in the course of purchasing the agricultural conservation easement.

Albemarle County shall make whatever changes to the proposed deed of easement and/or the installment purchase agreement, where applicable, that VDACS and/or its legal counsel deem necessary to ensure compliance with applicable state law and the requirements and purposes of this INTERGOVERNMENTAL AGREEMENT. If Albemarle County closes on any purchases of easement prior to the review and acceptance of VDACS or its legal counsel, VDACS may withhold part or all of the allotment amount until VDACS approves of the deed of easement.

Albemarle County may fulfill its obligation under this paragraph by submitting accurate and complete copies of all documents enumerated in this paragraph, provided that Albemarle County shall deliver or make available the original documents to VDACS for review at VDACS' request.

- f. Together with any claim for reimbursement pursuant to this INTERGOVERNMENTAL AGREEMENT that Albemarle County submits to VDACS, Albemarle County shall also submit the following supporting documentation:
 1. a copy of the recorded deed of easement that VDACS and/or its legal counsel approved prior to closing, showing the locality, deed book, and page of recordation, and including all exhibits, attachments, and/or addenda;
 2. copies of invoices, bills of sale, and cancelled checks evidencing Albemarle County's incursion of reimbursable costs in the course of purchasing the agricultural conservation easement;
 3. a copy of any executed installment purchase agreement related to the purchase, which shall indicate the purchase price; and
 4. a copy of any deed of trust related to the purchase.
- g. Albemarle County shall provide the Grant Manager immediate written notice of Albemarle County's receipt of any application or proposal for the conversion or diversion of the use of any land upon which Albemarle County or its assignee, where applicable, holds an agricultural conservation easement, for the purchase of which VDACS contributed funds pursuant to this INTERGOVERNMENTAL AGREEMENT.
- h. Albemarle County, or any assignee of Albemarle County's interest in an agricultural conservation easement for which Albemarle County receives a contribution from VDACS pursuant to this INTERGOVERNMENTAL AGREEMENT shall at all times enforce the terms of that easement. Albemarle County shall provide the Grant Manager immediate written notice of any actions, whether at law, in equity, or otherwise, taken by locality to enforce the terms of the easement or to abate, prevent, or enjoin any violation thereof by any Party. Any failure by Albemarle County or such assignee to perform its enforcement responsibility shall constitute a breach of this INTERGOVERNMENTAL AGREEMENT, for which VDACS shall have a remedy by way of a civil action for specific performance of that enforcement responsibility; or, VDACS shall have the right and authority, at its option, to demand and receive from Albemarle County a portion of the full market value of the agricultural conservation easement at the time of the breach in proportion to VDACS' contribution toward the total reimbursable cost of acquiring the agricultural conservation easement as evidenced by the completed claim for reimbursement required under paragraph l(b) of this INTERGOVERNMENTAL AGREEMENT.

- i. For any purchase of an agricultural conservation easement for which Albemarle County requests reimbursement from VDACS pursuant to this INTERGOVERNMENTAL AGREEMENT, Albemarle County shall derive its valuation of the agricultural conservation easement according to the valuation methods prescribed by ordinance or resolution.

3. Merger and Supersedure of Prior Agreement

The Parties agree that terms of any INTERGOVERNMENTAL AGREEMENT previously entered into between the Parties to govern VDACS' distribution of funds to Albemarle County in support of Albemarle County's purchase of agricultural conservation easements shall be merged into the instant INTERGOVERNMENTAL AGREEMENT, the latter of which shall supersede all former INTERGOVERNMENTAL AGREEMENTS to the extent that there are any inconsistencies between the terms of these INTERGOVERNMENTAL AGREEMENTS. Notwithstanding the language of this paragraph, VDACS shall be required to restrict the allocation amount(s) provided in paragraph 1 (a) of any prior agreement(s) in addition to the current allocation amount, but shall only be required to restrict any prior allocation amount(s) until the expiration of two (2) years from the date of execution of the prior agreement(s).

4. Recertification

This INTERGOVERNMENTAL AGREEMENT pertains exclusively to VDACS' contribution of funds that the General Assembly has appropriated to VDACS through the fiscal year ending June 30, 2016. VDACS shall not contribute other funds in the future to Albemarle County except upon VDACS' recertification of Albemarle County's eligibility to receive such funds. VDACS may establish and communicate to Albemarle County certain benchmarks of program development that VDACS will impose upon Albemarle County as preconditions to Albemarle County's recertification for future contributions. Additionally, VDACS may consider as part of this recertification whether Albemarle County failed to provide written notice as required in paragraph 20)(1-2) above.

5. Governing Law

This INTERGOVERNMENTAL AGREEMENT is governed by and shall be interpreted in accordance with the laws of the Commonwealth of Virginia. In all actions undertaken pursuant to this INTERGOVERNMENTAL AGREEMENT, preferred venue shall be in the City of Richmond, Virginia, at the option of VDACS.

6. Assignment

Albemarle County shall not assign this INTERGOVERNMENTAL AGREEMENT, either in whole or in part, or any interest in an agricultural conservation easement for the purchase of which VDACS contributes funds pursuant to this INTERGOVERNMENTAL AGREEMENT, without the prior, written approval of the Grant Manager.

7. Modifications

The Parties shall not amend this INTERGOVERNMENTAL AGREEMENT, except by their mutual, written consent.

8. Severability

In the event that any provision of this INTERGOVERNMENTAL AGREEMENT is unenforceable or held to be unenforceable, then the Parties agree that all other provisions of this INTERGOVERNMENTAL AGREEMENT have force and effect and shall not be affected thereby.

In witness, whereof, the Parties hereto have executed this INTERGOVERNMENTAL AGREEMENT as of the day and year first written above.

(The rest of this page is intentionally left blank. Signatures manifesting the Parties' mutual assent to the terms contained in this INTERGOVERNMENTAL AGREEMENT appear on the next page.)

Sandra J. Adams	Date	Name	Date
Commissioner		County Executive	
Virginia Department of Agriculture & Consumer Services			

Pre-award notification for VDACS' FY 2016 state matching funds to Albemarle County's Purchase of Development Rights (PDR) Program

It is the intent of the Virginia Department of Agriculture and Consumer Services (VDACS) to allow any recordation of a deed evidencing Albemarle County's purchase of an agricultural conservation easement after October 30, 2015, but before the full execution of the FY 2016 Intergovernmental Agreement (IGA)

between VDACS and the county, to be considered reimbursable under the terms of the FY 2016 IGA once fully executed provided that the following stipulations are agreed to by both parties:

- Any easement recorded during the time- frame outlined above must conform to the requirements and procedures outlined in the attached FY 2016 I G A template to be considered reimbursable under the FY 2016 IGA;
- Any approved reimbursement will not be paid to Albemarle County until after the FY 2016 IGA is fully executed; and
- VDACS is under no obligation to reimburse Albemarle County should the recorded easement not meet the requirements as established in the FY 2016 IGA or should funding for VDACS' matching funds to Albemarle County be reprogrammed, reduced, or eliminated prior to the full execution of the FY 2016 IGA.

Signature below indicates concurrence with the provisions of the pre-award notification.

Sandra J. Adams
Commissioner
Virginia Department of Agriculture
and Consumer Services

Date

Signature
County Executive
County of Albemarle

Date

Item No. 7.4. Board of Zoning Appeals Annual Report, **was received for information.**

Item No. 7.5. Virginia Telecommunications Planning Initiative (Broadband), **was received for information.**

The executive summary forwarded to the Board states that the County is working toward its goal of facilitating the deployment of broadband to its rural areas. Broadband deployment requires a telecommunications planning process, and there are state and federal grants available to localities for the creation of a telecommunication plan. The County submitted a grant application to the Department of Housing and Community Development (DHCD) for a \$75,000 grant through the Virginia Telecommunications Planning Initiative (VATPI), and was notified on October 30, 2015 that it was awarded the grant. The purpose of this executive summary is to provide an update regarding the funding and development of the telecommunications plan.

On January 19, 2016, the County issued a Request for Proposal ("RFP") for Telecommunication Planning and received responses from four vendors. Members of the Broadband Management team will review the responses and will select a consultant or group of consultants to complete the plan. The initial draft outline of the plan is included in the Scope of Services (section III) of the RFP. Section III of the RFP is attached. The plan is scheduled to be completed by June 30, 2016 and will be presented to the Board for further direction.

On February 4, 2015, the Board adopted a Resolution to commit the use of up to \$30,000 to supplement grant funds to develop a telecommunications plan, and that amount was appropriated to the Information Technology Department to support the grant for Broadband projects. The appropriation request for the DHCD \$75,000 grant award is included as part of the separate FY 16 Appropriations executive summary being presented to the Board for approval on March 2, 2016 (Appropriation #2016066). Staff will ask the Board to re-appropriate any unused balance of the \$30,000 appropriation to the Grant Opportunity fund upon the completion of the project.

This item is for information only. Staff recommends that the Board approve the appropriation of \$75,000 in grant funds by approving Appropriation #2016066 in the separate March 2, 2016 Appropriations Executive Summary.

Item No. 7.6. Q2 FY 16 Unaudited Quarterly Financial Report; General Fund Revised Financial Projections Report; and Quarterly Economic Indicators Report, **was received for information.**

The executive summary forwarded to the Board states that the attached Unaudited Quarterly Financial Report (UQFR) (Attachment A – on file) provides information regarding the County's FY 16 General Fund and School Fund performance as of December 31, 2015. The General Fund Revised Financial Projections Report (Attachments B and C – on file) includes projected General Fund revenues and expenditures for FY 16. The Quarterly Economic Indicator Report (Attachments D and E – on file) provides an overview of recent general economic conditions in the County.

Quarterly Financial Report

The Quarterly Financial Report (QFR) reflects year-to-date (YTD) data through December 31, 2015, the end of the second quarter of FY 16. The data in the attached QFR is organized in a way that is consistent with Exhibit 12 of the County's Comprehensive Annual Financial Report (CAFR). Most line item titles in the QFR match the line item titles in the CAFR. Highlights from the QFR include:

Revenues - YTD Actual

YTD total revenues in Q2 FY 16 were \$111,936,772 compared to \$105,450,598 in Q2 FY 15. In percentage terms, FY 16 YTD actual revenues as a percentage of FY 16 Revised Budget revenues were 44.73%, compared to 43.51% in FY 15. Acknowledging the segregation of the Fire Rescue Services Fund from the General Fund, the rate of revenue collection was essentially consistent between the two years.

Individual revenue streams performed fairly consistently in Q2 FY 16 when compared to Q2 FY 15. Six revenue streams did experience significant year-to-year variance. These revenue streams included Permits, Fees, and Licenses, Use of Money and Property, Charges for Services, Contributions from Other Entities, Revenues from State Government, and Revenues from Federal Government. For additional information about this revenue variance, please see the analysis on page 2 of the QFR.

Expenditures - YTD Actual

YTD total expenditures in Q2 FY 16 equaled \$115,419,054 compared to \$83,911,109 in Q2 FY 15. In percentage terms, FY 16 YTD actual expenditures as a percentage of FY16 Revised Budget expenditures, were 46.12%, compared to 34.64% in FY 15.

Individual expenditure streams performed fairly consistently in Q2 FY 16 when compared with Q2 FY 15. Nine expenditure streams did experience significant year-to-year variance. These expenditure streams included the Board of Supervisors, Police, Fire/Rescue, Fire Rescue Services, Social Services, Contributions to Agencies and Tax Relief, Transfer to School Fund, Transfer to Schools Debt Service, and Transfer to Schools CIP. For additional information about these expenditure variances, please see the analysis on pages 2 through 4 of the QFR.

ACPS Quarterly Financial Report

As requested by the Board, the Albemarle County Public Schools Quarterly Financial Report as of December 31, 2015 is included as a table in the QFR.

General Fund Revised Financial Projections Report

The General Fund Revised Financial Projections Report (GFRFPR) provides a streamlined summary of forecasted revenues and expenditures. The GFRFPR indicates that by June 30, 2016, actual revenues, including transfers, are forecasted to be below appropriated revenues and transfers by \$1.959 million. This deficit primarily reflects lower-than-expected delinquent property tax revenue, lower-than-expected January 1, 2016 reassessments, and a reduction in assumed new growth in construction. The stagnation of these revenue sources was unanticipated at the time the FY16 budget was finalized a year ago.

Expenditures, including transfers, are projected to be \$1.182 million below appropriated expenditures and transfers. The difference between appropriated expenditures and forecasted expenditures is due primarily to savings associated with salary lapse and insurance costs. The result of the deficit in revenues plus the anticipated expenditures savings is a projected net decrease of \$0.777 million in fund balance by the end of FY 16.

This projected net decrease represents the equivalent of 0.31% of the forecasted \$249.055 million in FY 16 expenditures and transfers and the first projected net decrease in fund balance in recent fiscal years. This also conservatively projects full expenditure of budgeted contingencies, including transfer to Schools. However, as was the case in previous years that revenue shortfalls were projected, if there continues to be a projected shortfall after the third quarter FY16, the revenue sharing formula would result in a reduction to the transfer to schools.

Quarterly Economic Indicators Report

The Quarterly Economic Indicators Report (QEIR) shows the recent state of the County's economy. The QEIR contains data taken from the most recently available quarter and compares this data with data from the same quarter of previous fiscal years. General economic activity, as measured by six select revenue streams, collectively grew between Q2 FY 15 and Q2 FY 16, although revenue in one stream remained essentially flat while revenue in other streams increased markedly. The unemployment rate in Albemarle declined between Q2 FY 15 and Q2 FY 16, dropping from 3.90% to 3.40%. Note that the County's jobs base apparently experienced robust growth between Q4 FY 14 and Q4 FY 15, the most recent quarter for which information is available. The total number of jobs increased from 51,846 to 53,188. This growth of 1,342 positions was the largest year-over-year rise during the Q4 FY 11 to Q4 FY 15 time frame. The revenue stream, unemployment rate, and jobs data suggest that the County's economy improved in the most recent year, a situation that is consistent with an improving U.S. economy. However, there exists a number of macroeconomic challenges on the horizon (e.g., a potential global economic slowdown, falling commodity prices, volatility in global equity markets, and a generally lackluster performance of Virginia's economy) that could potentially impact the County's economy in a significant, negative way in the future.

Revenues and expenditure data contained in the QFR reflects the state of the County's FY 16 budget-to-actual financial performance as of December 31, 2015. Year-end projections contained in the GFRFPR are subject to change, based on the result of actual collections and expenditures through June

30, 2016. Data shown in the QEI Report reflects economic variables that impact the County’s current and future revenues and expenditures.

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

Item No. 7.7. County Grant Application/Award Report, **was received for information.**

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

The attached Grants Report provides a brief description of four grant awards received during the time period of January 16, 2016 through February 12, 2016.

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

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

GRANT REPORT ACTIVITY – January 16, 2016 through February 12, 2016

Applications were made for the following grants:

No applications were made during this period.

Awards were received for the following grants:

Granting Entity	Grant	Type	Amount Awarded	Match Required	Match Source	Department	Purpose
Department of Justice	Equipment Grant	Federal	\$9,404	\$495	Grants Leveraging Fund	Police	These grant funds will be used to provide training on the problem oriented policing model to improve understanding and practices.
Virginia Department of Housing and Community Development	Planning Grant for southern Albemarle Housing	Federal	\$30,000	\$0	None	Housing	These grant funds will be used to provide support for a needs analysis for housing rehabilitation in coordination with the Albemarle Housing Improvement Program (AHIP) for Southern Albemarle.
Virginia Department of Housing and Community Development	Planning Grant for Phase II Oak Hill Community	Federal	\$300,000	\$0	None	Housing	These grant funds will be used to provide public sanitary sewer connection to twenty homes in the Oak Hill Subdivision.
Virginia Department of Housing and Community Development (DHCD)	Virginia Telecommunication Planning Initiative (VATPI) planning grant	State	\$75,000	\$11,250 previously appropriated	Grants Leveraging Fund	Information Technology	These grant funds will be used to develop a community telecommunication plan to identify and address elements necessary to develop a successful community broadband network. The goal of the program is to ensure community sustainability and competitiveness in the global marketplace through comprehensive planning for broadband deployment. The plans include assessment of current broadband availability and usage, address demand aggregation and future use, address the relationship to regional planning and telecommunication networks, address community development applications, and network design.

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

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

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

						Potential Financial Impact				
Grant Name	Summary	# of FTE	Designation of Current Budget Match	Actual End Date		FY17	FY18	FY19	FY20	FY21
2006 Assistance to Firefighters	This grant provided funds for the purchase of turnout gear in 2006. The equipment life is now expiring and the estimated amount of approximately \$140,000, which is typically budgeted in a given year for this expense, is now estimated to be inadequate to replace the equipment over time. The additional funds listed in this chart reflects the additional costs estimated to replace this equipment each year. Costs in the out years is estimated to decrease due to the newly centralized management process and expected efficiencies.	0	Fire Rescue Fund	6/30/2006		\$ 158,068.76	\$ 236,700.23	\$ 191,830.46	\$ 147,090.10	TBD
Equipment Grant	This grant provided funds for the purchase of fitness equipment. The equipment life span is now expiring.	0	Fire Rescue Fund	6/30/2009		\$ 37,878.00	\$ 39,117.00	\$ 40,356.00	\$ 53,345.00	\$ 54,934.00
						\$ 195,946.76	\$ 275,817.23	\$ 232,186.46	\$ 200,435.10	\$ 54,934.00

Item No. 7.8. Copy of letter dated February 17, 2016, to Gary Robert Moon, from Ronald L. Higgins, Chief of Zoning/Deputy Zoning Administrator, **re: LOD-2015-00019 – OFFICIAL DETERMINATION OF PARCELS OF RECORD AND DEVELOPMENT RIGHTS – Tax Map 112, Parcel 1 & 1A – Samuel Miller Magisterial District, was received for information.**

(Note: Due to being ahead of proposed agenda schedule, the Board took up Agenda Item No. 10 at this time.)

Agenda Item No. 10. Sustainable Materials Management Advisory Committee.

The executive summary presented by staff states that the Board of Supervisors created the Albemarle County Long Range Solid Waste Solutions Advisory Committee (the Committee) at its meeting on April 2, 2014. On October 7, 2015, the Committee presented its Final Report to the Board, which recommended that an Advisory Committee on Sustainable Materials Management be established, and that the County add a staff position to support the Committee's work. To advance the recommendations of the Long Range Solid Waste Committee, the Board requested that staff: 1) define a charge statement for the Sustainable Materials Management Advisory Committee (SMMAC); and 2) identify and define the staff support that the Committee would need to fulfill its charge statement.

Pursuant to the Board's request, staff, with input from Supervisor Palmer and two former Solid Waste Advisory Committee members, developed a charge statement for the Sustainable Materials Management Advisory Committee (SMMAC) (See Attachment A). The work plan in the initial phase of the SMMAC would include creating and implementing a public education and engagement program. A proposed work plan for subsequent phases would be drafted by the Committee and staff for later approval by the Board.

The attached draft charge statement includes the following key components: 1) the Committee is advisory to the Board; 2) the Committee will assist the County in the development of sustainable materials management policies; 3) the Committee will conduct thorough impact analysis of recommended policy implementation; and 4) the Committee will research and develop a public education and engagement plan.

Staff has determined that the Sustainable Materials Management Coordinator position is essential for the successful implementation of subsequent phases of the Sustainable Materials Management program and for the furtherance of the Board's Strategic Plan. Because of budget constraints, the Sustainable Materials Management Coordinator position has not been recommended in the FY 17 budget. Until such time as this position is funded, the work of the SMMAC will have very limited staff support. As a result, the SMMAC work plan may initially be limited to education and citizen engagement not requiring staff support.

The establishment of the Sustainable Materials Management Advisory Committee will have no budgetary impact.

Staff recommends that the Board establish the Sustainable Materials Management Advisory Committee and approve the attached Charge Statement (Attachment A).

Mr. Bill Letteri, Deputy County Executive, addressed the Board, stating that he will discuss the formation of the Sustainable Materials Management Advisory Committee, consistent with the recommendations of the Long-Range Solid Waste Solutions Advisory Committee that reported to the Board in 2015. Mr. Letteri stated that staff's purpose at this meeting is to review components of a draft committee charge, which will include the proposed composition of the committee itself, and the Board will provide input as well as formally establishing the committee itself and authorizing the development of the committee's work plan. He said the entire effort is consistent with the Board's strategic goal #6 to "thoughtfully protect and manage the County's ecosystem and natural resources in both the rural and development areas, to include safeguarding the quality of life for current and future generations."

Mr. Letteri stated the Board created the Long-Range Solid Waste Solutions Advisory Committee in April 2014, and that committee worked together for more than a year on long-range solid waste matters and produced a report which the committee presented to the Board on October 7, 2015. He said one of the committee's suggestions was to establish an advisory committee on sustainable materials management and to dedicate funds for a staff position to support the committee's work. Mr. Letteri stated that in discussing budget challenges recently, staff will recommend some modifications to the proposed work plan and will likely defer the decision to recruit that position to the next year. He said having received the committee's report, the Board recommended that staff first define a charge statement and identify staff support for the committee to fulfill its charge. Mr. Letteri stated the County has combined the offices of General Services and Facilities Development into the newly formed Department of Facilities and Environmental Services, and within that department is the environmental division, which will lead these program efforts.

Mr. Trevor Henry, Director, Facilities and Environmental Services, addressed the Board and stated he has pulled some key components out of the draft charter that is attached to the Executive Summary, and noted these elements come from the solid waste advisory committee's recommendations delivered to them in October. He stated the report did a great job of breaking down near-term goals and those that anticipated more complexity and cost, and those that were able to be implemented sooner. Mr. Henry said the committee will be advisory in nature and will be a recurring committee that will assist the County and the Board in the plan and policies for sustainable materials management, as well as providing an analysis of the impacts from a cost and implementation perspective. He stated that one of the key areas early on will be to help develop and execute a public engagement program on solid waste management. Mr. Henry said the focus areas of the committee will initially be waste reduction, material reuse, recycling, composting; greenhouse gas reduction; input into the development of the Ivy Materials Utilization Center new transfer station, to be designed this year; and waste disposal. He stated the committee composition was fairly consistent with how they put together the Long-Range Solid Waste Advisory Committee, with six to eight members as a voting membership and two Supervisors to serve as liaisons. Mr. Henry said the committee terms will be four years, as the committee is ramped up the terms would be staggered, and the process to join the committee will follow the typical protocol for County committees including Board appointment of members.

Mr. Henry stated the report from the Long-Range Solid Waste Advisory Committee recommended formation of a materials management office and coordinator that will be dedicated to this program, supporting the committee and the Board, and given current budget constraints that request is not in the current recommendation. He said as part of his work and the work of others in the department to assess capacity, he feels there is some existing ability to support the committee's work, but those details will need to be worked out as the committee is formed. Mr. Henry noted that staff feels the committee's work plan will likely be phased to focus on community engagement and support of the Ivy MUC. He stated that the charge for the committee is attached to the Board's Executive Summary, with their actions being to provide input on the charge, establish the advisory committee process, and to approve moving forward with fulfilling the committee and developing the work plan.

Mr. Dill asked about the committee composition and the intent to have a representative from the solid waste management community, stating that in the 1980s Preston Coyner was on the recycling committee, but had a lot of community interests and involvement, so he would like to ensure this new committee member will bring that type of background to the table, not just his own self interests in waste management. Mr. Dill stated this will be a critical position because they will need to understand materials and market pricing, etc.

Ms. Palmer stated the Rivanna Solid Waste Authority will be running the transfer station and has a Director managing that area, and he keeps very close tabs on the pieces and who is buying what and does a good job with that.

Mr. Dill commented the person on the committee will be serving in an advisory capacity and will not be doing the day-to-day work.

Ms. Palmer agreed, stating the recommendation is for an RSWA representative to serve on the committee, so he or she will be the liaison and the Director will come talk to the committee to inform them as to what Rivanna is doing now.

Mr. Letteri pointed out that staff's intent with this list is to describe the kinds of persons and types of experience wanted on the committee, so there will be letters of interest and an application process in which their credentials will be reviewed.

Ms. McKeel asked if the solid waste representative and the person from RSWA are intended to be two different people.

Ms. Palmer responded with the last solid waste committee, there was a retired hauler who provided expertise from the industry, and this time around they will have to see who they get, and will really have to go out to look for people.

Ms. Mallek stated that per Mr. Dill's point, this is a great opportunity to recruit people who have community focus, and once they apply they can be vetted among applicants as to who will do the best job.

Mr. Dill commented that there are different types of expertise on recyclable and toxic materials such as electronics, plastics, and architectural salvage, which will be part of the community engagement process. He added the #1 reason why people do not go into nursing homes is because they do not know what to do with their stuff.

Ms. McKeel said his point is valuable in terms of having different expertise.

Mr. Randolph stated the first solid waste committee learned that the community might place a high premium on recyclable materials, but Nelson County's experience was not to get into that business due to the staff required, and that locality has suggested sticking with basic recyclables. He said there are organizations in the area who are eager to take people's items away and places like Craigslist, but one of the committee's findings was to avoid doing that as a county because it takes a lot of time, staff and facility space, but he agrees that it is important for the committee to have expertise.

Mr. Dill stated that one of the areas of expertise is to make that determination and see what should be taken and what organizations are available to pick things up, so having someone with that type of knowledge will save a lot of time.

Ms. Palmer mentioned there is the "Encore Shop" at the Ivy MUC and the book drop at McIntire.

Mr. Letteri stated the first process will be to recruit committee members, and that will be initiated immediately, with candidates brought back to the Board.

Ms. Palmer said she has a premature comment, but wants to get it out there, stating they will need to have a City resident or staff person on the committee so this is not perceived as strictly a Rivanna solid waste committee.

Mr. Letteri stated there will be critical times in which the committee and its recommendations will be coming back to the Board, and it is important to emphasize that there currently is not staff support to do all of the things envisioned as part of this effort, and the work plan will be forthcoming as those resources are defined.

Ms. Mallek said there is no reason why they cannot go ahead and get the committee off the ground to start generating ideas. She stated that she wants to make sure to raise a point from the first solid waste committee's report, which is that the second committee's role will be to implement policies, not to discard the policies and do something different. Ms. Mallek emphasized they need people on the committee who are interested in the topic and can help to move it forward.

Mr. Foley asked if that is a proposed change to the charter. Ms. Mallek stated that staff had that paragraph from the work of the first committee, which she had sent to Mr. Letteri, so they can just drop it into the charge if everyone agrees.

Ms. Palmer said she will agree to that change, and she wonders about who the public policy person will be, because the County will need to work with Rivanna so it might be awkward to work on policy, at least in the beginning, but they can always make that addition a few years from now if deemed necessary.

Mr. Letteri stated he can modify the charter as described, and the Board can just approve it as amended.

Mr. Foley asked Mr. Letteri to clarify this with the new language. Mr. Letteri said he is not certain he has the specific language that Ms. Mallek has suggested.

Ms. Mallek said she will forward the email to Mr. Letteri.

Mr. Davis stated the best practice will be for the language to be clear before the Board adopts it.

Ms. Mallek said the Board can vote on it at their meeting the following week.

Ms. McKeel said it can go on the Consent Agenda.

Mr. Foley stated the other change that he heard from the Board is to the appointees.

Ms. Palmer said they had talked about a public policy person and another citizen or person from the industry, and noted there is an active community member with knowledge of the industry who is actually a chemist. She added that she is not sure exactly how to do that but it should be broader, so perhaps they should talk about it when it comes back on the Consent Agenda.

Ms. Mallek suggested having two representatives in solid waste management with interest and experience, and taking away the public policy person.

Mr. Dill said he likes the idea of having a professional engineer or someone with other scientific experience, and said he would like to have someone in the waste management industry or in materials management.

Ms. Palmer said they can specify it to say "professional engineer or someone with similar qualifications," and stated that she would also like to address the name so that the acronym is not "SMAC." She stated she wants to keep "sustainable materials management" in the name, but some of the previous committee members had pointed out to her that there is a standard acronym for this type of committee in the government, the Solid Waste Alternatives Advisory Committee (SWAAC). Ms. Palmer said it would be easier to communicate with other communities about this if Albemarle uses the same acronym, and it also might make grant approaches easier.

Mr. Dill agreed with her suggestion to keep the uniform acronym SWAAC.

Ms. Mallek said she wants to remove the parameter that the work of this committee will be "limited to the development of an educational and engagement program only," to make sure the committee will help carry these things out.

Mr. Letteri commented that there is a limit to what committee members can do without staff support.

Ms. Mallek noted that people go as individuals to public outreach activities such as eco-day, and to not do anything for two years because there is not staff to do background work is a mistake, and she wants to make sure these committee members will be empowered to share with the public what is going on.

Ms. Palmer said she had questioned that too because it looked very specific, but Mr. Letteri indicated that it did not need to be the case.

Mr. Foley said the committee can get out and do some things without staff support, and as Mr. Henry indicated, there may be some gain in capacity with the departmental restructuring, although the more extensive activities will require some additional support.

Ms. Mallek stated that lots of small efforts will pay off in the long run, and it always takes longer than expected for things to have an impact.

Ms. Palmer asked if this will come back to the Board on their agenda the following week (March 9, 2016).

Mr. Foley stated that staff will pull the information together and distribute it to the Board via email or DropBox.

Agenda Item No. 8. Rio Road/Route 29 Small Area Plan – Project Update.

The executive summary presented by staff states that the Places29 Master Plan, originally adopted in February 2011, included the area around the Rio Rd./Rt. 29 Intersection as a Priority Area for public investment and land use decision-making, using a *Small Area Plan* in order to coordinate land uses with recommended road improvements. With the now ongoing construction of the Rio Rd./Rt. 29 interchange (completion expected by the end of calendar year 2016), the *Small Area Plan* became a critically important undertaking to insure that land use, transportation, infrastructure, and other recommendations both incorporate this imminent interchange and provide guidance for the development of the larger area which has been identified as a future focal point for new urban development and redevelopment. Recognizing this, the Board of Supervisors included undertaking this *Small Area Plan* in its FY 2015-17 Strategic Plan and included funding towards the *Small Area Plan* in its FY 2015-16 budget.

The Places29 Master Plan expected the *Small Area Plan* to feature: 1) updated current and projected traffic information; 2) a future land use map showing land uses at a more detailed level than in the current Places29 Master Plan; 3) a neighborhood street network that further details the improvements recommended in the current Places29 Master Plan, including streetscape elements; 4) preliminary design of the recommended transportation improvements; 5) identification of right-of-way for the transportation improvements, including new local streets; 6) measures to minimize the impacts of the recommended transportation improvements; 7) identification of opportunities for business development, expansion and relocation; and, 8) identification of strategies for fostering revitalization and redevelopment to a more compact, urban and mixed use form, including amendments to the County Code and projects for the

Capital Improvements Program that would better enable implementing the recommendations of the *Small Area Plan*.

Understanding the urgency to undertake the *Small Area Plan* while bringing to bear all resources that would enable this to happen, in August, 2015 staff made application with the Virginia Office of Intermodal Planning and Investment for consultant assistance under an Urban Development Area Planning Grant. A grant was subsequently awarded and a contract agreement was executed in October 2015 for \$65,000 for consulting services to be provided, in accordance with the grant terms, by the team of the Renaissance Planning Group and Michael Baker International.

Staff began working with the consultant in late October to develop a scope of work for the *Small Area Plan* that would incorporate all of the project elements necessary to implement the recommendations of the *Small Area Plan*. The team identified a series of important tasks, including a market study, technical analysis of transportation conditions and detailed transportation, land use and implementation components. The team determined that these tasks would take the project beyond the limits of the grant budget. With a desire to get the project underway within the limited resources of the grant, the project team determined that a two phase approach would be preferable (see Attachment). Phase 1, utilizing the current grant, would develop a set of two to three land use alternatives for the study area that are based on a market assessment of future business potential and capture rates, would provide an analysis of the trip generation resulting from each land use alternative utilizing the existing regional travel demand model, and would culminate with a preferred land use alternative, all with regularly scheduled community review and input. Phase 2, with funding to be determined, would conduct transportation analysis on the preferred land use alternative and would develop a series of transportation improvements to best address safety, congestion and accessibility issues for the preferred plan. In addition, this phase will develop a final land use plan, urban design plan, transportation plan, and implementation action plan for the study area and a final report.

Phase 1 concludes at a necessary decision point regarding the preferred land use alternative, which lays the appropriate foundation for the Phase 2 work. This two phase approach does not change or add to the work that needs to be undertaken in the *Small Area Plan*, as all elements shown in the attachment would be necessary without the phasing. The two phase approach also would allow for better consideration of the land use and economic benefits of a preferred scenario for the study area in the first phase, allowing for community consensus on an overall future vision in this phase, with more detailed analysis of the impacts and design options for implementing the vision in the second phase.

Also of note, the Board recently concurred with a proposal to refocus its strategic plan and to concentrate the urbanization initiative on a yet to be defined geographic area in the Rio Rd./Rt. 29 area, with an action plan coming forward on that approach in April. As was mentioned during that discussion, meaningful community engagement and other shorter term work products of the *Small Area Plan* process would feed the more immediate action-focused efforts of the strategic plan initiative to insure the best coordination and leveraging of both processes as they move forward.

If staff pursues the Rio/29 Small Area Plan in a two phase approach, Phase 1 would be largely accomplished with consultant assistance funded by the Urban Development Area Planning Grant. Staff resources, already anticipated in the FY 2015-16 budget and department work programs, would be primarily devoted to a significant public information and engagement effort and managing the process for ultimate decisions by the Board of Supervisors. Phase 2 may also be eligible for grant funding, but could be covered, if necessary, by the \$120,000 currently allocated for the *Small Area Plan* in the FY 2015-16 budget.

This executive summary is provided for the Board's information, and staff welcomes any feedback or questions.

Mr. Wayne Cilimberg, Director of Planning, addressed the Board and stated they have two primary strategies emerging from their discussions in February, one pertaining to natural resources and the other relates to creating urban places, and the small area plan is a critical part of that, which has been anticipated for some time. Mr. Cilimberg said that Rio/29 is currently the focal point for a lot of investment in transportation and is a commercial and retail center for the County and the region. He stated there are public investments taking place, and this area has been identified in the Comprehensive Plan as a priority area and has been recognized under the state legislation as an urban development area, as well as an important strategy in Places 29 to develop the area. Mr. Cilimberg stated that in creating the small area plan, Places 29 expressed some expectations as to what a small area plan would include, and there were a variety of land use, transportation streetscape and street network expectations, but also the opportunity to identify business development possibilities, both for expansion and relocation, and get into some of the strategies for revitalization and redevelopment in that particular area. He said this would involve a lot of public input and recognition of what impacts might result from any recommendations, with a good discussion of that to take place.

Mr. Cilimberg stated the County had applied for and received a consultant assistance grant from the state Office of Intermodal Planning and Investment for assistance in beginning the small area plan, with Michael Baker & Associates and Renaissance Planning Group in Charlottesville, which did the work in the urban development areas just after Places 29 was adopted. He stated that staff has been working with them on a scope since the grant award and has the basic framework of a scope drafted, and staff has discussed with the consultant two phases. Mr. Cilimberg said the first phase that can be covered under available grant resources that could get the County to a point of a preferred scenario, after

extensive analysis, public input and identification of alternatives, as well as early implementation opportunities that could begin working on by the end of the first year. He said that phase two would take that preferred scenario and move into the details, working towards the final plan and implementation recommendations.

Mr. Cilimberg stated that phase one would include the general public, stakeholders and area community advisory councils, as well as a technical committee with staff from both inside and outside of the County that can lend input to various aspects of the study for technical purposes. He said there had been recent discussions on the scope with business stakeholders, including Mr. Sheffield and Ms. McKeel, and there has been initial conversations and good input provided on what the small area plan will consist of before the actual work begins. Mr. Cilimberg stated that part of the early work needed will be to determine study area, which will begin with stakeholder and other input, and there is recognition of needing to look at the market in the future and what might drive future land use needs in the area. He emphasized that the work being done in Ms. McClintic's Economic Development office will be an important component of this so the process will take advantage of all the information already available. Mr. Cilimberg added there is also a general study area analysis looking at land use alternatives and transportation impacts of the alternatives, reaching the decision point of the preferred scenario during phase one, and the initial strategies that might include implementation through zoning changes and development or redevelopment policies, even identifying funding possibilities for early implementation. He said that once they understand the particulars of where they want to go with the study they will advance to phase two, and both timelines are covered in the Board's materials.

Mr. Sheffield asked if there is any interest in engaging the UVA Planning School, as he had suggested with the Pantops pedestrian bridge study, to lend their vision for the Rio/29 process as the area would hopefully include the types of amenities that will attract young people to live there. Mr. Cilimberg responded that it certainly can be done as part of the public outreach and part of the input that they may decide will be good to monitor and even include in a class.

Mr. Sheffield said the timeline can possibly align with the Vortex project students are doing for Preston Avenue, and he wishes this would have been done about five years earlier as it will be hard to change the area, however it may be defined, once it was already improving. He stated that to make this successful, the County needs to engage the stakeholders in the Rio area, including neighborhoods and business owners. Mr. Sheffield said if those stakeholders cannot be the champion of the plan and support it, the plan will fail. He emphasized that he is cautiously optimistic about this direction and feels it is a great idea that can hopefully be replicated, but he is concerned that if it does not have enough teeth, it will not succeed, and the same holds true for the economic development component of this. Mr. Sheffield commented that the timeline of 18 months seems fairly long to him, and while the community really values process, he would like to have a list from staff as soon as possible on recommendations for proactive rezoning, which will help them get ahead of the economic development curve to identify which rezonings can be initiated. He said that putting that announcement out would likely generate response from landowners who want to rezone, but knowing who wants to rezone and who does not is really what the County wants in terms of matching that up to the vision.

Mr. Cilimberg stated that understanding the alternatives and what is envisioned as a preferred future alternative will help landowners buy into the plan, and expressing their interest and identify what their zoning intentions will be in that process.

Mr. Sheffield said that because the business owners in the area are consumed with the day-to-day operations of their establishments, it will be important for the County to go to them in terms of engagement and step that up beyond what is planned. He stated that a lot of the smaller landowners and businesses will not be as aware, and he does not want to get to the point the County is ready to adopt a plan and people are pushing for changes because they were not part of the initial discussion. Mr. Sheffield said there had been a lot of door-knocking with the Route 29 Solutions process that has generated a lot of buy-in, and it would be good to replicate that, although he realizes that it is costly in terms of money and time.

Mr. Foley stated that perhaps they could determine in the schedule where the right place would be to start engaging on proactive rezoning and identify it as part of the plan, and not wait until the end of everything to start the discussion.

Mr. Sheffield said he feels the same way about Ms. McClintic's economic development plan, and as soon as she has some tangible actions, the Board needs to consider them.

Mr. Foley said he had heard the Board say there would be a certain time at which to proceed with that, and staff can identify that point in the schedule so they can do as much work as necessary beforehand.

Ms. Mallek stated that she wants to make sure this is not a situation as they had with V-Trans, when the people who were doing the study had not looked at the local transportation studies done for the last 20 years, so staff should keep them on a very short leash and direct them to make sure they are doing background work and not just making it up as they go along. Mr. Cilimberg responded there was a very strong interaction there, and the grant source is not VDOT, it is through a department in the Governor's office.

Ms. Mallek said that is the V-Trans link she is concerned about. Mr. Cilimberg said that they have stressed in their grant program this type of project, which focuses on the integration of land use and transportation and is not trying to push a road project agenda.

Ms. Mallek stated that it had been difficult to have understanding on Places 29 block by block, because it was hard to go from a high-level view down to a small level to figure out what the consequences on individual people would be. She said that Mr. Sheffield is trying to address this with Rio/29, and it is a major challenge that will require a lot of help from local people.

Mr. Cilimberg said that because Places 29 is looking at things from that higher level, and the recommendation for the small area plan was to target close in, look at land and transportation, and talk to landowners.

Ms. Mallek asked how the discussions with those landowners will take place, and whether it will be done by local staff instead of out of towners. Mr. Cilimberg responded that it would be the interaction of the staff and the consultant with landowners as well as other stakeholders.

Ms. Mallek commented that it will be challenging and this is an important project, and she is just nervous about having this effort get off course and not be able to get back on it.

Mr. Sheffield noted this is the first real plan to be developed coming out of the recession.

Mr. Cilimberg said it is definitely the first at this level, and as part of the Comp Plan they had done the master plan for the Southern and Western Neighborhoods, but it was not at this level, and the Rio/29 plan was pretty unique for them in general and probably even more precise in its planning level than Crozet's downtown zone.

Mr. Randolph reported that on Friday, three people were interviewed for the broadband management committee for phase one of the study that will be done through a \$75,000 grant received from the state, and one thing that can inform the phase one and ensure that the money is well spent is to be mindful of the Board's discussion of the possibility for a consolidated office/court complex for the County, located exactly in this quadrant. Mr. Randolph said that phase one currently states that it would develop a set of 2-3 land use alternatives for the study area, and his recommendation would be that one of those is a consolidated County facility. He stated this would allow them to look at the business potential of having a County facility there, employee capture rate and regional trip generation analysis, so one of those alternatives could be fast-tracked and he would like for it to be considered as one of the land use alternatives. Mr. Randolph said that phase two may also be eligible for grant funding, but could be covered, if necessary, under the \$120,000 currently allocated in the small area plan FY15-16, and he would think there would be unique grant funding potential for the courts project.

Mr. Sheffield said the dollar amount assigned to this project is nowhere near what is needed for a full traffic analysis, and asked if there is a way they should engage the MPO with their modeling as part of this process. Mr. Cilimberg responded that staff has already talked to the MPO as part of preparatory discussions, and the MPO is in the process of developing a new model for the next long-range transportation plan. He said one of the reasons staff divided this plan into phases is so the new transportation modeling capabilities can be put through, once they get to a point where they know more precisely what the future small area scenario will be. Mr. Cilimberg stated there is a higher level that comes along with the scenario alternatives, and the MPO would be engaged along the way. He noted that Michael Baker has a relationship with VDOT and the MPO, and modeling came through VDOT's central office, so there will be good interaction at the level it can be provided for as part of phase one.

Mr. Sheffield stated the MPO will be developing its annual work program in the next four or five months, and the County should be sure to articulate what involvement it would like to see the MPO have a year to 18 months from now.

Mr. Cilimberg said these funds were anticipated to be heavily devoted in this area.

Mr. Dill stated that it is important to involve the people who are there now and the local landowners, but it will also be important to get input from people who might want to do something new there, and perhaps get input from people in other communities.

Mr. Cilimberg said the County will want to talk, as part of the overall group of stakeholders, with the Chamber of Commerce and the North Charlottesville Business Council, because they will reflect needs the landowners themselves have not identified. He added that having a consultant who has been working with these kinds of projects elsewhere, such as one currently underway in Norfolk, lends outside perspective to the project locally.

Mr. Dill stated that Ms. McClintic may have some connections with people who are contemplating locating their businesses here.

Mr. Foley said that given this effort is going to include economic development considerations, they will be looking at what to do in this area that is more attractive for business and industry, depending on what comes out of the study.

Ms. Palmer asked staff to identify what kinds of amendments to the County Code might be contemplated as part of strategies to foster redevelopment. Mr. Cilimberg responded the Downtown

Crozet District (DCD) is a County-initiated district to reflect the downtown part of the Crozet Master Plan, and staff went to landowners and asked if they were interested, most were, but a few were not, and there is one property now that wants to be. He stated this is the type of County-initiated zoning change that provides the opportunity for landowners to develop without having to go through a rezoning process, and that type of district is much more form-based, which is not so much about land use but is about how buildings and land use are fitting a form identified in planning work.

Ms. Mallek added that it is also related to how the buildings relate to the street, and one of the bigger changes is having the buildings come right up to the street and having the parking shared or put in the back, because there are so many small lots, the old model of parking in the front and big setbacks to the street make the lots unusable, because once those elements are fit there is no place to put anything. She added that being able to use the new zoning enables them to be able to use the small town feel, and something will develop that is appropriate for the Rio/29 small area plan location.

Ms. Palmer asked what kind of district that is. Mr. Cilimberg explained that it is the Downtown Crozet District, which was a specific district for the downtown area in the master plan, and it is not the same reference any longer in category, but it basically had the DCD district developed for that area. He said in the master plan, it was referred to as C-6 or something like that, and the zoning would be changed for a specific area.

Ms. Mallek commented that the new zoning designation pertains to technical elements such as setbacks or step-backs, as opposed to massive land use change.

Mr. Cilimberg said in that particular district, the designation promotes flexibility in how different uses are allowed rather than prescribing which buildings should be industrial or commercial, and it was much more of an opportunity for horizontal and vertical mixed use in buildings.

Ms. Palmer commented that it sounds like a wonderful idea.

Mr. Foley stated this is a necessary, driving component of the focused, strategic approach to urbanization, and staff would envision that in parallel, they would be looking at implementation strategies going forward, such as financing strategies. He noted that staff will be bringing this back to the Board in April to talk more about this, so all of the pieces will fold in together.

Agenda Item No. 9. ZTA-2016-3 Farm Wineries, Breweries and Distilleries Events.

The executive summary presented by staff states that Under State law, farm wineries, breweries, and distilleries ("FWBDs") are allowed to hold activities and events to market and sell their products. These activities and events may range from inviting the public to participate in a harvest to holding weddings and wedding receptions. The County's authority to regulate these events and activities is limited by State law.

Over the past three years, changes to the Virginia State Code have prompted the Board to amend the County's regulation of activities and events at FWBDs, most recently amending the Zoning Ordinance on December 9, 2015 to add regulations for farm distilleries that parallel those for farm wineries and farm breweries. While the County's regulations attempt to strike a balance between fostering the economic success of these agricultural enterprises and safeguarding the property rights of surrounding neighbors, the growing interest in holding events in the Rural Areas and the perceived ease by which State Alcoholic Beverage Control ("ABC") licenses for FWBDs has raised some concern about the individual and cumulative impacts resulting from these activities and events. This concern is heightened because license requirements for FWBDs require little or no agriculture on site. This provides an opportunity for FWBDs to be established on sites with no connection to agriculture, contrary to the underlying purposes of the State's zoning laws, the Rural Area chapter of the County's Comprehensive Plan, and the express purpose of the Rural Areas zoning district. Under State zoning laws, the County's authority to regulate activities and events at FWBDs requires that the County consider the "economic impact" of any regulation, the "agricultural nature" of the activities and events, and whether the activities and events are "usual and customary." County regulation of usual and customary activities and events is permitted only if their impacts are substantial.

On November 4, 2015, the Board adopted the Community Development work program to include work on a "Phase 2" farm winery, brewery and distillery zoning text amendment ("ZTA") to begin in the second quarter of 2017. On January 6, 2016, the Board amended the 2016 Community Development work program, expediting work on Phase 2 to begin this year. The proposed scope of the Phase 2 ZTA is to strengthen the requisite relationship between activities and events at FWBDs and their agricultural nature, and to clarify how and to what extent activities and events are usual and customary at FWBDs, particularly at those FWBDs where there is little or no agriculture on-site. The ZTA also will ensure that the agricultural purposes of the Rural Areas are preserved, that FWBDs are able to continue as successful agricultural enterprises, and that possible adverse impacts resulting from activities and events at FWBDs are minimized. Certain by right activities of FWBDs, such as the growing, harvesting, production, tasting, and direct sales associated with the manufacture of alcoholic beverages, are protected under State law and fall outside of the scope of this ZTA.

Given the heightened level of public interest in this topic, staff developed a public engagement plan for this ZTA (Attachment B). In the plan, staff outlines roles and responsibilities of the Board and requests that the Board appoint one or two Board members as liaison(s) to participate in the community

engagement process and to serve as a conduit for sharing information with the Board as the process moves forward.

Staff does not anticipate that the adoption of this Resolution would result in the need for additional staff or funding.

Staff recommends that the Board adopt the attached Resolution of Intent (Attachment A). Staff also recommends that the Board appoint one or two liaisons to participate in the community engagement process.

Ms. Amanda Burbage, Senior Planner, addressed the Board, stating that the County's enabling authority to regulate farm wineries, breweries and distilleries comes from three separate sections of the state code, and they have some language in common. Ms. Burbage explained that they each list the specific activities related to production, sales, tasting and storage, which are protected from local regulation, and these activities fall outside of the scope of the proposed zoning text amendment being discussed. She said they share common language that any restrictions imposed by a locality shall be reasonable and shall take into account the economic impact of the restriction, the agricultural nature of the activities and events, and whether they are considered usual and customary. Ms. Burbage stated that in addition, local regulation of usual and customary activities is limited to instances where those activities have substantial impact on public health, safety and welfare. She noted the code does not define "substantial impact" for any of the three uses, but the County's zoning ordinance does define it and identifies a number of substantial impact thresholds for activities at farm wineries, breweries and distilleries, such as event attendance over 200, 50 vehicle trips, and parcels under 21 acres.

Ms. Burbage reported that Albemarle County has updated its zoning ordinance several times over the past six years to maintain compliance with changes to the state code, beginning in 2010 with a significant rewrite of farm winery regulations, the creation of farm brewery and agricultural operation regulations in 2014, and most recently in December 2015 when provisions for farm distilleries were added that closely mirror the farm winery and brewery regulations. She stated that today's resolution is focused on events and activities at farm wineries, breweries and distilleries. Ms. Burbage said that despite efforts to stay current with the current state code and craft regulations that are reasonable, Albemarle County still faces challenges when it comes to these events and activities. She explained the growing popularity of events in the rural area, coupled with the state's lack of a minimum agricultural product requirement when licensing these uses, leaves a back door for those seeking to hold by-right events in the rural area. Ms. Burbage stated that current provisions allow any establishment that holds a valid ABC license to have an unlimited number of events for up to 200 people with just a zoning clearance, regardless of whether or not there is any agriculture present on site. She said that while it is not the norm in Albemarle County for individuals to establish a winery, brewery or distillery for the primary purpose of hosting events, the potential does exist, and in the absence of an agricultural use will run counter to the goals of the Comp Plan and the purpose and intent of the rural areas zoning district.

Ms. Burbage stated the resolution before the Board is intended to address these challenges, and should they choose to adopt it, there are five overarching goals to the proposed zoning text amendment: to continue to support the economic success of these agricultural enterprises while safeguarding the property rights of surrounding neighbors; to strengthen the relationship between events held at farm wineries, breweries and distilleries and the agriculture present onsite; to clarify what activities are "usual and customary," especially when it comes to less established uses like farm breweries and farm distilleries; to ensure that adverse impacts associated with events are minimized, taking into account things like roadway condition and capacity; and to engage stakeholders in the process to help inform any change in regulations. She said to that end, staff has proposed a public engagement plan, which is found as an attachment to the staff report, in which they propose to hold separate roundtable discussions with each stakeholder group to seek input on potential changes to the regulation of activities and events at these establishments. Ms. Burbage said that by hosting separate roundtables with wineries, breweries, distilleries and rural area neighbors, they hope to ensure the particular concerns of each and the potential impacts of any changes in the regulations on stakeholders. She noted the plan also proposes Board involvement in the public engagement process in the form of one or two Board-appointed liaisons who will actively participate in the roundtable discussions and periodically brief the Board as the process moves forward.

Ms. Burbage stated that staff requests the Board appoint the desired members who will serve in that capacity today, following the adoption of the resolution. She said in terms of process, following the roundtable discussions to be held in mid to late-April, staff anticipates scheduling a work session with the Planning Commission to review stakeholder findings and seek input on provisions of the draft ordinance before scheduling the first public hearing. She stated that staff's recommendation is to adopt the resolution of intent and appoint one or two Board members to take part in the public engagement process, and offered to answer questions.

Mr. Randolph stated there were two challenges brought up to the Planning Commission that he wants to make sure the Board is aware of, one of which was under the existing law if someone has 21 acres or more, they would be able to subdivide it into four or five-acre lots. He said under the existing law, a person could set up a cidery, winery, brewery and distillery on each separate lot, with each being able to have up to 200 people, so conceivably there could be 800 people within 21 acres and be covered under the law. Mr. Randolph said this would also mean the potential for multiple alcohol-related operations on a single road, and what works in Nelson County on 151 does not necessarily work in Albemarle on Old Ballard Road. He stated if they establish one alcohol-related operation and someone

else is permitted nearby, and another person beyond that, there would be three operations on the same road that are technically legal. Mr. Randolph also said that he did a ride-along with Officer Taylor, and he feels it is critical for the Albemarle County Police Chief to get all minutes from the public engagement discussions so they stay informed.

Ms. Palmer asked for clarification on his first recommendation, although she understands his reasons.

Ms. Mallek said that Mr. Randolph is making a good argument in favor of establishing the agriculture connection, because having a strong agriculture connection to the events helps protect against the kind of disaster he was describing. She added that she does not think they can address having multiple separate operations along one road. Ms. Mallek said what is most important to her and what is clearly spelled out in the state legislation is that “usual and customary” is a byproduct of production, not from buying juice from someplace else. She stated that once they go through the public process, which was also suggested by the state legislation, they will be able to make a good decision for Albemarle that will make them stronger and better able to do a good job.

Mr. Dill asked if they would want to enact a specific proportion to address “substantial agriculture,” such as agricultural sales.

Ms. Mallek said it would pertain to agricultural production of materials, to grow the hops to make the beer, to grow the corn to make the whiskey, and to grow the grapes to make the wine. She stated those are terminology things that the wine board can address, and emphasized that two or three vines should not qualify someone for a lot of other privileges, because the idea behind farm winery events was for those who had so much production that events were needed to help them sell it. Ms. Mallek said she is personally not in favor of getting down into the details, but she wants the roundtables to help develop a definition of what a farm winery, brewery, cidery and distillery are in Albemarle.

Ms. Palmer stated she is assuming that Ms. Mallek will serve on the committee as liaison.

Ms. Mallek said she would like to be on it, and Mr. Randolph also volunteered to serve as liaison on the committee.

Ms. Mallek **moved**, to adopt the proposed Resolution of Intent. Mr. Randolph **seconded**, the motion.

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

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

NAYS: None.

The Board expressed consensus to have Ms. Mallek and Mr. Randolph to serve as liaisons on the committee as discussed.

(The adopted Resolution is set out below:)

RESOLUTION OF INTENT

WHEREAS, the Albemarle County Zoning Ordinance authorizes farm wineries, farm breweries, and farm distilleries (hereinafter, “FWBDs”) to hold various events and activities related to the FWBD and, in doing so, the regulations strike a balance between fostering the economic success of these agricultural enterprises and minimizing any impacts on other properties within their neighborhoods; and

WHEREAS, although State law promotes FWBDs as agricultural enterprises that are permitted as agricultural uses, the State’s alcoholic beverage control laws require little or no agriculture on-site in order to obtain an alcoholic beverage control license for such an enterprise; and

WHEREAS, concerns have been expressed about the individual and cumulative impacts resulting from the activities and events at FWBDs, and about FWBD licensees who may use the privileges of their license in order to engage in activities and events at the licensed site even though there may be little or no agriculture on the site where the activities and events are held; and

WHEREAS, conducting such activities and events on lands designated Rural Area in the Comprehensive Plan and on lands zoned Rural Areas where there is little or no connection to agriculture is contrary to the policies in the Rural Area chapter of the Comprehensive Plan and the purposes of the Rural Areas zoning district; and

WHEREAS, it may be desirable to consider amending the zoning regulations to strengthen the relationship between activities and events at FWBDs and their agricultural nature, clarify how and to what extent activities and events are usual and customary at FWBDs, and minimize the possible adverse impacts on other properties resulting from such activities and events, all in a manner consistent with State law.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to amend Albemarle County Code §§ 18-3.1, 18-5.1.25, 18-5.1.57, 18-5.1.59, and any

other appropriate sections of the Albemarle County Zoning Ordinance to achieve the purposes described herein; and

BE IT FURTHER RESOLVED THAT the Planning Commission shall hold a public hearing on the zoning text amendment proposed by this resolution of intent, and make its recommendation to the Board of Supervisors, at the earliest possible date.

Agenda Item No. 10. Sustainable Materials Management Advisory Committee.

Note: This item was heard earlier in the meeting.

Agenda Item No. 22. Recruitment and Selection Process - County Attorney and Board Clerk.

The executive summary presented to the Board states that the current County Attorney and Board Clerk have each announced their respective retirements effective June 1, 2016. The Board of Supervisors has indicated its interest in filling these vacancies as quickly as possible in order to avoid or minimize a gap in service. The County Attorney vacancy was posted for recruitment on February 1st with a deadline for receiving applications of March 1st. The Board Clerk position is expected to be posted for recruitment on March 1st with a deadline for receiving applications of April 1st. The selection process for both positions will require active engagement and involvement of the Board together with effective support from staff. To this end, staff has drafted an Action Plan specific for each of these recruitment and selection processes for the Board's consideration and approval.

The Action Plan for the County Attorney recruitment is provided as Attachment A. While there are many detailed elements of the selection process, key consideration specific to the selection phase should be given to the following process steps:

- *Identification of stakeholders for input into selection criteria* - It is suggested that input regarding desirable qualities and attributes of the ideal candidate be solicited from "stakeholders" most closely connected to the core work of the County Attorney position. This input would complement input already provided by the Board in creating the Position Profile and would be used specifically in the development of interview questions, reference questions and any other evaluation tools such as writing assignment topics and/or role play scenarios. Suggested "stakeholders" are the County Attorney's Office staff, County Executive's Office staff, Leadership Council, and School Administration.
- *Human Resources staff initial screening of applicants* - It is suggested that HR conduct an initial screening to identify those applicants that meet minimum qualifications as identified in the position description and profile. Board members have access to all submitted applications and materials for this position through the TalentEd system. Board members can take best advantage of this access by cross-checking applicants to verify that the most appropriate candidates are being identified.
- *Human Resources phone screening to determine candidates for interview* - Depending on the number of applicants that remain after the initial screening, it is suggested that HR conduct phone screenings to identify those applicants that most closely match the knowledge, skills, abilities and experience desired for the position. This screening would also include an assessment of "fit" based on attributes and qualities identified by the Board in creating the position profile, and as supported by any input from stakeholders. Again, Board members can use the access provided to the TalentEd system and cross check applicants to verify that the most appropriate candidates are brought forward for further consideration by the Board.
- *Board of Supervisors 1st round interview of selected candidates* - It is expected that the Board will conduct an initial interview with no more than five candidates. HR will provide recommended interview questions based on the attributes, qualities and technical skills identified by the Board along with any additional supporting input provided by stakeholders. These interviews would likely take about 30 – 45 minutes each (Closed Meeting) and, ideally, would all occur on the same day, perhaps in conjunction with a scheduled Board meeting, though a separate day may be desirable.
- *Board of Supervisors 2nd round interview of selected candidates* - It is possible that the Board will identify 2 or 3 "top" candidates for a second, more in depth interview. The interviews would likely take about 60 minutes each (in Closed Meeting) and, ideally, would occur on the same day. These candidates will be subject to reference checks and any special assignments such as writing sample prior to the second interview.
- *Board of Supervisors selection of preferred candidate* - It is expected that the Board will be able to reach consensus on its preferred candidate following the 2nd round interview. Once determined, the Board would commence negotiation of terms of an employment agreement with the selected candidate.

The draft Action Plan for the Board Clerk position is provided as Attachment B. Key consideration should be given to the following process steps:

- *Identification of stakeholders for input into selection criteria* - It is suggested that input regarding desirable qualities and attributes of the ideal candidate be solicited from “stakeholders” most closely connected to the core work of the Board Clerk position. This input would be used to compliment input from the Board in the development of interview questions, reference questions and any other evaluation tools such as writing assignment topics and/or role play scenarios
- *Human Resources staff initial screening of applicants* - A large number of applicants are expected for this position. It is suggested that HR conduct an initial screening to identify those applicants that meet minimum qualifications as identified in the position description and profile.
- *Human Resources phone screening to determine candidates for interview* - It is expected that as many as 20 to 30 applicants will meet the minimum qualifications. It is suggested that HR conduct phone screenings to identify those applicants that most closely match the knowledge, skills, abilities and experience for the position. This screening would include an assessment of “fit” based on attributes and qualities identified by the Board and as supported by any input from stakeholders.
- *Board of Supervisors 1st round interview of selected candidates* - It is expected that the Board will conduct an initial interview with no more than 10 candidates (likely closer to 5). These interviews would take about 15 - 30 minutes each (Closed Meeting) and, ideally, would all occur on the same day, perhaps in conjunction with a scheduled Board meeting.
- *Board of Supervisors 2nd round interview of selected candidates* - It is likely that the Board will identify 2 or 3 “top” candidates for a second, more in depth interview. The interviews would take about 45 – 60 minutes each (in Closed Meeting) and, ideally, would occur on the same day. The candidates will be subject to reference checks and any special assignments such as writing sample.
- *Board of Supervisors selection of preferred candidate* - It is expected that the Board will be able to reach consensus on its preferred candidate following the 2nd round interview.

Costs for both positions are included in the budget. The actual budget impact will be determined by the specific terms of employment for each position.

It is recommended that the Board approve the Action Plan for the Board Clerk and the County Attorney as presented or as modified by the Board following discussion of this matter at the meeting.

Mr. Doug Walker, Deputy County Executive, addressed the Board, stating that he and Lorna Gerome are before them to discuss the selection process for the County Attorney and Board Clerk positions, and the steps in the action plan including those that will benefit from agreement on the process as well as input to make sure that it is reflecting the interests of the Board in order to yield a satisfactory outcome. Mr. Walker stated the advertisement for the County Attorney position closed the previous day and candidates have been received for the position, and the Clerk position was advertised that day. He said the key process steps for the County Attorney are to obtain additional stakeholder input, and staff has identified several groups that are felt to be complementary to the input already provided by the Board, the County Attorney staff, the Leadership Council, the County Executive’s office, and school leadership.

Ms. Mallek asked what those groups are intended to do. Mr. Walker responded the stakeholder input was intended to complement input provided by the Board regarding qualifications, and these groups have the most direct input into the day to day workings of the office and this particular position.

Ms. Lorna Gerome stated that generally HR takes an opportunity to meet with departmental staff to get their input and to share information about the process.

Mr. Walker said the Leadership Council has representation from all department directors, and the County Attorney is an integral part of that council, so that is the best way to capture departmental and organizational input in the process. He stated they are not defining attributes as the Board has already done, they are trying to complement that input so that questions will be relevant when they are presented to candidates on things such as writing assignments.

Mr. Randolph asked how many applications have been submitted for the County Attorney position. Mr. Walker responded that nine applications for the position have been received.

Mr. Walker asked if the Board agrees to have staff move forward with the stakeholder group input as described. Board members agreed.

Mr. Foley noted that this is input for the Board’s benefit since they are making the decision.

Mr. Walker mentioned this does not include broader outreach to the external community, which they used for the Police Chief and the Department of Social Services Director because of the relationships those positions have with the rest of the community, which is not the nature of the County Attorney’s role.

Mr. Dill asked about the local bar association or a group that will have interactions with the County Attorney. Mr. Walker responded that he had asked Mr. Davis those questions and he seemed to be satisfied with what is recommended.

Mr. Davis clarified there is a relationship with the local bar association, but it is not a focus of the job, and he feels the focus groups recommended are adequate.

Mr. Dill asked how they will find someone with an acceptable temperament for the job, as that seems to be particularly important.

Ms. Mallek said you interview them carefully, having a lot of people in the building interview them.

Mr. Walker noted the questions to be developed by HR for the Board's consideration will be behavior-based, and the nature of how they are framed will require candidates to respond in a way that give specific examples as to how they deal with situations. He said this also creates an opportunity to go back and follow up with references to see if their responses align with what had actually happened.

Mr. Dill asked what they are allowed to do or not allowed to do in terms of online searches through Linked In, Facebook and Google. Mr. Walker responded there is a lot of information already out there on people.

Ms. Gerome stated it is dangerous to do that before applications are considered because gender and other protective classes could be discovered prematurely, but once candidates have been identified and interviewed, that can be done.

Ms. Palmer asked what they are screening for when HR does their initial phone interviews. Ms. Lorna Gerome, Director of Human Resources, responded it is very general, a second screening point, with the first being whether a candidate meets minimum qualifications, and it includes questions such as, "Why do you want to work here?" She said the phone screening also allows for communications skills to be initially evaluated.

Mr. Walker referenced a screening sheet that shows how this position will be screened by HR with regard to minimum qualifications, and said this is all pulled directly from a position profile. He stated that it requires some judgment, but it is really just a match-up of qualifications, and with nine applications, it may be likely that a phone screening would not be necessary because there are few enough that meet minimum qualifications for the Board to consider all of them.

Ms. Gerome said Ms. Kim Schick, a Human Resources Generalist for local government, developed the screening that will ensure that candidates being considered meet the minimum qualifications posted for the position.

Mr. Walker reported the Talent Ed system is the online system that HR uses to manage all documentation with regard to the selection and recruitment process. He said the intention is to give Board members access to the system and both of the positions, and within it they can see all applicants for each position, with a notation as to whether HR feels the candidates meet minimum qualifications. Mr. Walker noted that staff will be sending instructions out on how to use the system, but will offer Board members a hands-on tutorial on how to use the system, and said this will be helpful particularly with the Clerk position, for which they are expecting a much larger pool. He stated this will help minimize paper, but also help improve the efficiency and flow of information.

Ms. Gerome noted the advantage of this system is that it allows the Board to look at every applicant and all of the materials they have prepared, the resume, the application, the cover letter, so the Board can review everyone who has applied for the position.

Ms. McKeel asked Ms. Gerome to clarify what is meant by "confidentiality" in this process. Ms. Gerome explained that it is critical for confidentiality to be maintained for all applicants throughout the process, so Board members can talk to one another about the candidates, but at this stage should not ask community members what they know about individuals.

Ms. McKeel commented there have been situations in the past where candidates are lost and quite upset because of non-adherence to confidentiality measures.

Mr. Walker stated that staff will do a general tutorial about process as this proceeds, and said that in his experience if there is concern about the County's ability to be confidential, applicants will be less likely to apply, as there can be a significant impact to their careers.

Ms. Palmer said she does not think they will be able to see the names until they narrow it down to finalists. Ms. Gerome responded the system does not have the ability to suppress the names.

Ms. Mallek said the key is that Board members can "talk" to each other, which means that they should not email this information.

Mr. Dill asked if there is ever a situation where the candidates might try to contact Board members individually, and as government protocol is new to him, he wants to make sure he does not do anything stupid.

Ms. Mallek added that some guidance would be helpful.

Mr. Walker stated it would be highly irregular on the part of a serious candidate to contact a Board member, and if that is attempted he would recommend that Supervisors not talk to them. He also asked that Board members let staff know if that has occurred, so they can alert other Board members.

Mr. Walker reported the next step in the process is to develop the questions and additional selection tools, and this ties back to getting additional input such as stakeholder opinions, with a writing assignment often used to get a sense of applicants' writing style and clarity, as well as probing into their subject-matter expertise. He stated the first round interviews will depend on the number of candidates the Board finds worthy for discussion, no more than five, and with a pool of nine candidates, it is difficult to determine which will qualify for the next step. Mr. Walker said that five applicants mean five hours on the Board's calendar, so staff will be working to set up interviews for the County Attorney in April and for the Clerk in May.

Ms. Mallek asked when the writing assignments will occur. Ms. Gerome stated those are generally done after the first interview and before the second.

Mr. Walker said this is also the timeframe for reference checks and background investigations for candidates that the Board wants to talk to again, with the idea of maximizing time, but not compromising confidentiality. He stated that by the second interview, it is expected that the Board will have the candidate they are interested in and will proceed with finalizing the hire.

Mr. Walker reported that the Clerk hiring process is about a month behind the County Attorney hiring process, but the timeframe is likely going to catch up and the vacancies for both positions are going to occur on the same day. He stated the goal is to minimize gaps in service, and tracking both processes simultaneously is cumbersome for both Board members and staff, so staff will try to overlap them a bit with the candidates narrowed to a manageable-sized group. He said the stakeholder input identified for the Board's consideration for the Clerk position includes the County Attorney's office and the Community Development office because of the extensive work the Clerk does with the legislative process with the two offices, with a lot of regular interaction between those offices. Mr. Walker added that the communications and collaboration between the County Executive's office and the School Board Clerk's office are also vitally important.

Ms. Gerome pointed out that staff is recommending a survey instrument for the Clerk stakeholder groups' feedback, rather than holding a focus group.

Mr. Walker stated the screening sheet will be specific to the position, but similar to what they have seen for the County Attorney, so it will be an initial tool that will also enable the Board to work with staff. He said that phone screening will almost certainly be necessary with the Clerk recruitment process given the large number of applicants expected, and this will require the Board to understand that HR will use what they have already told them in the profile and what they are getting from others in order to make those judgments about candidates who meet minimum qualifications, but are not at the level that HR feels the Board is looking for as finalists.

Ms. Gerome added that staff will be sharing with the Board the draft questions for both the phone screening and all of the interview rounds, as well as any written exercises or case studies, so they can offer feedback.

Mr. Walker said the remaining steps are for the County Attorney position interviews, reference checks, and any other assignments that help the Board identify a best fit.

Ms. McKeel thanked staff for working with her and Mr. Dill to help them get to a point at which they agreed on a process.

Ms. Mallek asked if there will be people's titles as opposed to names included in the information. Mr. Walker responded that only their titles will be included, and said the Board may want to handle the negotiation and appointment differently with someone needing to engage with the final candidate, which can be the whole Board or a committee.

Ms. Mallek said that she is referring the final offer negotiation, and said that whoever is making the call needs to write it down.

Mr. Randolph commented that they will need to follow a script.

Ms. Palmer agreed.

Ms. Gerome said that staff will also provide a quick overview of training and what is done with County processes.

Mr. Walker added that staff will work closely with the County Attorney to make sure everyone is clear on what can be talked about in closed meetings vs. open meetings.

Ms. McKeel **moved** to approve the Action Plan for the Board Clerk and the County Attorney as presented. Ms. Mallek **seconded** the motion.

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

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

Ms. McKeel commented that she had heard a complaint from a constituent that a local organization is being excluded from the process for the Police Chief position, and asked Mr. Walker to respond.

Mr. Walker explained that staff had completed some outreach to a number of stakeholder groups, including the individual who had approached Ms. McKeel, and said the County has not yet decided who will participate in the interactive panel discussions with candidates. He said they have not yet formed those panels, and the deadline for the applications is March 18.

Ms. Mallek stated the process from five and one-half years ago was very well done, and the people who were on the interview groups felt that it was a positive process.

Mr. Walker said that staff has heard that from many people and will be following a similar process for the other positions.

Ms. Gerome noted there has been a lot of community input in the second interview rounds.

Ms. Mallek added that the County Executive has been able to report to the Board on the feedback received from those groups.

Agenda Item No. 11. Board-to-Board, February 2016, ***A monthly report from the Albemarle County School Board to the Albemarle County Board of Supervisors.***

Ms. Kate Acuff, Chair, addressed the Board, stating that there had been moderate success in Richmond on the school bus camera bill, which will help them reduce traffic violations from vehicles passing stopped school buses loading and unloading children, and noted that a student from Charlottesville City Schools had been hit by a car last school year. Ms. Acuff said there were up to 6,000 incidents each year of vehicles passing stopped school buses, and although they had means by which to photograph offenders, they currently do not have a reasonable enforcement mechanism. She explained that under current state law, each summons must be delivered to each violator in person by a police officer, and it is unlikely that County police have that staff capacity. Ms. Acuff stated the General Assembly legislation would allow for the summons to be delivered by mail, and just the day before the legislation passed the House, and the Senate voted to consider that version of the bill.

Ms. Mallek asked if this means the Senate will be reviewing the House version instead of the Senate's. Mr. Davis explained there are different versions approved by each branch, so now they will go into committee and resolve the differences between the two bills, which are quite substantial, but staff is optimistic that the committee would end up with a bill that would pass both houses and become law.

Ms. Mallek stated she is glad that it has at least gotten out of the House, as the County has been advocating for this for two years now.

Ms. McKeel said she would like to know how their local representatives are voting on these bills. Ms. Acuff agreed to provide that information.

Ms. Acuff reported that charter school legislation, which would have placed a referendum on the ballot in the fall and would have empowered the State Board of Education to establish charter schools over the wishes of the local School Board, passed in the House but failed in the Senate. She stated that the defeat of this bill is a win for local control, although there is still a bill on the floor that will give charter school groups the right to appeal local school boards' denial and would have allowed the state to be able to approve five charters per year in the state. Ms. Acuff noted the County already has two charter schools that are working well with the school system, so the state legislation will not likely affect them. She stated there is also an "educational savings account" bill that is being debated in the legislature, and this would permit parents to take 90% of SOQ money to local schools and put it into savings accounts for their kids if they take them out of public schools for other placements. Ms. Acuff said this legislation had been trimmed down to only apply to students with disabilities, but this still raises questions as to how it will work if money is taken out of public schools and the impact on the Children's Services Act funding.

Ms. Acuff stated that regarding innovation, the schools promote leadership and entrepreneurship schoolwide and have been moving away from heavy reliance on standardized testing, with Albemarle's instructional model based on project-based curriculum, emphasizing lifelong competencies and skills and their applications to problem-solving and creativity. She said that Albemarle County received many requests to visit the school system, and this week South Carolina and Florida public school representatives will be visiting to learn about its instructional models. Ms. Acuff reported that the County has been notified of a \$45,000 state grant to model a new program this summer for at-risk high school students, which will be project based and is hoped to be a pilot for students getting credit for their work in the summer. She stated that Congressman Hurt will be visiting Burley Middle School this week to look at a program funded by a \$20,000 grant from the Battel Foundation, which allows students to recreate historical artifacts from the Smithsonian Institute archives, downloading the patents or drawings, coding them and then using a 3-D printer and laser cutter to make the devices. She noted this took a previous

program at Sutherland Middle School in which students used Morse code and enhanced it to connect with other schools in Virginia and Pennsylvania in a collaborative model.

Ms. Acuff reported the schools had launched an initiative entitled “My Choice ACPS” that includes many student projects such as filming and editing documentaries, designing a balloon-powered car, building a raised vegetable garden bed, volunteering with community causes, and writing books. She stated it is hoped that students will use this tool during snow days, holidays, and other days that school is closed, to help emphasize that learning is a lifelong experience that can take place in many different locations. Ms. Acuff said there had been a benefit concert for the Shelter for Help and Emergency (SHE) at Monticello High School over the weekend featuring female vocalists, raising almost \$3,000 for SHE with more donations still coming in.

Mr. Randolph asked Ms. Acuff to remind them of the reason for increasing capacity at Albemarle High School rather than relocating students to Monticello High School.

Ms. Acuff explained the Citizens Redistricting Advisory Committee had looked at a variety of solutions to address capacity at AHS and determined that the only conceivable solution was a modest redistricting of an area from Dunlora to Proffit Road to Monticello High School, which, at best, would have redistricted 200 students and helped reduce the pressure on AHS. She stated the liberal grandfathering proposed was for all students in high school and other students in their families, which would have meant less than 200 students impacted over the next few years and would have required an addition at Monticello High School, but it would not have taken care of long range needs and capacity issues at AHS. Ms. Acuff said she voted against it because it is a short-term solution to a long-term problem.

Mr. Randolph also asked Ms. Acuff to address the allegations that the County and School Board will be spending \$20 million to add trailers at AHS. Ms. Acuff responded that the short-term solution, which can buy the three to five years, is an addition of an eight-room mobile classroom that will accommodate a couple hundred students, and the \$20 million projection is for an addition to AHS, which has not yet been approved by the Board. She emphasized that the School Board has felt strongly that not deciding to redistrict that one part of the community is not the same thing as saying that they want Albemarle High School to be 4,000 students, and they need to continue to explore the best solution for all County high schools.

Mr. Foley said this is the reason why staff did not recommend the original plan for this, because they knew there were still discussions about schools as a longer-term picture, and this was a good example of a strategic discussion that should take place before the next budget is prepared.

Ms. Acuff commented that she hopes they will continue to talk proactively about other capital needs, countywide, not just schools.

Ms. McKeel said that even if they made the decision tomorrow, it would be years before they could open a classroom, and they are struggling in the urban ring with schools like Greer Elementary, so they need to figure this out sooner or later so the process can begin.

Ms. Acuff stated that as she had mentioned on Monday, in five years 50% of County schools will be over-capacity. She said that AHS has some flexibility with the mobile unit, but with Greer they are contemplating having to bus students and putting TAs on the buses so the students do not lose instructional time.

Mr. Randolph said this is the kind of information the Board needs to impart to voters when they go out to meet with them about the pressures on the schools in the northern part of the County and the under-enrollment in elementary schools in the south.

Ms. Acuff offered for the Board to reach out to the School Board whenever they need this type of information.

Ms. McKeel stated that the school division will have some representation at the community meetings, with a School Board presentation to accompany County staff's presentation.

Ms. Mallek said that over the years she has encouraged having the School Board take a more active outreach role rather than sitting back and having the Board try to answer all of the questions, and she encourages Ms. Acuff to advocate for this with the School Board.

Ms. Acuff stated it has been on her agenda to do so, and said it is their role as the public education advocacy group.

Ms. Mallek clarified that it would be much more effective if the School Board would take its own advocacy role, rather than piggybacking onto Supervisors meetings.

Ms. Acuff said that Board members tend to get better turnout, and noted that she and Ms. McKeel had experienced an underwhelming public attendance when they tried to hold an outreach meeting.

Recess. At 3:23 p.m., the Board recessed, and reconvened at 3:41 p.m.

Agenda Item No. 12. Shenandoah National Park Annual Report

Shenandoah National Park Deputy Superintendent, Ms. Jennifer Flynn, addressed the Board to present the park's annual report. Ms. Flynn stated this will be a special year throughout the park system as they celebrate the centennial of the establishment of the National Park Service, which now takes care of 410 individual park units throughout the system, including Shenandoah National Park, and provides a wide variety of conservation services to communities throughout the nation. Ms. Flynn said that 2015 was a good year for Shenandoah National Park, with over 1.3 million visitors to the park, an increase of 5% from 2014, and greater visitation as expected in 2016. She noted that Congress has reached an agreement so the threat of sequestration or shut-down is off the table at least through the next cycle. Ms. Flynn said the park's latest study showed that the 1.3 million visitors spent more than \$80 million in the local communities surrounding the park, and the park's presence supported another 1,085 jobs beyond park service jobs. She added the park also sends a lot of business to contractors through a wide variety of work taking place in the park, so it continues to be a major contributor to the local and regional economy.

Ms. Flynn reported that community relations for the park are good, with the Park Superintendent and her continuing to meet on a regular basis with the leaders of the eight counties surrounding it, with the Blue Ridge Committee on Community Relations, and with the Celebrate Shenandoah Group, which has representatives from the eight neighboring counties, other jurisdictions, organizations and tourism groups. She said the park is maintaining open and active lines of communication with its neighbors, and the relationship with park partners is also excellent, including the park concessioner, Delaware North; the Potomac-Appalachian Trail Club, which provides hundreds of volunteers to help maintain the trails in the park; the Shenandoah National Park Association, which operates the bookstores in the visitors centers; and the Shenandoah National Park Trust, headquartered in Charlottesville. Ms. Flynn stated that Delaware North and the Association both reported record years in the park in 2015, the Trail Club remains an important partner, and the Trust is successful in raising money to support a wide variety of projects in the park.

Ms. Flynn stated there have been some important accomplishments in the park over the past year, with a new foundation plan that reaffirms the park's purpose, significance, key resource values, and major interpretive themes. She noted this document will be used to guide the management of the park for years to come and is found on the park website. Ms. Flynn reported that the Delaware North company continues to make significant improvements to the facilities they are operating within the park, including major room upgrades, renovation of all public restrooms and shower facilities in the park, renovation of historic cabins, new paint on most of their buildings and their assignment, new sidewalks in developed areas, and continued improvements to food and service quality. She stated the park has also completed the project to replace all outdoor public information signage, including information kiosks, trail head signs, and wayside interpretive panels. Ms. Flynn reported that the Skyline Drive itself is also in outstanding condition, and entrance fees had been increased in 2015 from \$15 to \$20 for one car for a 7-day pass, and this increase has been very well received by the public. She said that with 80% of the funds staying in the park, it enables them to continue to take good care of the park and provide for an excellent visitors experience, with the latest survey indicating that 97% of visitors are satisfied or very satisfied with their visit to the park.

Ms. Flynn reported that a few weeks earlier, the park had announced, after years of planning and a series of public meetings, the completion of a plan for dealing with chronic wasting disease, a non-native wildlife disease that poses a significant threat to the health of the white-tailed deer population in the park. She noted the plan provides for what the park will do if the disease arrives, with the nearest case just 10 miles from the park boundary at Front Royal. Ms. Flynn said the plan will not begin to take any action within the park until there is a documented case within the park or within 5 miles of the park boundary, but now they have a plan to try to slow the spread of the disease should it arrive. She stated the park also continues to actively treat the remaining hemlock trees, 95% of which were killed by the Hemlock Woolly Adelgid; and Ash Trees, which are now dying from the invasion of the Emerald Ash Bore. Ms. Flynn stated the park is working to make the operation more sustainable and climate friendly, with the use of hybrid vehicles, propane lawnmowers, night sky compliant solar lighting, and new electric charging stations for vehicles. She added they will also be installing a public station at the Byrd Visitors Center at Big Meadows this summer, and will continue to work with neighbors on other issues that are important to the park including air quality, maintaining critical view sheds, protecting night skies, wilderness character, and natural quiet. Ms. Flynn said they also have a new mobile visitor's center that will be used to provide better public service at the south end of the park. She stated that Shenandoah National Park signed a new sister park agreement with the Baihuashan National Nature Reserve in China, which will help promote Chinese visitation to the area.

Ms. Flynn reported the centennial is a very important year for the National Park Service, beginning with prominent presence at the Rose Bowl Parade in January; "Every Kid in the Park," which provides free park passes for every 4th grader in the U.S. and their families to visit the park; a special NPS centennial commemorative coin to be available for sale on March 24; and an Imax film about the national parks that has opened throughout the nation. She stated that at Shenandoah, they have 13 fee-free days at the park planned this year, as well as the traditional "park neighbors day," which will be held this year on June 18. Ms. Flynn said that Shenandoah staff had participated in "Read Across America" earlier that day, with staff reading books such as Dr. Seuss's *The Lorax* at 20 schools in the localities that touch the park. She noted that Shenandoah will be featured along with other national parks at the Philadelphia Flower Show, opening the following weekend; and at a special exhibit at the National Botanical Garden in Washington, D.C. Ms. Flynn said there will be a variety of special programs during National Park Week in April, and a special park-wide cleanup with all employees on Earth Day. She stated there are four live

musical performances scheduled from April through October, with one in the park and one in the surrounding communities. Ms. Flynn reported there will be a national quilt show in October, and on August 20 the park will be rededicating the historic stone observation platform on the summit of Hawksbill Mountain, the park's highest peak, which will be reconstructed using a special youth crew learning historic preservation skills.

Ms. Flynn thanked the Board for the opportunity to present, and encouraged them to come enjoy the Shenandoah National Park.

Mr. Dill said that he and his wife celebrated his birthday at the park each year in November, and he just turned 62, which means that a lifetime pass cost him just \$10.

Ms. Mallek asked if there is one special centennial day, or if the events are spread out throughout the year. Ms. Flynn responded that the centennial events are purposefully spread throughout the year, but the park is using the August 20 day at Hawksbill as the pinnacle event.

Ms. Mallek asked about the event at the botanical garden. Ms. Flynn responded that the event runs through the summer, featuring art inspired by national parks, but the flower show runs for just 10 days.

Ms. McKeel commented that she is thrilled the park is featured at the flower show, as it is a wonderful event, and she encourages people to go by train.

Ms. Flynn stated she and the Park Superintendent will be taking the train there the following Monday, and said that having staff there will provide a great opportunity to highlight Shenandoah and remind people how close the park is to D.C.

Ms. Mallek said that during the 75th anniversary, Albemarle County was the only locality not represented under the tent, which she complained about to the CACVB at the time, and she noted that there were about 4,000 people there that day. Ms. Mallek commented that the park is a wonderful asset for the entire County, not just the western fringe residents. She asked Ms. Flynn to share centennial event information with the *Crozet Gazette*, and said that she is working with the Park Superintendent and others in the area to develop a long-term trail plan. Ms. Mallek stated that the goal is to have a trail that starts at 627, goes up into the park, goes down to Byrum, comes back into the park, goes down to Mint Springs, comes back into the park, and goes down into the Crozet Tunnel. She noted the park staff has been working on their internal plan to see which existing roads will be used for bicycles, horses, etc., and there is wonderful access there.

Mr. Randolph commented that if people go to the Philadelphia flower show event, they should think about going to Pat's Steakhouse to get a cheesesteak.

Ms. Palmer stated that she has been buying the National Park pass for many years.

Agenda Item No. 13. Proposal for The Center at Belvedere.

Mr. Peter Thompson, Executive Director, addressed the Board, stating that the community needs a significantly larger and radically different senior center, which has been termed the "Center at Belvedere." He stated that Senior Center board members Michael Guthrie, Greg Menke and Liz Allen are also present at this meeting. Mr. Thompson reported that the Weldon Cooper Center projected 20% of people in the planning district will be the amount of 65+ year olds by 2030. He said the Senior Center has done significant market research over the years to identify what the community wants and needs from the center going forward, and last year they did a study with the Weldon Cooper Center to test those assumptions, and those results are available in the Board's materials. Mr. Thompson stated that the study calls for a broader expansive vision for the center and made the case for a modern, vibrant facility as the base for an ambitious outreach plan, with the center doing a lot more for the community. He said that a Weldon Cooper Center researcher mentioned in a *Daily Progress* article recently that the aging of the population is the #1 issue that the Commonwealth and the country faces.

Mr. Thompson stated this is really an issue of community planning, and everything the Board has discussed at this meeting, small area plans, urbanization, walkability, transportation and affordable housing, affect how age-friendly the community is and how to address those issues. He said that he will talk later about economic development, and commented that in addition to more doctors and nurses, the community will need more physical therapists, Tai Chi and yoga instructors, more band and language instructors, and other workers to help people lead full lives. Mr. Thompson stated that people will also need to work longer, so the community also needs to think of aging as a workforce opportunity and imperative, as well as a social services and family issue, as families are impacted by caring for elders.

Mr. Thompson said that seniors are also often primary caregivers, caring for children, grandchildren, family and friends. He stated that aging is often seen as a problem, but research consistently shows that in order to address this longevity revolution, the key is the interventions of healthy aging, and if the resources are in place in the community so that people can age well, there will be more productive members of society and less costs for everyone. He stated that in one generation, the population of 65+ in Albemarle County has doubled, with the number at 50+ skyrocketing even further. Mr. Thompson reported that for every Senior Center member that uses the center, about three guests use it, and there are about 4,500 unique users from Albemarle County each year, not counting duplicated

usage or the ripple effect of helping families by helping seniors stay well. He stated that about 56% of members are Albemarle County residents, meaning that about 12% of County seniors are using Senior Center programming directly.

Mr. Thompson stated that healthy aging and holistic wellness are the terms used for aging well, the social, intellectual and physical wellness that research consistently shows are the keys for everyone to remain active and healthy in order to be as independent as possible and continue to be an asset and resource for the community. He said the more Albemarle County is an age-friendly community, the more those who are here will stay here and older adults will be attracted to the community. Mr. Thompson commented that older adults who are healthy are active contributors to society and are patrons to local businesses and consumers of services and products. He stated if there are healthy seniors in a community, healthcare costs go down, and with more ability for seniors to age in place, the less likely they will be to need nursing homes or long-term care, which is a great loss to society at the local and federal levels. Mr. Thompson said the social services demand have increased significantly in the County in recent years, and the Senior Center is part of the solution to help seniors not need those services. He stated the more there are healthy seniors in the community, the more likely they will be to volunteer or to be philanthropists, giving back to the community and also voting.

Mr. Thompson said that 89% of Senior Center participants report that they have a fuller and more positive outlook on life through center participation, and that leads to a desire to be more socially engaged and physically active. He stated that volunteers at the Senior Center were matched with at least 54 nonprofits in the community in 2015, and the center offers free space for nonprofits at a value of \$110,000 in 2015, with more than 51,000 volunteer hours equaling over \$1 million of free labor donated by Senior Center members in the community. Mr. Thompson said that when the Senior Center builds the facility at Belvedere with three times as much space, the center anticipates being able to at least triple those numbers, with about 50% more program hours. He stated the center will be hiring about eight more FTE staff members, and will continue to develop community partnerships with organizations such as JABA, both local health systems, and City and County Parks and Recreation Departments. Mr. Thompson stated the full budget for the project is in the Board's proposal, and said the Senior Center is well aware of the County's budget situation. He said the new center project cost is approximately \$23 million with about 1/3 raised so far, and the \$2 million requested from the City and County will push the total over halfway, which will inspire additional support from private philanthropy to complete the fundraising effort. Mr. Thompson stated the community has encouraged the center to a point of pushing for public funding, and people have asked why the City and County are not involved. He explained that public investment is seen as somewhat of a seal of approval and there is concern that the project will not get done without municipal investment, with the return on investment being proven benefits to community health, economic development and more.

Mr. Thompson reported that throughout its 56-year history, the Senior Center has always served the broader community and has opened its doors to a variety of people. He said that Belvedere is a neighborhood model development, and can be a proven success by getting the new center built sooner rather than later. Mr. Thompson stated that accessibility is imperative to the Senior Center, and the Belvedere location is geographically accessible with equal distance between Route 29 and the 250 Bypass, an ideal location for a community senior center, and he thanked the Board for their support of CAT's Route 11, which has grown 6% between 2014 and 2015. He stated there will be expanded hours at the new senior center, 7 days a week up to 90 hours per week, to meet the needs of the community. Mr. Thompson noted the Senior Center has always done a certain amount of satellite program delivery using Darden Towe Park and Penn Park for sports and walking trails, etc., and one center cannot possibly serve the needs of the community because it is growing at a rapid rate, but the Belvedere location will allow the center to do more satellite delivery of services in identified County areas like Scottsville, Crozet and Esmont.

Mr. Thompson reported that Belvedere, as a mixed-use area, is a good fit with the Senior Center's vision to be open to the community, and Belvedere requires that buildings are constructed with a certain sustainable environmental design, and there will be a lot of community gardens, solar design, a storm detention pond that can be used as a student educational location as well as managing stormwater that runs to the Chesapeake Bay. He stated the Senior Center does a fair amount of multi-generational programming, but the current building does not have adequate space to provide these activities, but the new center will be radically different and will allow for enhanced intergenerational programming for the community. Mr. Thompson said that Senior Center personnel have spoken with City and County Parks and Recreation officials about how the center can align with them to meet community needs, and the 2004 recreation study showed that there is a need for more indoor facilities, a broader cross-section of the population served, and a wider variety of programming. He stated the County has not made great strides in those areas, particularly in terms of indoor facilities, and the Center at Belvedere can help fill that void. Mr. Thompson added that the center can also help in terms of lifelong learning, including K-12 ages.

Mr. Sheffield stated that he is championing this effort on the County's side, but would like to hear from Board members.

Ms. Mallek said the Senior Center is very important to the community, including rural residents.

Ms. McKeel commented that this looks like a wonderful facility for the community, and she recognizes the existing Senior Center is aging and inadequate.

Mr. Dill stated he was surprised to hear the 12% number, and asked for clarification. Mr. Thompson responded that the Senior Center's best projection is that 12% of seniors in the community use the current facility.

Mr. Dill asked what efforts will be made to get more people into the center, and a more diverse clientele. Mr. Michael Guthrie responded that the Senior Center is celebrating 56 years in the community and has been recognized nationally, taking pride that they have done this without any public funding. Mr. Guthrie stated the new project is different because it is a capital improvement, and a huge group of people will be impacted over the years. He said the County currently does not have the facilities to serve this age group, and the Senior Center would be taking on a huge part of that to allow the County to offer these services without paying another dime because of their model of self-sufficiency. Mr. Guthrie said the project has both short-term and long-term benefits, and the location of this facility is ideal given the growth pattern in the northern part of the County and the lack of any similar place to gather. He stated that in communities around the country, such as Naples, Florida, healthy living is the center of these communities, not church, and the Center at Belvedere is ideally located. Mr. Guthrie said they will need to focus on transportation, but also on satellite locations for services in the areas Mr. Thompson mentioned, as well as the City.

Mr. Sheffield said he had done some consulting work in Naples, and that community wrestled with some of the same issues as Albemarle. He stated that at the Senior Center gala some of the Board members attended, constituents mentioned that there had not been any large community investment projects that the County has not been a part of, so it makes sense to a lot of people that this request is being made. Mr. Sheffield pointed out that the funding request from the Senior Center is not for this budget year, but is being requested for next year and will be spread out over four to five years. He stated that Mr. Thompson and the Senior Center are looking for a commitment to have that discussion, and it should probably happen in the context of the Board's CIP discussion. Mr. Sheffield added that this center does add value to the community, and the aging-friendly dynamic is going to be critical to its success, with the Senior Center embodying that as well as providing an economic catalyst for other efforts, such as volunteerism. He stated that a lot of communities he has consulted with are pursuing the aging dynamic from a healthcare and assisted living perspective, but the Charlottesville/Albemarle model is a much more active aging cohort, which he feels will be much more successful.

Ms. Mallek said this request is very similar to the decision made 10 or 12 years ago to invest in the YMCA, because of the tremendous return to citizens.

Mr. Sheffield commented the tax return on the Belvedere property is also significant.

Ms. Palmer asked Mr. Thompson if the center will pay real estate tax since they are a 501(c)3. Mr. Thompson responded that the Senior Center does not pay property tax on its current County land, as voted on by the County 25 years ago, and his understanding is that the request will need to be made again for the new property.

Mr. Randolph asked if the statistic given on page 3 of the proposal, "1 out of every 4 households in the area," refers to Albemarle County. Mr. Thompson responded that it refers to the entire planning district, but in the past the County's statistics have aligned pretty evenly with the broader service area for any of the age demographics. He stated that most senior centers in the nation are funded by government entities, which means that their usage is also restricted by the residence of its users, but the Senior Center is a resource for all residents in the region regardless of their place of residency.

Mr. Sheffield commented that other localities, such as Loudoun County, provides funding for their senior services, and they do not have anything like the Senior Center.

Ms. Mallek pointed out that those communities have departments of aging services and staffs, so they are spending money on FTEs for services, whereas those things are done with private organizations locally.

Mr. Sheffield said he has tried to look at the spending on aging given the number of seniors in those communities, but it became difficult to compare it because some of the other localities became diluted with inclusion of middle age groups and the commuter population. He stated that he was trying to pull together 65+ per-capita spending for those comparable localities, but what was not evident is whether there are private entities filling in some of those services.

Mr. Thompson pointed out that most peer communities in the state are part of Parks and Recreation Departments and are often spending more money out of those programs for senior services and activities.

Mr. Sheffield said there might also be a community center that is used for senior services.

Mr. Thompson stated that people have come from all over the state and country and from as far away as Calgary to see how the Senior Center survives and even thrives without public money. He said there tends to be more investment, but less spatial delivery in those communities.

Ms. McKeel commented that there is a lot of synergy and benefit from connecting younger and older people so she was glad to hear they are continuing that emphasis, and she was also pleased to see that the Senior Center has reached out to JABA.

Mr. Guthrie stated the Senior Center is a known entity with a 56-year track record of success, and they feel very strongly that the new center will be multi-generational, with walking trails and other shared activities. He said that in a lot of situations, grandparents are moving to where their children or grandchildren are, and if the needs of the older age group is not served it can actually have a negative economic impact. Mr. Guthrie stated that as he has gotten involved with the Senior Center the need must be addressed, it will continue to get bigger, and this is a great opportunity for the County to partner with them to get the facility built so they can provide these expanded services even better than they have in the past.

Mr. Sheffield stated the Senior Center is looking for some sort of direction from the County, and asked Mr. Thompson to articulate it a little better.

Mr. Thompson said the Senior Center and the community are looking for some sign of support from the City and the County that this is an important proposal that merits investment, and to identify funding for FY18 and beyond. He stated that he would like to have elected officials direct staff that this is a priority and to try to make it work, adding that this level of vocal and philosophical support will make a big difference in the Senior Center's planning and will encourage private philanthropy.

Ms. Palmer stated that after Board questions and comments, Mr. Foley can explain the timeframe involved with the CIP process.

Mr. Randolph said he had written a letter to Mr. Thompson and had copied Mr. Sheffield on it, and stated the Board needs to be focused on strategic planning and where their priorities are. He stated they need to avoid ad-hoc episodic planning and funding, and said they would be well-served to create a citizen-based senior services study committee to examine the current status of the existing mix, depth and scope of senior services available in the County and what changes are appropriate and most cost-effective for service delivery in the coming decade. Mr. Randolph said there is time to get this done prior to making a funding decision, with the CIP again considered a year from now, and his suggestion is for the Board to look at the full range of senior services, including the underserved areas of southern Albemarle, with the Senior Center's proposal subsumed into that consideration.

Mr. Sheffield stated that as with most critical discussions locally, groups of people have these conversations and bring the issue to a point, which has already been happening, with a group of eight meeting for about a year now, with him focusing on JAUNT's role and the metrics by which to measure the community, which the World Health Organization (WHO) provides. He said the group has reached out to Mr. Dill and Mr. Sheffield, and they, in turn, have reached out to Mike Signer and Maurice Jones. Mr. Sheffield stated the group has also included the Senior Center, JAUNT, JABA, the Alzheimer's Association, Hospice of the Piedmont, OLLI, C'ville Village, and Westminster Canterbury. He said they are creating a charter to help guide the process, and they took the eight WHO metrics to see how each component fits into the "age-friendly community" matrix and to identify gaps, with other non-senior specific entities, such as Martha Jefferson and PVCC also to be included, without being crushed under the weight of a big council.

Mr. Randolph asked if there could be representation on the committee from Esmont, Woodbridge and Scottsville. Mr. Sheffield responded the group understands the need to be inclusive and there is citizen and agency input needed, but the list of people to be included could be pretty long and the group has wrestled with that.

Mr. Thompson noted that JABA, JAUNT and the Senior Center all serve the entire planning district, so the considerations beyond the urban ring are paramount, but they are starting with Charlottesville and Albemarle before going out further.

Mr. Sheffield said he would like to hold some kind of age-friendly conference in 2017 where these things can be articulated, and the group has realized that the gaps and tasks are bigger than originally thought so they have been trying to determine how big the outreach effort should be. He stated this should probably be folded into a strategic plan discussion because the County is trying to position the plan as the driver for budget choices, including capital, and the timing of June for the discussion would probably be good.

Ms. McKeel stated the group seems to be a coalition of organizations now, and as it evolves they will be reaching out to other stakeholders and segments of the community.

Mr. Sheffield said the challenge will be how many people will be involved in the group, and if more than two Supervisors are involved in the discussions they will get into meeting laws, which is why Mr. Foley and Mr. Jones were invited instead.

Ms. McKeel clarified that she is talking about eventual community involvement, not Board and Council participation.

Mr. Thompson stated those at the table are just representing their constituents, and feel that consumers' voices are at the table, but they will be involved further as the process evolves.

Mr. Sheffield said it might be good to do this in the context of priority budgeting, and it would be helpful to have people engaged in further discussions about senior services.

Ms. Palmer asked Mr. Foley to comment on the appropriate way to approach this now. Mr. Foley responded that the proposal put forward by the Senior Center would likely score highly in the CIP ranking process, as it takes into consideration other revenue sources, partnerships, and future impacts to operating expenses, which would not exist because of the self-sufficiency of the center. He said the CIP process will begin in August with requests from departments and will feed into the five-year planning and two-year budget concept, with the time to be deciding on Board priorities and how they measure up against each other being in the May/June strategic planning sessions. Mr. Foley stated that the CIP Oversight Committee and the work that staff does is supposed to take a look at the strategic plan and see if it is supported, and prioritizing work as part of the budget proposal is the way to go about this. He said if the Board puts priority on this item in addition to the CIP ranking, it would send even more of a message that the project needs to be considered at a higher level although there is no money set aside for it currently.

Ms. McKeel asked if they need to send a message that the Board would like to have this as part of the strategic planning discussion. Mr. Foley said this is a good nod to the importance of what was put forward today and that it will be on the table at the strategic planning discussion for future consideration.

Ms. Mallek stated she would like to take this as philosophical support for further investigation.

Mr. Sheffield commented that he is seeing that the Board members all need to agree that the strategic planning document is taken as the lens by which priorities should be viewed.

Mr. Foley said the strategic plan does not have everything in it, but as things are emerging those work sessions are the time to bring up items like this.

Agenda Item No. 14. Route 29 Solutions Project Delivery Advisory Panel (PDAP) Monthly Update.

Mr. Mark Graham, Director of Community Development, stated that the grade-separated intersection project at Rio Road is moving along quickly now, and he will only be back twice before the closure happens. He said there are some things moving faster than what is depicted on the timeline provided, and two things are behind schedule, but neither of those are on a critical path for the project. Mr. Graham said it has been wet and cold, which affects how much construction can be done, but that was built into the schedule. He reported the construction contract for Berkmar, Rio and 29 widening goes through October 2017, and there is a one-year minimum warranty on the plan that takes it through October 2018.

Mr. Sheffield said that another discussion for the strategic plan is the entrance corridor beautification.

Ms. McKeel commented that she would rather not delay that too long, and other areas in the urban ring also need some attention to not look so decayed.

Mr. Sheffield stated that developments are held to a certain standard by the County, with VDOT holding them to a lower standard, so this Board will need to fill in that gap.

Ms. Mallek asked if they are talking about tree planting or other improvements. Ms. McKeel responded that she is talking about maintenance that makes the urban ring look like a place in which people would want to live.

Mr. Dill said that a lot of people come into Charlottesville off of Exit 124, and the only thing visible is car dealerships and pavement, with barely a blade of grass visible, whereas the 2009 plan depicted a boulevard with trees and people walking dogs and enjoying a day out.

Mr. Sheffield asked how many entrance corridors the County has. Mr. Graham responded that there are about 20 roads with that designation.

Ms. Mallek said there are various neighborhood organizations in every district that would like to be a part of any beautification efforts, and they just need some guidance as to where and how to plant.

Mr. Graham stated this is a great part of the urbanization/revitalization question, with public/private partnerships, as well as the County, stepping up.

Mr. Foley commented that the more aspirational things the Board is discussing will require things like service districts to change the equation, as well as determining how to funnel new monies, such as state dollars, to strategic items rather than just using it to react to things that pop up on a year-to-year basis.

Ms. McKeel stated that Mr. DeNunzio of VDOT had told her that the signalization on Hydraulic Road would be ready by May, and asked Mr. Graham to comment. Mr. Graham responded that he will update the Board with his next report to them, and said the lights will probably be active by then.

Agenda Item No. 15. Closed Meeting.

At 5:01 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 consider appointments to boards, committees and commissions in which there are pending vacancies or requests for reappointments. Ms. Mallek **seconded** the motion.

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

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

Agenda Item No. 16. Certify Closed Meeting.

At 6:00 p.m., 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: Ms. McKeel, Ms. Palmer, Mr. Randolph, Mr. Sheffield, Mr. Dill and Ms. Mallek
NAYS: None.

Agenda Item No. 17. Boards and Commissions:

Item No. 17a. Vacancies and Appointments.

Ms. McKeel then offered **motion** to make the following appointments:

- **appoint** Mr. Devin Welch to the Acquisition of Conservation Easements Committee (ACE) with said term to expire August 1, 2018.
- **appoint** Ms. Christine Putnam to the Natural Heritage Committee with said term to expire September 30, 2017.

Ms. Mallek **seconded** the motion.

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

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

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

Mr. Brian Werner of the Jack Jouett District addressed the Board, stating that he is before them to discuss the special exception for the wireless antenna and noting that his yard is within 90 feet of the monopole. Mr. Werner presented a photo of the monopole taken with a 50mm lens, and said that he and his wife are extremely opposed to the application, agreeing with the staff report. He stated the proposed top-hat antenna is ugly, and he presented a picture of a similar antenna on Garth Road in a rural location. Mr. Werner said his family is in the yard every day and will see the antenna, so it is highly impactful to them. He stated the zoning ordinance must have a purpose and a reason, and if there is an exception granted for an antenna in commercial or isolated areas, that is understandable, but his house is surrounded by relatively high-density residential zoning. Mr. Werner reported that he has secured 42 signatures from his neighborhood of 48 houses, and he presented the petition along with a map of his neighborhood. He emphasized they are not opposed to cell phone towers, and there is another monopole out there with conforming antennas, with options available to the applicant that does not require the exception. Mr. Werner shared a picture of a conforming antenna and asked the Board to deny the application.

Ms. Jeanine Werner addressed the Board, stating that she and her family are very good neighbors, and while the zoning designation for the area is rural areas, this particular property at 195 Georgetown Road is surrounded by a residentially zoned community. She asked the Board to treat them with the same consideration as a residential community and uphold the Section 5.1.40B-2C mandate regarding the approval of a special exception request as setting the precedent that the 18-inch antenna restriction was put in place to prevent. Ms. Werner stated there is no drop in coverage, so she is not sure why this is being put in place, and she questioned how much bigger the platform becomes once it is allowed.

Mr. Garry Butner addressed the Board, stating that he has lived in the community for more than 25 years and loves living here, adding that in this circumstance they are dependent upon the Board's judgment. Mr. Butner stated that in his view this is a technicality, with a small one-acre lot that is still zoned rural although it is surrounded by all residentially zoned property. He said he is not sure how the Board's ruling will work, but he asked them to consider that this is a high-residential area and not a rural area because the parcel should have been changed to the same zoning.

Ms. Marilyn Flynn of the Jack Jouett District, addressed the Board, stating that she owns the property on which the tower is proposed. Ms. Flynn stated that the property is nearly four acres, not one, and the Werners are often in the field which is technically on her property. She said the discussion of the tower being "ugly" is beyond comprehension, because she lives every day with the ugliness of the high and low distribution lines running through her property. Ms. Flynn stated she was aware of that when she purchased the property, and said the right of way has been there far longer than the residential community surrounding it, and the modifications proposed are pretty slim compared to the rest of what is going on. She said that 42 people do not abut her property, so she was pretty surprised that this many people had signed the petition when they are not even within hearing distance of her property. Ms. Flynn stated her understanding is that the only reason the special exception was required is for safety reasons, Dominion Power requires that cell antennas go above the highest tier of the powerlines. She said all of the other items that are part of the proposal do not require a special exception permit, and she wants to mention that the cost and impact of this placement would mostly be borne by her and her husband because they will see it every day.

Mr. Jim Flynn stated that the extension on the tower will be most visible driving from Georgetown Road down his driveway, and only his family and the power company ever do that. He stated that with data needs growing, it is likely that most of the 42 people who signed the petition will benefit from the tower improvements.

Ms. Linda Butner addressed the Board, stating that as she walks around and talks to neighbors, their concerns are that there are two more towers in the neighborhood and if this special exception is granted by the Board, other companies could come in and do this to those other poles.

Mr. Neil Williamson of the Free Enterprise Forum addressed the Board and stated that he wants to celebrate the success of the Virginia wine industry in Albemarle, with Keswick Vineyard's 2014 Cabernet Franc reserve winning the Governor's Cup. He stated the Governor's Case, which features the top 12 scoring wines in the state, include 5 wines from the Monticello-Appalachian region, including 2 from Albemarle. Mr. Williamson said there are a lot of positive developments in the wine industry locally, and he urges the Board to consider the "golden goose" of the grapes in Albemarle. He stated the Monticello Viticulture Area is the most populous viticulture area, but Loudoun County has surpassed it in terms of number of wineries.

There being no further public comment, the Chair closed the public comment portion of the agenda.

Agenda Item No. 19. B201502132. TWR Dominion Power Antenna Platform Co-Location.

MAGISTERIAL DISTRICT: Jack Jouett.

PROPOSAL: Alteration to an existing 110 foot power tower to add antenna on a 10' wide platform for wireless communication at a new top height of 120 feet and ground equipment in an approximately 400 square foot lease area.

WAIVERS: Yes – 5.1.40b (2) (c)-Projection of antenna beyond 18 inches from the tower structure for the proposed platform.

ZONING CATEGORY/GENERAL USAGE: RA Rural Areas. LOCATION: 195 Georgetown Road.

TAX MAP/PARCEL: 060A0090000400.

The executive summary presented to the Board states that at its meeting on February 2, 2016, the Planning Commission ("PC") voted 6:0 to recommend approval of a special exception associated with B201502132TWR, which is a proposal to alter an existing 110 foot electric transmission tower to add antenna mounted on a 10 foot wide platform for wireless communication at a new top height of 120 feet. The special exception is to modify Section 5.1.40b(2)(c) of the zoning ordinance to allow antenna to project beyond 18 inches from the tower structure for the proposed antenna platform. This request would normally require only a building permit; however, it does not meet the ordinance standards for antenna projection from the structure as described in the February 2, 2016 PC staff report (Attachment A). The February 2 PC action letter and minutes are also attached (Attachments B and C).

Staff recommended denial of this special exception for reasons outlined in the PC staff report. The PC held a public hearing where only the applicant's representative spoke. The applicant provided service coverage maps at the meeting, provided as Attachment D. Following the public hearing, the Commission recommended approval based on the determination that the proposal will have minimum negative visual impacts.

Should the Board wish to deny the special exception, staff recommends that the Board defer action to allow staff to prepare a resolution that satisfies the “written decision” requirements of the Telecommunications Act of 1996.

Should the Board wish to approve the special exception request, the Board would adopt the Resolution to approve the special exception (Attachment E).

Mr. Davis noted that even though this matter was not advertised as a public hearing, customarily the Board has allowed for public comment from anyone who has not already spoken on the topic.

Ms. Rebecca Ragsdale, Senior Permit Planner, addressed the Board, stating the request is for a modification to the standoff distance required in the ordinance for antennae, and staff has reviewed it against other requirements in the zoning ordinance. Ms. Ragsdale said the subject site is a 3.5-acre parcel located on Georgetown Road, stating that the property is about 300 feet off of that road, and about 76 feet on the closest point at the southern property line, and about 90 feet from the Werner property. She presented an aerial map of the neighborhood, noting the location of power lines and stating that the property is zoned rural areas, but is mainly surrounded by residential zoning districts such as Hessian Hills and other properties. Ms. Ragsdale presented a drawing of the proposed antenna, with a pipe extension to mount the antenna platform, which will be about 10 feet on each side and extends out a bit less from the platform. She provided an example of what would comply with the ordinance, with the antenna flush mounted to extend no more than 18 inches to the existing structure, and not on the pole and extending out from the platform.

Mr. Davis pointed out that if the antenna is designed as shown, it would not be before the Board because it would be a by-right antenna and would not be subject to a special exception.

Ms. Ragsdale stated the example of the existing site down the road was addressed in the wireless policy, and one of the reasons staff recommends denial for this application is that because the policy recognizes “opportunity sites” for collocation on existing structures, they still want to address visual impacts and expect facilities to meet the policy. She said when they did the policy, they referenced that particular facility as an example of a site that has visual impacts and “overwhelms the structure,” as it is not concealed in any way. Ms. Ragsdale said that staff recommends denial of the special exception request because of concerns about its location in a residential area and inconsistency with the wireless policy. She stated the Planning Commission recommended approval based on their feeling that it would not have any additional negative impacts since the structure is already there, but there was no comment from neighbors at their meeting. Ms. Ragsdale said that staff had heard from one neighbor at that point, and since the Commission meeting have heard from others. She stated that under the Federal Telecommunications Act, the decision to deny a request must be in writing and must be supported by substantial evidence, most of which is already in the staff report, and the Board’s reasons should be incorporated into any denial. Ms. Ragsdale said that staff has a resolution before the Board in the event they intend to approve the request.

Mr. Dill asked why the applicant used that system instead of a conforming one that would not require a permit. Ms. Ragsdale responded that Dominion Virginian Power changed their safety standards and is requiring this type of facility for the safety of their workers that are doing the maintenance and installation on the power structure.

Ms. Mallek asked if Dominion is requiring something that is 10 feet in radius, because the platform is not the issue, it is the top-hat structure. Ms. Ragsdale explained that the sides of the platform are no more than 10 feet, and the extension would raise the structure from the current 110 feet to 120 feet.

Ms. Mallek said that instead of the apparatus being 36 inches in diameter, it would now be 10 feet, so that is significant.

Ms. Palmer asked if Dominion Power is requiring the height, not the width. Ms. Ragsdale responded that there needs to be a certain distance above the power lines, and when this was originally submitted the platform was 14 feet, but Dominion had dropped it to 10 feet, and that requirement came along after the wireless policy.

Ms. Mallek commented that in the staff report, they talk about dual polarization units that achieve the same thing, but allows for compliance with the wireless policy, and asked what makes this location unique enough that the County should provide exception to its policy.

Ms. Ragsdale stated the applicant had provided information on dual polarization, but they have not provided any information on searches for other sites or why this was the best option, and the ordinance allows for a number of options, Tier I facilities that comply with the ordinance and Tier II facilities, such as monopoles.

The Chair asked the applicant to come forward.

Ms. Lori Schweller addressed the Board on behalf of Verizon Wireless, stating that they proposed a Tier I communications facility as a by-right administrative approval and noting that Verizon is requesting one special exception and that is for the standoff. She said the maximum standoff under the ordinance is

18 inches to the back of the antenna, and what Verizon is proposing on the power tower is roughly 5.5 feet standoff from the existing monopole.

Mr. Sheffield asked if that is on one side. Ms. Schweller responded that the 10 feet refers to the actual length of the triangular platform, which is much narrower than the existing one. She presented slides depicting the site and stated that the location is a densely populated, high traffic area, and noted the location of Georgetown Road and a 100-foot wide electric easement that has been in place since 1923. Ms. Schweller referenced a map showing the coverage area that will be impacted by the new equipment, and stated that Verizon is only requesting a special exception for the standoff, and everything else with regard to this proposal is an administrative matter. She said there were a lot of questions about the ground equipment for this facility, and said the generator is important for every Verizon Wireless location because it is essential for people to be able to make E-911 calls and report when the power goes out. Ms. Schweller stated that the generator must comply with the County noise ordinance and can be set to run at any time of day, with the closest property line at 76 feet. She said that decibels allowed during the day are 60DB, which is roughly the level of conversation three feet away, and because of an enclosure, the actual sound from the generator that will reach the property line will be well below even what is permitted at night.

Ms. Schweller referenced a page out of the County's wireless policy, which was adopted in 2000 and calls for flush mounting, and Verizon looks at all large power towers as opportunity sites. She stated that Dominion's safety standards as of 2012 require that antenna arrays must be above the static line and should incorporate a platform for technicians to stand on, and flush-mount antennas are not permitted. Ms. Schweller presented photos that Dominion had furnished of tower sites that the company considers to be unsafe designs, which Albemarle might consider desirable, but they are not safe for installation. She presented images of a site approved in 2012 on Ingleridge Farm, where the Board had approved a similar collocation on an existing power tower, and a photo simulation showing two flush-mounted antenna arrays applied for in order to stay within ordinance standards. Ms. Schweller presented another image and stated that this type of collocation on a power tower would not be permitted by Dominion Power today.

Ms. Schweller stated that the easement that runs through Barracks Road and Garth Road is the same one pertaining to this application, pointing out the location of Colthurst Farm, and said there is a facility similar to the one proposed. She noted that Verizon is minimizing the standoff when compared to some of the larger ones, and presented a collocation approved in 2014 on Owensville Road in which Verizon replaced a structurally unsound Dominion tower with a new monopole with a full array that was much larger than what is being proposed today, 140 feet high with a 14 feet wide platform. Ms. Schweller said that at the public hearing for that application, Ms. Palmer lauded the site and said it was a good plan to use these opportunity sites, adding that the Board did not have a problem with non-flush mounted antennas at that time. She stated the Board also supported strengthening the failing tower with a monopole, which had a much better appearance. Ms. Schweller noted the location of the 100-foot wide electric powerline easement that runs through Hessian Hills and Barracks Road, and said that Verizon is proposing 14 10-foot eastern white pines around the ground equipment.

Ms. Schweller presented photos showing the location of the tower site and the Werner's property and the closest homes, pointing out the location of the pole and stating that the easement is not pictured in that photo. She stated that Verizon sees this as a great opportunity and is requesting a special exception to permit the non-flush mounted array. Ms. Schweller said that Verizon is also asking that the Board consider further updates to the policy, stating that Chesterfield County also has a requirement for flush mounting, with a 24-inch limit, but when there is an electric power tower with a platform, they now permit a 7-foot standoff. She noted that Verizon is asking that the Board consider that policy change and a change in the zoning ordinance.

Ms. Mallek asked if the 7-foot standoff is on each side of the tower. Ms. Schweller confirmed that it is.

Ms. Mallek asked if Dominion is saying that even with a platform and a riser pole, they would no longer permit an 18-inch standoff. Ms. Schweller said that is the case, and stated that Verizon had done several of those in Albemarle County, including a full array in a residential area on Old Lynchburg Road.

Ms. Mallek commented that each site is different, with the site on Owensville Road having limited visibility, and the intent of the ordinance is to address the unique features of each.

Mr. Dill stated that he is trying to balance the aesthetics of the site with the desire of residents to have better coverage.

Ms. McKeel said that she lives close to the area and there are dropout areas for Verizon.

Mr. Dill said he understands that, but there are no residents at this meeting coming forth and saying that.

Ms. McKeel said there are issues with connectivity.

Ms. Schweller presented a propagation map prepared by Verizon Wireless's radio frequency engineers, and pointed out where there is good, acceptable, marginal, and non-existing coverage, stating that there is a hole in the network in this area. She stated this collocation is an opportune way to avoid building a whole new structure to provide service in the area.

Mr. Dill asked if it is likely that the other towers in this area would also need to collocate new antenna, in terms of setting precedent.

Ms. Palmer said this would be a question for staff.

Ms. Ragsdale stated that these would need to be reviewed on a case-by-case basis if they do not meet standoff distance requirements.

Ms. Mallek asked if there is anything unique about this site that would help with the precedent issue, because otherwise there will be requests all over the place and the ordinance will be eviscerated.

Ms. Schweller stated that she feels it is unique because this is a large power tower in a residential area, which is unusual, and most of the sites serving residential areas are much smaller because there are not existing large Dominion power towers there. She said that Verizon is taking advantage of a facility already there, and what Verizon is adding is a minimal increase in visual impact.

Mr. Randolph said that through the southern center of the County there is a 500 KV upgrade of a Dominion line, and the broadband committee will be looking at putting cellular and fiber optic potential there. He stated the towers currently sit at 110 feet and will be extended to 120 feet, with top-hat apparatus that take them to 130 feet, and he asked what Verizon would be proposing in terms of a monopole if there was not a power line there now, in order to achieve coverage in the area. Ms. Schweller responded that she could not answer definitively, but the only way to provide coverage would be to add another pole, if the lessors were willing to allow that and it did not interfere with the easement there. She stated the Planning Commission had asked a similar question, and she had responded that it is "ridiculous," and what she means by that is that this is Verizon's best approach given the County's policy for collocation.

Mr. Randolph asked what Verizon's next steps would be if this application were denied. Ms. Schweller responded that she does not know what their next steps would be, but Stephen Waller of GD Insights wireless consultants is present and might be able to answer.

The Chair then opened the public hearing for comments.

Mr. Stephen Waller addressed the Board, explaining that GD Insights looked at the fact there are small lot sizes in this area, and if they are trying to build a monopole to clear the trees, some of the lots are so narrow that they may not even be able to meet setbacks. Mr. Waller stated that as part of the early steps of site acquisition, a landowner has to be willing to allow this type of work on their property, and in this location the Berkley Apartments and Westgate Apartments are the tallest buildings in the area. He stated that the problem is that those units were stick-built with no steel or concrete in the structures, and thus could not support an antenna, and additionally are only 40 feet high. Mr. Waller stated that Verizon had also looked at another pole on the east side of Georgetown Road, but that was in even more plain view at 100 feet off the road and is also higher than the road, so all of the ground equipment would be visible in addition to the antenna array. He said the proposed site is the best case, and in a residential area like this that was built out, the odds that anything else there would provide service were slim to none, with no opportunities for Tier II facilities.

Ms. Mallek asked if it would be possible to share with the AT&T pole in the area. Mr. Waller responded that she is referring to the Colthurst Farm tower on Ingleside Drive, and that site was approved by special use permit at the time to increase the height of the tower by 20 feet, with that pole having flush-mounted antennas. He stated that after developing their safety standards, Dominion Power would not consider that type of tower with flush-mounted antennas, either below or above the static lines.

Ms. Mallek commented that she has trouble thinking of something that is 3 feet wide as being flush mounted, but it is compared to 14 feet, and the extra height seems to be more acceptable than the width.

Mr. Waller said this also came up at the Planning Commission and with all things being equal between two sites, from a distance the top level of flush-mounted antennas are more visible than the spread of 10-foot antennas.

Ms. McKeel stated that there has been repeated reference to this setting a precedent in terms of collocation on towers, and asked Mr. Davis to comment. Mr. Davis explained that the County's wireless policy encourages collocations on these facilities, identified as "opportunity sites," and the issue here is whether collocations on tower sites that do not meet County standards should be approved. He stated that every one of these sites is dependent on facts and circumstances, with the main criteria being visual impact and a lot of factors being considered in determining that, which properties surrounding a site have a visual impact to them, visual impact from a right of way, and other things that have visual impact to the public at large. Mr. Davis said that each site is somewhat unique, and the Board has the discretion to determine whether there is a significant amount of visual impact that would justify denial of a special exception. He emphasized there is always precedent from whatever the Board does that will be argued to them as precedent because they had done something similar before, but from a legal perspective if there is a rational basis that the factors surrounding the application are not significantly the same, then the Board is not bound to approve an application in the future just because they had approved one in the past, although there may be political precedent.

Mr. Randolph stated that the Planning Commission had granted a special exception, thus the Board is not amending or contradicting existing code if they approve this; in highly visible locations, top-hat crowns can be unattractive, and in this location the visual impact appears to be minimal, which the Commission had concluded. The alternative to this would be for a separate standalone cell tower, and the less tower clutter the better; the County code is successfully adaptive to changes in technology, but they still often play catch up; and the County's policy is reasonable and appropriate about discouraging top-hat antennae, but in this location he finds the special exception request to be reasonable and appropriate because of the improvement in cellular coverage it will provide. He stated that top-hat structures are a safety necessity for cellular workers, and in looking at the photos it raised concerns to him as to the safety for linemen working that high up above high-voltage power lines. Mr. Randolph said if this is a highly visible location, the Board can factor in the visual impacts as being compelling, but given that neighbors who are most affected are in support of the application, the location is not an issue to him and he will support the application.

Ms. Palmer asked if it is the neighbors or the owners of the property.

Ms. Mallek said they are neighbors because they live there, but they are the owners of the property. She stated that when the collocations were made a policy based upon existing towers, the only thing being considered was flush mounts, and it is not the platform that provides the safety, it is the 10-foot apparatus on top of it. Ms. Mallek said if this is approved, she predicts that every transmission line tower will come in and request this.

Ms. Palmer asked if the County's rules allow for a collocation that is not flush mounted but meets the ordinance and deals with Dominion's safety issues, as she is trying to determine whether anyone can collocate. Ms. Ragsdale responded that staff has not seen any other design standards beyond the examples shown in Ms. Schweller's presentation, and she is not sure what modifications can be made to meet the ordinance other than the flush-mounting requirements.

Mr. Dill said that it seems like Dominion Power is missing from the conversation since this is their requirement, and it seems as though the platforms can be removable.

Ms. Palmer stated that it is not the platform, it is the antenna array that is the concern.

Ms. McKeel said they are concerned about the top part, not the platform.

Mr. Dill stated that he thought it was the visibility of the platform that is the concern.

Ms. Mallek said it is the antennae at three or four-feet tall each plus 10 feet tall above the pole that are the concern, and that is what she saw in the pictures.

Mr. Dill asked why it would not be possible just to have a smaller piece, as the first speaker presented a picture that shows a small, less visible tower, and the safety issue does not seem directly related to the visual part of this. Ms. Schweller stated it is not just the fact it is flush mounted or has an array, it has to do with how the antennas are attached to the support structure and their accessibility, and the platform itself is actually part of the antenna array. She added that the problem with the flush-mounted antennas is that a worker has to get on the pole to put them on.

Mr. Dill said that if the issue was the height, there are smaller antennas, and there is not a relationship between the height and the size, so he does not understand why they cannot just be smaller and higher.

Ms. Mallek stated that Attachment A-4 from Verizon shows pictures of a very narrow pole, and said the proposal seems to be to attach antennas to the center pole, which is attached to the platform, so all of that could be assembled on the ground and put up above the Dominion structure.

Ms. Schweller said the reason why there are very tall additions is because flush-mounting requires two sets of antennas to get the four available technologies, and that is the nexus between the height and the width. She stated that the Colthurst site is not a design that Dominion will currently permit, and said the County had done two antennas on top of each other, raising the height of the power tower by 20 feet.

Mr. Waller said with this site there are six antennas, similar to one at Seminole Trail, and Verizon has the license to carry four frequencies, so there is basically the same service from the six antennas as if they are distributed vertically, but you cannot have flush-mounted antennas and a platform because the platform design was built into the antenna mount. Mr. Waller explained that in the flush-mount situation, that requires workers to climb directly onto the monopole, which Dominion no longer allows, the new arrangement allows the workers to stand on the platform and work behind the antennas. He said that with the Colthurst site a few towers away to the west, they were originally below the static lines, and moving everything above the static lines was the first phase of Dominion's safety requirements.

Mr. Dill asked if Verizon is having to retrofit these, because it seems like workers would still have to climb up towers and be unsafe on the old towers. Mr. Waller stated that the Old Lynchburg Road site was retrofitted with a design above the static line, and Colthurst was retrofitted before the platform requirement was implemented, so both of those options were done to meet County standards, but now the flush mount option is off the table.

Ms. McKeel asked if Verizon is going to have to go back and retrofit all of these locations. Mr. Waller responded the only location, to his knowledge, that still has flush-mount antennas is an Ntelos tower behind Southern Development, and at the time they installed it they were only providing one frequency in this area so they can use the antennas below the static line, but if they add another frequency they will likely have to go above the static line.

Mr. Dill asked how people in the Georgetown Road area are able to get AT&T coverage. Ms. Mallek said those users are able to get right on through.

Mr. Waller noted that AT&T is shown in the wireless policy as a determination of what the County does not want to see for top-hat sites, and that location predated the wireless policy adoption in 2000. He stated when AT&T put 12 antennas at the top of that tower, they were operating with one frequency but had more capacity to carry calls, but that array would not comply now. Mr. Waller said that Verizon has 6 antennas on the tower across the road, and in that sense they are at a disadvantage. He stated the federal government is auctioning off more and more spectrum, and carriers would have to add additional antennas to their sites, but often there is no way to put all four frequencies on one antenna.

Ms. Mallek asked if Dominion Power had notified the County of these changes. Ms. Ragsdale responded that Dominion has not contacted the County directly, but several different consultants and applicants have indicated that this is the direction things are headed.

Ms. McKeel asked if this is something the industry would have notified the County about. Mr. Foley said the other question is whether the Board wants staff to bring back more information about this.

Mr. Bill Fritz, Chief of Special Projects, addressed the Board, stating that this is the same conversation they had held in 1999, and basically the County has large structures up that are considered opportunity sites, which provide "vertical real estate", but the policy contemplates that the structure should not be overwhelmed, which led to the ordinance currently in place. Mr. Fritz said the conversation at that time also involved Dominion saying that there could not be any antennae array at all, so they have gone through a variety of attitudes towards the use of their facilities, but have never kept the County informed as to what the current thinking is. He stated the company has concerns about equipment and the safety of employees and others, and while the questions have remained the same the answers change from time to time.

Ms. McKeel stated that she has been to this particular site in her district, and there is a balance of trying to meet cell phone needs for the community as Verizon does have spots in the area that are not covered well. She said the generator is a concern, but it could run at specific times that are less disturbing to residents, and screening such as shrubbery can also be provided. Ms. McKeel said she does not like the idea of putting in new cell towers, and collocation has been a goal for the County, but this application raises issues about the number of towers that may pursue collocation. She stated that she had made some inquiries about this particular tower application, and learned that there is another tower being proposed for Albemarle High School, as the Planning Commission had also noted in its discussion. Ms. McKeel said the proposed is owned by Milestone Corporation and can locate up to five carriers on it, with AT&T having already signed up to use it, and the School Board had agreed to the tower location but it still needs to go through the County's typical approval process. She stated this tower is only two or three blocks away from the Verizon collocation being proposed, and common sense seems to dictate that they should take a step back and look at the duplication here.

Ms. Schweller stated the distance between this tower and the proposed Milestone tower is .64 miles, and that is not a location that would serve the area they are talking about as it is too far north, and probably is within the search ring for the Hydraulic Road site that is a Comcast collocation. She noted that the AHS site would end up covering the same area, but not the area that the collocation before the Board will cover.

Mr. Dill commented that .64 miles seems very close.

Ms. McKeel agreed.

Ms. Mallek noted that this is the length of her driveway.

Ms. Schweller said that in speaking with Verizon's RF engineer, the conclusion was that the coverage areas are different, and she referenced a propagation map showing the target area.

Mr. Waller pointed out the location of the Hydraulic Road site on the map, and explained that a standard search area ring from an RF engineer could be anywhere from 1-1.5 miles, but a lot of the rings in Albemarle County are .5 miles because the towers are so low. He stated that Tier II towers have been built as high as 115 feet tall, and the proposed tower would go up to 120 feet and would open up the area. He stated that Verizon Wireless would end up at about 90 feet up on the tower, but in the future might look at other tower locations if it needs additional call capacity, but locating on the Milestone tower now would not solve the problem they are currently addressing.

Ms. Palmer asked if they are saying that they do not know if they can collocate an antenna on a Dominion Power line with the County's particular ordinance. Mr. Fritz responded that it can be done only with a special exception, but based on Dominion's current position it cannot be done by right.

Ms. Mallek said she had sent an email to Susan King at Dominion to get this clarified.

Ms. Palmer commented that this is distressing because they want to collocate.

Ms. Mallek said they have based everything on that possibility.

Ms. McKeel stated that collocation has to be the way to go at some point, and this would not be setting any precedent the County is locked into.

Mr. Davis confirmed that is the case, stating that every site has its own unique characteristics in terms of visibility.

Ms. McKeel said she had talked to enough people in the community that she feels comfortable about this collocation helping in the long run to provide coverage.

There being no other public comments, the Chair closed that portion of the meeting.

Ms. McKeel **moved**, to adopt the proposed resolution to approve the special exception. Mr. Randolph **seconded**, the motion.

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

AYES: Ms. McKeel, Ms. Palmer, Mr. Randolph and Mr. Sheffield.

NAYS: Mr. Dill and Ms. Mallek.

**RESOLUTION TO APPROVE SPECIAL EXCEPTION FOR
B201502132TWR DOMINION POWER ANTENNA PLATFORM CO-LOCATION**

WHEREAS, Marilyn P. Flyn is the owner of Tax Map and Parcel Number 07600-00-00-046C0 (the "Property") and Dominion Power is the owner of the existing electrical tower (the "tower") located thereon; and

WHEREAS, Cellco Partnership/Verizon Wireless filed an application for a building permit to add an antenna to the tower to be mounted on a 10 foot wide platform at a new top height of 120 feet, along with ground equipment in an approximately 400 square foot lease area, which application is identified as Building Permit 2015-2132 TWR Dominion Power Antenna Platform Co-location ("BP 2015-2132"); and

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

WHEREAS, BP 2015-2132 included a request for a special exception to allow the 10 foot wide platform and the antennas mounted thereon, which would project beyond the maximum antenna offset of eighteen (18) inches from the tower structure; and

WHEREAS, on February 2, 2016, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of the special exception as requested.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the Transmittal to the Board, the Planning Commission staff report prepared in conjunction with the application, all of the factors relevant to the special exception in County Code §§ 18-5.1.40(b)(2)(c) and 18-33.9, and the information provided at the Board of Supervisors meeting, the Albemarle County Board of Supervisors hereby approves the special exception to authorize the modification of County Code § 18-5.1.40(b)(2)(c) to increase the maximum projection distance of the antenna to permit the 10 foot wide platform and the antennas mounted thereon, subject to the conditions attached hereto.

* * *

**B201502132TWR Dominion Power Antenna Platform
Co-location Special Exception Conditions**

1. The platform, the antennas, and all equipment shall be installed as depicted on the site plan referred to as "Verizon Wireless, Site Name: Seminole Square", prepared by Trent T. Snarr, P.E., last revised January 12, 2016.
2. The platform shall not exceed ten (10) feet in width.
3. No antenna shall project more than six and one-half (6.5) feet from the center pole to the face of the antenna.

Recess. The Board recessed at 7:35 p.m., and reconvened at 7:47 p.m.

Agenda Item No. 20. **Public Hearing: ZTA-2015-00014. Neighborhood Model Setbacks Clarifications.** Ordinance amending Secs. 18-3.1, Definitions, 18-4.19, Setbacks and setbacks in residential districts, and 18-4.20, Setbacks and setbacks in conventional commercial and industrial districts, of Chapter 18, Zoning, of the Albemarle County Code. This ordinance would amend Sec. 18-3.1

by amending the definition of "infill" to clarify when the development of a lot is considered infill; amend Sec. 18-4.19 to add the Planned Residential Development (PRD) and the Planned Unit Development (PUD) districts to those districts subject to that section; to amend Secs. 18-4.19 and 18-4.20 to clarify that corner lots abutting a principal arterial highway are not subject to any maximum setback and to clarify when the maximum front setback may be increased without a special exception; and to amend Sec. 18-4.20 to provide that the minimum setback for parking areas is 10 feet from the right-of-way. (*Advertised in the Daily Progress on February 15 and February 22, 2016*)

The executive summary presented to the Board states that on January 26, 2016, the Planning Commission held a public hearing and voted unanimously to recommend approval of the proposed zoning text amendment (ZTA201500014) with the allowance for some grammatical rewording to the proposed amendments to the "infill" definition. The proposed ordinance is presented as Attachment A.

The intent of the clarifications to the "infill" definition is to make it clear that the development of a lot qualifies as "infill" five years after an approved plat is recorded or a site plan is approved, which is the original period of the plat or site plan's validity.

Staff recommends that the Board adopt the attached proposed zoning text amendment (Attachment A).

Mr. Ron Higgins, Deputy Zoning Administrator, reported that he is presenting a zoning text amendment that is essentially a series of five corrections, wording changes or omissions. Mr. Higgins stated that in 1980, the County adopted the zoning ordinance they are using now, with many other additions and improvements. He said that it was a typical suburban zoning ordinance that had separation of uses and setbacks, and in 2001 the County made comprehensive plan amendments to include the principles of the Neighborhood Model. Mr. Higgins stated that the Neighborhood Model addressed density, mixed use and pedestrian orientation, as well as reduced setbacks to try to engage the street with the buildings and the porches. He said that in 2003, the County adopted the Neighborhood Model District, and since that time a lot of applications have come forward that involve rezoning to that designation, used on vacant tracts and in the development areas and in the analysis of special use permits and zoning map amendments. Mr. Higgins stated that there have also been several attempts to adopt by right Neighborhood Model form setbacks in conventional zoning districts, but they were not successful because the County may have been a bit too ambitious in the commercial and industrial areas. He said that staff did recommend reducing site and rear setbacks even when they were adjacent to residential and rural areas, but that did not go well. Mr. Higgins explained that about a year and a half ago, the County attempted Neighborhood Model setbacks in conventional commercial, industrial and residential districts, and they were adopted June 3, including maximums and minimums in many districts, with important exceptions. He said they also included separations on the sides in residential districts, and instead of using minimum 10-foot setbacks there was a 10-foot separation, because a lot of Neighborhood Model and Planned Unit Developments were operating on what the building code and Neighborhood Model principles would allow them to do, so they had smaller separations.

Mr. Higgins said when the Board adopted this last June, the Planning Commission had made their recommendation and asked them to come back in a year to see whether there needed to be adjustments. He stated that a few months into normal daily work and the implementation of the new setbacks, staff started to notice corrections that needed to be made to help clarify what was adopted in June. Mr. Higgins said the Board approved a resolution of intent in September 2015 to approve these changes, and the Planning Commission recommended approval in January of what would be before the Board now. He stated that in working on this process for a year and a half and looking at the new setbacks, a lot of neighborhoods made it clear that they did not want to see the existing established neighborhoods altered by the new setbacks, so staff came up with the infill concept and looked at a 500-foot ban in either direction from a site or a parcel, anything with less than 120 feet of frontage.

Mr. Higgins said they talked about approved plans that had already established setbacks, as that was not clear in the definition although that was how it was being applied, and staff requested that it be made clearer that approved subdivisions and site plans would carry the setbacks on them unless they expired and were no longer valid. He stated the language before them combines state law and local ordinance limits for how long a site plan or recorded subdivision plat would be considered valid, and it says if those limits were exceeded it would be considered infill and would require building more in the pattern of the existing neighborhood. Mr. Higgins said that another downside of having a project approved, but starting to develop with the new setback building separation of 10 feet, was that switching to infill to make it compatible with existing neighborhoods meant that the infill would have a 10-foot side yard, which could make it disruptive to the current pattern of development. He stated this did not do anything to impair a property owner's vested rights, and changes in state law that extended approvals beyond five years would be honored. Mr. Higgins stated the second change relates to Planned Residential Districts and Planned Unit Development districts, which carries the new setbacks, and the ordinance sections 19 and 20 refer to the table for residential setbacks and lists all of the districts they apply to even though it does not list PRD or PUD.

Mr. Higgins reported that there are maximums and minimums, but there are no maximum setbacks for R-1 and R-2 districts because it did not fit the pattern of development, and there were no maximums on principal arterials, 250 and 29, and any lot fronting on a principle arterial has no maximum setback. He stated that the with corner lots, there are no maximum setbacks on the lot, which would mean there is no setback on either road frontage, and the edits intend to further clarify that point. He stated the last two changes are omissions and typographical changes, and explained that when

presenting the concept of making commercial and industrial setbacks having a front minimum of 10 feet, and the change makes it clear that this will coincide with a 10-foot setback for parking. Mr. Higgins said the final change is the omission of a word in the second table related to public space and public plaza setbacks, as it does not include the word “plaza” as needed.

Mr. Randolph noted that these changes are a tremendous improvement, and he does want to talk about the standard in a PUD of having 20 feet as a rear setback, because an issue that he and Ms. Dittmar had worked on was Avon Park II because the first developer went under and the second one wanted to put the houses extremely close together, so this change is a huge improvement. He stated that an infill development on Old Brook Road also had an application turned down by the Planning Commission, and in that case the new standard would have made it clear to the developer that his plan was not going to work and was out of synch with the ordinance. Mr. Randolph stated there is another issue that he is still wrestling with that had come before the Planning Commission on Commonwealth Drive where there was an application for an office building where they wanted to waive relegated parking, which had an established pattern on the road, and the Commissioners went along with the waiver. He said they still need to solve the issue of relegated parking, although they have made a tremendous step forward, and he is dealing with an issue on 5th Street in which an applicant north of the Holiday Inn was expected by ordinance to have relegated parking, but there are businesses along that same street that are either grandfathered or excepted out of it. Mr. Randolph stated that applicants have expressed frustration with this because it makes their projects more difficult to implement, and he would be comfortable with an approach by which they use the characteristics or form of the road to determine whether relegated parking should be used. He said that he is enthusiastic about the proposed changes, but he knows that it will not address this specific issue.

Mr. Higgins explained that part of the reason they exempted certain corridors from the maximum setback was for this very reason, the prevailing development pattern would be dramatic on a Route 29 or Route 250. He said that staff built in an administrative exception process and an exception process that comes to the Board, and they would likely have to consider those applications.

The Chair opened the public hearing.

No comment was provided, and the Chair closed the public hearing.

Ms. McKeel **moved**, to adopt the proposed ordinance to approve ZTA-2015-00014. Mr. Sheffield **seconded**, the motion.

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

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

ORDINANCE NO. 16-18(1)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, AND ARTICLE II, BASIC 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, and Article II, Basic Regulations, are hereby amended and reordained as follows:

By Amending:

Sec. 3.1	Definitions
Sec. 4.19	Setbacks and setbacks in residential districts
Sec. 4.20	Setbacks and setbacks in conventional commercial and industrial districts

Chapter 18. Zoning

Article I. General Provisions

Sec. 3.1 Definitions

Infill: As used in section 4.19, when forty percent (40%) or more, in the aggregate, of the residentially zoned lots fronting on a street are developed within five hundred (500) feet in both directions of the subject lot having less than one hundred twenty (120) feet of frontage on the same street at the time that it is developed, and development of the subject lot begins more than five (5) years after the date: (i) the final subdivision plat that created the lot was recorded in the clerk’s office of the circuit court of the county; or (ii) the final site plan depicting the development of the lot was approved by the county. (Added 6-3-15)

Article II. Basic Regulations

Sec. 4.19 Setbacks and setbacks in residential districts

The following shall apply within the R-1, R-2, R-4, R-6, R-10, R-15, PRD, and PUD districts:

Infill: Setbacks	
Front-Minimum	Closest setback of an existing structure within 500 feet in each direction along street fronted
Front-Maximum	None
Garage-Minimum	Front loading garage: 18 feet from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way Side loading garage: Closest setback of an existing structure within 500 feet in each direction along street fronted
Garage-Maximum	None
Side-Minimum	10 feet, unless the building shares a common wall; provided that in the R-10 and R-15 districts if the abutting lot is zoned residential other than R-10 and R-15, Rural Areas, or the Monticello Historic district, any dwelling unit that exceeds 35 feet in height shall be set back 10 feet plus one foot for each foot the dwelling unit exceeds 35 feet in height
Side-Maximum	None
Rear-Minimum	20 feet
Rear- Maximum	None
Infill: Stepbacks	
Front	Floors above 40 feet or the third story, whichever is less, shall be stepped back a minimum of 15 feet
Side and Rear	None
Non-Infill: Setbacks	
Front-Minimum	5 feet from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way
Front-Maximum	In the R-1 and R-2 districts: None In the R-4, R-6, R-10, and R-15 districts: 25 feet from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way; none, on any lot, including a corner lot, abutting a principal arterial highway
Garage-Minimum	Front loading garage: 18 feet from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way Side loading garage: 5 feet from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way
Garage-Maximum	None
Side-Minimum	None; see Non-Infill Building Separation
Side-Maximum	None
Rear-Minimum	20 feet
Rear- Maximum	None
Non-Infill:Building Separation	
Minimum	10 feet, unless the building shares a common wall; provided that in the R-10 and R-15 districts if the abutting lot is zoned residential other than R-10 and R-15, rural areas, or the Monticello Historic district, any building that exceeds 35 feet in height shall be separated from any other building by 10 feet plus one foot for each foot the building exceeds 35 feet in height
Side-Maximum	None
Non-Infill: Stepbacks	
Front	Floors above 40 feet or the third story, whichever is less, shall be stepped back a minimum of 15 feet
Side and Rear	None

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1. Whether a site is an infill or non-infill development, and the minimum and maximum setback, shall be determined by the zoning administrator as an official determination provided to the owner.
2. Any minimum setback and any minimum building separation for a side yard, may be reduced by special exception.
3. The maximum front setback for a non-infill development shall be increased to the depth necessary to avoid existing utilities, significant existing vegetation steep slopes, perennial and intermittent streams, stream buffers, public spaces and public plazas shown as such on an approved site plan or subdivision plat, to satisfy a condition of a certificate of appropriateness, and in circumstances where there are multiple dwellings on the same lot and prevailing development patterns.
4. The maximum front setback for a non-infill development may be increased by special exception to accommodate low impact design, unique parking or circulation plans, or a unique target market design.
5. The minimum 15 foot stepback may be reduced by special exception.
6. Notwithstanding section 4.6.3, the front setbacks in the districts subject to this section shall be measured from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way.
7. On any site subject to proffered conditions accepted in conjunction with a zoning map amendment establishing minimum or maximum setbacks or stepbacks, the proffered setbacks or stepbacks shall apply.

Figures

Figures 1 through 4 are for illustration purposes only. If there is a conflict or inconsistency between a regulation in section 4.19 to which a Figure pertains and the Figure itself, the regulation is controlling. In addition, Figures 1 through 4 merely illustrate specific requirements and do not show all applicable requirements of the applicable district regulations.

Figure 1

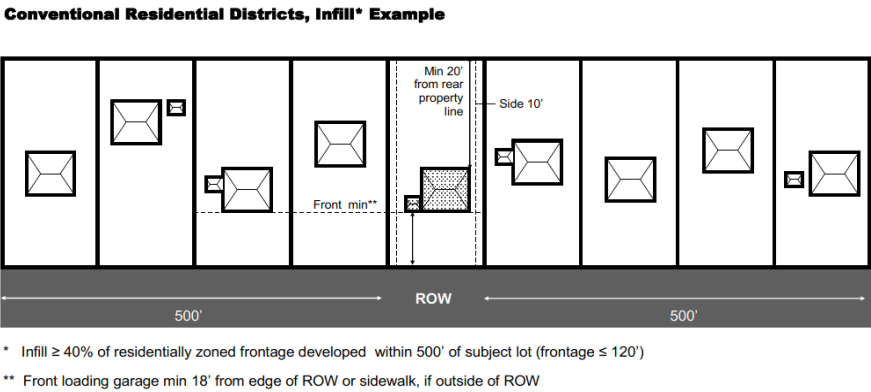


Figure 2

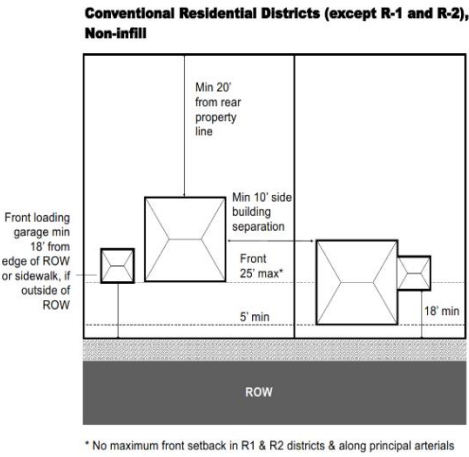
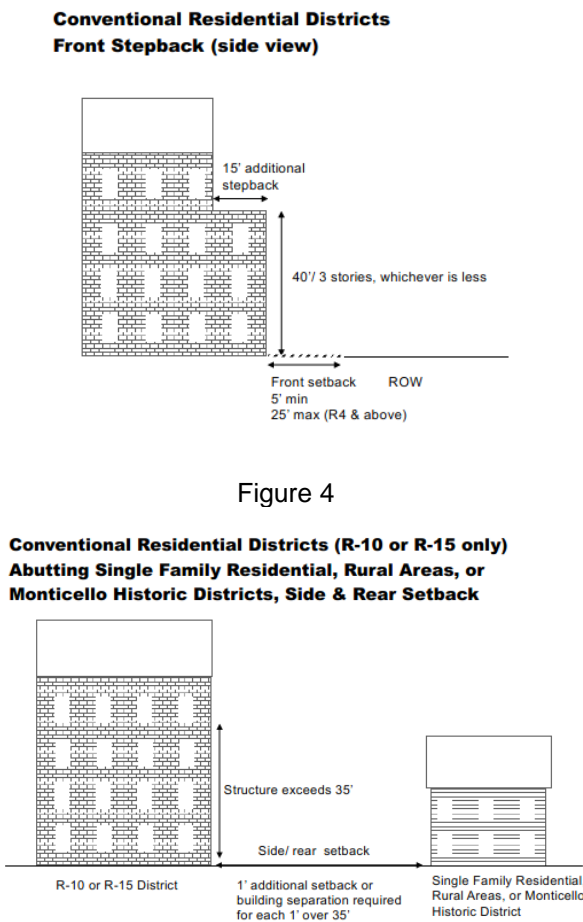


Figure 3



State law reference – Va. Code § 15.2-2280

(Ord. 15-18(4), 6-3-15)

Sec. 4.20 Setbacks and stepbacks in conventional commercial and industrial districts

Setbacks and stepbacks shall be provided as follows:

- a. *Conventional commercial districts.* The following shall apply within the C-1, CO, and HC districts:

Setbacks	
Front-Minimum	10 feet from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way; for off-street parking or loading spaces, 10 feet from any public street right-of-way
Front-Maximum	30 feet from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way, provided that this maximum setback shall not apply to any structure existing on June 3, 2015 and to any structure depicted on an approved final site plan that is valid on June 3, 2015 as having a front setback greater than 30 feet; none, on any lot, including a corner lot, abutting a principal arterial highway
Side and Rear-Minimum	<p>If the abutting lot is zoned residential, rural areas, or the Monticello Historic district: (i) no portion of any structure, excluding signs, shall be located closer than 50 feet from the district boundary; and (ii) no off-street parking or loading space shall be located closer than 20 feet to the district boundary.</p> <p>If the abutting lot is zoned commercial or industrial, any primary structure shall be constructed and separated in accordance with the current edition of the Building Code.</p>
Side and Rear-Maximum	None
Stepbacks	
Front	Floors above 40 feet or the third story, whichever is less, shall be stepped back a minimum of 15 feet
Side and Rear	None

1. The maximum front setback shall be increased to the depth necessary to avoid existing utilities, significant existing vegetation, steep slopes, perennial and intermittent streams, stream buffers, public spaces and public plazas shown as such on an approved site plan or subdivision plat, to satisfy a

- condition of a certificate of appropriateness, and in circumstances where there are multiple buildings on the same lot and prevailing development patterns.
2. The maximum front setback may be increased by special exception to accommodate low impact design, unique parking or circulation plans, or a unique target market design.
 3. Any minimum setback may be reduced by special exception.
 4. The minimum 15 foot stepback may be reduced by special exception.
 5. Notwithstanding section 4.6.3, the front setbacks in the districts subject to this subsection shall be measured from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way.
 6. On any site subject to proffered conditions accepted in conjunction with a zoning map amendment establishing minimum or maximum setbacks or stepbacks, the proffered setbacks or stepbacks shall apply.
- b. *Conventional industrial districts.* The following shall apply within the LI and HI districts:

Setbacks	
Front-Minimum	10 feet from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way; for off-street parking or loading spaces, 10 feet from any public street right-of-way
Front-Maximum	None
Side and Rear-Minimum	<p>In the LI district, if the abutting lot is zoned residential, rural areas, or the Monticello Historic district: (i) no portion of any structure, excluding signs, shall be located closer than 50 feet from the district boundary; and (ii) no portion of any off-street parking space shall be located closer than 30 feet from the district boundary.</p> <p>In the HI district, if the abutting lot is zoned residential, rural areas, or the Monticello Historic district: (i) no portion of any structure, excluding signs, shall be located closer than 100 feet from the district boundary; and (ii) no portion of any off-street parking space shall be located closer than 30 feet from the district boundary.</p>
Side and Rear-Maximum	If the abutting lot is zoned commercial or industrial, any primary structure shall be constructed and separated in accordance with the current edition of the Building Code.
Stepbacks	
Front	None
Side and Rear	<p>Floors above 40 feet or the third story, whichever is less, shall be stepped back a minimum of 15 feet</p> <p>None</p>

1. Any maximum front setback may be increased by special exception.
2. Any minimum setback may be reduced by special exception.
3. The minimum 15 foot stepback may be reduced by special exception.
4. Notwithstanding section 4.6.3, the front setbacks in the districts subject to this subsection shall be measured from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way.
5. On any site subject to proffered conditions accepted in conjunction with a zoning map amendment establishing minimum or maximum setbacks or stepbacks, the proffered setbacks or stepbacks shall apply.

Figures

Figures 1 through 6 are for illustration purposes only. If there is a conflict or inconsistency between a regulation in section 4.20 to which a Figure pertains and the Figure itself, the regulation is controlling. In addition, Figures 1 through 6 merely illustrate specific requirements and do not show all applicable requirements of the applicable district regulations.

Figure 1

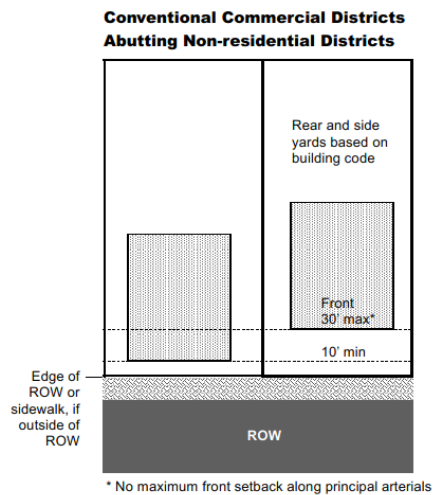


Figure 2

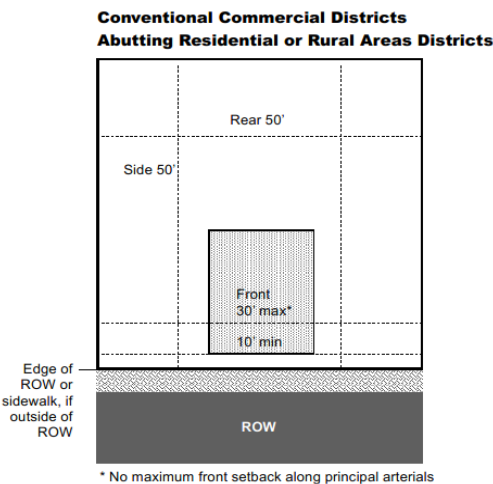


Figure 3

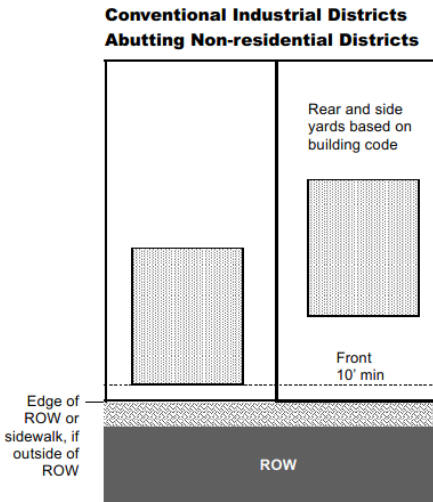


Figure 4

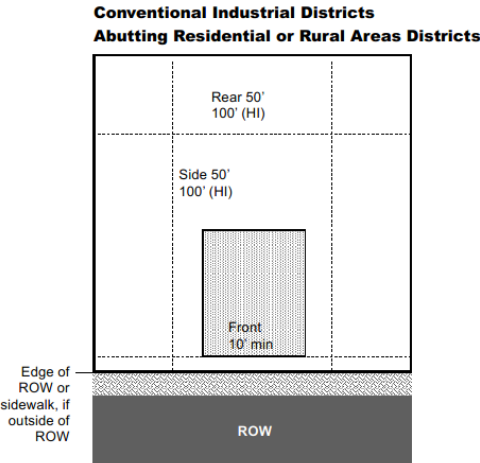


Figure 5

**Conventional Commercial Districts,
Front Stepback (side view)**

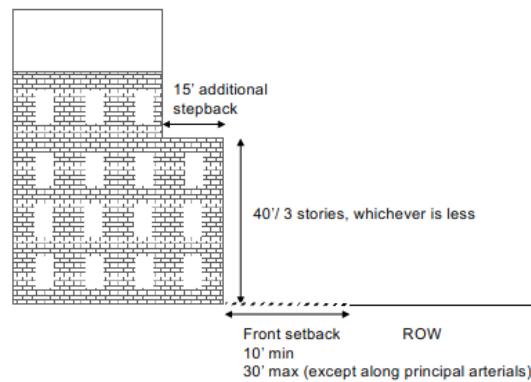
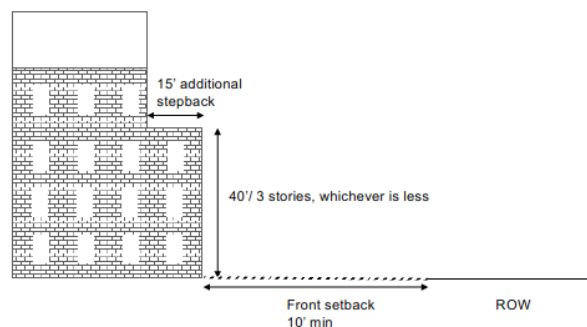


Figure 6

**Conventional Industrial Districts,
Front Stepback (side view)**



State law reference – Va. Code § 15.2-2280

(Ord. 15-18(4), 6-3-15)

Agenda Item No. 21. **Public Hearing: ZTA 201500015 Drive-through Windows.** Ordinance amending Secs. 18-4.12.6, Minimum number of required parking spaces for scheduled uses, 18-20A.6, Permitted uses, 18-20B.2, Permitted uses, 18-22.2.1, By right, 18-22.2.2, By special use permit, 18-23.2.1, By right, 18-23.2.2, By special use permit, 18-24.2.1, By right, 18-24.2.2, By special use permit, 18-25.2.1, By right, and 18-25.2.2, By special use permit, and adding Sec. 18-5.1.60, Drive-through windows, to Chapter 18, Zoning, of the Albemarle County Code. This ordinance would amend Sec. 18-4.12.6 by amending or deleting definitions or portions thereof that pertain to stacking spaces serving drive-through lanes, and Secs. 18-20A.6 through 18-25.2.2 referenced above by allowing drive-through windows by right instead of by special use permit; and would add Sec. 18-5.1.60 to establish design and performance standards for drive-through windows which, if satisfied, would allow drive-through windows by-right. *(Advertised in the Daily Progress on February 15 and February 22, 2016)*

The executive summary presented to the Board states that on December 2, 2015, the Board adopted a resolution of intent to amend the Zoning Ordinance to make drive-through windows a by-right use. Currently, drive-through windows are permitted only by special use permit. Applications for drive-through windows account for 11% of all special use permit applications received since January 1, 2013. None of those applications that were reviewed by the Board were denied. (Some were withdrawn, deferred or are currently under review.) The Zoning Ordinance contains limited regulations for drive-through windows. Current regulations are limited to the number of required stacking spaces, and aisle width and by-pass lane requirements. The design of each application is reviewed on a case by case basis.

On January 26, 2016, the Planning Commission (“PC”) recommended approval of the proposed zoning text amendment (“ZTA”) with one revision by a vote of 5-1 (More) (Lafferty absent). See Attachments C, D and E for the PC staff report, action letter and minutes.

The proposed ZTA would make drive-through windows a by-right use in all districts where they are currently permitted by special use permit, and would impose design standards. If the design standards are met, the drive-through would be approved. If an applicant wanted to deviate from the design standards, the applicant could apply for a special exception that would be subject to review and approval by the Board.

The PC discussed the idea that drive-through windows may not advance the idea of walkable communities. There was some discussion about the appropriateness of drive-through windows being by-right in the Downtown Crozet District. The PC also discussed the concept that drive-through windows provide accessibility to services for the elderly and disabled.

The PC recommended only one change to the ZTA. The draft ZTA that was presented to the PC established setbacks for drive-through windows when they are adjacent to residential areas. Staff recommended, and the PC agreed, that the setbacks should also apply if the drive-through is adjacent to agriculturally-zoned land. See Attachment A for the revised ZTA and Attachment B for the comparison version.

The Planning Commission recommended approval of the ZTA, as revised. Staff recommends that the Board adopt the attached ZTA (Attachment A), which includes the revision.

Mr. Bill Fritz, Chief of Special Projects, reported that when the ordinance was adopted, drive-through windows were not as common as they are today and used to be granted by special use permit. He stated that he was unaware of any request denied by the Board, and each project has been reviewed by the Board individually, with designs varying and some sites functioning better than others. Mr. Fritz said that reviewing special use permits is a resource-intensive effort for the County, involving staff from the County Attorney's office, Community Development, and County Executive's Office, and it also requires Planning Commission and Board time to review. He stated that standardizing review of drive-through windows and making them a by-right use would free up resources to be used on other projects, and all of the items on the list with an asterisk are those not addressed by the ordinance in any way. Mr. Fritz explained that staff researched best planning practices across the USA and Canada for drive-through windows and developed standard design regulations, and those address a wide range of issues. He presented a picture of a site that had the window located at the side or rear of the building, not the front, with the access not on a prime travelway, and landscaping separating the drive-through lane from the adjacent travelway. He presented another site that did not work, with no barrier between the drive-through lane and the travelway, and said the flow of traffic adjacent to the travel lane conflicts, with two lanes in one direction and one in another, and this site would not be approved under the proposed language.

Mr. Sheffield asked if this is why Chick-Fil-A had put the bollards up as they had.

Mr. Fritz responded that he does not know all the details, and if that was suggested by staff or if they had done that on their own. He stated that one of the things staff considers is how the principles work with sites in Albemarle County, and how businesses feel about ones that work well and ones that do not. Mr. Fritz noted that the ones that work well meet the standards, and the ones that do not work well do not meet the standards.

Mr. Randolph stated that the Chick-Fil-A at Pantops had an exception made because of the research they provided, and the lanes are different than the normal code lanes for a drive-through because they demonstrated visually and scientifically, through an example in Chesapeake, that the cars would not back up.

Mr. Fritz said that in his last example, there is adequate separation between the drive-through lane and any other intersections, with a space beyond the window where people can collect themselves before being thrown out into traffic. He stated the window is located at the side or rear of the building, and both staff and the Planning Commission recommended approval of the ZTA with one change made at the Commission meeting related to a setback to residential to add rural properties.

Mr. Fritz stated that staff recommends approval of the drive-through policy as presented.

Mr. Randolph asked about the provision as it pertains to agricultural land, as he viewed that zoning to be more narrowly defined than rural areas. Mr. Fritz responded that it is pretty clear the Commission was referring to rural area land.

Mr. Randolph commented that there is much greater clarity provided with these changes, and he feels this would reduce the application process time as well as reduce costs and better utilize staff, Commission and Board time, and it is great to have design standards built in. He stated that his only objection is the impact on Neighborhood Model communities, which was raised by the Whitehall District Planning Commissioner. Mr. Randolph said in those cases, he would recommend that those applications go directly to the Planning Commission so they can weigh in on whether a special exception is warranted. He stated that the CACs cannot weigh in because it puts them in an administrative position, but by having the special exception go to the Commission, he or she could inform the CAC and get their input, then bring it to the Commission. Mr. Randolph said if the Commission approves it, it can go expeditiously to the Board on the Consent Agenda, but if they do not approve it, the application can come to the Board for review and administrative decision.

Mr. Sheffield commented that this would be a more restrictive zoning change, so the Board would have to hold another public hearing, and he asked Mr. Davis to comment.

Mr. Davis suggested that it not be put in the ordinance, and said the process by which the special exceptions are handled is by policy adopted by the Board, which sets out criteria as to how they go to the Board and Commission for consideration. He said the Board can simply amend the policy to say that

Planning Staff will take any special exception in the Neighborhood Model District for a drive-through window to the Commission, and that would be handled administratively outside of the ordinance. He said the Board can adopt the ordinance as is and then set policy direction with staff.

Mr. Randolph supported that approach, and other Board members agreed.

The Chair opened the public hearing and invited public comment.

Mr. Travis Pietla with the Southern Environmental Law Center addressed the Board, stating that Albemarle's Comp Plan encourages a shift to a more walkable, pedestrian-oriented development in the growth areas, and while the SELC is not generally opposed to drive-throughs, they do not advance this goal and can undercut it by perpetuating the more suburban, car-focused developments that have dominated in the recent past. Mr. Pietla stated the SELC is concerned about the proliferation of drive-throughs that can result by changing them to a by-right use, especially in those zoning districts where the County is most trying to encourage a shift to walkability, such as the Neighborhood Model District in downtown Crozet. He said staff has stated that drive-throughs have not changed the character of the area, but applicants up to this point have always had to go through a special use permit process to install a drive-through, which has no doubt led to fewer drive-through windows than if they were changed to a by-right use. He stated that making them by-right can lead to proliferation of drive-throughs, and can conflict with the Comp Plan goals of a more pedestrian-friendly community.

Mr. Neil Williamson addressed the Board and stated the question is whether a walkable community cannot be anti-car. He stated that drive-through windows are important to the success of restaurants, and industry research shows that 57% of hamburger sales are through the drive-through, along with 40% of quick-serve Mexican food and 38% of chicken fast food; 65% of McDonald's sales come from drive-throughs. Mr. Williamson said there is nothing in the DCD or Neighborhood Model that says that drive-through windows should be excluded, and developers have wanted to give businesses confidence that they can have a drive-through window. He stated that the Board should approve this as a by-right use, and he feels if they exclude these two areas, it will not reduce staff time or increase citizen benefit.

Mr. Randolph commented that the Board's last consideration of a drive-through window was for 5th Street Station, which is a commercially zoned property and not a Neighborhood Model community.

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

Mr. Randolph **moved** to adopt the proposed ordinance approving ZTA-2015-00015 015 with the recommendations noted by the Board for procedures for special exceptions in a Neighborhood Model community for drive-through windows. Ms. McKeel **seconded**, the motion.

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

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

Mr. Davis suggested that Mr. Fritz may want to clarify how special exceptions are currently processed, because there was a policy adopted in 2012.

Mr. Fritz explained that if there is a special exception or variation and staff is recommending approval of it, staff brings it directly to the Board of Supervisors. He stated if there is a recommendation of denial or approval with conditions or modification that the applicant does not agree to, staff brings it to the Commission and then the Board. Mr. Fritz said the recommendation from Mr. Randolph was for drive-throughs in Planned Development districts allowing residential, PUDs and Neighborhood Model developments, if the drive-throughs were not on the originally approved plan, it would be a variation and would go to the Commission and then to the Board.

Mr. Davis clarified that the difference is that under the current process, it would not go to the Commission unless staff recommended against it or there were conditions the applicant disagreed with, so in this particular circumstance, if there is a staff recommendation for approval and the applicant agrees with the proposal, it will still have to go to the Planning Commission.

Mr. Randolph noted that the CAC would have an opportunity at that point to weigh in on it.

ORDINANCE NO. 16-18(2)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, 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 II, Basic Regulations, and Article III, District Regulations, are hereby amended and reordained as follows:

By Amending:

Sec. 4.12.6	Minimum number of required parking spaces for scheduled uses
Sec. 20A.6	Permitted uses
Sec. 20B.2	Permitted uses

Sec. 22.2. 1	By right
Sec. 22.2.2	By special use permit
Sec. 23.2.1	By right
Sec. 23.2.2	By special use permit
Sec. 24.2.1	By right
Sec. 24.2.2	By special use permit
Sec. 25.2.1	By right
Sec. 25.2.2	By special use permit

By Adding:
Sec. 5.1.60 Drive-through windows

Chapter 18. Zoning

Article II. Basic Regulations

Sec. 4.12.6 Minimum number of required parking spaces for scheduled uses

Except when alternative parking is approved as provided in section 4.12.8, the following schedule shall apply to determine the number of required off-street parking spaces to be provided in a particular situation. If a particular use is not scheduled, then section 4.12.7 shall apply.

...

Automated teller machines (ATMs): Two (2) spaces per each outdoor walk-up type. (Added 2-5-03)

...

Financial institution: One (1) space per one hundred fifty (150) square feet of gross floor area. This requirement may be reduced by twenty-five (25) square feet per drive-in aisle. (Amended 2-5-03)

...

Restaurant: Thirteen (13) spaces per one thousand (1,000) square feet of gross floor area including areas for accessory dancing. (Added 2-5-03)

Sec. 5.1.60 Drive-through windows

Each drive-through window shall be subject to the following:

- a. If the building is adjacent to a public street, any drive-through windows shall be located on the side or rear of the building, away from the public street.
- b. No drive-through lane shall be located between a building and a public street unless separated from the right of way by a landscaped area that complies with section 32.7.9.5(b), (c), (d), and (e) and is at least ten (10) feet in depth extending the length of the drive-through lane.
- c. No portion of a drive-through lane shall be located within fifty (50) feet of a residential district, the rural areas district, the Monticello Historic district, or any part of a planned development district allowing residential uses.
- d. If any portion of a drive-through lane that is located between fifty (50) and one hundred (100) feet of a residential district, the rural areas district, the Monticello Historic district, or any part of a planned development allowing residential uses, the drive-through window shall be open for business no earlier than 7:00 a.m. and shall be closed no later than 10:00 p.m., daily.
- e. Each drive-through lane shall be separated from any pedestrian travelway, except where a pedestrian travelway crosses the drive-through lane as provided in subsection (f), and any vehicular travel areas, by a planting strip at least five (5) feet in width.
- f. If a pedestrian travelway crosses a drive-through lane, the owner shall provide either a five (5) foot wide raised pedestrian travelway or a five (5) foot wide pedestrian travelway containing a change in texture and visual markings.
- g. Each drive-through lane shall be at least eleven (11) feet wide.
- h. No drive-through lane shall enter directly from or exit directly to any public street.
- i. Each entrance to a drive-through lane shall be more than fifty (50) feet from any intersection with a public or private street or travelway without parking.
- j. Each drive-through lane shall be a minimum of one hundred (100) feet in length measured from the center of the first window or service point. This length may be reduced if a study is submitted and approved by the director of community development or his designee demonstrating that a shorter length will be sufficient for a particular use.
- k. Each drive-through lane shall extend at least twenty (20) feet beyond the drive-through window.

- I. If a drive-through lane is located adjacent to an internal travelway, the direction of travel in the drive-through lane and the travelway shall be the same unless they are separated from one another by a landscaped area that complies with section 32.7.9.5(b), (c), (d), and (e) and is at least ten (10) feet in depth extending the length of the drive-through lane.

Article III. District Regulations

Section 20A Neighborhood Model District – NMD

Sec. 20A.6 Permitted uses

The following uses shall be permitted in an NMD, subject to the regulations in this section and section 8, the approved application plan and code of development, and the accepted proffers:

- a. *By right uses.* The following uses are permitted by right if the use is expressly identified as a by right use in the code of development or if the use is permitted in a determination by the zoning administrator pursuant to subsection 8.5.5.2(c)(1):
 1. Each use allowed by right or by special use permit in any other zoning district, except for those uses allowed only by special use permit delineated in subsections 20A.6(b)(2) and (b)(3); provided that the use is identified in the approved code of development.
 2. Water, sewer, energy and communications distribution facilities.
 3. Accessory uses and buildings including storage buildings.
 4. Home occupation, Class A, where the district includes residential uses.
 5. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).
 6. Public uses (reference 5.1.12).
 7. Tourist lodgings, where the district includes residential uses.
 8. Group homes, where the district includes residential uses.
 9. Tier I and Tier II personal wireless service facilities (reference 5.1.40).
 10. Farmers' markets (reference 5.1.47).
 11. Family day homes (reference 5.1.56). (Added 9-11-13)
 12. Drive-through windows (reference 5.1.60).
- b. *By special use permit.* The following uses are permitted by special use permit if the use is expressly identified as use permitted by special use permit in the code of development:
 1. Each use allowed by right or by special use permit in any other zoning district.
 2. (Repealed 3-2-16)
 3. Outdoor storage, display and/or sales serving or associated with a by right permitted use, if any portion of the use would be visible from a travelway.

(Ord. 03-18(2), 3-19-03; Ord 04-18(2), 10-13-04; Ord. 09-18(9), 10-14-09; Ord. 10-18(4), 5-5-10; Ord. 13-18(2), 4-3-13; Ord. 13-18(5), 9-11-13)

Section 20B Downtown Crozet District – DCD

Sec. 20B.2 Permitted uses

The following uses shall be permitted in the DCD, subject to the regulations in this section:

- A. *By right uses; retail and service.* The following retail and service uses are permitted by right:
 1. Antique, gift, jewelry, notion and craft shops.
 2. Automobile, truck repair shops excluding body shops.
 3. Barber, beauty shops.
 4. Clothing, apparel and shoe shops.

5. Commercial recreation establishments including, but not limited to, amusement centers, bowling alleys, pool halls and dance halls.
6. Convalescent homes (reference 5.1.13).
7. Convenience stores.
8. Department stores.
9. Drug stores, pharmacies.
10. Factory outlet stores, clothing and fabric.
11. Farmers' markets (reference 5.1.47). (Amended 5-5-10)
12. Feed and seed stores (reference 5.1.22).
13. Financial institutions.
14. Fire extinguisher and security products sales and service.
15. Florists.
16. Food and grocery stores including such specialty shops as bakery, candy, milk dispensary and wine and cheese shops.
17. Funeral homes.
18. Furniture and home appliances sales and service.
19. Hardware stores.
20. Health spas.
21. Hotels, motels and inns.
22. Indoor athletic facilities.
23. (Repealed 12-11-13)
24. Laundries, dry cleaners.
25. Musical instrument sales and repair.
26. New automotive parts sales.
27. Newspaper publishing.
28. Newsstands, magazines, pipe and tobacco shops.
29. Nursing homes (reference 5.1.13).
30. Office and business machines sales and service.
31. Optical goods sales and service.
32. Photographic goods sales and service.
33. (Repealed 12-11-13)
34. Restaurants.
35. Retail nurseries and greenhouses.
36. Service stations.
37. Sporting goods sales.
38. Tailors and seamstresses.
39. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).
40. Tier I and Tier II personal wireless service facilities (reference 5.1.40).
41. Tourist lodging.

42. Visual and audio appliances.
 43. Laboratories/Research and Development/Experimental Testing.
 44. Drive-through windows (reference 5.1.60).
- B. *By right uses; office.* The following office uses are permitted by right:
1. Offices.
 2. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).
- C. *By right uses; public and civic.* The following public and civic uses are permitted by right:
1. Churches.
 2. Clubs, lodges (reference 5.1.02).
 3. Conference centers, outdoor auditoriums, public art or kiosks.
 4. Cultural arts centers.
 5. Day care centers (reference 5.1.06).
 6. Water, sewer, energy and communications distribution facilities.
 7. Fire, ambulance and rescue squad stations (reference 5.1.09).
 8. Libraries.
 9. Outdoor performance areas.
 10. Parking structures and standalone parking structures (reference 4.12 and 5.1.41).
 11. Private schools.
 12. Public uses (reference 5.1.12).
 13. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).
 14. Theaters, live and movie, including multi-screen movie theaters.
- D. *By right uses; residential.* The following residential uses are permitted by right, provided that the first floor of the building in which the residential use exists is designed for and occupied only by a use permitted by subsections 20B.2(A), (B), (C) or (E):
1. Apartments, either as a single-family dwelling or as a multiple-family dwelling.
 2. Attached single-family dwellings such as townhouses.
 3. Boarding houses.
 4. Condominiums.
 5. Group homes (reference 5.1.07).
 6. Tourist lodging within detached single-family dwellings existing on June 4, 2008.
 7. Dwellings occupied by the owner or employees of a permitted commercial use, and their families (reference 5.1.21).
 8. Family day homes (reference 5.1.56). (Added 9-11-13)
- E. *By special use permit; non-residential uses.* The following non-residential uses are permitted by special use permit:
1. (Repealed 12-11-13)
 2. (Repealed 12-11-13)
 3. (Repealed 12-11-13)
 4. Car washes.

5. (Repealed 12-11-13)
 6. (Repealed 12-11-13)
 7. (Repealed 3-2-16)
 8. Energy and communications transmission facilities (reference 5.1.12).
 9. Hospitals.
 10. (Repealed 12-11-13)
 11. (Repealed 12-11-13)
 12. Preparation of printing plates including typesetting, etching and engraving.
 13. Stand-alone parking (reference 4.12).
 14. (Repealed 12-11-13)
 15. Tier III personal wireless service facilities (reference 5.1.40).
 16. Towing and storage of motor vehicles (reference 5.1.32).
 17. Veterinary offices and animal hospitals.
 18. Storage/Warehousing/Distribution/Transportation.
 19. Manufacturing/Processing/Assembly/Fabrication and Recycling.
- F. *By special use permit; residential uses.* The following residential uses are permitted by special use permit without the restriction on first floor uses required by subsection 20B.2(D), provided that there is no other use permitted by subsections 20B.2(A), (B) or (E) on the same lot:
1. Apartments, either as a single-family dwelling or as a multiple-family dwelling.
 2. Attached single-family dwellings such as townhouses.
 3. Boarding houses.
 4. Condominiums.
 5. Detached single-family dwellings.
 6. Group homes (reference 5.1.07)
 7. Tourist lodging within detached single-family dwellings existing on June 4, 2008.
 8. Dwellings occupied by the owner or employees of a permitted commercial use, and their families. (reference 5.1.21)
 9. Family day homes (reference 5.1.56).
- G. *Accessory uses and structures.* Accessory uses and structures are permitted, including but not limited to: (i) home occupations, Class A and Class B (reference 5.2) for primary residential uses; (ii) storage buildings for primary residential and non-residential uses; (iii) outdoor performance areas for primary cultural arts center uses; and (iv) prototype manufacturing for research and development uses.

(Ord. 08-18(3), 6-11-08; Ord. 10-18(4), 5-5-10; Ord. 13-18(2), 4-3-13; Ord. 13-18(5), 9-11-13; Ord. 13-18(8), 12-11-13)

Section 22 Commercial District – C-1

Sec. 22.2.1 By right

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

- a. The following retail sales and service establishments:
 1. Antique, gift, jewelry, notion and craft shops.

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

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

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

Sec. 22.2.2 By special use permit

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

1. Commercial recreation establishments including but not limited to amusement centers, bowling alleys, pool halls and dance halls.
2. Energy and communications transmission facilities.
3. Hospitals.
4. Fast food restaurant.
5. Veterinary office and hospital (reference 5.1.11).
6. Unless such uses are otherwise provided in this section, uses permitted in section 18.0, residential - R-15, in compliance with regulations set forth therein.
7. Hotels, motels and inns.
8. Motor vehicle sales and rental in communities and the urban area as designated in the comprehensive plan.
9. Standalone parking and parking structures (reference 4.12, 5.1.41).
10. (Repealed 3-2-16)
11. Uses permitted by right, not served by public water, involving water consumption exceeding four hundred (400) gallons per site acre per day. Uses permitted by right, not served by public sewer, involving anticipated discharge of sewage other than domestic wastes.
12. Body shop.
13. Animal shelter (reference 5.1.11).
14. Tier III personal wireless service facilities (reference 5.1.40).
15. Storage/Warehousing/Distribution/Transportation

(§ 20-22.2.2, 12-10-80; 1-1-83; 6-1-83; 11-7-84; 6-14-89; 9-9-92; 6-16-99; Ord. 03-18(1), 2-5-03; Ord. 04-18(2), 10-13-04; Ord. 13-18(2), 4-3-13)

Section 23 Commercial Office -- CO

Sec. 23.2.1 By right

The following uses shall be permitted in the CO district, subject to the applicable requirements of this chapter:

1. Administrative and business offices.
2. Professional offices, including medical, dental and optical.
3. Financial institutions.
4. Churches, cemeteries.
5. Libraries, museums.
6. Accessory uses and structures incidental to the principal uses provided herein. The aggregate of all accessory uses shall not occupy more than twenty (20) percent of the floor area of the buildings on the site. The following accessory uses shall be permitted:
 - Eating establishments;
 - Newsstands;
 - Establishments for the sale of office supplies and service of office equipment;
 - Data processing services;
 - Central reproduction and mailing services and the like;
 - Ethical pharmacies, laboratories and establishments for the production, fitting and/or sale of optical or prosthetic appliances on sites containing medical, dental or optical offices;
 - (Repealed 3-17-82)
 - Sale/service of goods associated with the principal use such as, but not limited to: musical instruments, musical scores, text books, artist's supplies and dancing shoes and apparel;
 - Barber shops;
 - Beauty shops.
7. Water, sewer, energy and communications distribution facilities.
8. Public uses (reference 5.1.12).
9. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).
10. Dwellings (reference 5.1.21).
11. Temporary nonresidential mobile homes (reference 5.8).
12. Day care, child care or nursery facility (reference 5.1.6).
13. Stormwater management facilities shown on an approved final site plan or subdivision plat.
14. Tier I and Tier II personal wireless service facilities (reference 5.1.40).
15. Farmers' markets (reference 5.1.47).
16. Laboratories/Research and Development/Experimental Testing; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
17. Drive-through windows (reference 5.1.60).

(§ 20-23.2.1, 12-10-80; 3-17-82; 3-5-86; 12-3-86; 11-1-89; 9-9-92; 5-12-93; Ord. 01-18(6), 10-9-01 ; Ord. 04-18(2), 10-13-04; Ord. 09-18(6), 8-5-09; Ord. 10-18(4), 5-5-10; Ord. 13-18(2), 4-3-13)

Sec. 23.2.2 By special use permit

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

1. Hospitals.

2. Funeral homes.
3. Energy and communications transmission facilities.
4. Standalone parking and parking structures (reference 4.12, 5.1.41).
5. (Repealed 3-2-16)
6. School of special instruction.
7. Clubs, lodges (reference 5.1.2).
8. Uses permitted by right, not served by public water, involving water consumption exceeding four hundred (400) gallons per site acre per day. Uses permitted by right, not served by public sewer, involving anticipated discharge of sewage other than domestic wastes.
9. Unless such uses are otherwise provided in this section, uses permitted in section 18.0, residential R-15. in compliance with regulations set forth therein.
10. Hotels, motels and inns (reference 9.0).
11. Supporting commercial uses (reference 9.0).
12. Research and development activities including experimental testing.
13. Laboratories, medical or pharmaceutical.
14. Indoor athletic facilities.
15. Tier III personal wireless service facilities (reference 5.1.40).
16. Storage/Warehousing/Distribution/Transportation.
17. Manufacturing/Processing/Assembly/Fabrication/Recycling.

(§ 20-23.2.2, 12-10-80; 11-7-84; 1-1-87; 6-14-89; 6-19-91; 6-10-92; 9-15-93; Ord. 03-18(1), 2-5-03; Ord. 04-18(2), 10-13-04; Ord. 13-18(2), 4-3-13)

Section 24 Highway Commercial – HC

Sec. 24.2.1 By right

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

1. Automobile laundries.
2. Automobile, truck repair shops.
3. Automobile service stations (reference 5.1.20).
4. Building materials sales.
5. Churches, cemeteries.
6. Clubs, lodges (reference 5.1.02).
7. Convenience stores.
8. Educational, technical and trade schools.
9. Factory outlet sales - clothing and fabric.
10. Feed and seed stores (reference 5.1.22).
11. Financial institutions.
12. Fire extinguisher and security products, sales and service.
13. Fire and rescue squad stations (reference 5.1.09).
14. Funeral homes.

15. Furniture stores.
16. Food and grocery stores including such specialty shops as bakery, candy, milk dispensary and wine and cheese shops.
17. Home and business services such as grounds care, cleaning, exterminators, landscaping and other repair and maintenance services.
18. Hardware.
19. (Repealed 6-3-81)
20. Hotels, motels and inns.
21. Light warehousing.
22. Machinery and equipment sales, service and rental.
23. Mobile home and trailer sales and service.
24. Modular building sales.
25. Motor vehicle sales, service and rental.
26. New automotive parts sales.
27. Newspaper publishing.
28. Administrative, business and professional offices.
29. Office and business machines sales and service.
30. Eating establishment; fast food restaurants.
31. Retail nurseries and greenhouses.
32. Sale of major recreational equipment and vehicles.
33. Wayside stands - vegetables and agricultural produce (reference 5.1.19).
34. Wholesale distribution.
35. Water, sewer, energy and communications distribution facilities.
36. Public uses (reference 5.1.12).
37. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).
38. Indoor theaters.
39. Heating oil sales and distribution (reference 5.1.20).
40. Temporary nonresidential mobile homes (reference 5.8).
41. Uses permitted by right pursuant to subsection 22.2.1 of section 22.1, commercial, C-1.
42. Indoor athletic facilities.
43. Farmers' market (reference 5.1.47).
44. Stormwater management facilities shown on an approved final site plan or subdivision plat.
45. Tier I and Tier II personal wireless service facilities (reference 5.1.40).
46. Storage yards.
47. Laboratories/Research and Development/Experimental Testing; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
48. Manufacturing/Processing/Assembly/Fabrication and Recycling; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor

area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.

49. Storage/Warehousing/Distribution/Transportation; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.

50. Drive-through windows (reference 5.1.60).

(§ 20-24.2.1, 12-10-80; 6-3-81; 3-5-86; 11-1-89; 6-19-91; 9-9-92; 5-12-93; 9-15-93; 10-11-95; § 18-24.2.1, Ord. 98-A(1), 8-5-98; Ord.02-18(6), 10-9-02; Ord. 04-18(2), 10-13-04; Ord. 08-18(6), 11-12-08; Ord. 10-18(4), 5-5-10; Ord. 13-18(2), 4-3-13)

Sec. 24.2.2 By special use permit

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

1. Commercial recreation establishment including but not limited to amusement centers, bowling alleys, pool halls and dance halls.
2. Septic tank sales and related service.
3. Livestock sales.
4. Veterinary office and hospital (reference 5.1.11).
5. Drive-in theaters (reference 5.1.08).
6. Energy and communications transmission facilities (reference 5.1.12).
7. Hospitals, nursing homes, convalescent homes (reference 5.1.13).
8. Auction houses.
9. Unless such uses are otherwise provided in this section, uses permitted in section 18.0, residential - R-15, in compliance with regulations set forth therein.
10. Commercial kennels - indoor only (reference 5.1.11).
11. Standalone parking and parking structures (reference 4.12, 5.1.41).
12. (Repealed 3-2-16)
13. Uses permitted by right, not served by public water, involving water consumption exceeding four hundred (400) gallons per site acre per day. Uses permitted by right, not served by public sewer, involving anticipated discharge of sewage other than domestic wastes.
14. Warehouse facilities not permitted under section 24.2.1 (reference 9.0).
15. Animal shelter (reference 5.1.11).
16. Tier III personal wireless service facilities (reference 5.1.40).
17. Body shops.

(§ 20-24.2.2, 12-10-80; 1-1-83; 11-7-84; 6-14-89; 6-19-91; 9-9-92; § 18-24.2.2, Ord. 98-A(1), 8-5-98; Ord. 99-18(4), 6-16-99; Ord. 03-18(1), 2-5-03; Ord. 04-18(2), 10-13-04; Ord. 08-18(6), 11-12-08; Ord. 11-18(2), 1-12-11; Ord. 13-18(2), 4-3-13)

Section 25 Planned Development – Shopping Center – PD-SC

Sec. 25.2.1 By right

The following uses shall be permitted by right in the PD-SC district:

1. Uses permitted by right in the C-1, CO and HC districts, except for storage yards. Outdoor storage, sales or display shall be permitted only when enclosed by appropriate visual screening.
2. Energy and communications transmission facilities.
3. Public uses (reference 5.1.12).
4. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).

5. Drive-through windows (reference 5.1.60).

§ 20-25.2.1, 12-10-80; 11-1-89; 5-12-93; § 18-25.2.1, Ord. 98-A(1), 8-5-98; § 18-25.2.1, Ord. 98-A(1), 8-5-98; Ord. 08-18(6), 11-12-08; Ord. 13-18(2), 4-1-13)

Sec. 25.2.2 By special use permit

The following uses shall be permitted by special use permit in the PD-SC district:

1. Commercial recreational establishment included but not limited to amusement centers, bowling alleys, pool halls and dance halls. (Amended 1-1-83)
2. Energy and communications transmission facilities (reference 5.1.12).
3. Parking structures located wholly or partly above grade.
4. (Repealed 3-2-16)
5. Veterinary office and hospital (reference 5.1.11).
6. Tier III personal wireless service facilities (reference 5.1.40).
7. Storage yards.

(§ 20-25.2.2, 12-10-80; 1-1-83; 11-7-84; 11-15-89; 9-9-92; § 18-25.2.2, Ord. 98-A(1), 8-5-98; Ord. 04-18(2), 10-13-04; Ord. 08-18(6), 11-12-08; Ord. 13-18(2), 4-1-13)

Agenda Item No. 22. Recruitment and Selection Process - County Attorney and Board Clerk.

Note: This item was heard earlier in the meeting.

Agenda Item No. 23. From the Board: Matters Not Listed on the Agenda.

Ms. Mallek reported that per an email from Mr. David Blount, our Legislative Liaison, House amendments to SB-416 were just approved by the House and included a re-enactment clause that the bill will come back again the following year, with a study to take place over the next year.

Mr. Davis stated the study will be conducted by the State Housing Commission, and there would be local government representation on that body.

Ms. Palmer asked what the representation would be from local government. Mr. Davis responded that it has not yet been determined, but they would probably work through VACO and VML to make sure there was relevant representation.

Mr. Randolph stated that the Broadband Management Committee had met the previous Friday, with consultant candidates from Montgomery County, MD; Blacksburg, VA; and Blowing Rock, NC. He said the candidates from Blacksburg and Blowing Rock had scored within one point of one another, so they were invited back so the committee could determine which would be recommended as the consultant for the rural area broadband action plan.

Ms. Mallek said she had learned at VACO that in other places where these types of studies had been done, those localities ended up with something that was completely unbuildable, so she wants to be sure the contract stipulates that the consultant's recommendations are for something that can be built, and there will be builders available to carry it out.

Mr. Randolph said that Mr. Mike Culp and Mr. Vince Scheivert are on that committee, and one of the consultants does both planning and implementation, so they need to determine whether it is a benefit or detriment in terms of the objectivity they brought to the table.

Agenda Item No. 24. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Foley said the Board needs to review their budget town hall meeting schedule at the budget work session the following day. He added that in April he will bring back revisions to the County Executive's Report that will tie more closely to their discussion from the retreat last week, and how activities will fit in with the strategic plan. He said this will set them up well for the May/June session on priority setting.

Agenda Item No. 25. Adjourn to March 3, 2016, 10:00 a.m.

At 8:28 p.m., Mr. Randolph **moved** to adjourn the Board meeting to March 3, 2016, 10:00 a.m.
Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Chairman

Approved by Board
Date: 06/01/2016
Initials: TOM