

ACTIONS
Board of Supervisors Meeting of August 4, 2010

August 5, 2010

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> Meeting was called to order at 9:01 a.m. by the Chair, Ann Mallek. All BOS members were present. Also present were Bob Tucker, Larry Davis, Ella Jordan, and Meagan Hoy. 	
<p>4. Recognitions.</p> <ul style="list-style-type: none"> Barbara Barrett, Region Ten Community Services Board. <ul style="list-style-type: none"> Chair presented Certificate of Appreciation. 2010 Digital Government Award. <ul style="list-style-type: none"> Chair read recognition and recognized IT staff and County Web Team for their work. 	
<p>5. From the Board: Matters not listed on the Agenda.</p> <p><u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> Announced that the meeting that he and Mr. Thomas were invited to attend on August 5th with the Secretary of Transportation and several representatives from Lynchburg to discuss the Route 29 corridor, has been cancelled. He does not know if it will be rescheduled. Encouraged Board members to read the report issued by Schnabel Engineering on the earthen dam at Ragged Mountain Reservoir, on the Rivanna Water and Sewer Authority's webpage. <p><u>Rodney Thomas:</u></p> <ul style="list-style-type: none"> Asked Board members their position on a previous request he received from the family of Mr. George Frazier to name to the bridge on Route 600, Rea's Ford Road, as the "George Frazier Memorial Bridge". CONSENSUS of Board to not support the request at this time. Updated the Board on his recent visit to Rockydale Quarry, where blasting was taking place. <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> Mentioned that residents of the Fontana neighborhood have been working with the County and VDoT to develop some traffic calming improvements. APPROVED, by a vote of 6:0, that VDoT undertake a study of the streets in the Fontana neighborhood in Pantops and develop a plan of improvements to address traffic issues. Mentioned the RWSA's 5-year CIP. Commented that there are no rate increases in the Plan due to water. The most significant increase in rates is due to sewer costs. <p><u>Duane Snow:</u></p> <ul style="list-style-type: none"> Commented that the Thomas Jefferson Planning District Commission has submitted a 	<p><u>David Benish:</u> Proceed as approved.</p>

<p>grant proposal for regional broadband internet service throughout the entire County. They hope to hear something back in October.</p> <p><u>Ann Mallek</u></p> <ul style="list-style-type: none"> • Provided an update on LEAP's Home Energy Makeover Contest. • Announced that the County is celebrating National Farmers' Market Week. Today, the market is in the County Office Building on McIntire Road – building users can visit the Second Floor Lobby between 12:00 noon and 3:00 p.m. to buy food from local farms provided by the local food hub. The market is being run by the Boys and Girls Club Teen Leadership Group and proceeds will go to the Club field trip fund. • Thanks to the IT staff, an updated green resources map showing the locations of all the farmers' markets will be posted to the County's website. • Updated the Board on her participation on a State panel called the Rural Enterprise Task Force. 	
<p>6. From the Public: Matters Not Listed for Public Hearing on the Agenda.</p> <ul style="list-style-type: none"> • <u>Elizabeth Burdash</u>, a County resident, spoke about the proposed Zoning Ordinance fees, and asked the Board to set the fees at a level that fully covers the costs to the County. • <u>Paul Grady</u>, a County resident, suggested the County lease a portion of the 60 acres, it owns, behind the Monticello Fire Station to the Albemarle County Fair. • <u>Jack Marshall</u>, on behalf of ASAP, spoke about the proposed Zoning Ordinance fees, and suggested that the fees be 100 percent cost recovery by the developer. • <u>Morgan Butler</u>, on behalf of SELC, spoke about the proposed Zoning Ordinance fees, and asked the Board to not make cuts such that they hurt staff's ability to review a proposal. • <u>Jeff Werner</u>, on behalf of PEC, spoke about the proposed Zoning Ordinance fees, and said PEC supports staff's proposal. • <u>Neil Williamson</u>, on behalf of the Free Enterprise Forum, spoke about the proposed Zoning Ordinance fees, and expressed opposition to requiring developers to borne 100 percent of zoning fees. 	
<p>7.2 FY 2010 Budget Amendment and Appropriations.</p> <ul style="list-style-type: none"> • APPROVED budget amendment in the amount of \$95,196.94 and APPROVED Appropriations #2010095, #2010096, and #2010097. 	<p><u>Clerk:</u> Forward copy of signed appropriations to Finance, OMB and appropriate individuals.</p>
<p>7.3 FY 2011 Budget Amendment and Appropriations.</p> <ul style="list-style-type: none"> • APPROVED budget amendment in the amount of \$1,612,242.59 and APPROVED Appropriations #2011010, #2011011, 	<p><u>Clerk:</u> Forward copy of signed appropriations to Finance, OMB and appropriate individuals.</p>

	#2011012, #2011013, #2011014, #2011015, #2011016, #2011017, #2011018, #2011019, #2011020, and #2011021.	
7.4	Resolution of the County of Albemarle, Virginia, Seeking Action By the General Assembly and Governor to Prohibit all Predatory, Usurious Lending Practices in the Commonwealth of Virginia. <ul style="list-style-type: none"> • ADOPTED Resolution. 	<u>Clerk</u> : Forward copy of adopted resolution to Steven Owen, City Manager, City of Staunton. (Attachment 1)
7.5	Resolution of the County of Albemarle Relating to the Support of the Virginia Sesquicentennial of the American Civil War Commission. <ul style="list-style-type: none"> • ADOPTED Resolution. 	<u>Clerk</u> : Forward copy of adopted resolution to Steven Meeks and Kurt Burkhart. (Attachment 2)
7.6	Board of Supervisors' June 30, 2010 Strategic Plan Strategy Session Report. <ul style="list-style-type: none"> • APPROVED the five Strategic Goals. 	<u>Lori Allshouse</u> : Proceed as approved. (Attachment 3)
7.7	FY 2010 Fourth Quarter Cash and Non-Cash Proffer Report. <ul style="list-style-type: none"> • Asked staff to separate out the amounts for the cash proffers from the non-cash proffers. 	<u>Sarah Baldwin</u> : Proceed as requested.
8.	VDoT Report, Karen Kilby, Programming/ Investment Management Director. <ul style="list-style-type: none"> • Georgetown Road - VDoT has made 19 offers, and have 9 approvals. The ones that have not been accepted are still in negotiations. • Meadow Creek Parkway – completion anticipated in about a year. They are currently working on the bridges, currently putting down sub-base and concrete work for the curb and gutter. • Duane Snow asked that he receive some time of response through email or phone call when he asks a question so that he can let his constituents know that the issue is being addressed. 	
9.	Appeal of Deputy Zoning Administrator's Determination of Route 29 LLC's ZMA2007-001 Proffer Violation regarding the Willow Glen Connection Right-of-Way Dedication. <ul style="list-style-type: none"> • REAFFIRMED, by a vote of 6:0, the Notice of Official Determination of Violation. 	
10.	Amendment of the Local Government Support Agreement between the City of Charlottesville, the County of Albemarle, and the Rivanna Solid Waste Authority. <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, the First Amendment to the Local Government Support Agreement and AUTHORIZED the County Executive to sign that Agreement. 	<u>County Attorney's Office</u> : Provide Clerk with copy of fully executed agreement. (Attachment 4)
11.	2011 Legislative Priorities. <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, the proposed 2011 Legislative Priorities, for submission to the TJPDC, VACo and VML. 	<u>Clerk</u> : Forward to David Blount for submission with the legislative packet. (Attachment 5)
	NonAgenda . At 11:43 a.m., the Board recessed and then reconvened at 11:55 a.m.	
12.	Economic Vitality Action Plan (deferred from July 14, 2010). <ul style="list-style-type: none"> • ADOPTED, by a vote of 6:0, the Economic 	<u>Clerk</u> : Forward copy to Community Development and County Attorney's office. (Attachment 6)

Vitality Action Plan.		
13.	<p>Reconsideration of Zoning Ordinance Fees (ZTA-2009-017), Mark Graham.</p> <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, the attached ordinance. 	<p><u>Clerk:</u> Forward copy of signed ordinance to Mark Graham, Wayne Cilimberg, Amelia McCulley, and County Attorney's Office. (Attachment 7)</p>
14.	<p>Closed Meeting.</p> <ul style="list-style-type: none"> • At 12:11 p.m., the Board went into closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (1) to consider appointments to boards, committees, and commissions. 	
15.	<p>Certify Closed Meeting.</p> <ul style="list-style-type: none"> • At 1:34 p.m., the Board reconvened and certified the closed meeting. 	
16.	<p>Boards and Commissions: Appointments.</p> <ul style="list-style-type: none"> • APPOINTED John Donohue to the Jefferson Area Disability Services Board with said term to expire June 30, 2013. • APPOINTED John Chavan to the Pantops Community Advisory Council. • APPOINTED James Sofka to the Route 250 Task Force with said term to expire April 4, 2013. • REAPPOINTED Rob Farrell and Richard Keeling to the ACE Committee with said terms to expire August 1, 2013. • REAPPOINTED Terry Rephann to the Fiscal Impact Advisory Committee with said term to expire July 8, 2012. • REAPPOINTED Michael Peoples to the Jefferson Area Disability Services Board with said term to expire June 30, 2013. 	<p><u>Clerk:</u> Prepare appointment/reappointment letters, update Boards and Commissions book, webpage, and notify appropriate persons.</p>
17.	<p><u>PROJECT: SP-2009-00030. Greenbrier Emergency Animal Hospital (Sign #25).</u></p> <ul style="list-style-type: none"> • APPROVED SP-2009-00030, by a vote of 6:0, subject to the 5 conditions recommended by staff and the Planning Commission. 	<p><u>Clerk:</u> Set out conditions of approval. (Attachment 8)</p>
18.	<p><u>PROJECT: ZMA-2008-000003. Albemarle Place (Sign #58,65&67).</u></p> <ul style="list-style-type: none"> • APPROVED, by a vote of 6:0, ZMA 2008-0003 subject to amended Proffers dated 7/23/10 and amended Table of Permitted/Prohibited Uses by Block (Appendix A to the Albemarle Place Code of Development), and APPROVED the three modifications of the requirements of Section 4.15, Sign Regulations in the Albemarle County Zoning Ordinance. 	<p><u>Clerk:</u> Set out approved proffer and modifications to sign regulations. (Attachment 9)</p>
19.	<p>From the Board: Matters Not Listed on the Agenda.</p> <p><u>Dennis Rooker:</u></p> <ul style="list-style-type: none"> • Will be attending the VACo Transportation Committee meeting on Friday August 6, 2010. If Board Members send him thoughts and suggestions, he will pass them on. <p><u>Ann Mallek:</u></p> <ul style="list-style-type: none"> • Will be attending the VACo Agricultural and Environment meeting on Friday, August 6, 2010. 	

<ul style="list-style-type: none"> • Asked if the Board would be interested in making a donation to the Albemarle County Fair for the increased tent fee. • Updated the Board on the end of summer reading program celebration at the Crozet Library. <p><u>Ken Boyd:</u></p> <ul style="list-style-type: none"> • Will be attending the VACo Administration and Government Committee meeting on Friday August 6, 2010. 	
<p>20. Adjourn.</p> <ul style="list-style-type: none"> • At 2:57 p.m., the meeting was adjourned to August 11, 2010 at 4:00 p.m., Room 241. 	

ewj/mrh

- Attachment 1 – Resolution – Predatory Lending Practices
- Attachment 2 – Resolution – Civil War Commission
- Attachment 3 – Strategic Action Plan Goals
- Attachment 4 – RSWA - Local Government Support Agreement
- Attachment 5 – Legislative Priorities
- Attachment 6 – Economic Vitality Action Plan
- Attachment 7 - Zoning Fees Ordinance
- Attachment 8 – Conditions of Approval - SP-2009-00030, Greenbrier Emergency Animal Hospital
- Attachment 9 – Albemarle Place Proffers and Modifications to Sign Regulations

**RESOLUTION
OF THE COUNTY OF ALBEMARLE, VIRGINIA
SEEKING ACTION BY THE GENERAL ASSEMBLY AND GOVERNOR
TO PROHIBIT ALL PREDATORY, USURIOUS LENDING PRACTICES
IN THE COMMONWEALTH OF VIRGINIA**

WHEREAS, the Board of Supervisors of the County of Albemarle, Virginia, represents the citizens of the County of Albemarle, Virginia;

WHEREAS, the Board of Supervisors of the County of Albemarle, Virginia, believes the citizens of the County of Albemarle remain concerned over what are perceived to be predatory, usurious lending practices in the County of Albemarle and elsewhere in the Commonwealth, including practices that can exploit dedicated, brave women and men called to serve in the United States armed services;

WHEREAS, the Board of Supervisors of the County of Albemarle of Charlottesville, Virginia, shares these continuing concerns and intends through this Resolution to express the collective sentiments and will of the County of Albemarle citizens that the General Assembly and Governor of Virginia need to take action to prohibit all predatory, usurious lending practices; and

WHEREAS, it is essential that the General Assembly and the Governor of Virginia address this matter as a high priority at the next legislative session, leading to enactment of laws strictly prohibiting and deterring all predatory, usurious lending practices in the Commonwealth of Virginia.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Albemarle, Virginia that, at the next legislative session, the General Assembly and the Governor of the Commonwealth of Virginia are hereby requested to enact laws strictly prohibiting and deterring all predatory, usurious lending practices, including but not limited to provisions that would:

1. Impose an interest rate cap of thirty-six percent (36%), calculated as an effective annual percentage rate including all fees or charges of any kind, for any consumer credit extended in the Commonwealth of Virginia;
2. Prohibit a creditor's use of a personal check or other device as a means, directly or indirectly, to gain access to a consumer's bank account; and
3. Incorporate into the Virginia Code the protections regarding consumer credit to military personnel as reflected in the Military Lending Act, 10 United States Code Section 987.

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALBEMARLE
RELATING TO THE SUPPORT OF THE VIRGINIA SESQUICENTENNIAL OF
THE AMERICAN CIVIL WAR COMMISSION**

RECITALS:

A. The Board of Supervisors of the County of Albemarle (“the County”) is dedicated to the furtherance of economic development and tourism in Albemarle County;

B. The Virginia Sesquicentennial of the American Civil War Commission (“the Commission”) was created in 2006 by the General Assembly for the purpose of preparing for and commemorating the 150th anniversary of Virginia’s participation in the American Civil War;

C. The Commission has requested that each locality form a sesquicentennial committee to aid in planning for the commemoration period.

WHEREAS, Albemarle County will join other localities in Virginia to form a local sesquicentennial committee; and

WHEREAS, the sesquicentennial committee will plan and coordinate programs occurring within the locality and communicate regularly with the State Commission; and

WHEREAS, the Board of Supervisors wishes to undertake this endeavor with the Commission to promote and commemorate this important historic milestone.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF ALBEMARLE, THAT:

1. The Board of Supervisors hereby desires to support the Virginia Sesquicentennial of the American Civil War Commission and their efforts to commemorate the 150th anniversary of Virginia’s participation in the American Civil War; and that
2. Albemarle County will designate Steven Meeks, President of the Albemarle Charlottesville Historical Society, and Kurt Burkhart, Executive Director of the Charlottesville Albemarle Convention and Visitors Bureau, as joint-chairmen of a local sesquicentennial committee to work jointly and cooperatively to aid in the planning for the commemoration period.

**Albemarle County's Strategic Action Plan Goals
FY 10/11- FY 11/12
Redefining County Government for the new Economic Reality**

- Goal 1:** *By June 30, 2012, the County will explore options and identify ways to address unfunded current and future capital needs.*
- Goal 2:** *By June 30, 2012, communication and budget information sharing will be increased between the General Government and School Division.*
- Goal 3:** *By June 30, 2012, the County and its partners will complete the first two year's activities identified in the County's Economic Vitality Action Plan.*
- Goal 4:** *By June 30, 2012, the County will explore options and identify the most desirable library system structure for the future.*
- Goal 5:** *By December, 2010, the Board of Supervisors will provide direction on a preferred solid waste disposal option for the County.*

**FIRST AMENDMENT TO LOCAL GOVERNMENT SUPPORT AGREEMENT
AMONG
THE CITY OF CHARLOTTESVILLE
THE COUNTY OF ALBEMARLE
AND
THE RIVANNA SOLID WASTE AUTHORITY**

This **First Amendment to Local Government Support Agreement** (this "First Amendment") is made this ___ day of June, 2010 by and among the **City of Charlottesville, Virginia** (the "City"), the **County of Albemarle, Virginia** (the "County") and the **Rivanna Solid Waste Authority** (the "Authority"), together referred to as the "Parties," parties to the Local Government Support Agreement dated December 17, 2007 (the "Agreement").

WHEREAS, Paragraph 1 of the Agreement required the City to make certain payments to the Authority and required the Authority to make a reimbursement of a payment to the County, which payments and reimbursements have been made;

WHEREAS, Paragraphs 2 and 3 of the Agreement required the Authority to no longer impose the service contribution fee on solid waste delivered by the City on and after July 1, 2008;

WHEREAS, Paragraph 4 of the Agreement required the City and the County to proportionally fund or the Authority to make a proportional reimbursement to the City and the County based upon actual service fees collected by the Authority compared to the population of the City and the County until the first to occur of (i) full implementation of a strategic plan or (ii) June 30, 2010;

WHEREAS, Paragraph 5 of the Agreement required the City and the County to proportionally fund operating deficits of the Authority based upon the population of the City and the County after June 30, 2010 in the event a strategic plan was not fully implemented; and,

WHEREAS, a strategic plan for the Authority has not been implemented, however, the City and the County are willing to continue to fund operating deficits of the Authority for a limited period of time, but based upon usage of Authority facilities and services by City and County residents as opposed to population;

NOW, THEREFORE, the Parties agree as follows:

1. **Amendment of Paragraph 5 of the Agreement**

Paragraph 5 of the Agreement is hereby amended and restated as follows:

5. **City's and County' Proportional Funding of Authority's Projected Annual Operating Deficit**

If the Authority determines that despite any payment by either the City or the County pursuant to paragraph 4 above and all reasonable efforts to fund the operating expenses of the Authority that an operating deficit will exist, it shall prepare and adopt a budget, including reasonable reserves, balanced by using revenue to be contributed by the City and the County. For periods prior to and including the Authority's fiscal year ending June 30, 2010, the amount of revenue to be contributed by the City and the County shall be determined on the basis of population at the time the budget is adopted by the Authority as reported for the most recent year by the University of Virginia's Weldon Cooper Center for Public Service, rounded to the nearest tenth (1/10) of a percent. The percentage of each of the City's and County's portion of the revenue to be contributed will be calculated by dividing its population by the combined population of the City and County. For purposes of the budget for the Authority's fiscal year beginning July 1, 2007, the percentage of the City's portion of the revenue to be contributed shall be thirty percent (30%) and the County's portion of the revenue to be contributed shall be seventy percent (70%). For the period beginning July 1, 2010 and continuing through December 31, 2010, the Authority shall allocate the cost of its

operations, including administrative overhead, but excluding costs covered by the Environmental Expenses MOU, between (i) recycling operations and programs offered at the McIntire Recycling Center, including the paper sort facility, and (ii) all other operations. Administrative expenses of the Authority shall be allocated as follows: 20% to recycling operations, 50% to all other operations and 30% to remediation activities covered by the Environmental Expenses MOU. The amount of revenue to be contributed by the City and the County for any operating deficits related to recycling operations shall be thirty-three percent (33%) for the City and sixty-seven percent (67%) for the County based on the usage of the recycling facilities and services by the residents of the City and the County as determined by the Authority in its June, 2010 Windshield Survey of vehicles entering the McIntire Recycling Center. The amount of revenue to be contributed by the City and the County for any operating deficits related to all other operations shall be fifteen percent (15%) for the City and eighty-five percent (85%) for the County based upon the Authority's accounting report of "Ivy Material Origin Usage Data" for the period beginning July 1, 2009 and ending April 30, 2010. Nothing in this Amendment or the 2007 Local Government Support Agreement shall be construed as obligating the City of Charlottesville or the County of Albemarle to make any further payments to RSWA for any period after December 31, 2010.

2. **Defined Terms**

Capitalized terms used in this First Amendment not otherwise expressly defined herein shall have the meanings set forth in the Agreement.

3. **Integration Clause**

The Agreement, as modified by this First Amendment, and any amendment or modification that may hereafter be agreed to in accordance with the provisions of the Agreement, constitutes the entire understanding between the Parties with respect to the matters addressed, and supersedes any and all prior understandings and agreements, oral or written, relating hereto, except for the Environmental Expenses MOU. Except as expressly amended hereby, the Agreement shall remain in full force and effect in accordance with its terms.

4. **Execution**

This First Amendment may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

WHEREAS these terms are agreeable to the City of Charlottesville, the County of Albemarle and the Rivanna Solid Waste Authority, and each Party offers its signature as of the date below.

THE CITY OF CHARLOTTESVILLE:

Maurice Jones, Acting City Manager

THE COUNTY OF ALBEMARLE:

Robert W. Tucker, Jr., County Executive

RIVANNA SOLID WASTE AUTHORITY:

Thomas L. Frederick, Jr., Executive Director

Albemarle County 2011 Legislative Priorities

Growth Management, Land Use and Transportation

Agricultural and Forestal Districts—Request the legislature to amend *Virginia Code* § 15.2-4307 to streamline and simplify the public notice requirements for agricultural and forestal districts.

Local Authority—Request that the legislature 1) strengthen localities' authority by enabling them to utilize adequate public facilities ordinances; and 2) not pass legislation that preempts or circumvents existing local authority to regulate land use.

Impact Fee Authority—Request that the legislature support impact fee legislation that allows for 1) a fair allocation of costs representing a "pro-rata" off-set of new growth on public facilities; 2) impact fees for facility costs related to transportation, schools, fire, police, emergency medical services, libraries, stormwater management, open space and parks/recreation lands; 3) effective implementation through simple locally-based formulae and reasonable administrative requirements; 4) does not cap or limit localities' impact fee updates; and 5) does not diminish the existing proffer system.

Conservation Easements—Request the legislature support and augment local efforts in natural resource protection through 1) continuing to fund the Virginia Land Conservation Foundation (VLCF) for locally established and funded Purchase of Development Rights programs (e.g. ACE Program in Albemarle County); 2) continuing to provide matching funds to localities for their Purchase of Development Rights programs through the Office of Farmland Preservation; 3) retaining provisions in transient occupancy tax legislation so that funds can continue to be used to protect open-space and resources of historical, cultural, ecological and scenic value that attract tourism; and 4) increase incentives for citizens to create conservation easements.

Scenic Protection and Tourist Enhancement—Support enabling legislation for Albemarle County to provide for a scenic protection and tourist enhancement overlay district. As the County pursues options to protect the visual quality of land as an aesthetic and economic resource, this legislation would provide a method to ensure full consideration of visual resources and scenic areas when the County or state make land use decisions in designated areas.

Transportation Funding—Request the legislature 1) establish stable and consistent state revenues for Virginia's long-term transportation infrastructure needs; 2) direct funding efforts at all transportation modes; 3) coordinate planning for transportation and land use, being mindful of local Comprehensive and regional Transportation Plans when planning transportation systems within a locality; and 4) not shift transportation responsibilities, including maintenance, to localities.

Health and Human Services

Comprehensive Services Act (CSA)—Request the legislature assist localities' implementation of CSA in a consistent, financially stable manner by: 1) fully funding the state pool for CSA with allocations based on realistic anticipated levels of need and a cap on local expenditures for serving a child through CSA; 2) enhancing state funding for grants to localities to create community-based alternatives for children served in CSA; 3) establishing state contacts with CSA providers to provide for a uniform contract management process, improve vendor accountability and control costs; and 4) encouraging the state to be proactive in making service providers available and to support local and regional efforts to address areas of cost sharing among localities by procuring services through group negotiation.

Child Care for Low Income Working Families—Request the legislature provide additional funds to local governments to assist low-income working families with childcare costs. This funding helps working-class parents pay for supervised day care facilities and supports efforts for families to become self-sufficient.

Local Department of Social Services (LDSS)—Request the legislature increase funds for LDSS to match all available federal dollars to assist LDSS staffing needs in order to meet state mandated services and workloads.

Local Government Administration and Finance

Full Funding of State Mandates—Request the state provide full funding for its mandates in all areas of local government including the Standards of Quality (SOQs), positions approved by the Compensation Board, costs related to jails and juvenile detention centers and human services positions.

Local Control of Local Revenues—Request the legislature take no action to restrict or limit the existing local control of local revenues so that local government leaders can take appropriate measures to generate sufficient revenues to sustain and improve services.

Tax Assessments—Oppose any legislation which would change the burden of proof from the taxpayer to the assessor when a taxpayer appeals the assessment of real property to the board of equalization or to a circuit court.

Drug Court Funding—Request the legislature fully fund the Drug Court Program, which provides effective treatment and intensive supervision to drug offenders through the Circuit Courts of several Virginia localities.

Cost to Compete Pay Differential—Due to the documented high cost of living in Albemarle County, request the legislature include Albemarle County Schools in the “Cost to Compete Pay Differential” so that the County may reach and maintain competitive compensation to help recruit, develop and retain a highly qualified and diverse teacher workforce.

Composite Index—Request the legislature to amend the Composite Index Funding Formula by re-defining the local true values component of the formula to include the land use taxation value of real property rather than the fair market assessed value for those properties that have qualified and are being taxed under a land use value taxation program.

Economic Vitality Action Plan

PREAMBLE:

The Economic Development Policy of the County's Comprehensive Plan has a stated purpose to "provide the local citizenry an improved standard of living and enhanced quality of life." The policy notes that economic growth and vitality are required to sustain and enhance the human, economic, cultural, and natural characteristics of our community. The policy also states clearly that Albemarle's commitment to economic development should be accomplished within the framework of our growth management objectives. This Action Plan is intended to translate the purpose and goals of the Economic Development Policy into concrete and measureable actions, being very mindful of the need to adhere to already established growth management objectives and natural resource protections. While this Plan is focused on accomplishing specific action items within the next three years, the County recognizes the need for a long term commitment to economic vitality. This Plan is intended to establish a sustainable pathway for the long term health of our local economy. Broad-based community input is critical to the success of the Action Plan and is a key feature of many of the specific strategies and actions.

The County's commitments to education, infrastructure and natural resource protection forms the cornerstone of Albemarle's quality of life, and, by default, its business growth. In partnership with the University of Virginia and the Piedmont Virginia Community College, Albemarle County Public School's education programming – ranging from the County "bright stars" kindergarten program to the Math-Engineering-Science Academy (MESA) magnet school – help ensure a very highly educated, capable local workforce. The County strives to manage growth in a manner that best uses its infrastructure dollars and protects and preserves the area's abundant natural resources as well as those industries depending on those natural resources. With these commitments, the community strives to manage growth without sacrificing the quality of life. This Action Plan builds on these existing commitments. All objectives, strategies and action items in this Plan are intended to achieve outcomes that are consistent with the goals of the Economic Development Policy section and all other sections of the County's Comprehensive Plan as outlined below.

CONSISTENCY WITH THE COMPREHENSIVE PLAN

This Action Plan is intended to work within the guidelines and stated goals and objectives of all relevant chapters of the Comprehensive Plan, including those listed below. While it is redundant to repeat all related sections of these chapters within this Action Plan, it is important to note the objectives and strategies of this plan will adhere to the important protections provided in these chapters:

- Natural Resources and Cultural Assets
- Rural Area Plan
- Land Use Plan

PRIMARY GOAL:

Increase the County's economic vitality and future revenues through economic development by expanding the commercial tax base and supporting the creation of quality jobs for local residents. This Plan is developed for the benefit and economic well being, first, of current local residents and existing local businesses.

- The following measures will be utilized in monitoring and regularly reporting on success in achieving this goal:
 - The percentage mix of commercial versus residential real estate tax revenues*
**Multi-family properties included in calculation of residential real estate revenues.*
 - The following commercial revenues: Machinery and Tools Tax; Business, Professional & Occupational License Fees; Bank Franchise Tax and Public Service Tax.

- The following additional indicators: Sales Tax, Transient Occupancy Tax, Meals Tax and job growth by sector.
- Agricultural/rural economy metrics.
- Other metrics that reflect job data, number of businesses, etc.

Benchmark levels will be determined to enable measurement of the short term and long term effectiveness of the specific objectives and strategies of this Plan. A timetable will be developed for reporting back to the Board of Supervisors on a quarterly basis.

OBJECTIVES:

- I. Improve the County's business climate and image.
(Supports Objective 1 of the Economic Development Policy – "Recognize the County's place in the regional economy")

STRATEGIES

1. EXPAND COMMUNICATIONS AND OUTREACH TO THE BUSINESS COMMUNITY – Convey to the business community and the Virginia Economic Development Partnership (VEDP) and other leadership of the Commonwealth that Albemarle County is committed to working with businesses to promote the Commonwealth's and the County's economic vitality:
 - Actions
 - Work with appropriate entities to develop and implement a plan within six months to raise awareness and to promote County efforts at facilitating business growth with the VEDP that is compatible with the County's growth management strategies (e.g. Economic Opportunity Fund as a match for the Governor's Opportunity Fund).
 - Maintain active participation in the Charlottesville Regional Chamber of Commerce and Thomas Jefferson Partnership for Economic Development (TJPED) programs.
 - In 2010, continue an outreach program utilizing TJPED's prospect proposal system, which will create marketing collateral for business targets. This will include communicating economic development opportunities with target companies, VEDP, broker/consultant community, and the entrepreneur.
2. INCREASE THE VISIBILITY OF THE COUNTY'S BUSINESS DEVELOPMENT STAFF – Enhance the visibility and priority of economic development efforts by the County:
 - Actions
 - Within the next three months, make the Business Development Facilitator a part of the County Executive's Office while still maintaining close coordination with the Community Development Department, and provide regular updates to the Board of Supervisors on efforts.
 - Within the next three months, enhance the presence of economic development on the County's web site (underway).
3. IMPROVE INTERACTION BETWEEN COMMUNITY DEVELOPMENT STAFF AND THE BUSINESS COMMUNITY – Create an atmosphere that recognizes the importance of balancing overall quality of life, education and business development in contributing to the economic vitality of the community:
 - Actions
 - Within the next three months, begin regular presentations by various business interests and economic experts to staff and the public, with a focus on how the County's land use regulations and policies affect business decisions. This will provide opportunity for staff and others to

better understand the business community's issues and concerns and for the business community to hear other perspectives.

- Beginning in the fourth quarter of 2010, provide the business community a quarterly update of emerging and current development issues. This will focus on staff or community identified concerns rather than project specific issues.
- As part of pre-application discussions, continue assigning a staff member to serve as a single point of contact for addressing new issues on projects. Also, provide handouts and webpage links for information on development review (e.g. review process flow-charts, points of contact) that help applicants better understand the processes for ZTA, ZMA, Rezoning, Special Use Permit, Zoning Clearance, Sign Review, ARB review
- Continue routine survey of applicants as to accuracy and ease of understanding of processes, tracking of application status, staff's assistance with the application and any other issues of concern. Survey results will be shared with the County Executive and the Board of Supervisors to determine effectiveness of programs and where changes should be considered.
- Establish a more standard notification process regarding proposed changes to ordinances including the process for receiving input on proposed changes.

- II. Simplify and create certainty in the development review process, giving the applicant a reasonable expectation for the time and cost needed for development review when applicants are adhering to the regulations appropriately.

(Supports Objective V of the Economic Development Policy – “Increase local business development opportunities”)

STRATEGIES

1. CONSIDER AMENDMENTS TO THE DEVELOPMENT ORDINANCES TO REDUCE COMPLEXITY OF PLAN APPROVAL – Recognizing a complex plan review can create barriers to new enterprises, eliminate unnecessary requirements and provide for simplified administrative decisions without compromising environmental safeguards or other community values as defined by County policies:
 - Actions
 - In the first half of 2010, hold a work session (already scheduled for May) with the Board of Supervisors on changes to the process for a Certificates of Appropriateness (ARB review). (completed)
 - In the first half of 2010, present recommended changes to the Board of Supervisors for ministerial applications (e.g. site plans, subdivisions). This will include timetables for recommended changes. (completed)
 - In the second half of 2010, present recommended changes to the Board of Supervisors for legislative applications (e.g. rezoning, special use permits).
2. ASSIST SMALL ENTERPRISES IN REACHING COMPLIANCE WITH COUNTY DEVELOPMENT STANDARDS – Recognizing that small enterprises often lack the experience and knowledge to efficiently address County requirements, provide assistance during development reviews, including waivers and modifications, using a single point of contact:
 - Action
 - As part of the proposed ordinance changes under strategy #1, include consideration of how staff assistance can be provided for small businesses that have no experience with development review. This should include consideration of how a single point of contact for those businesses may assist in the processing of an application.

- III. Consistent with the established goals of the County's Comprehensive Plan, strategically work with UVA, UVA Real Estate Foundation and private and non-profit sector employers that provide or will provide a diverse array of quality career ladder employment opportunities for our resident workforce, with a particular focus on supporting existing local enterprises while not excluding new entrepreneurs and enterprises.

(Supports Objective VI of the Economic Development Policy – "Increase work force development opportunities, to further career-ladder opportunity and higher wages")

STRATEGIES

1. PROMOTE AND SUPPORT SMALL BUSINESS GROWTH AND DEVELOPMENT - Provide direct assistance to Albemarle County's aspiring entrepreneurs and small businesses, including partnership with the University of Virginia's entrepreneurial community and other entrepreneurial organizations such as Charlottesville Business Innovation Council (CBIC):
 - Actions
 - In partnership with the Chamber, TJPED, UVA, the Small Business Development Center, the workforce network, the Albemarle County School Division and other representatives from the education community, and other interested stakeholders, identify & address existing business needs and implement regularly scheduled local business panels and provide a larger forum to collect information, identify and address workforce and other needs of local business clusters.
2. PROMOTE TARGETED BUSINESS AND INVESTMENT- Create an environment that supports companies and entrepreneurs that achieve Albemarle County's business development objectives:
 - Actions
 - Determine target enterprises; work with a broad-based task force to determine the region's target enterprise sectors. These enterprise targets will be the primary focus of the entrepreneurial support, existing business services, site selection assistance, and workforce development efforts. The selection criteria should include consideration of fiscal and ecological impacts on the County (including whether the industry can help the County satisfy its infrastructure needs), transportation impacts and the likelihood that a prospective enterprise will remain in this area. Strongly cultivate home-grown businesses. In partnership with the Chamber, TJPED, SBDC, the CBIC and others, provide technical support seminars to support entrepreneurs in targeted business clusters.
 - By the first half of 2011, create a plan for developing workforce training programs (in partnership with PVCC, Workforce Training Center, UVA and the County school system) tied to target enterprises or key sectors.
 - By the second half of 2010, review peer jurisdictions' policies and practices in attracting targeted business and investment.
 - Via continued support of local job fairs, continue to showcase our local workforce talent and local corporate partners.
 - Utilize TJPED's ExecutivePluse CRM, JobsEQ and other tools to provide an online feedback loop for policymakers. This should include trend analysis, identify key issues negatively affecting local companies, and strategies designed to address key negative issues.
3. CONNECT OPPORTUNITIES WITH RESIDENTS - Develop and connect the workforce to existing and new opportunities to serve the entire employment spectrum in Albemarle County through workforce programs and other strategies:

- Actions
 - Working with the Workforce Center, PVCC, and the County school division determine demand occupations for the retraining or training of dislocated workers and low-income adults, and youth populations in those occupations.
 - Market local opportunities to qualified resident workforce with a multi-channel approach
 - Align targeted enterprises and demand occupations with student awareness, education and participation in County public schools, PVCC and UVA Career Pathways

- IV. Consistent with the established goals of the County’s Comprehensive Plan, remove obstacles and expand options for industrial land users.
(Supports Objective II of the Economic Development Policy – “Plan for land and infrastructure to accommodate future business and industrial growth”)

STRATEGIES

1. CONSIDER AMENDMENTS TO THE COUNTY ZONING ORDINANCE – recognizing the changing nature of industrial uses, provide greater flexibility, clarity and certainty through reliance on performance standards and lessening dependency on lists of specific uses:
 - Action
 - In first half of 2010, bring proposed ordinance change to the Board of Supervisors for consideration.

2. CONSIDER OPTIONS FOR INCREASING INDUSTRIAL INVENTORY WITHIN AREAS DESIGNATED AS DEVELOPMENT AREAS IN THE COMPREHENSIVE PLAN -
 - Action
 - In the second half of 2010, the County will initiate a county wide rezoning to LI for RA and R-1 zoned properties in the Development Areas that are designated as industrial use on the County’s Land Use Plan. Only properties where the property owner has agreed to accept this zoning change will be included in this rezoning.
 - Continue pursuing strategies to stop the conversion of properties zoned light industry (LI) to commercial, office and other uses that are not “core” industrial uses.
 - As part of future master plans and updates to the County’s Land Use Plan, include consideration of designating more land within existing development areas for industrial uses. The environmental and community impacts of these proposed changes will be carefully considered.
 - As part of the current effort to update the County’s Comprehensive Plan, include for the Board’s consideration a proposed modification of the Interstate Interchange Policy that might allow lower impact industrial and rural-serving uses at those intersections located in the rural areas but are also served by highway access. The environmental and community impacts of these proposed changes will be carefully considered.

- V. Work with stakeholders to promote agriculture, the local agricultural industry (at a scale compatible with the county’s rural areas) and tourism as part of a comprehensive economic development program that recognizes the importance of the rural economy.
(Supports Objective 1 of the Rural Areas Land Use Policy- “To support agricultural land uses and to create additional markets for agricultural products through creative economic and land use strategies.”, and Objectives I and V of the Economic Development Policy – “Base economic development policy on planning efforts which support and enhance the strengths of the County” and “Increase local business development opportunities”)

STRATEGIES

1. ASSESS CURRENT PROGRAMS AND INVESTMENTS IN AGRICULTURE, LOCAL AGRICULTURAL INDUSTRY AND TOURISM – Continue working with partners to evaluate strengths and weaknesses:
 - Action
 - Within the next year, County staff in cooperation with appropriate agencies, organizations and individuals will complete a series of roundtables with individuals and groups that have an interest in agriculture, local agriculture industry and tourism in the County. These roundtables will also consider innovative, sustainable rural businesses such as wetland banking and voluntary carbon banking. After completing the roundtables, County staff will present the roundtable findings to the Board of Supervisors along with any other data or findings that may assist the Board in setting policy direction.

2. EVALUATE AND REFINE GOALS AND OBJECTIVES FOR AGRICULTURE, LOCAL AGRICULTURAL INDUSTRY AND TOURISM – Assure that policies, goals and objectives support current priority needs including consideration of areas such as cottage industries, heritage tourism, and agri-tourism:
 - Action
 - Based on the above assessment and Board direction, include consideration of this information in updates of the County’s Comprehensive Plan and Strategic Plan and in the agreement with the CACVB.

3. IDENTIFY TARGET AREAS TO MORE AGGRESSIVELY PROMOTE IN SUPPORT OF AGRICULTURE, LOCAL AGRICULTURAL INDUSTRY AND TOURISM – Build on existing assets and offerings to expand options for experiencing the beauty and heritage of the rural areas:
 - Action
 - Based on the above Board direction, establish specific strategies and action items for promoting and supporting agriculture, local agricultural industry and tourism in the Comprehensive Plan and Strategic Plan.

Resources:

- Adopted Board of Supervisors ‘2010 Albemarle County Action Plan – January 6, 2010’
- Charlottesville Regional Chamber of Commerce letter of January 26, 2010
- This ‘draft’ economic development action plan builds on the 2009 adoption of the Updated Economic Development Policy, which focused on the following three short-term priorities:
 - Objective I. Strategy 4. Increasing the promotion of local agricultural industry consistent with the goals, objectives and implementation strategies of the Comprehensive Plan, such as the purchase of local products, establishing a rural-support program and continuing a dialogue with farm-industry stakeholders.
 - Objective II. Strategy 4. Encourage infill development of business and industrial uses in Development Areas, including consideration of proactively rezoning to light-industrial uses as needs are identified through Master Plans and other efforts. Initiate zoning text amendments that further enable business and industrial uses of the appropriate zoning districts.
 - Objective VI. Strategy 3. Increase the use of information gathering strategies such as:
 - A regional, baseline workforce study to define and benchmark the needs of “underemployed” and those not in the labor force (as defined by the VA Employment Commission) as well as employer needs.
 - A software database, such as Executive Pulse©, to identify workforce training needs and promote workforce training opportunities.

ORDINANCE NO. 10-18(7)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE IV, PROCEDURE, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article IV, Procedure, is hereby amended and reordained as follows:

By Amending and Renumbering:

Sec. 35.1 Fees

By Amending, Renumbering and Renaming:

Sec. 35.2 Calculation of fees in special circumstances

By Adding:

Sec. 35.3 Fee refunds

Chapter 18. Zoning

Article IV. Procedure

Sec. 35.1 Fees

Each applicant shall pay the following applicable fees, provided that neither the county nor the county school board shall be required to pay any fee if it is the applicant:

- a. Zoning text amendments: \$1000.00
- b. Zoning map amendments:
 - 1. Less than 50 acres; application and first resubmission: \$2500.00
 - 2. Less than 50 acres; each additional resubmission: \$1250.00
 - 3. 50 acres or greater; application and first resubmission: \$3500.00
 - 4. 50 acres or greater; each additional resubmission: \$1750.00
 - 5. Deferral of scheduled public hearing at applicant's request: \$180.00
- c. Special use permits:
 - 1. Additional lots under section 10.5.2.1, public utilities, day care center, home occupation Class B, to amend existing special use permit, or to extend existing special use permit; application and first resubmission: \$1000.00
 - 2. Additional lots under section 10.5.2.1, public utilities, day care center, home occupation class B, to amend existing special use permit, or to extend existing special use permit; each additional resubmission: \$500.00
 - 3. Signs reviewed by the board of zoning appeals: See subsection 35.1(f)
 - 4. All other special use permits; application and first resubmission: \$2000.00
 - 5. All other special use permits; each additional resubmission: \$1000.00
 - 6. Deferral of scheduled public hearing at applicant's request: \$180.00
- d. Site plans:
 - 1. Preliminary site plans; administrative review: \$1200.00 plus \$15 per dwelling unit and \$0.015 per square foot of nonresidential structure
 - 2. Preliminary site plans; planning commission review: \$1800.00 plus \$15 per dwelling unit and \$0.015 per square foot of nonresidential structure
 - 3. Final site plans; administrative review: \$1500.00
 - 4. Final site plans; planning commission review: \$2000.00
 - 5. Waiver of drawing of site plan under section 32.2: \$1500.00
 - 6. Site plan amendments under section 32.3.8 ¶2 (minor): \$500.00
 - 7. All other site plan amendments (major): \$1500.00

8. Appeals to the board of supervisors under section 32.4.2.7: \$240.00
 9. Reinstatement of review under section 32.4.2.1: \$240.00
 10. Reinstatement of review under section 32.4.2.4: \$80.00
 11. Extension of period of validity: \$475.00
 12. Inspections pertaining to secured site plan improvements; per inspection: \$280.00
 13. Deferral of scheduled public meeting at applicant's request: \$180.00
- e. Certificates of appropriateness considered by the architectural review board ("ARB"):
1. For a site plan; per review by the ARB: \$1000.00
 2. For a building permit; per review by the ARB: \$590.00
 3. Amendment to approved certificate of appropriateness: \$225.00
- f. Matters considered by the board of zoning appeals:
1. Variances: \$500.00
 2. Appeals: \$240.00
 3. Special use permits for signs under section 4.15.5: \$500.00
- g. Matters considered by the zoning administrator or other officials:
1. Official determinations regarding compliance: \$185.00
 2. All other official determinations, including development rights: \$100.00
 3. Zoning clearance for tourist lodging: \$100.00
 4. Zoning clearance for home occupation, class A: \$25.00
 5. Zoning clearance for temporary fundraising activity: No fee
 6. All other zoning clearances: \$50.00
 7. Sign permits under section 4.15.4; no ARB review required: \$25.00
 8. Sign permits under section 4.15.4; ARB review required: \$120.00
- h. Groundwater assessments:
1. Tier 1 assessment under section 17-401: \$50.00
 2. Tier 3 assessment under section 17-403: \$510.00
 3. Tier 4 assessment under section 17-404: \$1100.00
- i. Miscellaneous:
1. Change in name of development or change in name of street: \$80.00
 2. Relief from conditions of approval; modification or waiver of requirements: \$425.00
 3. Tier II personal wireless service facilities: \$1820.00
- j. Required notice:
1. Preparing and mailing or delivering up to fifty (50) notices: \$200.00 plus the actual cost of first class postage.
 2. Preparing and mailing or delivering, per notice more than fifty (50): \$1.00 plus the actual cost of first class postage.
 3. Published notice: actual cost

The fee shall be in the form of cash or a check payable to the "County of Albemarle." An application presented without the required fee shall not be deemed to be submitted and shall not be processed.

(Amended 5- 5-82; 9-1-85; 7-1-87; 6-7-89; 12-11-91 to be effective 4-1-92; 7- 8-92; Ord. 10-18(7), adopted 8-5-10 to be effective 1-1-11)

Sec. 35.2 Calculation of fees in special circumstances (Added effective 1-1-94)

The provisions of 35.1 notwithstanding, the required fee shall be calculated in the special circumstances below as follows:

- a. If a preliminary site plan or preliminary subdivision plat is supportive of and will be reviewed simultaneously with an application for a zoning map amendment or a special use permit, the applicant shall pay the fee for the zoning map amendment or the special use permit, but not the fee for the preliminary site plan or preliminary subdivision plat.

- b. If multiple special use permits are required to establish a single use, the applicant shall pay only the largest single fee for a special use permit for the review of all of the special use permit applications.

(§ 35.0, 12-10-80; 5-5-82; 9-1-85; 7-1-87; 6-7-89; 12-11-91 to be effective 4-1-92; 7- 8-92; * to be effective 1-1-94; Ord. 02-18(4), 7-3-02; Ord. 04-18(3), 10-13-04; Ord. 04-18(4), adopted 12-8-04, effective 2-8-05; Ord. 10-18(7), adopted 8-5-10 to be effective 1-1-11)

Sec. 35.3 Fee refunds

If the zoning administrator determines after a fee required by section 35.1 has been paid that the review and approval to which the fee pertains is not required to establish the use or structure, the fee shall be refunded to the applicant in full.

(Ord. 10-18(7), adopted 8-5-10 to be effective 1-1-11)

This ordinance shall be effective on and after January 1, 2011.

CONDITIONS OF APPROVAL

1. There shall be no outside exercise area;
2. No animals are to be confined outside;
3. Use is limited to the existing two thousand, five hundred (2,500) square feet and the proposed expansion of two thousand, six hundred twenty five (2,625) square feet at 370 Greenbrier Drive as shown on the attached Land Title Survey Showing Parcel B-1 Section One Westfield created by B. Aubrey Huffman & Associates, LLC, dated April 13, 2005;
4. The hours of operation for the Emergency Clinic shall be between 5:30 P.M. each Monday through Thursday and 9:00 A.M. the following day; between 5:30 P.M. Friday and 9:00 A.M. Monday; and all day each federal holiday. The days and hours of operation for the Specialty Veterinarian Clinic shall be between 9:00 A.M. and 5:30 P.M., Monday through Friday; and
5. Animals shall be permitted on site only during hours of operation as specified above in Condition number 4.

**Albemarle Place
PROFFER FORM**

Date: July 23, 2010

ZMA # 2008-003 Albemarle Place

Tax Map and Parcel Numbers: 061 W0-03-00-019A0, 061 W0-03-00-019B0, 061 W0-03-00-02300, 061 W0-03-00-02400, and 61W0-03-00-02500

64.694 Acres zoned Neighborhood Model District (NMD), and 0.3404 acres to be rezoned from Commercial (C-i) to Neighborhood Model District (NMD)

Albemarle Place EAAP, LLC, a Delaware limited liability company, is the fee simple owner (the "Owner") of tax map parcels 061 W0-03-00-0 1 9A0, 061 W0-03-00-0 1 9B0, 061 W0-03-00-023 00, 061W0-03-00-02400, and 061 W0-03-00-02500 (collectively, the "Property"), which is the subject of zoning map amendment application number ZMA 2008-003 known as "Albemarle Place Amendment."

Pursuant to Section 33.3 of the Albemarle County Zoning Ordinance, the Owner hereby voluntarily proffers the conditions listed in this proffer statement, which shall be applied to the Property if the rezoning is approved by Albemarle County. These conditions are proffered as part of the rezoning and it is acknowledged that the conditions are reasonable.

The Albemarle Place project was originally approved by the County Board of Supervisors on October 22, 2003 as ZMA 200 1-007, along with proffers from the prior owner dated October 22, 2003, and a Code of Development prepared by The Cox Company dated October 15, 2003 (with Exhibit A to the Code of Development last revised July 8, 2010) (the "Code of Development"). The Code of Development included an application plan (the "Application Plan"). The improvements proposed for the Property are collectively referred to as the "Project."

The term "Owner" as referenced herein shall include within its meaning the owner of record and successors in interest. The term "Application Plan" refers to Exhibit A. The term "Code of Development" refers to Exhibit B. These proffers amend and supersede the proffers accepted in conjunction with the approval of ZMA 2001-007.

The headings of the proffers set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provisions of the proffers.

1. Phasing of Albemarle Place Improvements: The Owner shall phase development of the Project as follows:

A. Phase 1: Phase 1 of the Project shall be composed of Blocks A, B, C and D as shown on the Application Plan, and as shown in more detail on Exhibit A-1 attached hereto ("Phase 1"), and shall include street and utility improvements to serve the planned building improvements contained within Phase 1. As part of Phase 1, the Owner shall design and construct Albemarle Place Boulevard (also known as Fourth Street/Cedar Hill Road) ("Albemarle Place Boulevard") from Hydraulic Road to the point where Albemarle Place Boulevard connects with the new planned western entrance to the Sperry Marine facility in the location shown on the Application Plan, and as shown in more detail on Exhibit A-1. This first phase of Albemarle Place Boulevard shall include all supporting utility infrastructure on such street, and shall be completed prior to issuance of a final certificate of occupancy for any buildings within Blocks A, B, C and D. Construction of the first phase of Albemarle Place Boulevard shall be deemed complete when it is constructed in conformance with the plans approved by the Virginia Department of Transportation ("VDOT") and the County Engineer has approved it for vehicular travel. No more than three hundred seventy thousand (370,000) square feet of commercial space and one hundred seventy (170) dwelling units may be constructed within the Project until the remainder of Albemarle Place Boulevard is constructed to the new planned intersection with U.S. Route 29 as shown on the Application Plan. Notwithstanding anything to the contrary contained in this Paragraph 1A, the Owner shall be permitted to utilize

portions of the Phase 2 land (as shown on Exhibit 1- A) for the installation of infrastructure to serve the Phase 1 building improvements to be constructed in Blocks A, B, C and D.

B. Phase 2: Phase 2 of the Project shall be composed of Blocks E, F and G as shown on the Application Plan and as shown in more detail on Exhibit A-1 ("Phase 2"), and shall include street and utility improvements to serve the planned building improvements contained within Phase 2. As part of Phase 2, the Owner shall design and construct Albemarle Place Boulevard from the point where it connects with the new planned western entrance to the Sperry Marine facility north and east through Blocks E, F and G to the new planned intersection with U. S. Route 29 as shown on the Application Plan and as shown in more detail on Exhibit A-1. This second phase of Albemarle Place Boulevard shall include all supporting utility infrastructure on such street and shall be completed prior to issuance of a final certificate of occupancy for any buildings within Blocks E, F and G. Construction of the second phase of Albemarle Place Boulevard shall be deemed complete when it is constructed in conformance with the plans approved by VDOT and the County Engineer has approved it for vehicular travel. Notwithstanding anything to the contrary contained in this Paragraph 1B. the Owner shall be permitted to utilize portions of the Phase 2 land (as shown on Exhibit 1-A) for the installation of infrastructure to serve the Phase 1 building improvements to be constructed in Blocks A, B, C and D.

C. Landscape improvements and associated streetscape improvements to serve the planned building improvements contained within each block shall be reviewed at the time of final site plan review for each block. The Project shall have a consistently designed and planted streetscape along Route 29 and Hydraulic Road.

2. **Community Development Authority Participation:** Upon request by the County, the Owner shall petition for and consent to all tax map parcels used for non-residential purposes participating in a Community Development Authority ("CDA") established pursuant to Section 15.2-4142, et seq. of the Code of Virginia ("Code") to be created for the purpose of implementing Route 29 regional transportation improvements, including but not limited to transportation improvements within the "Super Block" (the geographical area bounded by Route 29, Hydraulic Road, Commonwealth Drive, and Greenbrier Drive) and intersectional improvements associated therewith.
3. **Cash Proffer for Route 29 Regional Transportation:** The Owner will make a cash contribution to the County for the MPO/29H250 Phase 2 Route 29 regional transportation study in the amount of One Hundred Thousand Dollars (\$100,000.00). The cash contribution shall be made by the Owner within thirty (30) days upon request by the County. This proffer has been satisfied.
4. **Cash Proffer for City of Charlottesville Traffic Calming Improvements:** The Owner shall contribute Ten Thousand Dollars (\$10,000.00) to the City of Charlottesville for the construction by the City of traffic calming improvements on Swanson Road, Cedar Hill Road and other City streets intersecting Hydraulic Road in the vicinity of Albemarle Place. The cash contribution shall be made by the Owner within thirty (30) days upon request by the City. If the traffic calming improvements are not implemented by October 15, 2007, all unexpended funds shall be refunded to the Owner. The City constructed the traffic calming improvements, and requested the prior owner of the Property to pay the contribution on November 9, 2005, but there are no immediately available records that such contribution was ever received by the City. Upon evidence of prior payment of such funds that is satisfactory to the County, the requirements of this Paragraph 4 shall be deemed satisfied. In the event the Owner has not produced such evidence to the County by March 31, 2010, the Owner shall contribute the funds to the City within thirty (30) days of a written request from the City, provided that such request is made no sooner than April 1, 2011. At the time such funds are delivered to the City, the Owner shall provide notice of such payment to the County.
5. **Cash Proffer for Charlottesville Area Transit ("CAT") Commercial Corridor "Jitney Service":** Upon the request of the County, the Owner shall contribute Twenty Thousand Dollars (\$20,000.00) per annum or an amount equal to twenty percent (20%) of the annual operating and maintenance costs, whichever is less, for a period not to exceed five years for operating and/or maintaining a dedicated "jitney bus" service to retail commercial developments, including Albemarle Place, along the Route 29 Corridor. If the CAT "jitney service" is not placed into operation by the date of issuance of the first occupancy permit for a commercial building in Albemarle Place, then

the Owner shall contribute Seven Thousand Dollars (\$7,000.00) per annum, for a period not to exceed five years, to CAT for costs associated with operating existing CAT bus route(s) that provide service to Albemarle Place.

6. **Cash Proffer for Capital Improvements:** The Owner shall contribute One Million Five Hundred Thousand Dollars (\$1,500,000.00) (hereinafter referred to as the "Total Contribution") to the County for the purpose of funding capital improvements related to Albemarle Place. The contribution shall be paid as follows: (a) Three Hundred and Seventy Five Thousand Dollars (\$375,000.00) shall be contributed to the County within thirty (30) days after the first final site plan or subdivision plat containing residential dwelling units is approved for Albemarle Place; (b) an additional Three Hundred and Seventy Five Thousand Dollars (\$375,000.00) of the total contribution shall be contributed to the County prior to the issuance of a certificate of occupancy for the first residential dwelling unit in Albemarle Place, and (c) the remaining Seven Hundred Fifty Thousand Dollars (\$750,000.00) of the Total Contribution shall be paid on a pro rata basis of Three Thousand Dollars (\$3,000.00) per residential dwelling unit at the time certificates of occupancy are issued for the first two hundred fifty (250) dwelling units. No additional contribution shall be required for the next two hundred fifty (250) dwelling units.

If five (5) years from the date of approval of the first final site plan or subdivision plat for residential dwelling units, the Total Contribution has not been fully paid, the balance of the Total Contribution shall be contributed to the County within thirty (30) days upon request by the County. If this fund has not been exhausted by the County for the stated purpose within five (5) years from the date the last contribution is made, all unexpended funds shall be refunded to the Owner. In addition to the foregoing, after building permits have been issued for the first five hundred (500) dwelling units within Albemarle Place, the Owner shall pay to the County Three Thousand Dollars (\$3,000.00) prior to the issuance of a building permit for each new residential dwelling unit thereafter.

7. **Construction of Frontage improvements on Route 29 and Hydraulic Road:** At its expense, the Owner shall plan, design, bond and construct travel lane improvements to be dedicated for public use on its Hydraulic Road and Route 29 frontage. The design shall be submitted with the first site plan for the initial phase of Albemarle Place. The subject frontage improvements are depicted by Exhibit F, "Short Term Route 29 Transportation Improvements." The County may require these improvements to be completed as a prerequisite to the issuance of any certificates of occupancy. The construction of the subject improvements shall be deemed complete when they are constructed in conformance with the plans approved by VDOT and opened to public use as approved by VDOT.
8. **Construction of Off-Site Improvements:** Upon request by the County or as provided herein, the Owner shall plan, design, bond and construct off-site transportation improvements in the County and the City, as depicted on Exhibit F, "Short Term Route 29 Transportation Improvements". If the improvements are required to be constructed, the County may require these improvements to be completed as a prerequisite to the issuance of any certificates of occupancy. Construction shall be deemed complete when the improvements are constructed in conformance with the plans approved by VDOT and opened to public use as approved by VDOT.

A. Off-site Improvements in the County at the Northwest Quadrant of the Hydraulic Road/Route 29 Intersection. The engineering, plats and construction documents for off-site improvements in the County shall be submitted with the first final site plan for Phase 1 of Albemarle Place.

B. Off-site Improvements in the City at the Northeast Quadrant of the Hydraulic Road/Route 29 Intersection (numbered items 4 and 11 on Exhibit F). The Owner shall submit the engineering, plats and construction documents (the "Plans") for the improvements in the City of Charlottesville to the City of Charlottesville within sixty (60) days after the first final site plan for Phase 1 of Albemarle Place is submitted to the County. The Owner shall diligently pursue approval of the Plans in the City. If the City does not approve the Plans within six (6) months after the first final site plan for the first phase of Albemarle Place is approved by the County, the Owner shall not be required by this proffer to construct any improvements for which approvals have not been

obtained. The Owner shall not be required by this proffer to acquire or otherwise pay for right of way in the City for these improvements.

If the improvements are required to be constructed, the Owner shall complete construction of the improvements for which right of way is available within twelve (12) months after the issuance of the first certificate of occupancy within Albemarle Place. Construction shall be deemed complete when the improvements are constructed in conformance with the plans approved by VDOT and opened to public use as approved by VDOT.

This Paragraph 8(B) is subject to the terms of Paragraph 14, "Substituted Transportation Improvements."

- 9. Reservation and Dedication of land for Regional Route 29 and Hydraulic Road Intersection Improvements:** The Owner shall reserve for the future dedication to the Commonwealth of Virginia certain land on the Property in the County for certain short-term transportation improvements for the Route 29 and Hydraulic Road intersection (the "Short-Term Route 29/Hydraulic Road Improvements") as follows: (a) the land shown as "Parcel A 6,511 S.F." on the plat of Kirk Hughes and Associates dated March 3, 2009, last revised March 25, 2010, which plat is attached hereto as Exhibit H; and (b) any portions of the parcels shown as "Parcel One Future Right of Way 1,117 S.F.," "Parcel Two Future Right of Way 9,079 S.F.," "Parcel Four Future Right of Way 1,660 S.F.," and "Parcel Five Future Right of Way 790 S.F.," on the Official Map adopted by the County on December 2, 2009, a copy of which Official Map is attached hereto as Exhibit I, that are required by VDOT for the Short-Term Route 29/Hydraulic Road Improvements (collectively, the "Short-Term Improvements Dedication Area"), provided, however, that the subdivision plats depicting the Short-Term Improvements Dedication Area are subject to final approval by the County Department of Community Development and that the precise boundaries and size of the Short-Term Improvements Dedication Area may be adjusted accordingly. The Owner shall dedicate the Short-Term Improvements Dedication Area to the Commonwealth of Virginia in fee simple by October 1, 2010, or within thirty (30) days after the County approves the subdivision plat necessary to dedicate the Short-Term Improvements Dedication Area, whichever is first to occur. In addition to the dedication of the Short-Term Improvements Dedication Area, the Owner shall dedicate and convey all necessary drainage and construction easements for the Short-Term Route 29/Hydraulic Road Improvements. If the Short-Term Improvements Dedication Area is not dedicated and conveyed as part of a subdivision plat, the Owner shall pay all costs of surveying and preparing legal documents in a form acceptable to the Office of the Attorney General necessary to dedicate and convey the Short-Term Improvements Dedication Area land.

After dedication and until the subject regional transportation improvements are funded for construction, the Owner shall, at the request of the County, and with the consent of the Commonwealth of Virginia, maintain the Short-Term Improvements Dedication Area land until requested by the County to no longer do so provided the Owner is granted the right to the exclusive use of the land for landscaped open space, a pocket park, temporary parking, fencing, signage, utilities or other purpose as may be approved with the final site plan for the first phase of Albemarle Place. Upon being requested by the County to no longer maintain the land, the Owner shall cease all use of the land and remove all improvements established by the Owner that the County requests be removed.

In the event that the adopted design for future public intersection improvements does not require the utilization of all of the Short-Term Improvements Dedication Area land, upon the Owner's request, the residual portion of the dedicated land shall be transferred to the Owner at no expense to the Owner. The deed(s) of dedication for the Short-Term Improvements Dedication Area may provide for such conditions.

- 10. Reservation and Dedication of Additional Land for Route 29 and Hydraulic Road Intersection Improvements:** The Owner shall reserve for future dedication to the County, subject to the conditions herein below, certain additional land on the Property for the right of way for future Hydraulic Road and Route 29 related regional transportation improvements (the "Long-Term Route 29/Hydraulic Road Improvements") as follows: (a) the area shown as "Parcel AI 1,432 S.F." on Exhibit H; and (b) any portions of the parcels shown on Exhibit I that were not previously dedicated

to the Commonwealth of Virginia for the Short-Term Route 29/Hydraulic Road Improvements pursuant to the Paragraph 9 herein (collectively, the "Long-Term Improvements Dedication Area") provided, however, that the subdivision plats depicting the Long-Term Improvements Dedication Area are subject to final approval by the County Department of Community Development and that the precise boundaries and size of the Long-Term Improvements Dedication Area may be adjusted accordingly.

The Owner shall dedicate the Long-Term Improvements Dedication Area to the County within ninety (90) days after the County's request for such dedication, and such dedication shall include the dedication and conveyance of all necessary drainage and construction easements for the Long-Term Route 29/Hydraulic Road Improvements. If the Long-Term Improvements Dedication Area is not dedicated and conveyed as part of a subdivision plat, the Owner shall pay all costs of surveying and preparing legal documents in a form acceptable to the County Attorney's Office necessary to dedicate and convey the Long-Term Improvements Dedication Area.

Until the Long-Term Improvements Dedication Area land is dedicated, the Owner shall maintain the land and shall retain the right to the exclusive use of the land for landscaped open space, a pocket park, temporary parking, fencing, utilities or other purposes as may be approved with the first final site plan for Phase 1 of Albemarle Place.

The conditions on the subject reservation and dedication shall be as follows:

(a) In the event that the adopted design for future public intersection improvements does not require the utilization of all of the Long-Term Improvements Dedication Area land, upon request of the Owner the residual portion shall be released by the County from the reservation or, if the land has been dedicated, upon request of the Owner title shall be transferred back to, and for the use of, the Owner at no expense to Owner. The deed(s) of dedication for the Long-Term Improvements Dedication Area may provide for such conditions.

(b) The design and construction of the Long-Term Route 29/Hydraulic Road Improvements shall substantially maintain the access, function, and continuity of service of the planned intersection of Swanson Road (Extended) and existing Hydraulic Road into Albemarle Place at the location of the existing Swanson Road and Hydraulic Road intersection; otherwise this proffer becomes null and void.

11. Signalization of Hydraulic Road and Route 29 Intersections: The Owner shall be responsible for traffic signalization improvements as follows:

A. The Owner at its expense shall engineer, bond, and construct traffic signalization improvements at the intersection of Albemarle Place Boulevard and Hydraulic Road. The traffic signalization improvements at this intersection shall be constructed when the County or VDOT request installation of such, but in any event prior to the issuance of a certificate of occupancy for any building in Blocks A, B, C or D, provided that such signal is warranted by the traffic volumes or is otherwise approved by VDOT.

B. Owner at its expense shall engineer, bond and construct traffic signalization improvements at the intersection of Albemarle Place Boulevard and U.S. Route 29. The traffic signalization improvements at this intersection shall be constructed when the County or VDOT request installation of such, but in any event prior to the issuance of a certificate of occupancy for any building in Blocks E, F or G, provided that such signal is warranted by the traffic volumes or is otherwise approved by VDOT, provided that such signal is warranted by the traffic volumes or is otherwise approved by VDOT.

12. Commonwealth Drive Connection: Upon demand of the County, but no earlier than the issuance of a building permit for any building within Block F, the Owner shall reserve right-of-way along the northern edge of the parking lot in Block F of the Property for a future street connection to Commonwealth Drive through the "Comdial Property" (TM 61W-3-18). The future connection will be a two lane facility.

Upon the request of the County, the Owner shall engineer, bond and construct both the on-site and the off-site portions of the connection to Commonwealth Drive on the "Comdial Property" provided that easements and acquisition of right-of-way as may be necessary for such construction for the connection through off-site properties for this improvement have been granted at no cost to the Owner, and the request for such connection through the off-site property is made by the County prior to October 15, 2020. Upon the request of the County, the connection shall be completed by the Owner within twelve (12) months from the date of satisfaction of the conditions as set forth above.

- 13. Other "Super Block" Street Connections:** The Owner shall reserve land and grant construction and permanent access easements or right of way at no expense to the County for the purposes of future construction (by others) of inter-parcel street connections within the "Super Block" at the following locations; First Street (to west to Commonwealth Drive), second Street (to west to Commonwealth Drive), Third Street (to west to Commonwealth Drive), Cedar Hill Road Extended (in Block F north to "Comdial Property"), Fourth Street (between Blocks F and G north to "Comdial Property"), Swanson Road Extended (to north to "Sperry Property") and at two additional locations into Sperry Property.

The locations for easement or right of way reservation and dedication are as generally depicted on Exhibit A and labeled thereon as "Future Extension." These easement or right of way locations shall be identified, platted and dedicated at the request of the County in conjunction with subsequent site plan applications for Albemarle Place.

14. Substituted Transportation Improvements.

A. In lieu of constructing the improvements referenced in Paragraph 8(B) herein, which Paragraph 8(B) refers to certain off-site improvements in the City of Charlottesville at the northwest quadrant of the Hydraulic Road/Route 29 intersection, and also other improvements along the City side of Route 29 between Hydraulic Road and Greenbrier Drive, which improvements are collectively hereinafter referred to as the "Paragraph 8(B) Improvements", the Owner may elect, in its sole discretion, and on the terms and conditions contained in this Paragraph 14, to contribute cash to the City for certain transportation improvements in the City known as the "Rte. 29/250 Bypass Interchange Improvement Project" identified as VDOT and City project number 0029-104-248 (the "Substituted Improvements Project").

B. In the event the Owner elects to contribute cash toward the Substituted Improvements Project (the "Owner's Contribution") in lieu of constructing the Paragraph 8(B) Improvements, the following terms shall apply:

1. The Owner shall notify the County's Director of Community Development (the "Director") in writing of its election within sixty (60) days after the approval of the first final site plan for Phase I of Albemarle Place (the "Notice"). The Owner shall also send a copy of the Notice to the City Development Services Manager at the same time it is sent to the Director.

2. The submission of the Notice to the Director shall suspend the deadline for the Owner to submit the Plans (as "Plans" is defined in Paragraph 8(B)) to the City, if applicable.

3. The amount of the Owner's Contribution to the Substituted Improvements Project shall be subject to a written agreement between the Owner and the City (the "City Agreement"). Within ten (10) days after full execution of the City Agreement, the Owner shall provide a copy of the City Agreement to the Director.

4. Within six (6) months after the Notice is sent to the Director, or within sixty (60) days after execution of the City Agreement, whichever is later to occur, the Owner shall contribute a portion of the Owner's Contribution to the City in the amount of One Million Dollars (\$1,000,000), less any amounts credited by the City and VDOT to the Owner for planning and design work on the Paragraph 8(B) Improvements (the "Net Contribution"). The Net Contribution may be in the form of

cash or a letter of credit issued by a bank approved by the City, or a combination thereof. The City Agreement shall set forth the terms of and schedule for draw down of the Net Contribution.

5. In the event that the Substituted Improvements Project is terminated, or has not otherwise been completed (as described herein) within thirty-six (36) months after the City receives the Net Contribution (which thirty-six (36) month period may be extended by mutual agreement of the Charlottesville City Manager and the Albemarle County Executive), and upon the City's refunding of the Net Contribution to the Owner pursuant to the City Agreement, the Owner shall forward funds equal to Five Hundred Thousand Dollars (\$500,000) to the County for funding transportation improvements in the vicinity of the U.S. Route 29/Hydraulic Road intersection identified in the County's Capital Improvements Program. In the event such funds have not been expended by the County for the stated purpose within ten (10) years from the date the funds were contributed to the County, all unexpended funds shall be refunded to the Owner. Construction of the Substituted Improvements Project shall be deemed complete when the improvements are accepted by the appropriate public entity or are bonded for the entity's acceptance.

6. Notwithstanding the provisions of Paragraph 1 4B)(5) herein, upon the City's receipt of the Net Contribution, the Owner shall be relieved of any obligation to construct the Paragraph 8(B) Improvements.

WITNESS the following signature:

ALBEMARLE PLACE EAAP, LLC,
a Delaware limited liability company
By: (Signed) _____
Jodie W. McLean, President

Modifications to Sign Regulations

1. Use of Section 4.15.13 *Highway Commercial (HC), Planned Development Shopping Center (PDSC) and Planned Development Mixed Commercial (PDMC)* sign regulations rather than those required by Section 4.15.11 *Neighborhood Model District*;
2. Off-site signs by-right rather than by special use permit as otherwise required per Section 4.15.5 (a) (1) ;
3. An increase in the maximum height of wall signage from 30 feet (per Section 4.15.11) to 58 feet, subject to the following condition - *Wall signs may be allowed up to 58 feet in height; however, any sign over 30 feet shall be subject to the approval of the ARB or the Design Planner, as to placement and illumination. It is possible that a proposed wall sign over 30 feet may not be allowed to be illuminated at the proposed height or that it may have to be reduced in height to provide a more appropriate placement on the building.*