

An adjourned-afternoon and regular night meetings of the Board of Supervisors of Albemarle County, Virginia, were held on May 10, 2017, Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia. The afternoon meeting was held at 2:30 p.m., and adjourned from May 3, 2017. The regular night meeting was held at 6:00 p.m.

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

ABSENT: Mr. Brad L. Sheffield.

OFFICERS PRESENT: Interim County Executive, Doug Walker, County Attorney, Greg Kamptner, Clerk, Claudette Borgersen, and Senior Deputy Clerk, Travis O. Morris.

Agenda Item No. 1. Call to Order. The meeting was called to order at 2:35 p.m., by the Chair, Ms. McKeel.

She announced that Mr. Sheffield was absent due to his attendance at a transportation meeting.

Agenda Item No. 2. **Joint Meeting with School Board.**

School Board Members Present: Ms. Kate Acuff, Mr. Jonathan Alcaro, Mr. Jason Buyaki, Mr. Stephen Koleszar and Mr. Graham Paige.

School Board Members Absent: Ms. Pamela Moynihan and Mr. David Oberg.

School Staff Present: Dr. Pam Moran, Superintendent, Mr. Matt Hass, Assistant Superintendent of Schools, Mr. Dean Tistadt, Chief Operating Officer, Mr. Jackson Zimmerman, Executive Director of Fiscal Services, Mr. John Blair, Senior Assistant County Attorney, and Ms. Jennifer Johnston, Clerk.

At 2:36 p.m., Ms. Acuff called the School Board meeting to order.

Item No. 2a. Personnel Policy Amendment.

The Executive Summary presented to the Board states that the County currently allocates employer contributions toward employee health insurance premiums on a "flat" basis, regardless of which tier of health insurance coverage (e.g., individual only, individual plus family, etc.) an employee elects. Under current VERIP (Voluntary Early Retirement Program) policy, eligible retirees receive an employer contribution toward their health insurance that is equivalent to that of full-time active employees. VERIP-eligible retirees participating on the health insurance plan may use that contribution toward the cost of their coverage, or they may receive the contribution as a cash payment. The maximum duration of that payment is five years.

In preparation of the County's upcoming move to a tier-based employer contribution schedule (October 2018), employer contributions to eligible retirees participating in VERIP will require policy clarification, as there will no longer be one flat contribution amount toward all tiers of health insurance premiums.

A cross-divisional team representing Local Government and School employee stakeholders developed recommendations to address this situation.

The attached Resolution (Attachment A) includes a proposed amendment to Personnel Policy § P-63 to set the monthly VERIP employer contribution toward health insurance at a maximum of seven hundred and twelve dollars (\$712) for those taking the contribution as a cash payment. The \$712 monthly amount is the current amount provided to VERIP-eligible retirees who elect to receive the cash payment. Any amendment to the \$712 monthly cash payment amount would require Board action. VERIP-eligible retirees participating on the County's health insurance will continue to pay premiums equivalent to that of active fulltime employees.

There is no budget impact.

Staff recommends that the Board adopt the attached Resolution (Attachment A) to amend Personnel Policy §P-63.

Ms. Lorna Gerome, Director of Human Resources, addressed the Board and stated that staff seeks approval to amend the personnel policy regarding retirement, in particular the section under the Voluntary Early Retirement Incentive Program (VERIP), and reminded them that this issue was brought up at the February Board meeting. She said retiring employees could choose to stay on the County's health plan or opt for a cash equivalent amount equal to the Board contribution. She said the Board's contribution must be defined and the amendment would set this at \$712/month.

Ms. Mallek expressed concern that additional staff will be required to make the computations, and asked if this will result in a loss of the savings that had been expected from the policy change. Ms. Gerome commented that the change would simplify things since it clarifies the amount.

Mr. Koleszar asked what the current benefit amount is. Ms. Gerome replied that it is \$712.

Ms. Palmer asked if those who are currently receiving the stipend would see a reduction. Ms. Gerome said their stipend would remain the same.

Ms. Palmer asked if the stipend had been eliminated for those retiring as of July 1, 2016. Ms. Gerome said they previously had a stipend that was an additional retirement benefit, but it was phased out last year.

Ms. Palmer asked if the benefit would be tiered going forward. Ms. Gerome replied that going forward, retiring employees could choose to pay the same amount as employees for health insurance or take the cash equivalent, and the purpose of today's item is to define the Board's contribution, which will be equal to the cash equivalent amount.

Mr. Randolph commented that at age 65, when retirees become eligible for Medicare, the stipend ends, and said this is an appropriate and necessary reform.

Ms. McKeel asked for clarification that both the School Board and the Board of Supervisors would have to hold separate votes on this item. Ms. Gerome confirmed this.

Mr. Alcaro **moved** to adopt the proposed amendment. Mr. Buyaki **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Ms. Acuff, Mr. Alcaro, Mr. Buyaki, Mr. Koleszar and Mr. Paige.

NAYS: None.

ABSENT: Ms. Moynihan and Mr. Oberg.

Mr. Dill then **moved** to adopt the proposed Resolution to amend Personnel Policy § P-63. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Sheffield.

RESOLUTION

WHEREAS, the Board of Supervisors has adopted County of Albemarle Personnel Policies pursuant to Albemarle County Code Section 2-1102; and

WHEREAS, the Board desires to amend Section P-63 regarding retirement.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of Albemarle County, Virginia, hereby amends Section P-63, Retirement, of the County of Albemarle Personnel Policies, as follows:

Section P-63 Retirement

I. REGULAR RETIREMENT

A. General

Retirement shall be at the discretion of the employee. Full-time regular employees of Albemarle County who qualify are eligible for the benefits of the Virginia Retirement System ("VRS"). Additional information describing VRS benefits is available on-line at varetire.org.

B. Continuing Participation in the County's Medical and Dental Insurance Plans

1. All employees retiring under VRS and/or the County's VERIP policy are eligible for continuous participation in the group medical and dental insurance plans until they are eligible for Medicare coverage if they participated in the County's group medical and dental insurance plans on the day prior to separation from the County. The age and service criteria for VRS are as follows: 50 years of age with 10 or more years of continuous regular employment by a VRS-participating employer; or 55 years of age with 5 or more years of continuous regular employment by a VRS-participating employer.
2. Individuals eligible to participate in the County's group medical and dental insurance plan shall pay the full cost of health insurance coverage, including any applicable administrative expenses.
3. Any retirees or Board members who participated in the County's group medical and/or dental insurance plans as of December 1, 2009 shall continue to be eligible to participate, at their own cost, until they are eligible for Medicare

coverage.

II. LONGEVITY INCENTIVE PROGRAM

The County values the service of all of its employees, both full-time and part-time. Since part-time employees are not covered by VRS, the County has elected to establish a Longevity Incentive Program (the "Program") and thereby provide eligible part-time employees with certain benefits as more fully explained in this section.

A. Scope of Program

All regular, part-time employees of the County will be covered by the Program provided that they work the minimum number of hours necessary to establish eligibility for County benefits. Salaried Board Members are not eligible for participation in this program.

B. Benefits

The following benefits will be provided to eligible part-time employees under the Program:

1. Life Insurance: A term life insurance policy will be provided equal to twice the employee's annual salary with double indemnity for accidental death and dismemberment payments for the accidental loss of one or more limbs or of eyesight.
2. Annuity Program: Based on length of service in the County, part-time employees will be provided with an annuity program. The Board will contribute an annual amount according to the following formula:
 - a. 5 - 9 years of County service - five percent of annual salary.
 - b. 10 - 14 years of County service - seven percent of annual salary
 - c. 15 - 19 years of County service - nine percent of annual salary.
 - d. 20+ years of County service - eleven percent of annual salary.

III. Retirement Pay/Payment upon Death

In recognition of employee service to Albemarle County, regular full-time and part-time employees who meet the age and service criteria for retirement under VRS and have been employed a minimum of five (5) years with Albemarle County shall be paid upon their retirement or death in service \$200 per year for each year of service to the County as a regular employee up to a maximum payment for 25 years of service, less any years previously paid for under this policy. Years of service do not have to be continuous.

IV. Voluntary Early Retirement Incentive Plan (VERIP)

A. Eligibility

1. Participants in the Albemarle County VERIP must be regular full-time or regular part-time employees eligible for benefits as defined in P-02, Definition of Employee Status and meet the following additional requirements:
 - a. Full-time employees must be eligible for early or full retirement under the provisions of VRS. Part-time employees must meet the same age and service criteria as if they were full-time employees covered under VRS.
 - b. Have been employed by the County government and/or school division for 10 of the last 13 years prior to retirement.
2. Employees retiring under the disability provisions of VRS and/or Social Security shall not be eligible for the VERIP.
3. VERIP benefits will cease if the retiree returns to work in a regular full-time or regular part-time position with the County government and/or school division.
4. VERIP benefits will continue if the retiree returns to work in a temporary part-time or temporary full-time position with the County government and/or school division.

B. Benefits

1. VERIP benefits shall be paid monthly for a period of five years after retirement or until age 65, whichever comes first. The VERIP benefits consist of a stipend calculated in accordance with Section B.2 ("stipend") and a monetary contribution toward health insurance ("medical contribution").
2. Stipends under VERIP will be calculated as follows:

- a. Compute the annual VRS benefit. This computation shall include any reductions for early VRS retirement if appropriate.
 - b. Recompute the annual VRS benefit with the addition of five more years of service or the number of additional years needed to reach age 65, whichever is lesser.
 - c. The difference between these two calculations is the annual VERIP stipend ("Stipend Value") to be paid on a monthly basis.
 - d. Stipends for part-time employees who are eligible to participate in VERIP shall be determined as if the part-time employees are eligible for an annual VRS benefit and the amount shall be calculated in the same manner as benefits for VRS-eligible employees under subsections (a) – (c) above.
3. The County Executive will recommend to the Board an annual adjustment to the VERIP stipend after having been apprised of the VRS adjustment for retirees.
 4. The Board will pay a monetary contribution toward an employee's health insurance as long as the employee remains eligible to receive VERIP benefits. Retirees receiving VERIP benefits who elect to remain on the County's health insurance will pay premiums for the coverage equivalent to that paid by active employees electing the same level of coverage. Retirees receiving VERIP benefits who elect not to remain on the County's health insurance will receive the monetary contribution as a payment. The maximum value of this payment will be seven hundred and twelve dollars (\$712.00) per month.
 5. Effective December 2, 2009, the VERIP stipend shall continue to be calculated in the manner provided in Section B.2, but the stipend amount shall be modified in accordance with the following schedule:
 - a. Retirements effective on or after July 1, 2012 but before July 1, 2013: 80% of the Stipend Value.
 - b. Retirements effective on or after July 1, 2013 but before July 1, 2014: 60% of the Stipend Value.
 - c. Retirements effective on or after July 1, 2014 but before July 1, 2015: 40% of the Stipend Value.
 - d. Retirements effective on or after July 1, 2015 but before July 1, 2016: 20% of the Stipend Value.
 - e. Retirements effective on or after July 1, 2016: No VERIP Stipend.

C. Application

Applications for VERIP must be made to the Human Resources Department prior to December 1st of the year preceding the fiscal year the employee's participation in VERIP takes effect. Applications after December 1 may be approved based on the needs of the County.

D. Approval

All VERIP applications are subject to approval by the County Executive or designee.

E. Duration

The Board of Supervisors reserves the right to modify this policy in its discretion, and all benefits described in this policy shall be subject to future modifications and annual appropriations by the Board of Supervisors.

F. Additional Benefits

1. Current employees who apply for VERIP by February 27, 2009 and who meet the eligibility standards identified below shall be entitled to receive, at their election, **one** of the following:
 - a. Two additional years of Board contributions toward health insurance beyond the duration established by Section IV.B, paid on a monthly basis. Employees who retire at 65 years of age or older shall receive two years of contributions toward health insurance.
 - b. The cash equivalent of two additional years of Board contributions toward health insurance, calculated at the FY 2009-10 annual rate and paid in one or more installments.
2. To be eligible for the additional benefits in this section, employees must:

- a. Submit VERIP applications by February 27, 2009;
- b. Submit a letter by April 1, 2009 establishing a retirement date no later than June 30, 2009; **and**
- c. Retire after the effective adoption date of this subsection (F) but no later than June 30, 2009.

G. Targeted Retirement Incentives

1. Current employees holding positions in paygrades 16 and higher whose retirement is determined by the County to not impair the essential functions of the department, who apply for VERIP by March 15, 2010, and who meet the eligibility standards identified below shall be entitled to receive, at their election, **one** of the following:
 - a. A lump sum payment equivalent to 20% of the employee's current salary. "Salary," for non-exempt employees receiving benefits pursuant to this section, shall mean the employee's current annualized pay based on his regular hourly rate and regularly scheduled work hours.
 - b. Monthly payments, the total of which is equivalent to one week of pay for every full year of service with the County for up to 20% of the employee's salary. The number of monthly payments will be determined by the County, however, it shall not exceed sixty (60) monthly payments.
 - c. Continued full Board contributions toward the employee's health insurance for an additional 3 years beyond the contributions specified in Section B of this policy, or until the age of 65, whichever comes first.
2. To be eligible for the additional benefits in this section, employees must:
 - a. Submit VERIP applications by March 15, 2010;
 - b. Submit a letter by April 1, 2010 establishing a retirement date no later than June 30, 2010; **and**
 - c. Retire after the effective date of this subsection G but no later than June 30, 2010.
3. The County Executive or his designee may extend for up to 6 months the June 30, 2010 retirement date required by G.2.b and G.2.c for an employee who is otherwise eligible for the benefits in this subsection G upon a finding that such employee's retirement serves the interest of the County.

Amended: August 4, 1993; April 19, 1995; June 2, 2004; January 7, 2009; December 2, 2009; March 3, 2010; May 10, 2017.

Item No. 2b. CIP: Process/Challenges/Strategies Discussion.

Mr. Walker stated that Mr. Trevor Henry is not present at today's meeting due to an important family commitment. He said he will present the introductory portion of the discussion, and then Ms. Lori Allshouse will present. He said the topic of scheduling a discussion to consider broader capital needs arose several months ago during a meeting of the Chairs and Vice-Chairs of the School Board and Board of Supervisors. He said an item for discussion was a potential bond referendum to be held in November 2018, and they are seeking Board direction so that staff can better prepare for the upcoming CIP process. He said the desired outcome is to obtain input from both Boards on long-term needs and specific input on assumptions related to a potential calendar year 2018 bond referendum. He said the slides to be presented will reflect on the successful 2016 referendum, offer a brief overview of the CIP cycle and process, facilitate conversation on big ticket capital needs projects that are not necessarily in the CIP, facilitate conversation about how CIP capacity is modeled as well as its affordability, and include a discussion about funding options.

Mr. Walker reflected on the 2016 referendum and said he would like to facilitate discussion among the two Boards about what they are trying to accomplish, whether objectives were met, and what led to the results.

Ms. Palmer commented that the referendum was done very professionally, and the public response reflected that an excellent job was done.

Ms. McKeel commented that the referendum passed strongly.

Ms. Mallek said the referendum was successful because the purpose was made clear, it was for bricks and mortar, without uncertainty.

Mr. Buyaki said it was important to present a detailed analysis to citizens of how the money would be used. He said if they were going to borrow \$35M, they should be more transparent as to what the true cost was by estimating interest costs.

Ms. Acuff noted the 74% approval rate and attributed it to genuine collaboration between the County and Schools. She commented on the good quality of the information materials distributed to the public and the engagement and interest among the community.

Ms. McKeel said the community was very education-centric and was supportive and appreciative of education, as long as there was clarity as to how the funds would be spent.

Mr. Buyaki commented that the referendum was supported by all age groups, including those with school children and those without. He said the education efforts to raise awareness of the lack of space capacity in the schools was successful.

Ms. McKeel praised the quality of the informational materials prepared by staff and expressed her approval that the materials were available at polling sites.

Ms. Palmer addressed Mr. Buyaki's comment about communicating the full cost of the referendum to residents, adding that she felt the full costs were communicated. Mr. Buyaki responded that full costs were not adequately communicated.

Mr. Randolph agreed with Mr. Buyaki that some indirect costs were not fully identified, such as the amount of staff time required for public relations, the costs of printing, and underwriting expenses. He said all of these expenses should be identified at the outset for any future referenda, to avoid cynicism among the public. He said in the future there would be so many demands for funding that resources available for capital funding would likely be reduced, and cited the likely loss of \$5M in federal funds they are currently utilizing. He stated that it is important to assess critical building needs that are beyond the normal capacity of the CIP and utilize every dollar to meet the most critical brick and mortar capacity needs, relying on the CIP to cover some of the other projects.

Mr. Koleszar stated that they should be counter cyclical and pointed out that if they had held the bond referendum six years ago, they could have purchased 50% more construction than they can buy now. He said with costs of construction rising, now is not the time to expand capital spending, and they should await the next recession when costs will be lower.

Ms. McKeel expressed agreement with Mr. Koleszar's comments and pointed out that when they first began obtaining cost estimates in 2009, they were much lower.

Ms. Palmer also expressed her agreement and said the Rivanna Water and Sewer Authority was able to make improvements during the recession at considerable cost savings.

Mr. Randolph said they were in a disadvantageous position because they had not properly funded the CIP, and if a one-penny tax increase had been enacted, they would have more funding available.

Ms. Acuff acknowledged the comments made by Mr. Koleszar and Mr. Randolph, and said it is important to do a broader educational outreach to the public about capital needs, as well as a better job publicizing projects funded by the referendum.

Ms. Mallek pointed out that the cost of construction of the Crozet Library would have been \$1.5M less if the project had been completed two years earlier, and in the future they would need to be aware that costs will change.

Mr. Alcarro praised the Finance Department for being conservative on its estimate of interest rates for the referendum, as they were able to realize cost savings.

Ms. Lori Allshouse, Director of the Office of Management and Budget, presented to the Board. She displayed a flowchart of the process involved in developing the FY19 CIP, known as the CIP cycle, and presented a slide listing inputs to the process. She said the Long-Range Planning Advisory Committee meets about 10 times per year to assist the schools with CIP planning, and consists of 12 members appointed by the Superintendent. She listed means of input as the Parks and Recreation 2017 Needs Assessment, Police and Fire Departments meeting with FEMS Board and developing standards of coverage, the library conducting studies with citizen groups, transportation priorities, and geo-policing. Ms. Allshouse next presented a slide of previously identified unfunded CIP projects that total \$258.8M.

Mr. Randolph pointed out the list does not include a potential new County office building.

Ms. Palmer pointed out that the list does not include the recycling center and solid waste initiatives they have discussed.

The next slide was titled, Unfunded Five-Year Drivers (Big Ticket Items), and listed four items.

Ms. Rosalyn Schmitt, Assistant Director of Facilities Planning for the Schools, addressed the Board to review the big ticket items. She said the Western Albemarle High School item was to add additional capacity for growth, as well as some improvements to existing buildings. She said the southern

feeder pattern consists of improvements to the existing building, as well as some additional capacity at Scottsville.

Mr. Palmer asked what the time frame is for the western feeder capacity work. Ms. Schmitt responded that it is roughly five years and is primarily at the elementary level.

Mr. Alcaro said if the Board decides to build a new high school, this type of project should be delayed until the climate for building is better. Ms. Schmitt said they are in the process of hiring a consultant to conduct a facilities study for all the high schools, with specific recommendations expected by September or October.

Ms. Acuff said the consultant will look at square footage capacity needs as well as qualitative needs.

Mr. Randolph requested that Ms. Schmitt have the consultant present a 10-year vision, as it would help the Board with the CIP. He also noted that the recent state law change addressing proffers would present a challenge.

Ms. Acuff reminded the Board that the School Board recently held a meeting with the Planning Commission and will meet with them again in October.

Ms. McKeel requested the Board of Supervisors be notified once the date has been established for the next School Board meeting with the Planning Commission.

Ms. Allshouse listed the additional big ticket items, beginning with a Fire and Rescue Public Safety Training Facility. The next items are for the Police Department to include evidence processing, vehicle storage, a training academy, and a district station. The next items are for Parks and Recreation and includes Hedgerow Park improvements and athletic fields. The next items are for the libraries and include renovation of Central Library and a new southern library.

Mr. Randolph asked about the public safety training facility and said there was an assumption that to incorporate the space at County Office Building South for a police training facility, the Department of Social Services would move out. He said he does not see anything addressing the issue of Social Services relocation. Mr. Walker responded that there are a number of moving parts, and they will have to find space for Social Services if a training academy is established.

Ms. Palmer asked if the \$11.5M is to rehabilitate the 5th Street building, or if it represents an estimate of what a training facility would cost. Mr. Ron Lantz, Chief of Police, responded to Ms. Palmer's question and said the Police and Fire Departments recently met to discuss combining the two training facilities.

Mr. Buyaki expressed approval for the concept of multi-use buildings, saying it makes good financial sense.

Ms. Palmer asked if they are working with University of Virginia and City of Charlottesville when making assessments of facility needs. Mr. Walker responded that they are exploring opportunities for partnerships.

Mr. Bob Crickenberger, Director of Parks and Recreation explained the Hedgerow project, stating that the property is on Route 29 South a few miles from the I-64 interchange and was originally donated to The Nature Conservancy, which held it and had conveyed it to the County. He said they plan to develop it as a trail park.

Ms. Mallek asked if athletic facilities are strewn throughout the County, and if they will be adding new ones or renovating existing fields. Mr. Crickenberger replied that they plan to renovate nine fields and construct two new synthetic turf fields, with lighting at Western Albemarle High School. He added that they propose to also renovate two fields at Henley, two at Hollymead, and four at Darden Towe, and all the fields will include lighting.

Ms. Mallek said schools have been moving away from turf fields as a result of new studies and she asked if a thorough investigation can be done. Mr. Crickenberger said the EPA is conducting a study to address impacts with shredded rubber, adding that filler alternatives include sand, coconut fibers and cork. He said they plan to conduct a recreational needs assessment that identifies current programs and services as well as gaps, which should be sufficient for the next 10 years. He noted that he hopes to report findings to the Board by the end of the year.

Mr. Randolph asked Ms. Allshouse about the item for a new southern library at \$8.5M. He said Frank Friedman, President of Piedmont Virginia Community College, is open to allowing a new library at the college to serve a dual use as a County library. He asked if the \$8.5M takes this into consideration or if it is for a standalone facility. Ms. Allshouse replied that it would be for a standalone library.

Ms. Allshouse continued her presentation with the next slide listing, Other Drivers, for the CIP and Capital Needs Assessment. She said strategic priority themes include urbanization, neighborhood revitalization, redevelopment, transportation and devolution, and economic development. She next reviewed potential projects that could be addressed if an additional \$100M in bond debt were issued. She said County policy limits debt to 10% of the General Fund and School Fund revenues, and displayed a

chart showing County debt over a five-year period from FY18–FY23.

Mr. Randolph asked if they would jeopardize their AAA bond rating by issuing additional debt. Ms. Allshouse explained that her understanding is that if they stay within the Board's policies, they should retain a AAA rating. She said an additional \$100M of debt would result in additional interest of \$7.5M/year and \$150.1M over twenty years. She emphasized that the County has a pay-go policy requiring a portion of the funding for capital projects be provided as cash equity, but they have not met this goal in a long time and would require about \$8.2M. She said a budget surplus could be allocated to the pay-go equity. She next pointed out that capital projects incur annual operating costs that must also be addressed.

Mr. Buyaki asked what the assumption of future County revenues is. Ms. Allshouse replied that she does not have that figure with her, but said they do a five-year projection on every revenue stream as part of the planning process.

Mr. Randolph, addressing the chart showing interest payments, commented that the amount of total interest paid seems high, and asked if it is typical to pay almost 50% of the cost in interest over 20 years. Ms. Allshouse said they used a 4% rate assumption.

Ms. Allshouse concluded her presentation with a slide listing alternative funding strategies besides referenda, stating that staff now seeks direction from the Board.

Mr. Dill said if they have another bond referendum, he would like local investors to participate and had discussed this with Deputy County Executive, Mr. Bill Letteri. He said this would generate more interest among the local community if they could invest.

Mr. Letteri said if the Board wishes to consider local funding, he suggests they schedule a work session to discuss this.

Mr. Buyaki noted that the rates of interest for the general obligation and lease revenue bonds are similar, and asked Mr. Letteri if this would be expected in the future.

Mr. Letteri said interest rate compression is typical in a low interest rate environment.

Ms. McKeel asked for clarification as to exactly what guidance staff is seeking today.

Mr. Walker asked if there is consensus among members of the two Boards to explore a 2018 bond referendum, though the amount and the specific projects have not yet been identified.

Mr. Dill said he would be interested, but would also like to see an assessment of how tax increases could generate additional revenue so they could look at everything together.

Mr. Walker said it takes about 12 months to put together a bond referendum, and so they would like to begin that work with Board direction.

Ms. Acuff encouraged the Board of Supervisors to explore all options.

Item No. 2c. United Way – Pre-K Update.

Ms. Erica Fasellio addressed the Board and thanked various leaders from the school division and County for their work with the Early Education Task Force and vision to place all at-risk four year olds in preschool. She said she will share information from a fiscal map that indicates current resources and investments being made to address the 0-5 age group, and would then review the Outcome Collaborative, which seeks to demonstrate that the investments made are having the intended outcomes. Ms. Fasellio said total spending for children ages 0-5 is just over \$13M, with local government being the largest funding source. She displayed a slide with a pie chart of funding sources, a slide listing total funds for several programs, and a slide listing funding by sector. She said pre-kindergarten receives the largest amount of funding, by far. Ms. Fasellio presented a slide showing the number of children served by several programs as well as the number of unserved, stating that they are well on their way to achieving 90% service, which is considered the potential maximum as some parents choose not to participate. She introduced Barbara Hutchinson to discuss the outcome collaborative.

Ms. Barbara Hutchinson, United Way Vice President for Community Impact, addressed the Board and said the collaborative was debated for many years among partners and finally came to fruition two years ago, thanks to the work of Dr. Moran and Mr. Walker. She stated that the vision is to close the opportunity gap by providing all children with the most appropriate and effective early services, supports, and high-quality early childcare and education. She said the purpose of the program is to connect early childhood services and education to determine their individual and combined impact on later school achievement. Ms. Hutchinson listed financial partners, including the United Way, Charlottesville Area Community Foundation, and Virginia Early Childhood Foundation. She listed program partners as both area public school systems, both public pre-k programs, both area United Way chapters, Head Start, the Home Visiting Collaborative, Ready Kids, and Jefferson Area CHIP.

Ms. Hutchinson said they hope to learn what programs children are enrolled in, the frequency of services, and whether they achieve better outcomes than non-participating children. She said the outcomes are to arrive at kindergarten ready to learn, achieving academic success throughout school,

graduating on time, attending post-secondary education, and obtaining employment. She said they have many of the same partners as the Early Education Task Force, and a lot of their work overlaps. She stated the Early Education Task Force has undertaken a mixed-delivery project with the public pre-k programs to provide spaces for all three year olds in the public schools by using private providers when there is not space in the schools buildings. She said the task force had worked to develop a common preschool application among all three public preschool programs. She said the Outcome Collaborative is looking at longitudinal data to see where programs are impacting schools later on. She said the direct outcome of the collaborative is to annually review immediate impacts on the programs and analyzes whether adjustments should be made.

Ms. Cathy Train, President of Thomas Jefferson Area United Way, presented. She said the United Way, County, and City have had a unique partnership for many years focused on early childhood, which has been enhanced in recent years to ensure children arrive at school ready to learn and to be successful in life. She said that over 70% of at-risk four-year olds in the County and 90% in the City have a seat in a pre-k class, noting that the Outcome Collaborative is one of only three in Virginia, so they are being watched as a model community. She recalled that in 2009, the Outcome Collaborative data project conversations fell apart, yet they have come so far as a result of great leadership. She attributed the success of increasing the number of enrolled four year olds to the support of Pam Moran, Rosa Atkins, Tom Foley, Maurice Jones and Doug Walker. Ms. Train stated that they have a demonstrated model and have drawn on state funds that had been overlooked for years. She stated that to increase and sustain the participation of at-risk four-year olds in preschool, they need the support and leadership of the Boards and staff.

Mr. Dill said he recently visited Agnor-Hurt School with Ms. Mallek to observe the preschool program and was impressed with the efficiency and the wonderful teacher. He said the kids were absorbed in a sand project and loved learning terminology. Mr. Dill stated that he also visited a field day event for four-year olds at Red Hill School where they had police and fire trucks, which he said was extremely enjoyable. He asked Ms. Train when they could expect to see the long-term results of the program, and if the studies are specific to their local program or are more comprehensive. Ms. Train responded that it is a long-term project and invited Ms. Hutchinson to address the question.

Ms. Hutchinson explained that the local project is one of three, with the others in Richmond and Roanoke, though the others only include consenting families and only look at pre-k PAL scores, while their program looks at the whole spectrum of early services to determine what combination produces the greatest result and determine how to allocate future resources.

Ms. McKeel asked for clarification of what she means by "consenting families." Ms. Hutchinson said that with consenting families, they go home to home and explain the project to parents and ask permission to collect data on their children. She said PALs is a literacy assessment undertaken in the public schools from pre-kindergarten to third grade. She said they are encouraging private providers to also administer the PAL, adding that with consenting families they can obtain much richer data.

Ms. Palmer asked when the process of receiving consent from parents began. Ms. Hutchinson said the agreement was signed last year and they just began receiving data a few weeks ago.

Mr. Paige asked if the children not being served are concentrated in a certain area of the County. Ms. Hutchinson responded that not all of the elementary schools have a Bright Stars program and some of them do not have sufficient classroom space, so it is a combination of these two factors.

Ms. Acuff stated the Woodbrook Elementary expansion includes the addition of four pre-k classrooms. She noted an evaluation of the extended-day enrichment program including pre-k was recently conducted, and she was struck by the data showing concentrations of poorer students in certain schools. She suggested that, in addition to looking at pre-k, they should look at the extended day program. Ms. Train said they do have some limited extended day program participants with the scholarship program, but the funding is limited and is not enough to accommodate the need.

Ms. Acuff said the data showed schools with the greatest number of children in pre-k had a dramatic drop-off in extended day participation. Ms. Train emphasized that they are only in year one of a longitudinal study, which will help them determine which combination of services works best.

Ms. Moran said the United Way has been an incredible leader in convening local governments and people from all over the state, including the Early Childhood Foundation led by Kathy Glaser. She praised them for presenting to the Boards today and sharing everything they are doing. She thanked the members of the Boards for their support.

With no further discussion, Ms. Acuff adjourned the School Board meeting at 4:21 p.m.

Recess. At 4:21 p.m., the Board of Supervisors recessed. The Board reconvened at 4:33 p.m.

Agenda Item No. 3. **Work Session:** Neighborhood Improvement Funding Initiative.

The Executive Summary as presented to the Board stated that during the Two Year Financial Plan process, the Board directed staff to allocate \$1.4 million in one-time funding to support neighborhood

level improvement projects prioritized with community feedback and leadership from the County's Community Advisory Committees (CACs). This effort directly supports the FY17 - 19 Strategic Plan, specifically several initiatives related to revitalizing aging urban neighborhoods.

Major milestones since that initial direction include:

December 14, 2016 - Staff presented initial concepts about how such a program could be developed as part of the Two Year Financial Plan work session.

February 1, 2017 - A more refined proposed program was presented and the Board directed staff to proceed with the first several steps in the proposed process and return in May with an initial list of prioritized projects by CAC-area for further consideration of funding allocation process.

March 28, 2017 - The Board directed an additional \$200,000 be allocated for support costs associated with implementing the program, including \$82,658 to fund a Neighborhood Planner position in Community Development and \$117,342 in other support costs as part of the proposed FY18 budget.

Staff has taken guidance provided by the Board during the February 1, 2017 work session to move forward with the Neighborhood Improvement Funding Initiative, outlined in the Program Guide (Attachment A).

On **February 23, 2017**, an orientation session was held for CAC members to learn about the program purpose, scope, and schedule, as well as receive baseline information on the costs, timelines, and possible grant funding opportunities; 45 members attended in all.

During **March**, a community brainstorm was facilitated in each of the seven CAC areas, both online and in person at each CAC meeting. As a starting point, each CAC-area was given a list of projects previously identified for the area, drawing from the Master Plan, the Capital Needs Assessment, and the Transportation Priority List, and then participants were invited to identify other community needs not yet identified. Following the brainstorm sessions, staff aggregated and condensed all of the ideas generated and developed three lists of projects (Attachment B) as follows: Lower cost (<\$50,000), more easily implemented projects (\$); higher cost, longer implementation projects (\$\$+); and the Parking Lot, those project ideas that will not move forward through this process because they may be underway through other processes, do not meet the program criteria, are premature given other ongoing efforts, or would need to be pursued by a different organization. These ideas will be forwarded to the applicable department/agency/partner organizations (as appropriate) for further consideration.

During **April**, the community received the project lists and had several opportunities to select their top projects from the "\$" list and the "\$\$+" list, both online and in-person. The prioritized project lists by area are available in Attachment C.

The Board has directed that \$1.4 million in one-time funding be allocated to this program, as well as \$200,000 in support costs.

Staff recommends the Board identify any additional information necessary to inform a decision about funding allocation for the Neighborhood Improvement Funding Initiative program in June.

Ms. Lee Catlin, Assistant County Executive, reported that the Neighborhood Improvements Funding Initiative was born from a desire to take a different approach to funding projects, recognizing funding challenges to the CIP. She said the Board had asked staff to allocate \$1.5M in one-time dollars to support neighborhood-level improvement projects to be prioritized from community feedback and leadership from community advisory committees. She said they came to the Board with initial concepts in December, obtained feedback, came back in February with an approach, and have implemented Phase I. She said she will share the progress of the initiative to date and priorities and theme areas that have arisen through discussions. Ms. Catlin said the desired outcome is to make the Board aware of priority projects from all areas and invite the Board to identify any additional information required by the Board to determine funding allocation in June, adding that staff does not expect the Board to allocate funding today.

Ms. Catlin said the goal and objective of the program is to make a measurable impact to place-making and quality of life with smaller scale improvements that the CIP does not address. She said the Board made it clear the focus should be on the immediate small-scale built environment projects or schematic design improvements that could move a project forward. She said the program dovetails with supporting the redevelopment and revitalization of aging urban neighborhoods identified in the strategic plan. She reviewed guiding principles, which include being transparent and inclusive, ensuring a fair and equitable process, and retaining consistency with master plans and the broader comprehensive plan. Ms. Catlin noted that this is a pilot project without expectation of ongoing funding, and said the CACs perform a critical role as liaisons and leaders.

Ms. Catlin said she will review program design and the steps. She said the first step of Phase I was orientation in which CAC chairs were convened and then the full CACs. The next step is project identification where lists of projects were distributed, including online listing, and CACs, as well as the general public, were invited to add additional project ideas. The third step was to obtain feedback from CACs and the community to prioritize projects. She said they assigned one star to projects with a cost under \$50K and two stars to those that would cost over \$50K, and said the Board had asked to pause after Phase I to have a chance to review and discuss the projects before allocating funds. Ms. Catlin stated that they are now at the point for the Board to allocate funding of the \$1.4M available, which begins

Phase 2 of the process. She said the second step of Phase 2, to take place between July and September, will be project scoping, whereby projects will undergo a thorough evaluation to determine if factors, such as requiring a right-of-way or VDOT engagement, would be required. Ms. Catlin said they expect to receive final Board approval in September or October, and introduced Emily Kilroy to present on priority projects and theme areas.

Ms. Emily Kilroy, Community Engagement Specialist, presented and noted that there was substantial community involvement at CAC meetings, as well as online, with 231 community members offering 429 project ideas. She said 483 people participated in the prioritization process, and meeting attendees were broken up into small groups, followed by larger group sharing of ideas. She said a “dot” prioritization process was conducted at the meetings, at which attendees could use dots to select their favorite projects within both the lower and higher cost areas. Ms. Kilroy stated that parks and pedestrian improvements were the most popular, including crushed stone for the Crozet Connector Trail, creation of a pedestrian connection between Albemarle, Jouett, and Greer Schools, and creation of east Rio Road pedestrian connections including crosswalks and sidewalks. She next reviewed some place-making projects, such as improvements to Charlotte Humphris Park. The next category was trails, including the North Town Trail, which was identified in Places 29 North and Places 29/Rio. She said another category was designated as the “parking lot” and consisted of projects that did not move forward as part of the prioritization process. She said some of these were diverted to the CIP as they require agreement among multiple agencies, and other projects require economic or marketing studies. Ms. Kilroy noted that some ideas did not meet the criteria of the program, one example of which was for a community center with youth oriented programming, which would require ongoing funding to operate. Ms. Kilroy said the neighborhood improvement projects have been a catalyst for other efforts, including a regional bike/pedestrian plan, VDOT grant program opportunities, starter for master plan updates and to spur neighborhood-led initiatives including the duck wall at Route 250.

Ms. Catlin thanked County and Thomas Jefferson Planning District Commission staff and the CACs for their efforts. She invited questions and feedback from the Board in preparation for a more focused funding discussion in June.

Ms. Mallek asked Ms. Catlin if she is preparing a framework with different options, and if she is looking for options the Board wants to use at the June meeting. Ms. Catlin responded that they will bring a couple of possibilities next month but invited additional input, such as a response to the question of whether to do projects that fit within funding parameters so they can be completed or leave open the option that this could fund the first phase of a larger project that may take several years to complete.

Ms. Mallek replied that each of the CACs will have their own ideas and that some projects fall under both categories.

Mr. Randolph commented that he emphasized to the 5th Street and Avon group that these were one-time funds resulting from a surplus in FY16. He said they should be careful, as a phase one project that runs into phase two would be under a subsequent budget, and the projects do not necessarily have CIP backing, have not been vetted, and could result in them throwing out the prioritization process and embracing a grassroots-based strategic investment program for the County. Mr. Randolph stated that the result is the Board committing to funding in future years when they may not run a surplus, and cautioned them to be aware this is a one-time program.

Ms. Mallek acknowledged Mr. Randolph’s comments and responded that these items come from the master plan and have been discussed for a long time.

Ms. Catlin acknowledged Mr. Randolph’s concern and added that she believes Trevor Henry will probably require direction regarding projects that feed into the CIP in terms of whether they come in through an alternative path or through the traditional process. She said this clarification would avoid a situation where the Board, the CIP process, and the community have different ideas of the paths into the CIP.

Mr. Randolph said he envisions a normal, competitive CIP and “CIP lite,” and cautioned that they will have to tread very carefully as money is scarce.

Ms. Palmer said some items will help inform the Board as to their level of support from the community and can move up the CIP list, adding that it has been a valuable process to obtain community engagement. She expressed concern about larger scale projects, as she thought these would be smaller scale, and said they would have to manage expectations.

Ms. McKeel said it is good to see what residents are really thinking about and often confirms what the Board suspected. She agrees with Ms. Palmer about having a concern about setting expectations. She noted that there is an upcoming joint transit partnership meeting with the City and suggested they pull out every transit related item and put them in a separate document for potential inclusion in the partnership. She mentioned bus shelters as an example.

Ms. Catlin said the neighborhood initiative has acted like a funnel that has caught a lot of ideas and desires that may exit the funnel in different ways.

Ms. McKeel asked other Supervisors if they support her suggestion to create a separate transit list. Multiple Supervisors agreed.

Mr. Dill noted that they have received substantial input about bus stops from people who do not ride the bus and believes a survey of the community will show overwhelming support for bus shelters. He agreed that bus shelters should be done through transit.

Ms. Catlin encouraged the Board to review the thematic areas they reviewed today and provide feedback as to certain themes they wish to prioritize.

Mr. Dill indicated it is important to work on a northern trail network, which fits in with all three Route 29 projects and has public support. He also expressed support for a County welcome sign along Route 250 at the entrance to the Pantops area, as well as improving sidewalks and trees along this area.

Ms. Catlin summarized what she has heard from Supervisors as being to come back with a list of transit projects and work on options for funding allocations, which will impact the number of projects and scope to a detailed level of execution and cost to present to CACs

Ms. Mallek noted that they already have a list of the items of highest priority, which will not change between now and June. Ms. Catlin replied that, depending on how things are divided, they may not get to two or three projects each. She said they can begin high-level work on these projects, but would like a narrowing of projects so that they can do quality scoping.

Ms. Mallek asked Supervisors if they have objection to allocating \$200K for each growth area, as everything would be thrown into the air if they did not stick to this.

Mr. Randolph responded that the Board never said it would dedicate equal amounts to each of these, and expressed his belief that projects with the highest value to a community should be funded. He stated that they should not authorize funding for a project that would likely not be funded by the County on its own. He said not all ideas should be funded just because money is available, and they should avoid a situation where one Supervisor supports a project in another's district in return for support of a project in their own district.

Ms. Mallek said the project was supposed to avoid a grab, and she does not support items that do not meet the criteria established. She stated it would be a mistake to attempt to prioritize among 20 things and make everybody mad, and it was never a thought to allocate all funding to one project.

Mr. Randolph responded that once Mr. Henry and Mr. Apblanap weighed in on this, they would have a better idea as to which projects would be economically viable.

Ms. Palmer noted that the Board had emphasized community involvement and obtaining community feedback, so this initiative was created and had done a better job than anything else she had seen. She stated that most items are things the Board had discussed before and are in the CIP, and she urges them to stick with the original thought of small projects, with each area receiving a certain amount of money that does not have to be spent right away and can be saved. Ms. Palmer urged them to stay the course.

Ms. Catlin asked the Board to decide on this today as it will shape their future discussions.

Ms. Mallek, Ms. McKeel and Mr. Dill concurred.

Ms. McKeel noted that these are quality of life projects and are meaningful to each community.

Ms. Mallek said this is the seed money to get projects started and will start a new way of thinking on the community level.

Ms. McKeel said this is similar to a widely popular initiative when they had matching funds many years ago and allocated them for neighborhood projects.

Mr. Walker clarified with the Board that they would like to include allocation of some resources to each CAC area, to allow for conversations about which ones to prioritize by the County and CACs.

Ms. Mallek **moved** that the Board return to the original concept identified by staff to bring a funding proposal with equal and proportionate shares for the CACs. The motion was **seconded** by Ms. McKeel. Roll was called and the motion carried by the following recorded vote:

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

NAYS: Mr. Randolph.

ABSENT: Mr. Sheffield.

Agenda Item No. 4. **Presentation:** Upcoming Two Year Fiscal Plan Milestones and FY17-19 Strategic Plan Progress Report.

The Executive Summary as presented states that during the FY 17 Five Year Plan and Annual Budget development and approval process, the Board, staff and the public had significant discussions about the multi-year fiscal needs of the County and the critical need to understand and address those needs on a long term basis. The FY17 adopted budget initiated a priority based budgeting process including Board work sessions and community engagement to determine strategic priorities and the

funding necessary to support those priorities. Beginning last May the Board worked through a comprehensive process to identify and rank strategic priorities, review the County's program and service inventory, and provide direction to shape the FY17 - 19 Strategic Plan and the balanced Two-Year Fiscal Plan adopted in November 2016. With the adoption of the FY18 Annual Budget, it is time to look ahead to the upcoming balanced Two Year Fiscal Plan/Five Year Plan process and to review progress to date related to the priority objectives of the Strategic Plan.

This agenda item will provide a high level overview of milestones for the upcoming Two Year Fiscal Plan process within the context of the Five Year Plan. While the Two Year Fiscal Plan process will follow the same general steps as last year's process, staff will suggest some adjustments due to where we are in the strategic planning cycle. Staff will also review the status of the County's FY17 - 19 Strategic Plan priorities. Since the plan's adoption in November, 2016, action items scheduled for completion during the first six months are finished and substantial progress has been made on other objectives as outlined in Attachment A. The attached progress report provides updates for short term and mid term objectives along with progress on those objectives that were identified as requiring further development. Staff has implemented project management processes and work groups to focus full effort towards obtaining results.

There is no immediate budget impact associated with this item.

No action is required by the Board on this item.

Ms. Lee Catlin, Assistant County Executive, addressed the Board. She said the presentation will focus on the Two-Year Fiscal Plan and the Strategic Plan Progress Report. She reminded the Board that they had updated the strategic plan last fall and there were a number of objectives that were due to be completed by now, for which she will provide an update. She reminded them of last year's discussion, when they expressed support for a multi-year fiscal needs assessment. Ms. Catlin said the adopted budget set them on a course to establish a balanced two-year fiscal plan within the context of five-year planning, using priority-driven budgeting as a way to focus on results and community priorities.

Ms. Catlin presented a slide listing the five guiding principles of priority-driven budgeting: 1) prioritize services, 2) do the important things well, 3) question past patterns of spending, 4) know the true cost of doing business, and 5) provide transparency. She next displayed a timeline of last year's priority-driven budgeting process and reviewed them. Ms. Catlin stated that from May to June they identified and ranked priorities, from June to August staff worked to align the program and service inventory with top priorities, from August to September they discussed available resources and how well these match priorities, and from November to December, the Plan was proposed and adopted. She said this year the process will be a bit different, as the Board has already identified priorities as part of the FY17-19 Strategic Plan. She stated that from June to August, staff will identify resource needs for top priorities, with a check-in with the Board scheduled for July to provide a progress update. Ms. Catlin said from August to September, staff will align resources with top priorities, and a strategic plan work session with the Board will be planned for September. She reminded the Board that they wanted to have a two-year strategic planning cycle so that as the Board changes through elections, they could revisit the strategic priorities. Ms. Catlin noted that a number of priorities were well defined and resourced, while others were longer term and had not been defined. She said they will have the opportunity to look at these in September, shape them and work them into the two-year fiscal plan, which will be adopted in December. She introduced Kristy Shifflett to continue with the presentation.

Ms. Kristy Shifflett, Senior Project Manager for Strategic Planning, presented the FY17-19 Strategic Plan Progress Report and said she has been working with staff over the past few months to capture project plans that implemented the defined Board priorities. She said they have completed short-term priorities, have made significant progress on mid to long-term priorities, and have made progress on some priorities that had been categorized for future and further development. She referred to the attachment provided to Supervisors.

Ms. Shifflett addressed the first priority, which was to redevelop the Rio/Route 29 intersection area. She reminded the Board of a December 2016 staff presentation regarding service districts, with further consideration deferred until after implementation of the Neighborhood Improvement Funding Initiative process, and said that Phase I of the Small Area Plan established the desired vision endorsed in March. She reviewed accomplishments, including the Board providing resources to reorganize and modernize the zoning ordinance, endorsing initiation of Phase II Small Area Plan, including form-based code and revision of unmet capital needs and potential funding strategies, dedication of an economic development fund for FY18, selection of Economic Development and Strategic Plan Consultant with draft concepts for Board review, and selection of a Development Services Advisor.

Ms. Shifflett next addressed the second priority, which was to revitalize aging urban neighborhoods. She said progress to date includes the regional transit organization study findings, a storm water mapping project now underway, Board transportation priorities work, and establishment of funding strategies. Ms. Shifflett said that significant progress includes receipt of a \$10K community organizing grant for Southwood from the Department of Housing and Community Development, with plans for a facilitated planning session. She stated they are also awaiting a plan from Habitat for Humanity for site redevelopment and zoning requests. She said the MPO held an April kickoff meeting for bike and pedestrian improvements, and the storm water utility project is underway, which will help determine the role and responsibility of maintaining infrastructure. Ms. Shifflett stated that today's Board review of unmet capital needs and potential funding, as well as the NIFI projects, support the quality of life

projects within the development areas. She said the Public Works Division is evaluating service levels to improve deteriorating physical conditions in the urban core, and noted that there was small expansion for Route 29 North coverage in the FY19 proposed budget, with the service levels continuing to be evaluated.

Ms. Shifflett addressed the third priority, to increase physical capacity for education of at-risk four year olds, stating that the expansion of capacity at Woodbrook Elementary School will include classroom space for this. She said they are continuing a collaboration effort with the Preschool Task Force. Ms. Shifflett addressed the fourth priority, to implement a salary compression remedy, and said this was included in the proposed FY18 budget. Ms. Shifflett addressed the fifth priority, to increase support for family support programs, noting that the Finding Family initiative was included in the FY18 budget.

Ms. Shifflett addressed the sixth priority, two-year fiscal plan and improve long-term structural realignment, and said the plan was completed and adopted in FY16. She said they have identified some transformational initiatives for long-term structural realignment, and these efforts are underway. Ms. Shifflett addressed the seventh priority, direction for design and construction of the General District Court, stating that a Development Services Advisor has been selected and will provide recommendations for a potential courts relocation project. She addressed the eighth priority, Pantops Master Plan and Rivanna River Corridor Plan. She stated that Phase I is under development, and the Thomas Jefferson Planning District Commission is working on a framework of members, mission and schedule for Phase I of the Rivanna River Corridor.

Ms. Shifflett next reviewed projects categorized as being under further development. She said they have differentiated funding strategies for core versus enhanced, and a cross-functional team is focused on crowd funding of a linear park. She stated that consideration of a wireless authority is underway, and the County has been awarded a grant from the Virginia Telecommunications Initiative for three projects. Ms. Shifflett said the natural resources program is in process and has been reviewed by the Board, the County website project is underway, and a vendor has been selected. She said the Finance Department has installed a payment kiosk. She said a consultant is working on water resources levels of service. She noted that the rural transportation effort is part of the Secondary Six-Year Improvement Plan reviewed by the Board.

Ms. Catlin concluded the presentation and said that staff wants to provide the Board with a sense of completed objectives or those that have a plan for completion, emphasizing they have made a lot of progress.

Ms. Palmer noted that during the strategic planning process in 2014, the County identified solid waste as an issue and obtained funding for the transfer station, which is due to open in fall 2018. She said they discussed having a solid waste manager and have discussed having staff address the Board in July with ideas about solid waste programming and staff needs. She reminded the Board that in 2014, they also discussed the establishment of recycling centers. She asked how and when she could insert these items back into long-term planning.

Ms. Catlin said she will address the Board in July and September, and suggested that if there is anything to be added to the upcoming two-year plan, this is the appropriate time. She said the Board will reconvene in January 2018 to begin a new prioritization process, similar to what was done last year.

Mr. Walker said they have transitioned from identification and prioritization to implementation, and today's effort is to demonstrate to the Board that they are moving forward with these priorities. He said the Board can revisit these at any time and reminded them that they are in a two-year cycle, with prioritization occurring next January.

Ms. McKeel said she is interested in recycling and suggested they discuss this issue in July or September, as January is a long time away.

Ms. Mallek said that although solid waste may not be a headline item, it has to keep going along.

Ms. McKeel asked staff to determine if there is room on the July agenda to add an update on solid waste. Other Supervisors expressed interest in adding this item to the agenda, if there is space for it.

Mr. Dill suggested that they discuss establishment of an ongoing commitment to using solar energy, and said the Northside Trail should be moved up in priority.

Ms. Catlin said the opportunity to shape these conversations will be at the July meeting, when they discuss funding and guidance as part of the two-year plan.

Ms. Mallek commented that Piedmont Virginia Community College can carry the ball for the Northside Trail, as it has been in their plan since 2004, and suggested that staff communicate with Andy Lowe about a solar policy.

Agenda Item No. 5. Closed Meeting.

At 5:40 p.m., Mr. Randolph **moved** that the Board go into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia Under Subsection (1), to conduct the annual performance appraisals

of the Clerk of the Board of Supervisors and the County Attorney. The motion was **seconded** by Ms. Mallek. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Sheffield.

Agenda Item No. 6. Certify Closed Meeting.

At 6:09 p.m., the Board reconvened into open meeting and Mr. Randolph **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 in the closed meeting were heard, discussed, or considered in the closed meeting. The motion was **seconded** by Ms. Mallek. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Sheffield.

Agenda Item No. 7. Call back to Order. At 6:11 p.m., the Chair called the regular night meeting to order.

Ms. McKeel introduced the presiding security officer, Officer Turner Lowery and County staff present.

Agenda Item No. 8. Pledge of Allegiance.

Agenda Item No. 9. Moment of Silence.

Agenda Item No. 10. Adoption of Final Agenda.

Motion was offered by Mr. Randolph, **seconded** by Ms. Mallek, to adopt the final agenda. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Sheffield.

Agenda Item No. 11. Brief Announcements by Board Members.

Mr. Dill announced that a new farmers' market at Hollymead Town Center in the Kohl's parking lot had opened the previous weekend, and there were fresh strawberries available.

Ms. McKeel announced that a farmers' market has opened at Stonefield on Thursday afternoons and Saturday mornings, and includes music, a tent, and at least 30 vendors.

Ms. Palmer said the farmers' market at North Garden will be opening soon and is located at the fairgrounds owned by the Volunteer Fire Department. She said it will be open on Thursday afternoons.

Mr. Randolph announced the Scottsville farmers' market will open this weekend.

Mr. Randolph announced that he had attended a meeting of the Department of Social Services Community Board, at which Patricia Szinksi gave an excellent presentation about the Adult Services Unit, including information on the use of evidence-based tools to assess the level of risk safety and determine response times. He said he had spoken with her after the presentation and she commended the Police Department and Commonwealth Attorney's Office for their cooperation in processing cases of adult abuse. He said the assessment tool used by social workers is comprehensive, thorough, detailed, and very informative.

Ms. Mallek announced that on May 8, a roundtable discussion had been held with the agricultural community to contemplate new ideas for stream buffers. She commented that the event was a communication builder and a wonderful first step.

Ms. Mallek posed a question to Mr. Kamptner about what could be done regarding rubble from a house that was demolished in Crozet. She asked if they could put a lien on it and clean it up or if they must wait for a certain period of time to allow the owner to clean it up.

Ms. Mallek reported that Mr. Luke Longacre of the Thomas Jefferson Soil and Water Conservation District had distributed some wonderful statistics that she would like to share, stating that in the last five years, the district has worked with 70 farms and fenced 50 miles of streams, and this year they were under contract or design with 26 more farms for 14 miles of fencing of streams. She said this effort benefits the Chesapeake Bay as well as local streams for local residents, fish, and recreation.

Ms. Palmer announced that the Lewis & Clark Center's first birthday party will be held on May 13 from 4:00 to 6:00 p.m. at Darden Towe Park.

Ms. Mallek noted that yesterday she observed a flashing speed sign installed at Garth Road at the country store, stating her approval of this positive step. She asked if there were additional signs that could be installed, as she has suggestions as to where to put them.

Mr. Walker said he is working with the Police Department to provide a formal report to detail how the program is working, what the capacity is to put in additional signs, and what the costs would be. He said he does not think they currently have any additional signs.

Ms. McKeel noted that the County Office Building auditorium was filled the previous weekend for the Our Community Salutes event, which recognizes the school year's high school graduates that have enlisted in the armed services. Ms. McKeel read a proclamation from the Board.

Agenda Item No. 12. Proclamations and Recognitions:

Item No. 12a. Proclamation recognizing May 15 through 21, 2017 as Police Week.

Mr. Randolph read and **moved** to adopt the following proclamation from the Board recognizing May 15 through 21, 2017 as Police Week.

**POLICE WEEK
May 15-21, 2017**

WHEREAS, in 1962, President John F. Kennedy signed the first proclamation recognizing May 15th as Peace Officers Memorial Day and the week in which it falls as National Police Week, "to pay tribute to the law enforcement officers who have made the ultimate sacrifice for our country and to voice our appreciation for all those who currently serve on the front lines of the battle against crime;" and

WHEREAS, the safety and well-being of Albemarle County citizens being of the utmost importance to the prosperity and livelihood of Virginia's families and communities; and police officers throughout Albemarle County are dedicated to protecting and serving Albemarle County communities – our neighborhoods, schools, and families; and

WHEREAS, police officers risk their lives each and every day in order to ensure public safety and enforce the laws of the land; and

WHEREAS, Albemarle County values the courage and devotion of our police officer, as our collective prosperity depends on the integrity with which our law enforcement officers maintain peace and security; and

WHEREAS, Police Week and Peace Officers Memorial Day are opportunities to honor the officers who have fallen in the line of duty, and recognize the sacrifices made by the families of those officers and the families of those who continue to protect and serve our communities.

NOW, THEREFORE BE IT RESOLVED, we, the Albemarle County Board of Supervisors, do hereby recognize

**May 15-21, 2017
as
POLICE WEEK**

and **May 15, 2017, as PEACE OFFICERS MEMORIAL DAY** in Albemarle County, and all these observances to the attention of all our citizens.

Signed and sealed this 10th day of May, 2017.

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

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

NAYS: None.

ABSENT: Mr. Sheffield.

Chief of Police, Mr. Ron Lantz accepted the proclamation. Police officer Mr. Mike Wagner addressed the Board, stating that in 2016, 144 police officers were killed in the line of duty, and three

officers were recognized this year as post-9/11 injuries. He cited the recent killing of Officer Ashley Guindon in Prince William County on her first day of service. He thanked the Board for approving the proclamation and invited them to attend a ceremony at the Fraternal Order of Police Lodge to be held May 18, 2017 at 3 p.m.

Agenda Item No. 13. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Mr. Paul Grady of the White Hall District addressed the Board. He said he is speaking on behalf of the Downtown Crozet Initiative, an ad-hoc group of concerned citizens organized to see that the redevelopment of the Barnes Lumber Company property is successful and that the plaza gets built. He said they were a subcommittee of the Crozet Community Association but decided to separate and become a 501(c) 3 nonprofit organization, similar to a community development corporation except they will use grants and fundraising to get the plaza built as an initial goal. Mr. Grady stated that the Board had its first look at the priority projects submitted by each growth area for the Neighborhood Improvement Fund Initiative (NIFI) today, and his group supports allocating Crozet's share to improvements to The Square. He said that VDOT presented preliminary designs to the Crozet Board of Trade almost two months ago, and the engineers hired to design the infrastructure for the Barnes property are ready to design improvements to The Square, provided the NIFI funds are not subject to County procurement policies. Mr. Grady said they believe any NIFI funding received by Crozet could be used to obtain a match for VDOT revenue-sharing funds. He said the application must be submitted by August 1 and would not be available again for two years, and requested assistance from the Board to secure VDOT funds.

Mr. David Redding of Eco Village Charlottesville and a resident of Rio District, addressed the Board. He announced that May is bike month and suggested that people bike to work. He thanked the Board for resolving the transient lodging issue and said that Eco Village plans to hold permaculture and building better community workshops.

Ms. McKeel observed that there is a group of boy scouts in the audience and invited one of them to address the Board as to why they are in attendance.

The scout leader said they are with Troop 1028 and are working on the Citizenship and Community merit badge.

Agenda Item No. 14. Consent Agenda.

(Discussion: Mr. Kamptner noted that for Item 14.2 there was a reference to a subdivision plat number, and Community Development staff had said there was a different number that would be better for tracking, so it should be SUB-2016-177 instead of 136.)

Ms. Palmer **moved** to approve Items 14.1 through 14.3 on the Consent Agenda. The motion was **seconded** by Ms. Mallek. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Sheffield.

Item No. 14.1. Resolution to Extend Tax Deadline to June 15.

The Executive Summary forwarded to the Board states that an unintentional error occurred in the posting of the notice for the Board's Public Hearing on the Proposed Tax Rate. Because of this error, the public hearing on the tax rate has been rescheduled from April 11, 2017 to May 15, 2017.

Virginia Code § 58.1-3916 enables the Board to provide by resolution for reasonable extensions of time, not to exceed 90 days, for taxpayers to pay their local property taxes, whenever good cause exists.

In this instance staff is proposing that the Board adopt a resolution extending the tax deadline for payment on the first installment of taxes on real estate, tangible personal property, machinery and tools, mobile homes, and public service corporations, from June 5th to June 15.

The Department of Finance typically mails tax bills for the first installment of local property taxes to County residents on or about May 1 of each year. As the public hearing on the tax rate has been rescheduled to May 15, tax bills will be delayed in distribution until on or about May 16, 2017.

Extending the deadline for taxpayers to make payments on the first installation of local property taxes to June 15, 2017 for calendar year 2017 only will allow residents to receive and tender payment

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

Staff recommends that the Board adopt the attached resolution (Attachment A).

By the above-recorded vote, the Board adopted the following Resolution:

**RESOLUTION TO EXTEND THE DEADLINE
TO PAY THE FIRST INSTALLMENT OF
LOCAL PROPERTY TAXES IN CALENDAR YEAR 2017**

WHEREAS, because of a defect in the posted notice for the Board of Supervisors' public hearing on the proposed tax rate scheduled for April 11, 2017 required that the public hearing be rescheduled; and

WHEREAS, the Board will be holding the rescheduled public hearing on the proposed tax rate on May 15, 2017; and

WHEREAS, the deadline for paying the first installment of taxes on real estate, tangible personal property, machinery and tools, mobile homes, and public service corporations (the "local property taxes") is June 5 of each year, as established by Albemarle County Code § 15-100; and

WHEREAS, the County's Department of Finance customarily mails tax bills for the first installment of local property taxes on or about May 1 of each year, but because of the pending May 15, 2017 public hearing on the tax rate, and the anticipated adoption of the tax rate that same date, the Department of Finance will not mail tax bills for the first installment of local property taxes until on or about May 16, 2017; and

WHEREAS, Virginia Code § 58.1-3916 enables the Board to provide by resolution for reasonable extensions of time, not to exceed 90 days, for taxpayers to pay their local property taxes, whenever good cause exists.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia, finds that, based on the foregoing recitals, good cause exists to extend the deadline for any taxpayer paying the first installment of local property taxes in calendar year 2017, and the deadline is hereby extended from June 5, 2017 to June 15, 2017.

Item No. 14.2. ZMA-2013-00007. North Pointe – Special Exception.

This Executive Summary forwarded to the Board states that this is a request for a Special Exception to vary the Application Plan associated with the North Pointe development to realign the middle entrance to the development. The North Pointe development spans north of Proffit Road, east of Route 29 North, west of Pritchett Lane, and south of the Rivanna River. The North Pointe development property was rezoned to Planned Development Mixed Commercial with an associated Application Plan in August 2006 (ZMA2000-9 North Pointe), and was amended in December 2013 (ZMA2013-7 North Pointe Amendment). Various subdivisions and site plans have been approved or are under review.

The applicant, Townes Site Engineering, submitted the attached request (Attachment A) on behalf of the various owners of the 17 development parcels in conjunction with SUB 2016-136 North Pointe. Attachment B is the applicant's exhibit depicting the requested changes, and Attachment C is staff's analysis of the Special Exception request.

Staff recommends that the Board adopt the attached Resolution (Attachment D) to approve the Special Exception to vary the North Pointe development Application Plan, subject to the condition attached thereto.

By the above-recorded vote, the Board adopted the following Resolution to approve the Special Exception to vary the North Pointe development Application Plan, subject to the condition attached thereto:

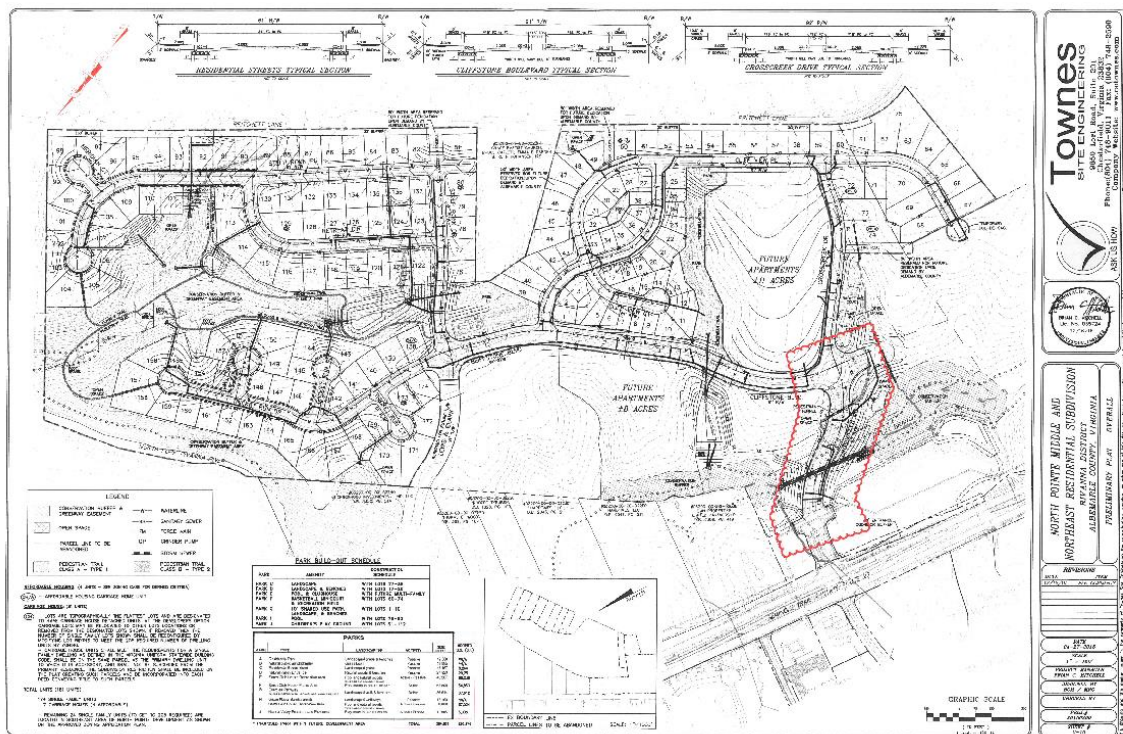
**RESOLUTION TO APPROVE SPECIAL EXCEPTION
FOR SUB 2016-177 NORTH POINTE
TO VARY APPLICATION PLAN**

WHEREAS, the Applicant, Townes Site Engineering, filed a request on behalf of the owners of Tax Map Parcel Number 03200000002000 (the "Property") for a special exception in conjunction with SUB 2016-177 North Pointe, to vary the Application Plan approved in August 2006 (ZMA 2009-09 North Pointe) and amended in December 2013 (ZMA 2013-07 North Pointe Amendment) to vary the road alignment for the middle entrance to the North Pointe development as shown on the Exhibit entitled "North Pointe Middle and Northeast Residential Subdivision, Rivanna District, Albemarle County, Virginia" prepared by Townes Site Engineering, dated April 27, 2016 and last revised on December 16, 2016.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the Memorandum prepared in conjunction with the special exception request and the attachments thereto, including staff's supporting analysis, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-8.5.5.3, 18-33.5, and 18-33.9, and the information provided at the Board of Supervisors meeting, the Albemarle County Board of Supervisors hereby approves the special exception to vary the Application Plan approved in conjunction with ZMA 2000-09 and ZMA 2013-07 as described hereinabove, subject to the condition attached hereto.

Special Exception Condition

1. The road alignment for the middle entrance to the North Pointe development shall be in general accord as depicted on the Exhibit entitled "North Pointe Middle and Northeast Residential Subdivision, Rivanna District, Albemarle County, Virginia" prepared by Townes Site Engineering, dated April 27, 2016 and last revised on December 16, 2016.



Item No. 14.3. Resolution to accept road(s) in Hyland Ridge Phases 1, 2, 3A, 3B and 4 Subdivision into the State Secondary System of Highways.

By the above-recorded vote, the Board adopted the following Resolution:

RESOLUTION

WHEREAS, the street(s) in **Hyland Ridge Subdivision Phases 1, 2, 3A, 3B, and 4**, as described on the attached Additions Form AM-4.3 dated **May 10, 2017**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Hyland Ridge Subdivision Phases 1, 2, 3A, 3B, and 4**, as described on the attached Additions Form AM-4.3 dated **May 10, 2017**, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right-of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

- 1) **Fontana Drive Extension (State Route 1765)** from Hyland Creek Circle (State Route 1846) to .07 miles to Hyland Creek Drive (State Route 1847), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4250, page 68, for a length of 0.07 miles.
- 2) **Hyland Creek Circle (State Route 1846)** from Fontana Drive Extension (State Route 1765) to .25 miles west to Fontana Drive Extension (State Route 1765), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4250, page 68, for a length of 0.25 miles.
- 3) **Aspen Drive (State Route 1848)** from Hyland Ridge Drive (State Route 1849) to .04

miles west to cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4250, page 68, for a length of 0.04 miles.

- 4) **Hyland Creek Drive (State Route 1847)** from Fontana Drive Extension (State Route 1765) to .24 miles east to cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4250, page 68, for a length of 0.24 miles.
- 5) **Aspen Drive (State Route 1848)** from Fontana Drive Extension (State Route 1765) to .35 miles east to cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4250, page 68, for a length of 0.35 miles.
- 6) **Aspen Drive (State Route 1848)** from Fontana Drive Extension (new section) (State Route 1765) to .05 miles west to Hyland Ridge Drive (State Route 1849), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4250, page 68, for a length of 0.05 miles.
- 7) **Hyland Ridge Drive (State Route 1849)** from Aspen Drive (State Route 1848) to .52 miles north to cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4250, page 68, for a length of 0.52 miles.
- 8) **Fontana Drive Extension (State Route 1765)** from Hyland Creek Drive (State Route 1847) to .06 miles north to Aspen Drive (State Route 1848), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4250, page 68, for a length of 0.06 miles.
- 9) **Fontana Drive Extension (State Route 1765)** from Verona Drive (State Route 1771) to .02 miles north to Hyland Creek Circle (State Route 1846), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 4250, page 68, for a length of 0.20 miles.

Total Mileage – 1.78

Item No. 14.4. VDOT Monthly Report (May), ***was received for information.***

Agenda Item No. 15. Potential FY17 Capital Appropriation Request.

The Executive Summary as presented to the Board states that to enable the School Division to enter into construction agreements and begin construction of critical school projects while students are out of school during the summer, the County appropriated \$44.478 million dollars for School Capital projects that are included in the FY 18 Recommended Budget into the current fiscal year pursuant to the Board's approval during the CIP Budget Work Session on March 3, 2017.

Construction Bids for a school project are anticipated to be received on May 9, 2017. Given the timing issues associated with this project and an increasingly uncertain bidding climate, adjustments to the original appropriation for this project may be required on May 10th to enable the project to proceed this summer as anticipated. If the low bid for this project exceeds the appropriated amount, the School Board may request that the Board of Supervisors increase the appropriation amount on May 10, 2017.

If the School Board determines after receiving bids that it wants to proceed with the project and that there is a need for additional funding to complete this project after the bids are received and reviewed, an appropriation request will be approved by the School Board on May 10 and will be presented to the Board of Supervisors for its consideration later on that same day. Due to the timing of the bid opening and closing, staff will be unable to provide the dollar amount for the appropriation request and other details to the Board of Supervisors until the May 10, 2017 Board meeting.

If the appropriation request is provided to the Board on May 10, 2017, the Budget impact will be provided at that time.

If the project bids come in over budget and the School Division submits an appropriation request for the project, staff recommends that the Board of Supervisors consider that request on May 10, 2017.

Ms. Lori Allshouse presented the appropriation and the resolution to approve it. She reported that on April 5, the Board approved moving projects approved in the FY18 budget back to FY17 for the school division so that they could begin work in the summer and obtain construction bids. She stated that on May 9, bids were opened for the Woodbrook Elementary School addition-modernization capital project, and it has since been determined the costs would exceed the amount appropriated since construction costs have increased. Ms. Allshouse said the school division had approved a request to increase the appropriation. She emphasized that the total amount appropriated would not change, as they would move money from the learning space modernization plan in the amount of \$1,488,062. She stressed the urgency of the request as the Woodbrook School modernization project is scheduled to begin in June and completed by fall 2018. She said they received four bids and the base bid was over budget by \$1 million. She said the schools have included three additional bid items, including a fitness room next to the

gymnasium (\$284K), outdoor auxiliary site improvements (\$87,000), and an outdoor amphitheater and overhead coiling door for the gymnasium (\$33,000). She said the total amount requested includes the base bid deficit plus the three added items.

Ms. Allshouse reported that on June 7, the Board is likely to receive an appropriation request from Woodbrook Elementary School to convert project manager funding currently in Facilities and Environmental Services to a contracted project management service provider. She also stated that the School Board is likely to request an increase in the bond referendum project's total appropriation to cover bids that exceed budgeted amounts. She pointed out that they received favorable interest rates and were able to direct savings to the CIP reserve, which they previously discussed could be used for this purpose.

Ms. Mallek asked for confirmation of her understanding that the learning space modernization project was about \$6 million in the current budget and is now being used to back stop the other project, which the School Board had decided is a higher priority. She said the Board should not take the position that it will increase whatever the referendum approved, noting that the bid is higher than projected. Ms. Mallek stated that three additional items have been added, which is fine with her if this is what the School Board had prioritized, but the Board should not serve as a piggy bank for whatever schools want. She emphasized that something has to come off the bottom of the list for this group of projects to stay within budget and to be honest in keeping what citizens had voted for. She noted that the interest savings is already set to be allocated to pay the early interest accrued by having to borrow sooner.

Ms. Allshouse responded that because the School Board had to get things going quickly, they suggest moving funding from the learning space modernization. She said as they begin thinking collaboratively and comprehensively about other projects that may have bid challenges, they should consider the importance of the learning space modernization and any other project as part of that conversation. Ms. Allshouse stated that they are asking to use the learning space modernization today, but possibly return money to these projects from other sources at a later date. She said they spent a lot of time looking at the design of the project, anticipating the market and finding ways to do the scope differently. She noted that some changes were made to the scope to reduce costs and they put these out as alternative bids as part of their overall consideration of the project. Ms. Allshouse stated that the additional items were part of the original scope or adjustments to the scope, and they are not just items the schools thought up.

Ms. Mallek confirmed her understanding, commenting that the School Board had prioritized that something was most important and something else was not.

Ms. McKeel asked Ms. Allshouse to comment on Ms. Mallek's remark about the interest savings already being appropriated. Ms. Allshouse responded that interest savings were in a reserve awaiting Board direction, and said it could be used as debt service for other borrowing or for cash equity.

Ms. Mallek asked what the source of the money was for the early interest payment. She said the question does not have to be answered right now. Mr. Walker responded that there were two sources of additional funding as a consequence of lower than anticipated interest rates, the General Obligation Bond and the Revenue Bond, and said this money was held in the capital reserve for consideration by the Board at a future date. He offered to respond at a later date to Ms. Mallek's question about how the early interest payment impacts the model.

Ms. Palmer commented that the community thought funding from the referendum for school modernization would be spread evenly across all schools, and she would like to discuss this at the next meeting.

Ms. Palmer then **moved** that the Board adopt the proposed resolution approving Appropriation 2017-00098. The motion was **seconded** by Ms. Mallek. Roll was called and the motion carried by the following recorded vote:

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

**RESOLUTION TO APPROVE
ADDITIONAL FY 17 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriation #2017098 is 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, 2017.

**COUNTY OF ALBEMARLE
APPROPRIATION SUMMARY**

APP#	ACCOUNT	AMOUNT	DESCRIPTION
2017098	4-9000-69983-466730-800605-6112	1,488,062.00	SA2017098 Woodbrook E S Add Mod Frm Learning Space Mod

2017098	4-9000-69983-466732-800605-6301	-1,488,062.00	SA2017098 To Woodbrook E S Add Mod
TOTAL		0.00	

Agenda Item No. 16. **Public Hearing: Ordinance to Amend Article I, In General, Article II, Waters Owned or Controlled by the County, and Article III, Water Supply Reservoirs Utilized by the Rivanna Water and Sewer Authority, of County Code Chapter 11, Parks and Recreation.**

The proposed ordinance would rename and amend Section 11-112 to clarify that water-related activities in parks that are not a public water supply reservoir are subject to Article II of Chapter 11, and that water-related activities in parks that are a public water supply reservoir are subject to Article III of Chapter 11; amend Section 11-202, Boating, to clarify that watercraft powered by wind, human power, or electric motors are authorized and that watercraft powered by petroleum products are prohibited; add Section 11-204, Pets, to prohibit pets in County waters except in those areas designated by the County as a dog park; and repeal Section 11-302, Chris Greene Lake, because it is no longer a public water supply reservoir.
(Advertised in the Daily Progress on April 24 and May 1, 2017.)

The Executive Summary as presented to the Board states that in the early 1970's, Chris Greene Lake was approved by the Albemarle County Board of Supervisors for development as a recreational facility. Chris Greene Lake at that time was considered a supplemental water supply needed to augment the stream flow of the North Fork Rivanna River Intake. Even though it was built as both a recreational facility and a drinking water reservoir, it has never been put to use as a public water supply and instead for over 45 years has been managed and maintained as the County's most popular Regional Park. It is estimated the annual visitation at Chris Greene is over 120,000.

On April 12, 2017, staff provided the following information for the Board's consideration:

- 1) Based on the Gannett Fleming Study dated July 2004, the use of Chris Greene Lake as a water supply alternative was evaluated. Due to the small yield, it was not carried further for analysis as a water supply alternative.
- 2) The Rivanna Water and Sewer Authority's (RWSA) 2014 Reservoir Water Quality and Management Study, does not identify or manage Chris Greene Lake as a public drinking water reservoir.
- 3) The RWSA identifies five reservoirs. Sugar Hollow, Rivanna River (South Fork), Ragged Mountain, Totier Creek, and Beaver Creek. Chris Greene Lake is not identified as a supplemental public drinking water alternative.

The proposed ordinance amendment will allow the following authorized recreational activities:

- 1) Water-related activities
- 2) Boating or watercraft that is human powered or powered by an electric motor
- 3) Fishing
- 4) Picnicking
- 5) Biking
- 6) Hiking/running
- 7) Dogs on leash and dogs off leash in designated areas
- 8) Special events approved by the Director
- 9) Emergency response training

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

Staff recommends that, after the public hearing, the Board adopt the attached proposed ordinance (Attachment A).

Mr. Bob Crickenberger, Director of Parks and Recreation, addressed the Board. He said that since the matter had been brought to the Board's attention on April 12 to consider an amendment to the original ordinance, he would not reiterate what is in their executive summary. He stated that support of the amendment is based on the fact that a 2004 Gannett Fleming study initiated by the Rivanna Water and Sewer Authority (RWSA) evaluated Chris Greene Lake as a potential water supply, and it was determined that the lake did not have sufficient capacity for this purpose. He said that a 2014 water quality and management study conducted by RWSA did not identify Chris Greene Lake as a public drinking water reservoir, but did identify Sugar Hollow, Ragged Mountain, Totier Creek, Beaver Creek and Rivanna South Fork as drinking water reservoirs. He said if the Board chooses to adopt the proposed ordinance, the following recreational activities would be authorized: human powered or electric motor water craft, boat fishing, bank fishing, picnicking, cycling, hiking, running, dogs on and off leash, approved special events, and emergency response training. He said the amendment has no budget impact and adoption is recommended by staff.

Mr. Kamptner noted that he had handed out a replacement page 2, which replaces "petroleum products" with "fossil fuels or fossil fuel derivatives" at the recommendation of Bill Fritz, who informed them that boats now use additional products besides petroleum.

Ms. Palmer said there was interest from the public to obtain clarity about Article 3, and asked when they would have this discussion. Mr. Kamptner responded that the plan is to have this done by mid-2018, as some issues will require a lot of work.

Ms. Palmer said she would be interested in learning how much work will be involved, as the Board might wish to revisit the timing depending on staff availability. Mr. Walker offered to conduct an assessment and inform the Board.

Ms. McKeel opened the Public Hearing.

Mr. David Stackhouse, resident of Charlottesville, addressed the Board. He said he will speak on behalf of the Charlottesville Area Mountain Bike Club, a nonprofit organization with 700 members. He stated that from 2014 to 2017, the City conducted a transparent process that included 10 public meetings, with participation of many County residents, to determine uses for the Ragged Mountain Reservoir area. He said the Board had chosen not to participate except for a last minute request of City Council to indefinitely delay its decision. Mr. Stackhouse stated that City Council passed the ordinance and requested the County amend its code to allow for bicycling at Ragged Mountain, but the Board instead sued the City, causing expense and aggravation. He said that at some point the County must have realized that it was in violation of the code they were enforcing at Ragged Mountain, as it removed biking from park brochures for Chris Green and Totier Creek, even though biking had been allowed there. He said the Board was aware the County was in violation of County code by allowing a dog park at Chris Greene. Mr. Stackhouse emphasized that bikes do not pollute, burn fossil fuel or defecate in the reservoir, and cyclists help build and maintain trails throughout the County. He stated that biking is a healthy pursuit that brings millions of revenue dollars to the County, noting that RWSA endorses biking at Ragged Mountain and other County reservoirs. He asked why the Board is "sticking it" to cyclists and said the amendment under consideration conveniently changes the County code to continue allowing a dog park and allow boating at Ragged Mountain, while enforcing prejudice against bikes at Ragged Mountain and Totier Creek. He described the Board's action as Orwellian and a blatant misuse of government policy, and urged them to allow biking in the code.

Mr. Sam Lindblom of the Rivanna District addressed the Board. He noted that Mr. Crickenberger mentioned that biking would be allowed in the ordinance during his address and asked if this is true, as it was not expected. He praised stream-bank fencing for reducing water runoff and said he works for an organization that is involved in erosion control. Mr. Lindblom invited Supervisors to attend a work day hosted by the Charlottesville Area Mountain Biking Club and Rivanna Trails Foundation at Observatory Hill on May 13, as part of an effort to address erosion problems that will stop sediment from entering the Chesapeake Bay. He offered to show Supervisors where the biking club had worked on erosion issues and stated they can find other areas to bike, but the downside of not allowing it is that the biking club will not work on erosion control. He added that they have more expertise regarding erosion than anyone else in town.

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

Mr. Kamptner said Chris Greene Lake is no longer being regulated as a public water supply/reservoir, which delineates the uses permitted and prohibited, and it will now be regulated as a park with general activities governed by the Parks and Recreation Department.

Ms. Palmer said they are keeping all the ordinances with respect to the water supply areas the same as they are. She said they are pulling Chris Greene Lake out as a first step with the question of when they will address the others for discussion and clarification.

Mr. Kamptner said they will probably start with a Board work session to get ideas and shape the public engagement process and regulatory approach.

Ms. McKeel said the lawsuit regarding uses at Ragged Mountain Reservoir is going forward in an effort to resolve conflicting ordinances, as the City owns a piece of property within the County and the question of which ordinance has jurisdiction must be resolved. She stated that the County cannot have annexation by purchase, and until the courts rule there is no point in getting into what activities will be allowed. Ms. McKeel stated that the lawsuit is not about biking and water quality, but about which ordinance is valid, and if the court rules in favor of the County, they will have a public process to determine which activities to allow.

Mr. Randolph said an assertion was made that the County made a last minute request to City Council, but he emphasized that there had been an ongoing consultation process from attorney to attorney and that this was not a last minute act. Mr. Randolph stated that people in the community have said the Board had been advised about Ragged Mountain months prior to December 7, but the Board did not become aware of the Ragged Mountain issue with the City until December 7, 2016. He said that once they became aware of the issue, two Supervisors attended a City Council meeting at which time Council voted 3-2 to proceed.

Ms. Palmer acknowledged the mountain bike club for its expertise on trail building and the work the members do in the community and expressed her appreciation.

Ms. McKeel acknowledged the thousands of hours the mountain bike club had donated to the community.

Ms. Mallek **moved** that the Board adopt the proposed Ordinance, with corrections as distributed by Mr. Kamptner. The motion was **seconded** by Mr. Randolph. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Sheffield.

Ms. McKeel asked Mr. Kamptner why the ordinances list things that can be done rather than those that are prohibited, adding that the list of what can be done could be never ending and could never be complete. Mr. Kamptner said staff would look into this, as some regulations date back to 1967.

ORDINANCE NO. 17-11(1)

AN ORDINANCE TO AMEND CHAPTER 11, PARKS AND RECREATION, ARTICLE I, IN GENERAL, DIVISION 3, CONDUCT WITHIN AND USE OF PARKS, ARTICLE II, WATERS OWNED OR CONTROLLED BY COUNTY, AND ARTICLE III, WATER SUPPLIES UTILIZED BY THE RIVANNA WATER AND SEWER AUTHORITY, 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 11, Parks and Recreation, Article I, In General, Division 3, Conduct Within and Use of Parks, Article II, Waters Owned or Controlled by County, and Article III, Water Supplies Utilized by the Rivanna Water and Sewer Authority, are hereby amended and reordained as follows:

By Amending:

Sec. 11-202 Boating

By Amending and Renaming:

	<u>Old Name</u>	<u>New Name</u>
Sec. 11-112	Swimming, wading or bathing	Water-related activities

By Adding:

Sec. 11-204 Pets

By Repealing:

Sec. 11-302 Chris Greene Lake.

Chapter 11. Parks and Recreation Article I. In General Division 3. Conduct Within and Use of Parks

Sec. 11-112 Water-related activities.

All water-related activities in any park that is not a public water supply reservoir identified in Article III are subject to Article II of this Chapter. All water-related activities in any park that is a public water supply reservoir identified in Article III of this Chapter are subject to the regulations in that Article.
(9-12-79; Code 1988, § 14-6.6; Ord. 98-A(1), 8-5-98)

Article II. Waters Owned or Controlled by the County

Sec. 11-202 Boating.

Any boat or other watercraft that is human powered or powered by an electric motor is authorized on county waters. Any boat or other watercraft powered by a motor using a fossil fuel or fossil fuel derivative as a fuel source is prohibited; provided that any boat or other watercraft equipped with a motor using a fossil fuel or fossil fuel derivative as a fuel source whose use is prohibited shall have the engine tilted in a nonoperating position when within the boundaries of the county waters and if those boats or other watercraft are equipped with or use removable gas tanks, the gas tanks shall be removed prior to entering county waters. Any boat or other watercraft powered by a motor using a fossil fuel or fossil fuel derivative as a fuel source, operated under the direction of the county executive for public safety or other permitted purposes, is authorized.

(Code 1967, § 14-10; 4-21-76; Code 1988, § 14-9; Ord. 98-A(1), 8-5-98)

State law reference – Va. Code § 15.2-1800.

Sec. 11-204 Pets.

Pets are prohibited in county waters except in those areas designated by the county as a dog park.

State law reference – Va. Code § 15.2-1800.

MAGISTERIAL DISTRICT: Jack Jouett.
TAX MAP/PARCEL: 061W00300019A0.
LOCATION: 2015 Bond Street.
PROPOSAL: Establish outdoor display of kayaks.
PETITION: Outdoor storage, display and/or sales serving or associated with a permitted use within the Entrance Corridor Overlay under Section 30.6.3 of zoning ordinance. No dwelling units proposed.
ZONING: NMD Neighborhood Model District – residential (3-34 units/acre) mixed with commercial, service and industrial uses; EC Entrance Corridor Overlay District – overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access. AIA Airport Impact Area: Yes.
COMPREHENSIVE PLAN: Urban Mixed Use (in Centers) – retail, residential, commercial, employment, office, institutional, and open space uses in Neighborhood 1 – Places 29.
(Advertised in the Daily Progress on April 24 and May 1, 2017.)

The Executive Summary as presented to the Board states that at its meeting on March 7, 2017, the Planning Commission by a vote of 4:0:3 (Lafferty, Spain, Firehock absent), recommended approval of SP201600026 with one condition. The Planning Commission's action letter, staff report and minutes from the March 7 meeting are attached (Attachments A – C).

The County Attorney has prepared the attached Resolution (Attachment D) reflecting the recommendation of the Planning Commission.

Staff recommends that the Board adopt the attached Resolution (Attachment D) to approve SP201600026, subject to the condition attached thereto.

Ms. Margaret Maliszewski, Principal Planner, reported that the request is for a special use permit to allow an outdoor display in the Route 29 entrance corridor at the Stonefield Town Center, as L.L. Bean will occupy the space formerly occupied by Blue Ridge Mountain Sports. Ms. Maliszewski stated that a special use permit for outdoor display is required when the site falls within the entrance corridor overlay district, and the purpose of requiring the special use permit is to allow for review of the potential visual impacts on the corridor. She said the purpose of the overlay district is to ensure quality development compatible with the County's scenic and historic architectural and cultural resources.

Ms. Maliszewski reported that the display will include four kayaks on the Route 29 side of the building, and she displayed an architectural blueprint drawing of the proposed display. She stated that the Architectural Review Board considered the proposal in January and determined the proposal did not meet the guidelines, so they do not support the proposed display. Ms. Maliszewski said they determined the display would take the place of architectural elements on a prominent building elevation and diminish the visual cohesiveness of the shopping center, rather than enhancing the integration of the building with the surrounding buildings and landscape. She stated that the ARB felt the display could set an undesirable precedent leading to other businesses requesting similar wall-mounted displays. She said the ARB stated that attaching merchandise to the building diminished compatibility, cohesiveness and connection to historic architecture.

Ms. Maliszewski stated that the ARB would support the display if it were relocated to the Bond Street elevation west of the store entrance, where there is a greater variety of architectural details, materials and colors. She said that, with approval of the Stonefield development, the ARB agreed to reduce oversight concerning signage and awnings on Bond Street and relaxed review of architectural elevations on Bond Street, as visibility is reduced with greater distances from the corridor. She said that, while the ARB determined the neon green color of the kayaks is not appropriate for the Route 29 side of the building, it would be acceptable west of the entrance on Bond Street. Ms. Maliszewski said the applicant had described the kayak display as an essential component of its branding identity and a standard throughout the country. She said entrance corridor guidelines address the issue of branding identity, with Guideline 15 stating that trademark buildings and related features should be modified to meet requirements of the guidelines that are critical to maintaining the character of the entrance corridors, because buildings, signs, and displays that are constructed to look the same as they are elsewhere diminishes the uniqueness of place.

Ms. Maliszewski said the Planning Commission reviewed the request on March 7, voting 4-0 for approval subject to the conditions recommended by the ARB. She said staff does not support the original proposal but does support the alternate location, which was addressed in the recommended resolution.

Mr. Dill asked if they would be fluorescent green as this does not seem typical of L.L. Bean. Ms. Maliszewski confirmed this.

Ms. McKeel opened the public hearing.

Mr. Jeff Suchin of Cuhaci & Peterson Architects and representing the applicant, addressed the Board. He said the modifications to the exterior façade are minimal in keeping with the character of the surroundings, while bringing some branding to the building on both the Bond Street and Route 29 sides. He stated that they feel the improvements enhance the architecture and provide additional wayfinding to identify the building, and said visibility from Route 29 is important to L.L. Bean and more appropriate than the Bond Street location. He indicated that the neon color is just an example and not necessarily what they would use, and in driving around the area he noticed the Gander Mountain store has kayaks outside

the entrance and other stores in Stonefield have identifying architectural elements, such as the Pottery Barn with large barn doors. He asked the Board to approve the proposal, but acknowledged they could use Bond Street as a fallback if the request is not approved.

Ms. Mallek asked if the large boot logo will appear on the façade. Mr. Suchin said it will not.

Mr. Dill asked how many stores L.L. Bean has. Mr. Suchin responded that he does not have this figure.

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

Mr. Randolph commented that the Planning Commission struggled to describe what the kayaks were and he described them as symbolic architectural merchandising. He said it had always been typical, since ancient Roman times, for a business to put out a symbolic presentation of what they are. He stated that in medieval France and England, the shoemaker had a sign of a shoe, the seamstress had a needle and thread, and so forth, so that when walking down a street a business could be identified. Mr. Randolph noted that the space has been unoccupied for some time and he welcomes a new neighbor moving in. He recognized retail stores are being harmed by the use of the internet for purchases and the County should do whatever it can to help retail. He expressed appreciation for comments made by the ARB and Planning Commission, as it can be a slippery slope if they allow symbols that are not appropriate in scale within the entrance corridor. Mr. Randolph offered a compromise to allow holographic images of the canoes on the Route 29 side, stating that they would look like kayaks to anyone driving by and serve the purpose.

Ms. Palmer said she will go along with what the ARB and the Planning Commission have suggested. She recommended that Supervisors pass by the new self-service car wash in Ruckersville along Route 29 as an example of an atrocious and extreme looking display.

Mr. Dill commented that L.L. Bean would be better served by having a unique and well-preserved community and expressed agreement with the ARB and Planning Commission recommendation to have the kayaks on the Bond Street side.

Ms. Mallek asked Ms. Maliszewski if the ARB made a big issue of whether the kayaks should be allowed east or west of the door, and suggested allowing the kayaks east of the door to provide visibility, but not be on the Route 29 side. Ms. Maliszewski responded that there are two bays west of the entrance where the kayaks can easily be bolted, while the east side has the storefront and glass.

Ms. Mallek said her proposal is to have them up high under the roof and above the window.

Mr. Dill asked if she is willing to allow them anywhere on the Bond Street side or if she wished to be specific. Ms. Mallek said she is asking if there is flexibility for room west of the door.

Ms. McKeel invited Mr. Suchin to respond to Supervisors' comments and suggestions.

Mr. Suchin said he appreciates Ms. Mallek trying to find some flexibility, but feels the other side of the door, away from the glazing, makes more sense.

Ms. McKeel **moved** to adopt the proposed Resolution to approve SP201600026, subject to the condition. The motion was **seconded** by Ms. Mallek. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Sheffield.

RESOLUTION TO APPROVE SP 2016-26 LL BEAN OUTDOOR DISPLAY

WHEREAS, LL Bean's application for a special use permit to establish an outdoor storage, display, and/or sales area on Tax Map Parcel Number 061W0-03-00-019A0 is identified as SP201600026 LL Bean Outdoor Display ("SP 2016-26"); and

WHEREAS, on March 7, 2017, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2016-26 with a staff-recommended condition; and

WHEREAS, on May 10, 2017, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2016-26.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2016-26 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code §§ 18-30.6.3 and 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2016-26, subject to the condition attached hereto.

SP-2016-26 LL Bean Outdoor Storage Display

Special Use Permit Condition

1. The display shall be located on the Bond Street elevation of the building, west of the store entrance. The revised location is subject to ARB approval of a Certificate of Appropriateness.

Agenda Item No. 18. **Public Hearing: ZMA-2014-00006. Avon Park II.**

PROJECT: ZMA201400006 – Avon Park II.

MAGISTERIAL DISTRICT: Scottsville.

TAX MAP/PARCEL(S): 09000000003100.

LOCATION: 1960 and 1968 Avon Street Extended. Approximately 1000 feet north of the intersection of Avon. Street Extended and Route 20, south of existing Avon Court.

PROPOSAL: Amend proffers and application plan for Avon Park II (ZMA201200004). No new dwellings proposed.

PETITION: For the 5.62 acres currently zoned Planned Residential Development (PRD), which allows residential uses with limited commercial uses at a density of 3 - 34 units/acre, amend proffers as follows: 1) modify proffer 1 to allow for multiple ways in which affordable housing may be provided including for-sale units and an option to provide cash in lieu of affordable units; 2) reduce cash proffers from \$13,913.18 to \$3,654.99 per single family attached unit and from \$20,460.57 to \$17,123.12 for each single family detached unit; 3) update the annual adjustment for cash proffers; 4) state that credit is to be given for 5 by-right units; 5) provide landscape easements and landscaping around the perimeter of the property; provide for tree removal on 3 adjoining properties, at the discretion of those owners; 6) add recreational amenities to Avon Park's park owned by the Avon Park Community Association; 7) provide a scrim fence adjacent to tax map parcel 090F00000000A1 at discretion of Avon Park Community Association. Changes to application plan include provision of an emergency access drive at the east end of Stratford Way connecting to Avon Street, extending bollards at each end of the travel way to limit use to emergency vehicles only and provide for attached units at the east end of Stratford Way with a shared parking area at the end of the street. OVERLAY DISTRICT(S): Entrance Corridor, Steep Slopes – Managed.

PROFFERS: Yes.

COMPREHENSIVE PLAN: Neighborhood Density Residential-residential (3-6 units/acre); supporting uses such as religious institutions, schools, and other small-scale non-residential uses in Southern Urban Neighborhood 4.

(Advertised in the Daily Progress on April 24 and May 1, 2017.)

The Executive Summary as presented to the Board states that on April 12, 2017, the Board of Supervisors approved ZMA201400006 with changed proffers provided by the applicant. Subsequently, staff was alerted that a different signature was needed on the proffers.

The only change to the proffers accepted at the April 12, 2017 Board meeting is the signature of the owner (Attachment A). The application plan (Attachment B) also remains the same.

Staff recommends that the Board adopt the attached Resolution (Attachment C) to accept the corrected proffer statement.

Ms. Elaine Echols, Principal Planner, addressed the Board. She said the Board was presented with Avon Park II at the April 12 meeting and approved rezoning; however, it was discovered that there was an error with a signature, which has now been corrected. She stated they are asking the Board to take action and adopt the resolution to accept the corrected signature.

The Chair opened the public hearing.

There being no speakers, the Chair closed the public hearing.

Mr. Randolph **moved** to adopt the proposed resolution to accept the corrected proffer statement. The motion was **seconded** by Ms. Palmer. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Sheffield.

Mr. Kamptner stated that for the record, he would treat the April 12 approval as the approval of the rezoning, as the only action today is to approve correction of a defect of a signature on the proffer statement.

**RESOLUTION
TO ACCEPT CORRECTED PROFFER STATEMENT**

ZMA 2014-00006 AVON PARK II

WHEREAS, Ordinance No. 17-A(5), adopted by the Albemarle County Board of Supervisors on April 12, 2017, approved ZMA 2014-00006, Avon Park II ("ZMA 2014-06"); and

WHEREAS, the proffer statement accepted in conjunction with ZMA 2014-06 contained an

incorrect signature; and

WHEREAS, the Owner has submitted a proffer statement dated April 24, 2017 with the correct signature (the "Corrected Proffer Statement"), and the content of the Corrected Proffer Statement is otherwise the same as that accepted by the Board in conjunction with ZMA 2014-16.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Corrected Proffer Statement is accepted and, to the extent that it contains the correct signature of the Owner, it replaces the proffer statement dated April 12, 2017.

Original Proffers: 11/21/13
Amendment: 4/24/2017

PROFFER STATEMENT

ZMA No. 2014-00006 Avon Park II

Tax Map and Parcel Number: 09000-00-00-03100 (D.B. 3786 P.G. 060)

Owner of Record: **BELLEVUE REAL ESTATE, LLC**

Date of Proffer Signature: 4/24/2017

Proffer Statement for 5.262 acres to be rezoned from Planned Residential District (PRD) to Planned Residential District (PRD)

Bellevue Real Estate LLC, a Maryland Limited Liability Company, is the owner (the "Owner") of Tax Map and Parcel Number 09000-00-00-03100 (the "Property") which is zoned as Planned Residential Development (PRD) subject to rezoning application ZMA No. 2014-00006, a project known as "Avon Park II" (the "Project") and the application plan (the "Plan") entitled, "Avon Park II Zoning Map Amendment Plan, created by Roudabush, Gale, and Associates February 10, 2015, last revised May 24, 2016 . This current proffer statement (the "Proffer Statement") supersedes the proffer statement dated November 21, 2013 pertaining to ZMA-2012-00004 and the application plan entitled, Avon Park II Zoning Map Amendment Application Plan prepared by Pohl Engineering, LLC, dated August 20, 2012, last revised 10/25/13.

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

1) AFFORDABLE HOUSING

The Owner will provide a minimum of six (6) affordable housing units within the Project in the form of for lease or for sale affordable dwelling units (the "Affordable Dwelling Units" or "Affordable Units"). Each subdivision plat and site plan for land within the Property shall designate the lots or units, as applicable, that will, subject to the terms and conditions of this proffer condition, incorporate Affordable Units as described herein, and the aggregate number of such lots or units designated for Affordable Units within each subdivision plat and site plan shall be referenced in such subdivision plat or site plan.

a) There shall be a maximum of 32 dwelling units on 30 lots in the development. The Affordable Dwelling Units shall be comprised of one or more of the following unit types:

1. Single family townhomes OR
2. Units that will be constructed and maintained as two-family dwellings as defined in the Virginia Uniform Statewide Building Code.

The Owner or his successor in interest reserves the right to achieve six (6) or more Affordable Dwelling Units utilizing the above mentioned unit types alone or in combination as outlined below. The Owner shall convey the responsibility of constructing the affordable units to any subsequent purchaser of the Property. The current Owner or subsequent Owner shall create units affordable to households with incomes less than

80% of the area median family income (the "Affordable Unit Qualifying Income"), such that housing costs consisting of principal, interest, real estate taxes and homeowner's insurance (PITI) do not exceed 30% of the Affordable Unit Qualifying Income; provided, however, that in no event shall the selling price of such Affordable Units be more than sixty-five percent (65%) of the applicable Virginia Housing Development Authority (VHDA) sales price/loan limits for VHDA's first-time homebuyer programs provided that the selling price will be equal to or less than the Albemarle County affordable housing home price. This home price will increase or decrease per year based on Albemarle County's designated affordable home pricing. All financial programs or instruments described herein must be acceptable to the primary mortgage lender. The value of Seller-paid closing costs shall be excluded from the selling price of such Affordable Dwelling Units.

- i) For-Sale Affordable Units - All purchasers of for-sale Affordable Units shall be approved by the Albemarle County Office of Housing (the "Housing Office") or its designee. The Owner shall provide the County or its designee a period of one hundred twenty (120) days to identify and pre-qualify an eligible purchaser for the Affordable Units. The 120-day period shall commence upon written notice from the Owner that the units will be available for sale. This notice shall not be given more than 90 days prior to the anticipated receipt of the certificate of occupancy. If the County or its designee does not provide a qualified purchaser during this one hundred twenty (120) day period, the Owner shall have the right to sell the Unit(s) without any restriction on sales price or income of purchaser(s); provided, however, that any Units(s) sold or leased without such restriction shall nevertheless be counted toward the number of Affordable Units required to be provided pursuant to the terms of this proffer. If these Units are sold, this proffer shall apply only to the first sale of each unit. Nothing herein shall preclude the then-current Owner/builder from working with the Housing Office prior to the start of the notification periods described herein in an effort to identify qualifying purchasers for Affordable Units.
- b) County Option for Cash in Lieu of Affordable Units. If at any time prior to the County's approval of any preliminary site plan or subdivision plat for the subject property which includes one or more for-sale Affordable Dwelling Units, the Housing Office informs the then-current owner/builder in writing that it may not have a qualified purchaser for one or more of the for-sale Affordable Dwelling Units at the time that the then-current owner/builder expects the units to be completed, and that the County will instead accept a cash contribution to the County to support affordable housing programs in the amount of Twenty Four Thousand Three Hundred Seventy Five Dollars (\$24,375.00) in lieu of each Affordable Unit(s), then the then-current owner/builder shall pay such cash contribution to the County prior to obtaining a certificate of occupancy for the Unit(s) that were originally planned to be Affordable Dwelling Units, and the then-current owner/builder shall have the right to sell the Unit(s) without any restriction on sales price or income of the purchaser(s). For the purposes of this proffer condition, such Affordable Dwelling Units shall be deemed to have been provided when the subsequent owner/builder provides written notice to the Albemarle County Office of Housing or its designee that the Affordable Units(s) will be available for sale.

2) CASH PROFFER

- a) The Owner shall contribute cash to the County in the following amounts for each dwelling unit constructed within the Property that is not an Affordable Dwelling Unit. The cash contribution shall be used only for capital improvements in the form of public facilities (i.e., schools, public safety, libraries, parks or transportation) located within the Scottsville magisterial district of the County and no funds shall be used for capital improvements to any public facility existing as of the date of this Proffer Statement, such as a renovation or technology upgrade, that does not expand the capacity of such facility. The cash contribution shall not be used for any operating expense of any existing or new facility such as ordinary maintenance or repair. The cash contribution for each individual dwelling unit shall be paid to the County after completion of the final building inspection and prior to issuance of a certificate of occupancy for the individual unit.

The cash contribution for each dwelling unit shall be based upon the type of the dwelling unit and in the amount set forth for each type of dwelling unit as follows:

- i) Thirteen Thousand Nine Hundred Thirteen Dollars and 18/100 (\$13,913.18) for each attached town home/condominium unit that is not an Affordable Dwelling Unit.
- ii) Twenty Thousand Four Hundred Sixty Dollars and 57/100 (\$20,460.57) for each single family detached dwelling unit.
- iii) Zero Dollars (\$0.00) for each Affordable Dwelling Unit.
- b) Annual Adjustment of Cash Proffers: Beginning January 1, 2017, the amount of each cash contribution required herein shall be adjusted annually until paid, to reflect any increase or decrease for the preceding calendar year in the Marshall and Swift Building Costs Index (the "MSI"). In no event shall any cash contribution amount be adjusted to a sum less than the amount initially established by these proffers. The annual adjustment shall be made by multiplying the proffered cash contribution amount for the preceding year by a fraction, the numerator of which shall be the Index as of December 1 in the preceding calendar year, and the denominator of which shall be the Index as of December 1 in the year preceding the calendar year most recently ended. For each cash contribution that is being paid in increments, the unpaid incremental payments shall be correspondingly adjusted each year.
- c) The applicant will receive a cash proffer credit from Albemarle county for the number of dwelling units permitted under the prior by-right zoning of the Property (Tax Map and Parcel Number 09000-00-00-03100), which would yield five (5) single family detached homes.

3) LANDSCAPE EASEMENTS

- a) The Owner shall obtain a variable width landscape easement behind lots 1-7 on Tax Map and Parcel Number 090F0-00-00-000A.1 (owned by the Avon Park Community Association) as shown on the Plan. The owner shall install plants within the proposed easement as per the final approved landscape plan during the first fall planting season after the adjacent retaining wall is installed but prior to the issuance of the certificate of occupancy for the seventh completed dwelling unit located on lots 1 through 7. There shall be no obligation on the Owner to install landscaping on the adjoining property if permission from the impacted property owner is not obtained.
- b) The Owner shall install plants within the proposed 10' landscape easement shown on page 5 of the Plan at the rear of lots 8-10 prior to the issuance of the certificate of occupancy for the 3rd completed dwelling unit located on lots 8-10.
- c) The Owner shall install plants within the proposed 10' landscape easement shown on page 5 of the Plan at the rear of lots 13-15 prior to the issuance of the certificate of occupancy for the 3rd completed dwelling unit located on lots 13-15.
- d) The Owner shall install plants within the proposed 10' landscape easement shown on page 5 of the Plan at the rear of lots 16-22 prior to the issuance of the certificate of occupancy for the 7th completed dwelling unit located on lots 16-22.
- e) The Owner shall install plants within the proposed 10' landscape easement shown on page 5 of the Plan at the rear of lots 23-26 prior to the issuance of the certificate of occupancy for the 3rd completed dwelling unit located on lots 23-26.

- f) The Owner shall install plants as shown on Page 9 of the Plan within the proposed 20' private drainage and landscape easement shown on page 5 of the Plan at the rear of lots 28-30 prior to the issuance of the certificate of occupancy for the 3rd completed dwelling unit located on lots 28-30.
- g) The Owner shall install the off-site plants along Hathaway Street at the entrance to the Avon Park 2, as shown on page 9 of the Plan, development during the first fall planting season after the base coat of asphalt is installed on the road.

4) EROSION AND SEDIMENT CONTROL

The Owner shall provide additional erosion and sediment control measures beyond the standard regulatory requirements stated in the Virginia Erosion and Sediment Control Handbook (VESCH) applicable on the date of approval of this Proffer Statement. These additional measures shall consist of the following:

- a) Silt Fencing (VESCH Standard 3.05):
 - i) Contributing drainage area to non-wire reinforced silt fence shall be reduced from one quarter (0.25) acre per 100 feet of silt fence length to two-tenths (.20) per 100 feet of silt fence. Contributing drainage area to wire reinforced silt fence shall not exceed one quarter acre per 100 feet of silt fence; and
 - ii) Maximum contributing drainage area to non-wire reinforced silt fence from minor swales or ditch lines shall be reduced from 1 acre and no greater than 1 cfs to 0.8 acre and no greater than .08 cfs. Maximum contributing drainage area to wire reinforced silt fence from minor swales or ditch lines shall be 1 acre and no greater than 1 cfs; and
 - iii) The height of any silt fence shall be a minimum of 24 inches above the original ground surface and shall not exceed 34 inches above ground elevation; and
 - iv) Post spacing for non-wire-reinforced silt fence shall be reduced from a maximum 6 feet apart to a maximum 5 feet apart. Post spacing for wire reinforced silt fence shall be reduced from a maximum 10 feet apart to a maximum 8 feet apart.
- b) Temporary Diversion Dike (VESCH Standard 3.09):
 - i) The maximum allowable drainage area to a temporary diversion dike shall be reduced from five (5) acres to three (3) acres.
- c) Temporary Sediment Trap (VESCH Standard 3.13):
 - i) Maximum total contributing drainage area shall be reduced from three (3) acres to two (2) acres; and
 - ii) The storage volume requirement shall be increased by a factor of 1.2.
- d) Temporary Sediment Basin (VESCH Standard 3.14):
 - i) A temporary sediment basin shall be provided where the total contributing drainage area exceeds two (2) acres; and
 - ii) The permanent pool and dry storage volumes shall be increased by a factor of 1.2.

6) ADDITIONAL TREE REMOVAL

The owner shall identify the location of the trees located at the rear of tax map parcels identified as 090F0-00-00-000A2, 090F0-00-0F-04200, 090F0-00-0F-04300, and 090F0-00-0F-04400. If trees are located within 5' or less of the property line the owner will remove the trees on those adjoining existing properties. Tree removal will be subject to the existing property owner's written approval permitting the Owner, the owner's subcontractors, and/or employees, of Avon Park II property to come onto the property and remove the trees.

7) ALLOWED USES

The use of the Property shall be limited to those uses allowed by right under section 19.3.1; and the use allowed by special use permit under section 19.3.2(7) of chapter 18, Zoning, of the Albemarle County Code, Zoning Supplement #91 dated 6-3-15 and in effect on the date of approval of this Proffer, copies of which are attached hereto and incorporated herein as Attachment A.

8) RECREATIONAL AMENITIES

The Owner shall provide and install the following recreational amenities in the existing "park" on Tax Map and Parcel Number 090F0-00-00-000A1 (owned by the Avon Park Community Association). These amenities are at the request of the Avon Park Community Association Board and will be installed upon issuance of the 24th Certificate of Occupancy.

- a) A 40' x 50' fenced dog park area with two small benches.
- b) Two (2) additional play structures for older children in the existing tot lot area.

9) OVERLOT GRADING

The Owner shall submit an overlot grading plan (hereinafter the "Grading Plan") meeting the requirements of this proffer condition with the application for each subdivision of the Property. The Plan shall show existing and proposed topographic features. The Grading Plan shall be approved by the County Engineer prior to approval of an erosion and sediment control plan related to said subdivision. The land area within the subdivision shall be graded as shown on the approved Plan. No building permit shall be issued for any dwelling on a lot where the County Engineer has determined the lot grading is not in general conformance with the approved Plan. The Grading Plan shall satisfy the following:

- a) The Grading Plan shall show all proposed streets, building sites, setbacks, surface drainage, driveways, trails, and other features the County Engineer determines are needed to verify that the Plan satisfies the requirements of this proffer condition.
- b) The Grading Plan shall be drawn to a scale not smaller than one (1) inch equals fifty (50) feet.
- c) All proposed grading shall be shown with contour intervals not greater than two (2) feet. All concentrated surface drainage over lots shall be clearly shown with the proposed grading. All proposed grading shall be designed to assure that surface drainage can provide adequate relief from the flooding of dwellings in the event a storm sewer fails.
- d) Graded slopes on lots proposed to be planted with turf grasses (lawns) shall not exceed a gradient of three (3) feet of horizontal distance for each one (1) foot of vertical rise or fall (3:1). Steeper slopes shall be vegetated with low maintenance vegetation as determined to be appropriate by the County's program authority in its approval of an erosion and sediment control plan for the land disturbing activity. These

steeper slopes shall not exceed a gradient of two (2) feet of horizontal distance for each one (1) foot of vertical rise or fall (2:1) unless the County Engineer finds that the grading recommendations for steeper slopes have adequately addressed the impacts.

- e) Surface drainage may flow across up to three (3) lots before being collected in a storm sewer or directed to a drainage way outside of the lots.
- f) No surface drainage across a residential lot shall have more than one-half (1/2) acre of land draining to it.
- g) All drainage from streets shall be carried across lots in a storm sewer to a point beyond the rear of the building site
- h) The Grading Plan shall demonstrate that for each dwelling unit, an area at least ten (10) feet in width abutting the primary dwelling entrance facing the street not be served by a stairway, has grades no steeper than ten percent (10%) should the primary dwelling entrance facing the street be less than ten (10) feet from the Lot's property line, then this grade requirement shall only extend to the area between the entrance and the lot line. This graded area also shall extend from the primary entrance to the driveway or walkway connecting the dwelling to the street.
- i) Any requirement of this proffer condition may be waived by submitting a request for special exception with the Plan. If such a request is made, it shall include a justification for the request containing a valid professional seal from a PE, LA or LS type B. In reviewing a waiver request, the County Engineer shall consider whether the alternative proposed by the Owner satisfies the purpose of the requirement to be waived to at least an equivalent degree.
- j) In the event the County adopts overlot grading regulations after the date this Proffer Statement is approved, any requirement of those regulations that is less restrictive than any requirement of this proffer condition shall supersede the corresponding requirement of this proffer condition.

9) SCRIM FENCE

A Scrim Fence shall be installed along the Avon Park 1 property line at the rear lots 1-9 shown on the Plan on the owner's property or, if granted permission by the owner of lot 090F0-00-00-000A1 to protect the plantings and provide existing screens an additional visual screen during construction. The height of the screening material shall not exceed 6 feet and will be installed immediately following the grading of lots 1-9.

OWNER
Bellevue Real Estate, L.L.C.

Name: Michael Cetta Title: owner/member
Tax Map and Parcel Number: 09000-00-00-03100

NonAgenda. Recess. The Board recessed at 7:29 p.m., and reconvened at 7:37 p.m..

Agenda Item No. 19. Public Hearing: ZMA-2016-00019. Riverside Village Amendments.

PROJECT: ZMA 201600019 Riverside Village Amendments.

MAGISTERIAL DISTRICT: Rivanna.

TAX MAP/PARCEL: 078G0-00-01-000A0.

LOCATION: Northwest quadrant of Stony Point Road (Rt. 20) and Trailside Drive.

PROPOSAL: Increase maximum number of dwellings from 16 units to 36 units in Block 1.

PETITION: Modify application plan, Code of Development, and proffers for Block 1 which contains 2.41 acres and zoned Neighborhood Model District, which allows residential (3 – 34 units/acre) mixed with commercial and service uses. Changes in Block 1 would increase the maximum number of units from 16 to 36 which results in an increase in density from 6.6 units per acre to units 15 units/acre; 2) reduce the minimum commercial sq. ft. from 16,000 to 8,000 sq. ft. in Block 1; 3) replace a single 5,000 sq. ft. plaza with multiple smaller plazas totaling 5,000 sq. ft.; 4) reduce the minimum build-to line on Trailside Drive from 50' to 25'; 5) make accessory uses and buildings by-right rather than by special use permit; 6) modify proffers to provide 15% affordable units in Block 1; and 7) provide a cash proffer for the 36 additional units of \$7,419.91 for each new multi-family dwelling unit.

OVERLAY DISTRICT(S): Entrance Corridor.

PROFFERS: Yes.

COMPREHENSIVE PLAN: Neighborhood Density Residential – residential (3-6 units/acre); supporting uses such as religious institutions, schools and other small-scale non-residential uses; greenspace – sensitive environmental features including stream buffers, flood plain, and adjacent slopes. and River Corridor – parks, golf courses, greenways, natural features and supporting commercial and recreational uses in Neighborhood 3 – Pantops Development Area.

(Advertised in the Daily Progress on April 24 and May 1, 2017.)

The Executive Summary as presented to the Board states that at its meeting on March 21, 2017, the Planning Commission voted to recommend approval of ZMA201600019 provided that the applicant make technical changes noted in the staff report. Attachments A, B, and C are the Planning Commission staff report, action letter, and minutes from the March 21, 2016 meeting.

The updated application plan is included as Attachment D and the revised proffers dated April 28, 2017 are included as Attachment E. All technical changes identified in the staff report have been addressed.

Staff recommends that the Board adopt the attached Ordinance (Attachment F) to approve ZMA201600019.

Ms. Elaine Echols stated that the amendment is to a previously approved PRD zoning, and the site is located at Route 20 and Stony Point Road. She presented slides with photos of the site. Ms. Echols described the change as fairly minimal to include increasing the maximum number of units from 16 to 36, reduce the minimum non-residential/commercial square footage from 16,000 to 8,000, allow multiple smaller plazas totaling 5,000 square feet instead of one larger plaza of 5,000, and reduce the minimum build to line on Trailside Drive from 50 feet to 25 feet. She said the most substantive change is to the cash proffer, stating that the applicant is keeping his commitment to provide 15 units of affordable housing in Block 1 and has proffered almost \$7,500 for each new market rate dwelling in Block 1. She said the original zoning had a higher proffer amount and when the applicant asked to add units, the County had to advise as to the proper amount to proffer, so they went with what the Board had said was an appropriate amount for rezoning, which is what is being proffered for the new units.

Ms. Echols said the Planning Commission recommended approval of the ZMAs, with some technical corrections as listed in the staff report. She said the corrections have been made and staff recommended adoption of the Ordinance as represented in Attachment E, which includes the proffers for rezoning as well as approval of the application plan. She invited questions.

Ms. Mallek asked why the proffer amount is being changed, since this approval was made before July 2016. Mr. Kamptner replied that this was distinguished from Avon Park and Spring Hill because this rezoning was for new units that were not part of the originally approved rezoning. He said the number determined reflects the impact on capital projects, and the staff recommendation is consistent with prior Board actions.

Ms. Echols stated they accepted this amount with the Brook Hill and Daly Foothill projects.

Ms. Mallek said this is consistent with its cohort applications, but not consistent with the original application previously approved.

Mr. Randolph asked what accessory uses they are indicating in the text under "mixture of uses." Ms. Echols responded that the accessory uses relates to the particular uses allowed in that district in the block. She said if there are residential uses, there might be some accessory buildings that will also be residential. She noted that there are a lot of limitations to what can be done on this block because of the size and because of what has been built or is being built.

Mr. Randolph asked for confirmation that this will not involve carriage houses or anything of that nature, since the statement is ambiguous. Ms. Echols said it will not.

Mr. Randolph asked about the plaza, noting that one of the Board's goals is to have common recreational areas. He expressed concern that the plaza is being reduced in size from 5,000 square feet to a series of smaller plazas, which seem to lose the cohesiveness of the community and centralized usage. Mr. Randolph noted that there was text indicating some of them may be used as an outdoor dining area. He said they could be used for commercial purposes, which concerns him, and asked if his interpretation is correct. Ms. Echols responded that this could happen, but staff believes the form of the plazas could support the residents.

Mr. Randolph cited text on Page 5, under Building and Spaces of Human Scale: "The roof plans of the building shown on the current conceptual layout suggests buildings that were more massive in appearance than those reviewed by the Architectural Review Board." He said the word "suggest" connoted many interpretations, and asked if it is more massive or not. Ms. Echols replied that it is, but these are not the final plans and are part of the conceptual layout, not part of what is being approved. She said the ARB will have to see whatever comes up in a final site plan and would ensure protection of the entrance corridor.

Mr. Randolph noted that the Pantops Master Plan identified this area as neighborhood density, which involves 3-6 units per acre. He said the proposed density here is up to 15 units per acre, which is urban density. He noted that the application had two votes against, and the Pantops Community Advisory Committee declined to take a position as to the master plan's applicability here. He asked Ms. Echols what the position of staff is in regards to the master plan being violated and the density increasing dramatically, and asked if staff believes higher density is appropriate now that higher density has moved into the entire area.

Ms. Echols responded that she has been working with this plan since its inception many years ago, and a similar density was requested but denied by the Planning Commission and was not supported by the CAC. She said the applicant subsequently brought a project that slightly exceeded what was recommended in the Pantops Master Plan, but not so much that the Planning Commission and ARB felt it was not in keeping with the plan. She displayed an aerial drawing of the site and said the idea behind this land use configuration was to have a center with a park, with density radiating out to the edge, which was why the recommendation was for 3 to 6 units. She said it is typical for areas with infill to have issues with

increased density, and staff had advised the applicant that this was not the appropriate density for this location. She said the applicant made a compelling case to the CAC, Planning Commission, and staff that this was an area that could use additional density. She said that when gauging its appropriateness, they determined they would approve it, provided there was not community opposition. In summary, she said they originally did not believe the density was appropriate and some Commissioners still do not believe it is appropriate.

Ms. Mallek noted that the current CAC has mostly new members and wonders if they have the full benefit of history. Ms. Echols responded that they did and deemed it to be appropriate.

Mr. Dill said that, in general, people like the concept as some land was donated to the park, the retail stores provide a neighborhood feel, and the project is close to Route 250. He said there are a few who are concerned about the overall density of the area.

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

Mr. Justin Shimp addressed the Board as engineer for the project and acknowledged Chris Henry, General Manager of Stony Point Design Build. Mr. Shimp stated that it is easy to sell things that are good designs by good developers, noting that they started on the project many years ago and he was excited about it. He said the project will not result in increased traffic, and the scale of buildings is compatible with the neighborhood and with what was originally proposed. He displayed an aerial photo of the parcel and an artist's rendering of three buildings and landscape, pointing out that the scale is the same as what was originally approved. He referenced a pedestrian walkway called The Mews, which ends in a plaza. Mr. Shimp stated that a large hardscape is not necessarily what is best, given the amenities around the development, and that smaller spaces potentially with a restaurant or café could also serve as neighborhood space. He said that five neighbors of the development have written letters of support, they have held two meetings with the Pantops CAC, held a public hearing with the Planning Commission, and have had unanimous support. He presented slides with photos of the different home models.

Mr. Dill asked what kind of retail would be at the development and how large the space would be. Mr. Chris Henry replied that they have had many unofficial conversations with retailers, but have not yet received final approval of the floor plan. He said that so far, a restaurant group is interested in a pizza and craft beer establishment, the project developers are trying to get a café, and a jewelry store is interested. He said that retail space will be about 4,000 square feet per building. Mr. Henry said their market research had indicated they should seek more flexibility with the uses of the buildings to allow for less office space and more retail, based on current market conditions.

There being no other public comments, Ms. McKeel closed the public hearing.

Mr. Randolph commended Mr. Henry for providing the Board with results of the market research study as it provides insight as to what is going on in the Pantops area and assists the Board with considering the application.

Mr. Dill **moved** that the Board adopt the proposed Ordinance to approve ZMA 2016-00019 Riverside Village with technical corrections. The motion was **seconded** by Ms. Mallek. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Sheffield.

ORDINANCE NO. 17-A(6)
ZMA 2016-00019 RIVERSIDE VILLAGE AMENDMENT

**AN ORDINANCE TO AMEND THE APPLICATION PLAN,
CODE OF DEVELOPMENT, AND PROFFERS APPROVED WITH
ZMA 2015-00003 FOR TAX MAP PARCEL NUMBER 078G0-00-01-000A0**

WHEREAS, the application to amend the application plan, code of development, and proffers that were approved with ZMA 2015-00003 for Tax Map Parcel Number 078G0-00-01-000A0 (the "Property") is identified as ZMA 2016-00019 Riverside Village Amendment ("ZMA 2016-19"); and

WHEREAS, ZMA 2016-19 proposes to amend the application plan and code of development for Block 1 that were approved with ZMA 2015-00003 to: 1) increase the maximum number of dwellings from 16 units to 36 new multi-family units; 2) reduce the minimum commercial square footage from 16,000 to 8,000 square feet; 3) replace a single 5,000 square foot plaza with multiple smaller plazas totaling 5,000 square feet; 4) reduce the minimum build-to-line on Trailside Drive from 50 feet to 25 feet; and 5) make accessory uses and buildings allowable by-right rather than by special use permit; and to amend the proffers that were approved with ZMA 2015-00003 to provide 15% affordable housing units in Block 1 and to provide a cash proffer of \$7,419.91 for each of the 36 additional new multi-family dwelling units; and

WHEREAS, staff recommended approval of ZMA 2016-19 provided that technical revisions were made to the application plan and the proffers; and

WHEREAS, the Planning Commission held a duly noticed public hearing on ZMA 2016-19 on March 21, 2017, and recommended approval, conditioned on the applicant making the staff-recommended revisions; and

WHEREAS, subsequent to the Planning Commission public hearing, the applicant made all of the recommended revisions to the application plan and the proffers; and

WHEREAS, on May 10, 2017, the Albemarle County Board of Supervisors held a duly noticed public hearing on ZMA 2016-19.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the staff report prepared for ZMA 2016-19 and its attachments, including the application plan and code of development dated May 12, 2012 and last revised on April 10, 2017, and the proffers dated April 28, 2017, the information presented at the public hearing, the material and relevant factors in County Code § 18-33.6, Virginia Code § 15.2-2284, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2016-19, with the application plan and code of development dated May 12, 2012 and last revised on April 10, 2017, and the proffers dated April 28, 2017.

Original Proffers _____
Amendment **X**

PROFFER STATEMENT

ZMA Number:	201600019
Tax Map and Parcel Number:	078G0-00-01-000A0
Owner:	Riverside Village Properties, Inc. 200 Garrett Street, Suite O Charlottesville, VA 22902
Date of Previous Proffer Signature:	August 22, 2015
Date of Proffer Amendment Signature:	April 28, 2017
2.41 acres to be rezoned from NMD to NMD	

Riverside Village Properties, Inc. is the owner (the "Owner") of Tax Map and Parcel Number 078G0-00-01-000A0 (the "Property") which is the subject of rezoning application ZMA No. 2016-00019, a project known as "Riverside Village: Block 1" (the "Project"). For the purpose of these proffers, the Project is further described in the Code of Development and application plan (the "Plan") entitled "Rezoning Application Plan Amendment to Block 1 for Riverside Village" prepared May 21, 2012 by Shimp Engineering PC, and last revised on April 10, 2017.

This current proffer statement for Block 1 (the “Proffer Statement”) supersedes the proffer statement dated August 20, 2015, for ZMA 201500003 as it pertains to Block 1 only. The Plan supersedes, as to Block 1 only, the previous Code of Development and application plan entitled, “Rezoning Application Plan Amendment for Riverside Village”, prepared by Shimp Engineering PC, last updated June 18, 2015, which 2015 Application Plan pertained to the entire Riverside Village development project (18.66 acres referred to at the time as Tax Map 78 Parcel 58).

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

1. **Affordable Housing.** Within the Project, the Owner shall provide fifteen percent (15%) of the housing units as affordable housing units ("Affordable Housing Units") in the form of for-sale and/or for-rent condominiums or apartment units. The Project Affordable Housing Units shall be subject to the requirements as set forth in Section VI of the Code of Development. The Project Affordable Housing Units shall be constructed within Block 1 as shown on the Plan.

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

B. **For-Rent Affordable Units.**

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

(2). **Conveyance of Interest.** All deeds conveying any interest in the for-rent Affordable Housing Units during the Affordable Term shall contain language reciting that such unit is subject to the terms of this paragraph 1. In addition, all contracts pertaining to a conveyance of any for-rent Affordable Housing Unit, or any part thereof, during the Affordable Term shall contain a complete and full disclosure of the restrictions and controls established by this paragraph 1B. At least thirty (30) days prior to the conveyance of any interest in any for-rent Affordable Housing Unit during the Affordable


Term, the then-current owner shall notify the County in writing of the conveyance and provide the name, address and telephone number of the potential grantee, and state that the requirements of this paragraph 1B(2) have been satisfied.

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

2. **Cash Proffers for Residential Units.** Subject to the credits for in kind and cash contributions and subject to the credits for by-right units allowed in the previous zoning as outlined in proffer #5 approved with ZMA 201500003, the Owner shall contribute cash for each new residential unit that is not classified as an Affordable Housing Unit for the purposes of addressing the fiscal impacts of development on the County's public facilities and infrastructure, *i.e.*, schools, public safety, libraries, parks and transportation. The cash contributions shall be at the following rate: Seven Thousand Four Hundred Nineteen and 91/100 dollars (\$7,419.91) cash for each new multi-family dwelling unit. The cash contribution shall be paid at the time of the issuance of the building permit for each new unit within Block 1, unless the timing of the payment is otherwise specified by state law. In the event that the Project is completed prior to the balance of the In-kind Contributions, as defined in ZMA 201500003 being exhausted, no remaining balance of the In-kind Contribution may ~~not~~ be applied for any other project or development. ^{P&A}

OWNER:

Riverside Village Properties, Inc.



By: Paul B. Manning

Title: President

Tax Map and Parcel Number: 078G0-00-01-000A0

Agenda Item No. 20. **Public Hearing: ZMA-2016-00016 Woolen Mills, ZMA-2016-00021 Woolen Mills, SP-2016-00027 Woolen Mills, and SP-2016-00028 Woolen Mills (Signs 49 & 51).**

PROJECT: ZMA201600016 Woolen Mills, ZMA201600021 Woolen Mills, SP201600027 Woolen Mills and SP201600028 Woolen Mills.

MAGISTERIAL DISTRICT: Scottsville.

TAX MAP/PARCEL: 078000000021B0.

LOCATION: This property is located at the terminus of East Market Street and Broadway Street. It borders Moores Creek where it joins the Rivanna River. This is the location of the historic Woolen Mills factory. PROPOSAL: Request to rezone the property from LI, Light Industry to C1, Commercial. The intended uses of the existing buildings include residential development (See Special Use Permit), office space and restaurant space. Other by-right commercial uses would also be permitted. A new building intended for industrial use is also proposed.

PETITION: **ZMA201600016 Woolen Mills** - Rezoning for 10.4 acres from LI, Light Industry with allows industrial and office uses to C1, Commercial which allows retail sales and service uses and residential by special use permit (15 units/acre). **ZMA201600021** – Rezoning 1.54 acres of Steep Slopes Overlay District, Preserved Slopes to Steep Slopes Overlay District, Managed Slopes. The Steep Slopes Overlay District is an Overlay District to protect steep slopes.

SP201600027 – Special use permit in the C1, Commercial to allow residential development.

R-15 Residential under Section 22.2.2(6) of the Zoning Ordinance. Residential use will consist of 94 multi-family units on 10.4 acres for a total density of 9 units per acre. **SP201600028** – Special use permit under Section 30.3.11 of the Zoning Ordinance to allow engineered structures, including, but not limited to, retaining walls and revetments made of non-natural materials such as concrete which are constructed along channels or watercourses for the purpose of water conveyance or flood control. The Flood Hazard is an overlay to provide safety and protection from flooding.

OVERLAY DISTRICTS: Flood Hazard, Steep Slopes, Airport Impact Area, Entrance Corridor.

PROFFERS: Yes.

COMPREHENSIVE PLAN: Community Mixed Use - Community Mixed Use – residential (up to 34 units/acre), community scale retail, service and office uses, places of worship, schools, public and institutional uses. Parks and Green Systems - (parks, playgrounds, play fields, greenways, trails, paths, recreational facilities and equipment, plazas, outdoor sitting areas, natural areas, preservation of stream buffers, floodplains and steep slopes adjacent to rivers and streams).

(Advertised in the Daily Progress on April 24 and May 1, 2017.)

The Executive Summary as presented to the Board states that the property is currently zoned LI, Light Industry and is the site of the Woolen Mills factory. It is developed with several buildings that have significant historical value. The land use designation for this property was amended with the most recent adoption of the Comprehensive Plan. The current land use designation calls for Community Mixed Use and Parks and Green Systems. The current zoning is not consistent with the Comprehensive Plan recommendations for the property.

On March 21, 2017, the Planning Commission unanimously recommended approval of all of the applications. It has been discovered that the ad run in the local newspaper for the March meeting was incorrect. This requires the Planning Commission to hold a new public hearing which will take place on May 2, 2017. At the time of the preparation of this report, the meeting had not yet taken place. The March 21 Planning Commission action letter, staff report, and minutes are attached (Attachments A-C).

At the March 21st meeting the primary concerns about this project are the use of East Market Street for access, preservation of the historic character of the property and insuring that residential development will occur. The applicant has offered proffers to address traffic and preservation concerns (Attachment D). Concerns about increased traffic are mitigated by the fact that this property is already zoned LI, Light Industry and developed. This means that significant truck and commercial traffic can currently be generated by right. The limited area available for parking limits the maximum amount of commercial use the building can have. This parking limitation encourages residential development which has a lower parking demand. The Commission also stated concerns about water quality and encouraged the use of permeable pavers and other measures to protect water quality. The applicant will work with the Planning Commission during the site review process to get Commission input on water quality measures.

Staff recommends that the Board adopt: 1) the attached Ordinance approving ZMA 2016-16 (Attachment E); 2) the attached Ordinance approving ZMA 2016-21 (Attachment F); and 3) the attached Resolution approving SP 2016-27 and SP 2016-28 (Attachment G), subject to the conditions attached thereto.

Mr. Bill Fritz, Chief of Special Projects, addressed the Board and noted that signed proffers are being distributed to Supervisors and said the application has four parts. He presented an aerial photo of the development site and pointed out various building and landscape features. He said the Sawtooth buildings will be live-work spaces designed to allow people to work from home, and the old factory building will consist of office and residential with potential for a restaurant. Mr. Fritz stated that this property and neighboring properties were zoned for light industrial, and to the north of the property there is residential zoning. He said the Comprehensive Plan designates the area for mixed use, with at least 45% of space for employment, and the Commission wanted to ensure mixed use, as there is no requirement that any residential space be developed. Mr. Fritz said that staff believes parking would be the determining factor to ensure residential development, as there would not be sufficient space for parking on the site if it were all commercial. He said the Sawtooth factory buildings are considered to be historic and contribute to the overall character of the property, and they will be renovated following Department of Historic Resources (DHR) guidelines. Mr. Fritz said the applicant will utilize historic tax credits, which means DHR would be involved in monitoring the renovation process. He said the buildings are sturdy, solid, and of sound construction, though there are some areas in need of repair and maintenance. Mr. Fritz stressed the importance of restoring the site before further deterioration occurs that will make it uneconomical.

Mr. Fritz next displayed a street map of the area showing the property, which lies at the end of East Market and Broadway Streets, with Franklin Street being the sole connector between these streets. He said there are two travel ways that have connected these two streets, and they will provide emergency access and pedestrian links but not vehicular access. He said the other connection is closed due to an at-grade railroad crossing. Mr. Fritz stated the applicant had submitted a proffer to address the City's request for lane markings on City streets, and had offered a proffer to provide area for the continuation of the Rivanna Trail across the property. He said the Commission had expressed desire that parking access from East Market be limited to employees, residents, and the handicapped, but the applicant had not offered this as a condition or proffer, although he had proffered to limit the number of parking spaces to 28 to minimize traffic on East Market Street.

Mr. Fritz stated there is also a rezoning to change, manage, and preserve slopes, and inspection showed the slopes are not natural and contain large areas of consolidated stone. He said if the slopes had been field verified at the time of the adoption of the steep slopes ordinance, staff would have recommended them for a managed designation. Mr. Fritz stated that a special use permit allows for activity in the floodplain and the applicant has proposed installing flood control walls to protect the existing buildings from flooding, particularly basements and foundations. He said the Army Corps of Engineers had accepted the applicant's detailed study of the floodplain. Mr. Fritz showed a photo of the site with Moore's Creek and said the Commission expressed concern about how the proximity of the building to the creek might affect water quality. He said the applicant had agreed to work with the Planning Commission during the site review process to address water quality concerns, and proposed to flood proof the Sawtooth buildings with construction of a flood wall.

Mr. Fritz summarized that the application is consistent with the Comprehensive Plan and allows active reuse of an historic resource. He said the activities allowed during the approval process would not result in impacts greater than what could incur with permitted industrial zoning. He emphasized that flood

control measures would help to protect and maintain the existing buildings. Mr. Fritz said the Planning Commission unanimously approved the project on March 21, and said he had included comments from the Planning Commission in the handout to the Board. He said that staff recommends approval of the four applications and invited questions.

Ms. McKeel opened the public hearing.

Mr. Brian Roy, Manager and Developer of Woolen Mills, LLC, addressed the Board. He said that his team has collaborated with County staff and stakeholders and obtained input from area residents, noting that the development plan had not changed over the years. Mr. Roy stated that he had worked with FEMA engineers to successfully lower the floodplain about five feet, which removed the first floor from the floodplain but kept the basement remaining in it, which is what they expected, and they proposed to build a flood wall to address this. He stated that in February, FEMA issued its final letter of map revision allowing the flood plain reduction, and he then met twice with the Planning Commission. Mr. Roy said the project had qualified under Part I of the Department of Historic Resources Historic Tax Credit Program, and they have now submitted an application for Part II of the tax credit program. He said feedback he had received thus far indicates they are likely to qualify.

Mr. Roy stated that he had heard the concerns raised by neighbors and the Planning Commission and has tried to address them to the best extent possible. He said concerns were raised about traffic on Market Street, so he has moved the main entrance from Market Street to Broadway, which should address about 90% of the traffic that comes to the site. He said he has also proffered to Charlottesville to address their concerns with the turn lane on Market Street. Mr. Roy stated that the Planning Commission expressed concern with runoff into Moore's Creek, so he asked the Rivanna Conservation Alliance for assistance, and they have issued a letter indicating they would work to ensure impacts to the creek are not greater than what they have been in the past. Mr. Roy expressed the goal of the project is to tell an amazing story of a property in the County that dates to the Civil War as a center for industrial development. He said that to be able to renovate the building and turn the focus to the Rivanna River is extremely important and compelling, and a main reason why he has pursued the project. He said the project has posed challenges, such as working with FEMA, navigating the City/County relationship, and providing access through a tranquil neighborhood. Mr. Roy emphasized that the development blends in well with the neighborhood and will be an attractive destination for those wishing to live and work near downtown, but also take advantage of a beautiful and serene environment. He said the opportunity to open the property to visitors so they can experience the connection of the Rivanna Trail and learn more about the significance of this historical industrial site makes this a unique opportunity, and asked the Board to approve the rezoning request.

Mr. Michael Barnes of Charlottesville addressed the Board and said he is an urban planner and supporter of greenway trails. He said that trails play a critical role in solving transportation, recreation and economic development issues facing the community. He said he is representing the Rivanna Trail Foundation (RTF), a citizen-led organization supported through private donations and support from the City. He said the RTF maintains trails in both the County and City, and expressed the organization's support for Brian Roy and the Woolen Mills project.

Mr. Barnes stated that the Rivanna Trail is one of the few non-developer built trail systems within the County's urban area. He said RTF had met with Mr. Roy several times to discuss the section of the trail that crosses his property, as well as the need for a pedestrian bridge to cross from his property over Moore's Creek to provide a connection to the section of the Rivanna Trail lying on RWSA property to the south. He said Mr. Roy recognized the value of the trail to both the project and the community, and had proffered a permanent easement to allow the trail to cross the property. Mr. Barnes said Mr. Roy had expressed willingness to provide financial support, either as a cash donation for the bridge or including the bridge on the project site plan so it would be permitted and ready to be constructed as soon as funding was available.

Mr. Barnes thanked Mr. Roy for his support and said the project would be an enticing destination for trail users. He requested that the Board direct staff to work directly with RTF on the proffer for the easement to ensure the alignment of the easement meets with the Rivanna Trail and user needs. Mr. Barnes stated that the staff report identified the Rivanna Trail as an important amenity for the project and, since the bridge could close the Rivanna Trail loop, he requested the Board direct staff to support the RTF and Mr. Roy's effort to design the bridge over Moore's Creek. He requested that the Board have the County assume responsibility for long-term maintenance of the bridge.

There being no other public comments, Ms. McKeel closed the public hearing.

Mr. Randolph said that East Market Street narrows as it enters the County from the City, which has been a hindrance to area residents, and asked Mr. Roy if he would consider restricting the parking area of 28 spaces to only employees of the future restaurant, the handicapped, and cyclists. He said this could reduce complaints from neighbors. Mr. Roy responded that he is open to considering this, and there are positive reasons to have parking available to those coming down Market Street. He said a parking restriction could discourage a potential commercial tenant, whether it be an office or a restaurant, if there would be parking spaces in front of their business that they could not use.

Mr. Randolph said that in the future, people are more likely to use services such as Lyft and Uber, and asked if in the future he would be open to restricting parking. Mr. Roy confirmed that he would.

Ms. Mallek asked for clarification that the newer lot would be on the upper level closest to

Broadway and there would be elevator access to the four floors. Mr. Roy confirmed this and said there is an existing entrance on the third floor that would be the main entrance to the building.

Ms. Palmer thanked Mr. Roy for his persistence and said she had been hoping for years that someone would take on this project.

Ms. Mallek commented that the ability to use a portion of the narrow street as outdoor space for the restaurant would allow diners to enjoy the sounds of the stream.

Mr. Randolph **moved** that the Board adopt the proposed Ordinance to approve ZMA 2016-00016. The motion was **seconded** by Ms. Palmer. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Sheffield.

ORDINANCE NO. 17-A(7)
ZMA 2016-00016 WOOLEN MILLS

AN ORDINANCE TO REZONE 10.4 ACRES
FROM LI-LIGHT INDUSTRY TO C1-COMMERCIAL
FOR TAX MAP PARCEL NUMBER 07800-00-00-021B0

WHEREAS, the application to rezone 10.4 acres from LI-Light Industry to C1-Commercial for Tax Map Parcel Number 07800-00-00-021B0 is identified as ZMA 2016-00016 Woolen Mills ("ZMA 2016-16"); and

WHEREAS, staff recommended approval of ZMA 2016-16 with proffers; and

WHEREAS, the Planning Commission held a duly noticed public hearing on ZMA 2016-16 on May 2, 2017 and recommended approval with proffers; and

WHEREAS, on May 10, 2017, the Albemarle County Board of Supervisors held a duly noticed public hearing on ZMA 2016-16.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the staff report prepared for ZMA 2016-16 and its attachments, including the proffers dated April 27, 2017 and the rezoning application plan entitled "Woolen Mills Redevelopment Application Plan, County of Albemarle, Virginia" dated August 15, 2016 and last revised on February 23, 2017, the information presented at the public hearing, the material and relevant factors in Virginia Code § 15.2-2284, the intent of the C1-Commercial district stated in County Code § 18-22.1, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2016-16 with the proffers dated April 27, 2017 and the concept plan dated August 15, 2016 and last revised on February 23, 2017.

Original Proffers X
Amendment

PROFFER STATEMENT

ZMA No. 2016-16

Tax Map and Parcel Number(s): 07800-00-00-021B0

Owner(s) of Record: Collett M. Thach, Trustee of the Collett M. Thach Trust; Collett M. Thach, Trustee of the Edith C. Thach Trust (hereinafter collectively, "Thach")

Contract Purchaser: Woolen Mills, LLC, a Virginia limited liability company

Date of Proffer Signature: April 27, 2017

10.38 acres to be rezoned from Light Industry (LI) to Commercial (C-1)

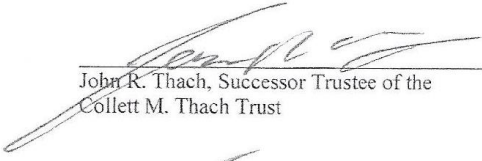
Thach is the owner (the "Owner") of Tax Map and Parcel Number 07800-00-00-021B0 (the "Property") which is the subject of rezoning application ZMA No. 2016-16, a project known as "Woolen Mills" (the "Project").

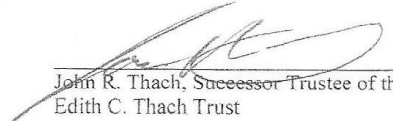
Woolen Mills, LLC is the contract purchaser ("Contract Purchaser") of the Property by that certain Option to Purchase Real Estate agreement dated January 28, 2014 as amended.

Pursuant to Section 33.3 of the Albemarle County Zoning Ordinance, the Owner hereby voluntarily proffers the conditions listed below which shall be applied to the Property if it is rezoned to the zoning district identified above. These conditions are proffered as a part of the requested rezoning and the Owner acknowledges that the conditions are reasonable.

1. Upon demand of the County an easement of adequate area for construction and maintenance of a Class A Trail including a pedestrian bridge over Moore's Creek providing connection to Tax Map 78, Parcel 22A and East Market Street shall be provided. The precise location of the trail and bridge shall be mutually agreed upon by the Owner/Contract Purchaser and the County, and such agreement shall not be unreasonably withheld. The location of the trail and bridge shall be mutually agreed to and designed to facilitate connectivity with the Rivanna Trail System. This proffer shall not obligate the Owner/Contract Purchaser to bear the construction or maintenance cost associated with any trail or bridge.
2. Prior to submission of the Final Site Plan for the Project, Owner/Contract Purchaser shall provide to the County a copy of Virginia Department of Historic Resources' Part 2 certification of the proposed rehabilitation work.
3. All development within the Project shall comply with the of Virginia Department of Historic Resources tax credit requirements.
4. The Final Site Plan for the Project shall include a plan for educating the public about the Woolen Mills cultural resources, including but not limited to onsite markers, interpretive exhibits, and the like, which are visible in publicly accessible areas.
5. The parking area within the Project which is accessed from East Market Street shall be limited to 28 spaces.
6. At least 45% of the total built square footage and leased outdoor area of the Property will be used non-residentially in employment-generating and commercial uses.
7. Prior to the issuance of the first certificate of occupancy for the Project, Owner/Contract Purchaser shall make a lump sum cash contribution to the City of Charlottesville of \$10,000 to be used by the City for intersection striping or other improvements to roads and intersections within the Woolen Mills neighborhood.

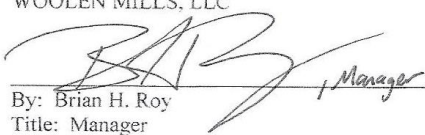
OWNER


John R. Thach, Successor Trustee of the
Collett M. Thach Trust


John R. Thach, Successor Trustee of the
Edith C. Thach Trust

CONTRACT PURCHASER

WOOLEN MILLS, LLC


By: Brian H. Roy
Title: Manager

Mr. Randolph **moved** that the Board adopt the proposed Ordinance to approve ZMA 2016-00021. The motion was **seconded** by Ms. Mallek. Roll was called and the motion carried by the following recorded vote:

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

**ORDINANCE NO. 17-A(8)
ZMA 2016-00021 WOOLEN MILLS**

**AN ORDINANCE TO REZONE 1.54 ACRES
OF THE STEEP SLOPES OVERLAY DISTRICT
FROM PRESERVED SLOPES TO MANAGED SLOPES
FOR TAX MAP PARCEL NUMBER 07800-00-00-021B0**

WHEREAS, the application to rezone 1.54 acres of the steep slopes overlay district from preserved slopes to managed slopes for Tax Map Parcel Number 07800-00-00-021B0 is identified as ZMA 2016-00021 Woolen Mills ("ZMA 2016-21"); and

WHEREAS, staff recommended approval of ZMA 2016-21; and

WHEREAS, the Planning Commission held a duly noticed public hearing on ZMA 2016-21 on May 2, 2017 and recommended approval; and

WHEREAS, on May 10, 2017, the Albemarle County Board of Supervisors held a duly noticed public hearing on ZMA 2016-16.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the staff report prepared for ZMA 2016-21 and its attachments, including the rezoning application plan entitled "Woolen Mills Redevelopment Application Plan, County of Albemarle, Virginia" dated August 15, 2016 and last revised on February 23, 2017, the information presented at the public hearing, the material and relevant factors in Virginia Code § 15.2-2284, the characteristics of managed slopes and preserved slopes stated in County Code § 18-30.7.1, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2016-21 with the concept plan dated August 15, 2016 and last revised on February 23, 2017.

Mr. Randolph moved that the Board adopt the proposed Resolution to approve SP 2016-00027 and SP2016-00028 subject to the conditions. The motion was **seconded** by Ms. Mallek. Roll was called and the motion carried by the following recorded vote:

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

**RESOLUTION TO APPROVE
SP 2016-27 WOOLEN MILLS
AND SP 2016-28 WOOLEN MILLS**

WHEREAS, in conjunction with two rezoning applications (ZMA 2016-16 Woolen Mills and ZMA 2016-21 Woolen Mills), the Contract Purchaser/Owner of Tax Map Parcel Number 07800-00-00-021B0 submitted applications for Special Use Permits to permit residential development in the C-1 Commercial District and to permit activity in the floodplain, and the applications are identified, respectively, as Special Use Permit 2016-00027 Woolen Mills ("SP 2016-27") and Special Use Permit 2016-00028 Woolen Mills ("SP 2016-28"); and

WHEREAS, on May 2, 2017, after duly noticed public hearings, the Albemarle County Planning Commission recommended approval of SP 2016-27 and SP 2016-28 with conditions; and

WHEREAS, on May 10, 2017, the Albemarle County Board of Supervisors held duly noticed public hearings on SP 2016-27 and SP 2016-28.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2016-27 and SP 2016-28 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code §§ 18-22.2.2(6), 18-30.3.11, and 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2016-27 and SP 2016-28, subject to the conditions attached hereto.

**SP 2016-27 Woolen Mills
Special Use Permit Condition**

1. A maximum of ninety-four (94) residential units is permitted.

**SP 2016-28 Woolen Mills
Special Use Permit Condition**

1. Prior to final site plan approval of permitting of a land disturbance in the floodplain, the applicant shall obtain a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency

Management Agency (FEMA) and a Floodplain Development Permit from Albemarle County. In addition, the applicant shall copy the County Engineer on all correspondence with FEMA. Construction and installation of flood wall(s) shall be in compliance with approved plans and FEMA approved CLOMR and applicant shall obtain a FEMA approved LOMR upon completion of fill activities.

Agenda Item No. 21. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Item No. 21a. Chesapeake Bay Resolution.

Ms. Mallek asked Supervisors if they had read the email pertaining to the Chesapeake Bay resolution and if anyone has concerns.

Ms. Mallek then **moved** that the Board adopt the Chesapeake Bay restoration funding resolution. The motion was **seconded** by Mr. Randolph. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Sheffield.

Chesapeake Bay Restoration Resolution

WHEREAS, the Rivanna River is a major tributary of the James River and the Chesapeake Bay; and

WHEREAS, the Albemarle County Board of Supervisors wishes to express its strong support for the continued Federal funding for Environmental Protection Agency and other relevant agencies involved in the Chesapeake Bay restoration efforts; and

WHEREAS, in light of recent signals that the decades-old multi-state and Federal efforts are beginning to show marked improvements in bay water quality and health; and

WHEREAS, the Albemarle County Board of Supervisors urges the Federal Executive branch and Virginia's thirteen-member Congressional delegation to support Chesapeake Bay program funding levels at amounts previously requested; and

WHEREAS, Federal funding through the Chesapeake Bay Program has been used locally to enhance water quality, reduce stormwater runoff, improve agricultural practices and create local jobs.

NOW, THEREFORE BE IT RESOLVED, that the Albemarle County Board of Supervisors is Committed to protection and the improvement of water quality within the Rivanna River watershed and that these goals are directly related to improving the health of the Chesapeake Bay Watershed which cannot be accomplished without continued Federal funding support for Chesapeake Bay restoration efforts.

Signed and sealed this 10th day of May, 2017.

Ms. Palmer said constituents have expressed concern about a beggar who holds up an obscene sign at Woodbrook, and she has conferred with the County Attorney, who has said it falls within his First Amendment rights.

Ms. Palmer noted that Ms. Barbara Hutchinson of the United Way, in her remarks to the Board, had indicated that Albemarle County provides more financial support than other localities. She said she asked Ms. Hutchinson if this is because the County is not collecting enough from federal and state agencies. Ms. Palmer stated that Ms. Hutchinson's reply had been that this is the reason, and indicated that the County had missed some opportunities, including the WIC and Head Start programs. She said Ms. Hutchinson told her she is on the lookout for grants. Ms. Palmer suggested they have Interim County Executive, Doug Walker, follow up on this. She said Ms. Hutchinson informed her that changes with Head Start would allow them to incorporate it into the regular pre-k and it no longer has to be a separate operation.

Ms. Palmer said the Solid Waste Advisory Committee of the Rivanna Solid Waste Authority Board had discussed opening McIntire on Mondays and having consistent morning and afternoon hours. She said they analyzed the cost of this and determined that it could be done within the current budget, so she has asked the committee to write a letter to the Board with background and justification for changing the hours. She said if the Board of Supervisors agrees, she can take this up with the Rivanna Board, and it will be beneficial if Charlottesville agrees to pay for 30% of this cost.

Ms. Mallek asked how they arrived at the current funding allocation for McIntire whereby the City picks up 30% and the County 70% of the cost. She noted that it was brought up earlier today that the

Rivanna Water and Sewer Authority endorsed biking at Ragged Mountain and asked that representatives on the RWSA Board confer with the Board of Supervisors before making such an endorsement.

Ms. Palmer said it was not an endorsement, but said that Rivanna felt the water could be treated at the same level regardless of bicycling. She stated that the item did not come up for discussion before the RWSA Board.

Ms. Mallek said this means that Rivanna Authorities Executive Director, Bill Mawyer had acted on his own without conferring with Ms. Palmer and the Board of Supervisors, which is out of line, particularly since he has been on the job for only two weeks.

Ms. Palmer said she thought Mr. Mawyer felt he was taking a neutral position.

Mr. Randolph commented that Mr. Mawyer did take a side, though he may not have perceived it this way.

Ms. Palmer addressed Ms. Mallek's question about cost sharing of McIntire recycling with the City, stating that the percentage was based on regular user surveys that indicated approximately one-third of users are from the City and two-thirds from the County.

Mr. Randolph asked if they measure whether tonnage increases as a result of expanded operational hours. Ms. Palmer responded that they regularly measure tonnage and would have this information, adding that the reasons for the expanded hours are both to increase recycling and to make it more convenient for people to use the facility after work and on Mondays.

Mr. Randolph asked Ms. Palmer to report to the Board in six months and to also compare usage with what occurred when they reduced the hours of operation.

Ms. McKeel asked if expanded hours would cost more. Ms. Palmer said it would, but indicated that Mr. Mawyer has said Rivanna has savings from other areas, so they would not have to ask for more money.

Ms. Mallek commented that if they do not do the expansion, they could use the savings for something next year. She said it would be good to find out if everything brought to McIntire is being recycled or if some materials are being brought to the dump, which was the case years ago. Ms. Palmer confirmed that everything is being recycled.

Ms. McKeel, recognizing VDOT employee Mr. Phil Shucett for all of his service, proposed they put together a plaque of appreciation at a cost of \$120 and asked Supervisors for their support. Other Supervisors agreed.

Ms. McKeel said that a constituent named Ms. Campbell had sent her a letter suggesting construction of a portion of sidewalk along Hydraulic Road. She stated that she feels it is a good idea, and asked Mr. Walker if he would take the letter and follow up. Mr. Walker agreed.

Agenda Item No. 22. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Walker stated that he did not have a report.

Agenda Item No. 23. Closed Meeting. *(if needed)*

There was no need for an additional Closed Meeting.

Agenda Item No. 24. Adjourn to May 15, 2017, 2:00 p.m., Lane Auditorium.

At 8:47 p.m., Ms. McKeel **moved** that the Board adjourn until May 15, 2017 at 12:30 p.m. in Lane Auditorium. The motion was **seconded** by Ms. Palmer. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Mr. Sheffield.

Chairman

Approved by Board
Date 09/06/2017
Initials CKB