

An afternoon-adjourned meeting of the Board of Supervisors of Albemarle County, Virginia, was held on March 10, 2015, at 5:00 p.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia. The meeting was adjourned from March 4, 2015.

PRESENT: Mr. Kenneth C. Boyd, Ms. Jane D. Dittmar, Ms. Ann Mallek, Ms. Diantha H. McKeel, Ms. Liz A. Palmer and Mr. Brad L. Sheffield.

ABSENT: None.

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

Agenda Item No. 1. The meeting was called to order at 5:03 p.m. by the Chair, Ms. Dittmar.

Agenda Item No. 2. Presentation: Interim Report – Proffer Policy.

Mr. Boyd stated that there is a great and diverse group of people on the Fiscal Impact Committee, with a lot of time spent with the difficult task of balancing development and infrastructure costs with land use capabilities. He said that there are two developers serving on the committee. One of the challenges has been trying to come up with appropriate credits for proffers, including affordable housing as it is technically a proffer because it is required as part of zoning developments. Mr. Boyd said that the committee is focusing on two primary areas. He has asked Steve Allshouse to recalibrate the proffers with the current CIP – with just the CIP, and with both the CIP and the capital needs assessment. He stated that it has been done on a 10-year basis previously, and they are going to break it down to see the difference between the two. Mr. Boyd stated that then they will start looking at the different methodologies for how credits might be given, and whether credit should be given for commercial development within the Neighborhood Model, since that is not generating impacts such as school enrollment. He stated that the real problem is to come up with proper credits to give people who are following the Neighborhood Model and Comp Plan, and who are working with the County's priorities. One of the ideas the committee has contemplated is whether they should give credits for redevelopment of existing blighted properties.

Mr. Boyd said that these are all difficult issues to work through. At the last committee meeting they decided they will not be able to complete this on a timely basis with the other Comp Plan amendments, to be able to incorporate it at the same time, given the timeframe of Planning Commission and Board review of the Comp Plan. He added that the item will probably come through over the summer, when they have adequate time to take it through the Planning Commission. Mr. Boyd said they are meeting once per week now, and are hoping by the end of the month to have recalibrated numbers based on the current CIP and the capital needs assessment.

Ms. Palmer asked if they are looking at the actual items in the capital needs assessment, or an average or representation of how much is usually spent. Mr. Boyd stated that there are certain types of things that can and cannot be included in it. Mr. Davis explained that there are five categories of capital facilities that are included in the cash proffer policy: schools, transportation, libraries, parks and public safety facilities. He said that when Steve Allshouse does the formula, he culls those facilities out of the capital needs assessment, and those facilities are the base for the formula. Mr. Boyd said they do include all of the projected cost of what those might be.

Ms. Dittmar asked if those are state categories. Mr. Davis responded that those are categories that the Board of Supervisors determined are appropriate, and in 2007 when they enacted the proffer policy, it was a similar model that had been used by Chesterfield County and a number of other localities. He said that it was deemed to be a policy that can withstand challenge.

Mr. Boyd noted that at that time, there were a lot of lawsuits around the state over proffer policies, and the Chesterfield model had sustained two suits and come out ahead – although he understood they are being challenged again. Mr. Davis said that the policy was adopted in Albemarle in 2009.

Ms. Mallek mentioned that it has survived modifications in the General Assembly last year, although they made some changes in things such as timeframes, distance from the projects, and other technical aspects.

Mr. Davis said that the legislature had done some tinkering since they had adopted the policy. The legislature determined three years ago that the only facilities that can be funded by cash proffers are those that have expanded capacity, and those funds cannot be used for maintenance projects unless they expand capacity. He stated that this is also a factor that limits some of the CIP projects that can be included.

Mr. Boyd said that it also represents some of the things that Mr. Allshouse has to take out of the CIP and capital needs assessment in order to ensure it conformed.

Ms. Palmer asked if courts will fit into one of those categories. Mr. Davis responded that the courts could be included as part of a public safety facility.

Ms. Mallek said that there is certainly an expansion involved. Mr. Davis stated that the cost was not in there in 2009.

Mr. Boyd agreed, stating that there was no plan in any category that included the courts expansion.

Ms. Mallek said that some of the proffers are designated for within the project vicinity, with fewer available for countywide use, so they will need the countywide designated ones for the courts purpose.

Mr. Davis stated that the policy referred to certain proffers being subject to countywide use, such as public safety facilities, transportation and libraries. The ones that are limited to the area of the project are school proffers.

Mr. Boyd said there is a question as to when they start working against the land use policy. That is what the committee is struggling with – with the desire to cover necessary infrastructure costs but not having everyone choosing to go by-right.

Ms. Dittmar said that at her town hall meeting in Scottsville the previous evening, the topic of impact fees came up, and she explained that impact fees are not legal, but proffers are voluntary. She stated that she explained to constituents that by right is not carrying its weight, and land use policies are actually encouraging it.

Mr. Boyd said that the committee has recognized this issue, and the other challenge for them is that this does not apply to the rural areas, as people can build out there without any concern – and impact fees would alleviate that situation.

Ms. Mallek said that it was passed three years ago, and someone was supposed to be working on a model ordinance, but she does not know where that stands.

Mr. Davis explained that there is limited authority for transportation impact fees, and that has expired. Stafford is the only locality that has it, and it is limited solely to transportation.

Mr. Boyd stated the committee has concluded that there does not seem to be a monumental increase in building in the rural areas that has been caused by what is happening, which is good, and there has been a reduction in development in the rural areas.

Ms. Dittmar said that one of her constituents at the town hall meeting has moved here recently from Wisconsin, where they have impact fees, she told her that there was a perceived extra value on existing housing because the cost to build a new house would cost a lot more given the fees and the general increased cost to build housing.

Mr. Boyd stated that one past member of their committee stated that they felt the proffer amount should be part of the closing statement.

Ms. Mallek said that is how it worked in Montgomery County, Maryland, with the information about the fees imposed spelled out right on the closing statement.

Mr. Boyd said that it could drive existing housing stock, because people would not have that fee.

Ms. McKeel said that could be a catalyst for sales of homes in older neighborhoods.

Ms. Dittmar stated that in meeting with her Planning Commissioner, they discussed the possibility of having the committee discuss different financial models and ideas for the County. She asked how this changed the wording in the Comp Plan if they are going to adopt it without an updated proffer policy. Ms. Elaine Echols said that it just retained the existing wording, and when the new wording changed it would replace what is in there currently.

Ms. Dittmar stated her appreciation on behalf of the Board for the committee's work, and recognized members in attendance – Tim Keller and Jeff Werner.

Mr. Sheffield asked what the next step will be. Mr. Boyd said that the committee is trying to establish an accurate number for the proffer, and what the threshold will be for taxes on a house to pay for itself, with the estimated level being about \$650,000.

Ms. Mallek said that will be for households without children.

Mr. Boyd said it would cover it even if they have children.

Ms. Mallek said that at \$12,000 per child, it probably would not.

Mr. Foley stated that Steve Allshouse is looking at that and has a model that fully accounts for the cost of students.

Ms. Mallek said that it is a very conservative model, and there is no way that a new house can cover the costs it is bringing to a community.

Ms. Palmer asked for a link for what Mr. Allshouse has produced in terms of a model. Mr. Boyd indicated that it will be part of the committee's overall report, and said that it is a "CRIM" model. Mr. Foley said that it is a model that the County used to use every time a development project came forward, and it

has been six or seven years since they had used it. Mr. Allshouse is going back to update some of its variables.

Ms. Dittmar asked if they looked at the list of proffers that are worked out for very specific sites to see if they can be applying them, versus those that might be applied countywide. Ms. Palmer stated that Mr. Trevor Henry, Director of the Office of Facilities Development, reviewed this with the CIP Committee and is suggesting things for some of the broader proffers, including things like trails.

Mr. Davis said that they used to have very specific items for things the proffers will be spent on, but after adopting a cash proffer policy, they no longer encourage that level of specificity, which gave more flexibility to the Board to decide how the proffer money will be spent. He stated that they do track the proffer money for projects, such as proffers for schools only serving the feeder pattern in which the project exists, but for things like public safety facilities, libraries, and transportation, the money can be used for any infrastructure required because of the new development.

Ms. Dittmar asked if the proffer money is carried as assets on the balance sheet. Mr. Davis responded that it is reflected as revenue, but he is not sure exactly where on the balance sheet specifically. He said that the quarterly proffer report detailed the amount of money on hand and specifically where it has been used, and added that it is a significant source for the CIP.

Mr. Boyd said he has asked Mr. Allshouse for a comparison between CIP expenditures and what is covered by proffers, and eventually that will come back to the Board as a report.

Ms. Mallek stated that about \$800,000 of proffers in Crozet went into the library, which is a tremendous amount of money, generated at a time when there was a lot of development going on there.

Mr. Davis noted that Stonefield money was used for the Northside Library and the Seminole Trail Fire Station.

Ms. McKeel commented that there was a missed opportunity at Stonefield, and she hoped there might be a way for a second set of eyes or broader view.

Mr. Foley said that would come before the Board to decide.

Agenda Item No. 3. Work Session: CPA-2013-01. Comprehensive Plan Update/Amendment, to begin with public comments and possible Board direction.

Review of red-line changes to Chapters 7-13

- a. Chapter 7: Rural Area
- b. Chapter 8: Development Areas
- c. Chapter 9: Housing
- d. Chapter 10: Transportation
- e. Chapter 11: Parks, Recreation, Greenways, Blueways, and Green Systems
- f. Chapter 12: Community Facilities
- g. Chapter 13: Implementation

Review of priorities for Chapters 7-12 (in Implementation Chapter)

The executive summary forwarded to Board members states that the Planning Commission's recommended Comprehensive Plan has been provided in the draft dated January 23, 2014 and previously provided to the Board of Supervisors. The Comprehensive Plan may be found online here:

http://www.albemarle.org/upload/images/Forms_Center/Departments/Community_Development/Forms/Comp_Plan_2013/Comp_Plan_Round_3/Table_of_Contents_Final_1-23-14.pdf.

Recommendations regarding focused topics and information since the Commission's actions have also been identified for the Board's consideration. This work session is the eighth in the series of detailed Comprehensive Plan chapter reviews based on the Board's agreed upon review schedule which can be found here:

<http://www.albemarle.org/department.asp?department=cdd&relpage=17151>

The Board's direction to date has been recorded in Action Memos from Board meetings at which the topic was discussed.

At this meeting, the Board will review **Changes to the Land Use Table**, the **Woolen Mills** land use request, redline versions of the **Southern and Western Neighborhoods Master Plan**, and **redline** versions of **Chapters 8 – 12**. In addition, the Parks and Recreation staff has requested changes to Chapter 11 for Board discussion.

- **Changes to the Land Use Table** – As staff began reviewing the Woolen Mills, request and scrutinizing possible alternative categories to the Office/R&D/Flex/Light Industrial designation of the current Draft Plan, staff found that corrections to the chart were needed for consistency with other Master Plans. Staff took these minor modifications to the Planning Commission who endorsed the changes. Since that time, staff noticed that

the zoning text amendments for industrial uses in commercial districts had not been accommodated in the chart. Attachment A provides additional information and shows recommended changes to the Land Use Categories and Guidelines.

- **Woolen Mills** -- At the February 3, 2015 Planning Commission meeting, staff recommended changes to the Southern and Western Neighborhoods Master Plan for the Woolen Mills Area that would have retained the recommended land use designation for the old Woolen Mills building and property as Office/R&D/Flex/Light Industrial with the provision that no more than half of the building square footage could be devoted to residential use. The Planning Commission was persuaded by the applicant that a higher percentage of residential use might be necessary to retain the resource and there should be greater flexibility for residential use than staff recommended. At its February 10, 2015 work session, the Board noted appreciation for the applicant's efforts to preserve the historic resource through redevelopment and asked staff to bring back options for future land use. Economic Development staff and Planning staff met with the applicant to look at options and Attachment B contains a summary of the meeting with two options for the Board's consideration.
- **Southern and Western Neighborhoods Master Plan** – At the October 7, 2014 Board of Supervisors meeting, the Board of Supervisors affirmed the following change to the Master Plan: Add language that specific land uses for the County owned property near Monticello Fire Rescue Station should be determined during the development of a small area plan for this area. At its October 8, 2014 meeting, the Board approved the Spring Hill Village development with an expectation that the land use recommended the Master Plan be modified to reflect this rezoning. Attachment C contains information on the recommended land use the Spring Hill Village land (the former "Parham" parcel) and a redline version of changes for those areas in the Southern and Western Neighborhoods Master Plan.
- **Potential Changes to Chapter 11 Parks and Recreation, Greenways, Blueways, and Green Systems** – When the Parks and Recreation Chapter was written in 2012, staff worked to combine these topics contained in several parts of the existing Comprehensive Plan into a single chapter and appendix. In a final review of that Chapter, staff has realized that the proposed changes need further tweaking and some additional language. These tweaks and additions are described in Attachment D. They have been incorporated into the redlined chapter and are highlighted in green.
- **Redlines of Chapters 8 – 12** – Attachments E – I contain the redlined and "clean" versions of changes to the five chapters containing the Board's recommended changes. Chapter 8, the Development Areas Chapter includes the Planning Commission's recommendations for improvements to existing neighborhoods as a new Objective 3.
- **Prioritization of Strategies** -- Strategies have been taken from Chapters 8 – 12 and provided as Attachments J – M. An asterisk identifies the strategy as a priority identified by the Planning Commission in June 2014. They are identified as "policy," "continuation of an existing program," "enhancement of a program," or a "new project or program."

Implementation of priority strategies will have impacts on future capital improvements and operations budgets.

Ms. Elaine Echols, Principal Planner, addressed the Board, stating that she would be covering recommendations from the Planning Commission, including changes to the land use guidelines, the Development Areas chapter, Woolen Mills recommendations, changes to the Southern Neighborhood Master Plan, redlines of Chapters 8-12 of the plan – including recommendations from the Commission for the neighborhood preservation strategies, items that Parks and Recreation staff had asked for consideration, and priority strategies from the Commission. She said that staff was just providing that information to the Board right now and would be working with the County Executive's office on how to best get their priorities established, which may have a relationship to the strategic plan work being done. Ms. Echols said that the normal process had been to accept public comment at the beginning of the meeting, and then again after their dinner break.

The Chair opened the meeting for public comments

Mr. Brian Roy addressed the Board, stating that after the last meeting, discussion of a mixed-use site in Woolen Mills and a ratio of residential to commercial and industrial got a little confusing, especially without looking at a layout of the building and the property as a whole. Mr. Roy said that he has reached out to Board members individually to show some visuals of how breaking up the building would look and how impacts of the overall split would look between residential and non-residential. He stated that he would enjoy the opportunity to meet with them individually and give them a tour of the property, if it allows with their schedules. Mr. Roy said that he appreciated staff's efforts, especially Ms. Echols, Claudette Grant, and Susan Stimart. He stated that while they may not agree with his arguments about attraction of residential in a historic building compared to commercial, he recognized that they are working with him to achieve that balance. He stated that there is the desire for businesses to be in this location, and he has spoken with a number of potential tenants – but he is not sure that a historically preserved building with the strict interpretation that it will entail will be conducive to some of these businesses. Mr. Roy said that

some of the targets in this employment sector have gone to other markets, given their drastically lower rental rates, versus Charlottesville and Albemarle County. It was reported earlier that day that a similar type property in Waynesboro is being repurposed as a mixed-use site, and they are getting some state grant money to do it. He stated that it makes it a challenge from a business standpoint to go to a property like that, as he certainly cannot compete, and residential use is a more mitigated risk on a project like this. Mr. Roy said that it can be a frustrating proposition to convert a private hidden treasure into a semi-public property that can be a benefit to more than just the residents who live there. He stated that he hopes they will approve the County mixed-use designation as proposed by staff, and he appreciates the Board's time in addressing the property's unique challenge.

Mr. Jeff Werner of the Piedmont Environmental Council addressed the Board, stating that the Fiscal Impact Committee is indeed an interesting group, which is diverse but also open to the discussion and to ideas. Mr. Werner said that it is a group that is willing to explore ideas on the Board's behalf, and there are new and changing dynamics in development, such as the County competing with the City on issues like those in Woolen Mills. He stated that he also hopes to get something into the Comp Plan regarding a "community resilience plan," whereby a lot of communities have looked ahead as to what may happen, looking at it from a fiscal point of view. Mr. Werner said that one community in Vermont looked at the culverts in their roads to assess them in the event there is an increase in heavy precipitation, to see how they can prevent washouts; or strategies for helping the elderly in the event days get hotter. He stated that nothing complicated needs to be in the Comp Plan, but community resilience is a term he has started hearing more frequently.

There being no further public comment, the Chair closed the public comment period.

Ms. Echols stated that the first item they will discuss preceded the Woolen Mills discussion because there is a strong relationship between what is being recommended as changes to the land use guidelines. She said that there are redline and clean versions of tables in her staff report, and the Planning Commission has suggested that some changes be made primarily for clarity. Ms. Echols said that in this particular item, they looked at the different categories of mixed use and saw that there is a bit of a disconnect between these mixed-use areas and what the zoning ordinance is trying to introduce in a light industrial setting. She stated that they have made some suggestions with the land use tables to take away the prohibition of industrial uses from neighborhood mixed use – so Office R&D Flex/Light Industrial will be allowed in a neighborhood mixed-use setting, with a maximum single building footprint of approximately 15,000 square feet. Ms. Echols stated that the images provide an idea of what a neighborhood mixed-use area would be, and stated that the 15,000 had always been in as a single footprint for a building, but the "approximately" has been added to clarify that there is not a hard and fast rule through the Comp Plan; it is to give guidance about size. She stated that the second one will be to allow a single building footprint in community mixed use, for Office R&D Flex/Light Industrial, of approximately 20,000 square feet. Ms. Echols said that the use changes becomes quite relevant when they talk about some of the land use designations for places that have been of concern and discussion to many residents, and the two highlights of their conversations at this meeting will be Woolen Mills and Spring Hill Village, the property between Avon and Route 20 that the Board had approved about six months earlier.

Ms. Echols asked the Board if they have any questions or concerns about the changes to the guidelines, to help provide some direction.

Ms. Mallek said that her understanding is that they are achieving what people had requested for a number of years – fewer hard and fast barricades that prevented one tenant from growing and moving into the other end. She said that she understood what retail meant, but is not sure what is meant by "institutional" in this sense.

Ms. Echols said that it might be a public office, such as a post office, and retail will also be permitted if it worked within a particular setting. She stated that the changes intended to open up some opportunities that are consistent with some of the recommendations and changes to the zoning ordinance, providing they are in the appropriate location and are not having adverse impacts on neighboring employment-type uses.

Ms. Echols reported that the Southern Neighborhood Master Plan currently has a center in Woolen Mills, with a recommendation in the current Comp Plan for Office/Flex R&D Light Industrial. She said that the Board has discussed seeing whether or not the flexibility the applicant is seeking in order to create a mixed-use area is going to be acceptable to them, so she, Susan Stimart and Claudette Grant sat down with the applicants and talked through their expectations. Ms. Echols said that the applicants have sent some images and shown how mixed use can be accomplished on that particular site. Staff's recommended changes provided at the last meeting were not the ones the Planning Commission had recommended. She noted the land use chart, which detailed the uses appropriate in that particular category, and in the plan staff is suggesting is a more comprehensive description with emphasis on the importance of preserving the historic buildings and what happens with fill in the floodplain for residential uses. She said that staff's recommendation was that less than half of the total built square footage could be used residentially. That was an attempt to put an emphasis on the importance of the jobs at this particular location. Ms. Echols said that the Board is not totally convinced this was the best approach, but they were not convinced it was not either – so they asked staff to look into other opportunities. She stated that one of the things staff considered is a site-specific designation, like Crozet has, but when they looked at the Community Mixed-Use designation, they saw an opportunity to tweak that description a bit and qualify this project. Ms. Echols said that the distinctions between the Office R&D Flex Light Industrial and Community Mixed-Use designation have to do with the mix of uses there, with Community Mixed-Use

having an expectation of more residential. She stated that the two options staff saw for the Board, depending on how firm they wanted to be on the job-generating aspect of the property, CMU stipulated that at least 45% of the site should be developed with employment-generating and commercial uses. Which would mean the area is more residential than non-residential, but at least provided an idea of the extent to which that would take place. Ms. Echols said that this is a judgement call, and staff has made a recommendation to the Planning Commission – who did not agree with it – and the Board was not sure, so staff has now provided another option.

Ms. Mallek said that they are also going to discuss whether outdoor activities could count toward those percentages, and she personally thought they should but wondered how staff felt. Ms. Echols said that staff agreed, as long as it is leasable space, as there are developers that like to stretch the limits and include things that they might not think should be included. She stated that staff is trying to provide some definition, and thanked the applicants for helping with that by identifying a leased area. Staff is fine with including that in the amount of square footage, since it is devoted to a particular use.

Ms. Mallek said that she hopes they will take advantage of the proximity to the river and the neighboring park.

Ms. Dittmar said that her bias is towards jobs, and asked how many more residential units 5% will give this project. Ms. Echols said that they had not really looked at this in terms of specific numbers of units, and looked at it in terms of the large building and the flexibility of the saw tooth-roof buildings and potential flexibility, in terms of a new structure. She said that where the flexibility is desired is the number of live/work units you can get out of the saw tooth buildings, so the residential units would be in the mixed-use area. Ms. Echols emphasized that they have not looked at it in terms of number of units, they have looked at it more in terms of square footage.

Ms. Dittmar asked how much square footage would be lost in commercial space for 5%. Mr. Brian Roy stated that the split of residential versus non-residential is roughly 85,000 square feet versus 72,000 if you did a full 55/45% split, and it does not actually increase the number of residential units. He stated that he is concerned that a new residential building at a 50/50 split might mean extra space that is vacant. The light industrial piece will decrease the size of the building, so it does not actually increase the number of residential units because they are all limited into the existing building. Mr. Roy clarified that they will be losing roughly 5,000-7,000 square feet if more is given to residential.

Ms. Mallek said that the applicant has indicated that with the higher residential square footage, he will consider building a larger LI structure, at 40,000 square feet instead of 30,000. Mr. Roy said that it will be up to 45,000.

Ms. Susan Stimart, Economic Development Facilitator, stated that in taking a range of 250 square feet per employee up to 500 square feet per employee, capturing the average classification of industrial rather than office, and apply that to Mr. Roy's 7,000 square feet, there will be 15-28 jobs potentially. She emphasized that this is conceptual, though, and how the building gets divided is more of a practical consideration as you cannot fit a small company into an area with more of a residential character.

Mr. Boyd asked if there is any credit given for home occupations in terms of jobs, as this seemed to be the type of project where a lot of people would like to work from home. Ms. Echols said that the applicant's proposal included live/work units, and there is credit given for that. She stated that the buildings really lent themselves for having space for doing work.

Ms. Dittmar asked for clarification of staff's recommendation. Ms. Echols stated that staff's original recommendation was the higher percentage of Commercial Mixed-Use, but when they took it to the Planning Commission, the Commission felt that the historic preservation aspect was the most important for this particular site, and if a residential development is the only practical way to preserve the structure, they wanted to allow for that kind of flexibility. Ms. Echols said that staff has tried to work with the applicant on different scenarios of how to make it more non-residential, but the Commission is persuaded to have the higher residential component.

Mr. Boyd asked if the building might have a conference room or computer lab that might be usable for the people who are working from home. Mr. Roy stated that the first floor of the four-story warehouse has an area designated as residential but is not residential units, and is meant to be a club room or open space, to be used by the residents. He said that what it looks like would evolve, but it could be used for workspace for individuals that live there, and there is a lot of flexibility. Mr. Roy stated that the first floor allowed for a transition area, with the potential for a retail/restaurant component on the front side, and the back side open to uses.

Ms. Palmer commented that she feels it is extremely important to preserve the historic character, and it is important for the applicant to have a financially viable project – and she feels the County needs to give him flexibility. She added that they have worked hard to try to get as much commercial in the site as possible, and she is happy with what they have done.

Ms. Dittmar asked Mr. Davis if they are setting a precedent in any way if they were to approve this.

Ms. Mallek said that "site-specific" came to mind for her.

Ms. Echols said that this is a subjective decision the Board has to make as to whether the site should be developed with more employment-generating uses, or less employment-generating uses.

Ms. Dittmar said that she wants to know whether other developers will have a legal standing, and be able to come back and say that the Board did it for Woolen Mills. She asked if this is setting a legal precedent of any kind.

Ms. McKeel noted that it is an historic structure.

Mr. Davis said that everything they did always established a precedent.

Mr. Boyd stated that it is not unique for the Board to do this, and he looked at it as preserving an historic site.

Ms. McKeel said that this is an unusual site.

Mr. Davis stated that any zoning decision the Board makes does not obligate them to make a similar zoning decision in the future, but when they establish any action, it is a basis for determining in the future whether a similar decision is arbitrary and capricious. They have to be careful in making zoning decisions, because they are a precedent for future decisions, but that does not mean that they could not make a decision and distinguish it on its facts.

Ms. Palmer said that the question is whether they are being arbitrary and capricious.

Mr. Davis said that if they are doing it consistently with their comprehensive planning, generally the answer is no – and establishing a Comp Plan and following it with a zoning decision is one factor used in defending actions of the Board. He stated that the process they are taking is the right process, by first considering something in a Comp Plan before they rezoned property in a way that is inconsistent with the Comp Plan.

Ms. Dittmar said that she wants to be sure that they understand they may see this type of application again, and should always be concerned about fairness – because for the next good project that came along, if the applicant can demonstrate a parallel, the Board would need to follow their thinking in that.

Ms. Mallek said she would like to know where else in the County “Community Mixed Use,” which is an existing land use designation, is located. Ms. Echols said there are several different places, such as the southwest corner of I-64 and 5th Street Extended. She stated that each of these are somewhat specific, and in the Southern and Western Neighborhoods master plan, staff has called out most of these areas and described what the expectations are for that particular area. Ms. Echols said that is what they have done here, by noting the things in the Woolen Mills location that are important to them. She stated that the types of uses and extent to which certain uses might be allowed will come through their zoning application. Ms. Echols said that this is setting them up for some parameters for decision-making, and the detailed work comes with the rezoning. She stated that staff is recommending a Community Mixed-Use area for Springhill Village, which is a little bit different, and they have a zoning plan that shows a number of residential units and three areas that can be available for a mixture of uses – Office R&D, retail, etc. Ms. Echols noted that when the Board approved this development, they left open these particular opportunities, and it seems like this is the right designation for this area, which is primarily residential in nature but also provides a certain level of non-residential use – 20,000 square feet – with more opportunities up to 60,000 square feet.

Ms. Dittmar asked if the Board is okay with that designation for Spring Hill.

Ms. Mallek asked if they are not limiting the applicants by doing this. Ms. Echols responded that they are not at all, as it is in keeping with what is approved with the rezoning.

Ms. Echols stated that another area for consideration is the Monticello Fire Station area in the Southern Neighborhood master plan. She said that the Board has received a lot of feedback on that particular area, and staff wrote up some text that talked about the civic uses being expected on County-owned properties, the importance of a collaborative community process that will result in a small area plan. Ms. Echols said that some of the things that are important to the neighbors in that area are the attention to size, scale, massing, walkability, preservation and environmental features.

Ms. Mallek asked if there are any uses being given up that the Board may not realize by these descriptors. Ms. Echols said that she did not know, but there is a very strong emphasis by the people in the community that they did not want a convenience center – and the decision will be made together, not just sprung on people.

Ms. Mallek said that this land has been stockpiled for future government activity and she wants to ensure they were not boxing themselves in, adding that she is happy to do the public process.

Ms. Echols proceeded with a discussion of Comp Plan chapter redlined versions, stating that the Development Areas chapter has a bit of additional information she wants to review with them. She stated that in keeping with what the Board has asked staff to do, they made changes to the text on “Villages,” and added the text related to urban development areas (UDAs) back into the body of the plan. She explained that UDAs were required several years ago, then they became not mandated – and the staff

took them out of the plan because the County was already doing planning and growth management in a way that was in keeping with this. Ms. Echols said that they felt that since it was not needed, they did not put it in the plan – but then they found out that a lot of transportation funding is going to be tied back to the UDAs and recognition of those areas. She stated that they never went away, just the text that went into detail about what this was and why it was. She said that they have two areas – one in Pantops, and one in Places 29 – and they are also the County's priority areas.

Ms. Echols said that staff reordered the objectives, because with all of the information that took place at the Board's last meeting to infill, redevelopment and density, they wanted to make it flow a little bit better. At the Board's request, they changed the tenor of the text to clarify that the Development Areas were great places, not just the place where all the density will be put. She stated that staff made some distinctions in the plan between greenfield and infill development, and those terms are not hard and fast; a lot of it is how you interpret what is going on around a property that will be developed. Ms. Echols said that by and large, if it is infill and something brand new within a larger context, it needs to be treated more sensitively, but not looking at the upper end. She noted that in greenfield development, where the impacts on nearby and adjoining property owners might not be so great, you would want to promote as much density as possible. She stated that Mr. Boyd had mentioned the Northpointe development, and that is definitely a greenfield development, with not a whole lot around it – so the emphasis on density in a place like that makes sense. In a smaller area, she said, it might not. Ms. Echols said that staff also put in the recommendation what the Board had asked regarding resolution of zoning and Comp Plan discrepancies as they relate to density calculations, and linked the economic development recommendations to vibrant employment centers. She stated they also added a new objective that recognized the work of the livability project and doing more, to ensure they are working with neighbors – including Scottsville, which was requested at the last meeting.

Ms. Dittmar asked if there could be a link put over to Scottsville's Comp Plan, so that people can see how the town is going to be handling development. She mentioned that she had learned recently that the population of Scottsville proper is 570, but there are about 1,600 people in the immediate vicinity who want to be part of the town but are not technically within its borders. Ms. Echols responded that they can link directly to the town's comp plan, and there is a picture in the background chapter of the Comp Plan in which staff showed the land use expectations for the Scottsville Comprehensive Plan.

Ms. Echols stated that the Planning Commission has worked really hard, having two meetings on the idea of a new objective three for neighborhood preservation, and had a lot of conversation around the text staff had proposed for them. Ms. Echols said that they came up with four strategies. The first has to do with working with the people closest to those neighborhoods to figure out what the nature of the needs are, and how to help them become safer and more attractive. She stated that staff had originally started out with the community advisory councils, but the Planning Commission said that needed to be broader, as the CAC's may not know the nature of all the neighborhoods. The people who are in the neighborhoods need to be part of that conversation. Ms. Echols said that the first strategy recommended is to work with neighborhood groups and/or advisory councils. She stated that the second strategy is to invest in public services and improvements for those older neighborhoods. Ms. Echols said that the third strategy had the most conversation, because it was about property maintenance. She stated that at the first Commission meeting, there was a lot of discussion about whether or not they wanted to adopt a property maintenance code. By the time they got around to the second worksession, the Commission said they did not want to get into that yet. Ms. Echols said that the Commission wanted to find out what was going on in the neighborhoods and see what options exist to get neighborhood improvement before going into a property maintenance code. They agreed that once those expectations are established, the resources needed to be determined to help make the programs the most effective. She stated that the final strategy is to identify the interconnections needed between neighborhoods and services, with a special note about Route 29 and Route 250.

Ms. Echols stated that these Planning Commission's recommended strategies were before the Board made some changes to that particular section. At the time the Commission said it is still important to help educate the public on the County's growth management policy and the benefits of density, important that complete streets are built in new developments, and to ensure there is capacity for the future. The Commission thought it was important to update the capacity analysis every two year that was done for the Comp Plan.

Ms. Mallek said that the capacity analysis must have been based upon some kind of accelerated growth rate, and there seems to be more to it than what is written. Ms. Echols explained that the way the Commission did the capacity analysis was to know what amount of developable land existed and then look at what capacity it has at different densities. She stated that anything related to the growth rate gave an idea of how quickly they might fill up, so staff is not suggesting a particular pace for development, but want to ensure that there is enough land to accommodate the population projects done by the Weldon Cooper Center.

Ms. Mallek said that is a philosophical decision that has to be discussed over and over again every five years or so, and just because Weldon Cooper said there will be 250,000 people does not mean the County will be happy about that – so it does not need to be a given. She emphasized that she has grandchildren and does not want to close the door on any growth, but wants to get some detail on the growth projections. She stated that the Board already has the ability to require minimum standards for abandoned lots and other problems, and asked whether the maintenance to which staff is referring is broader in scope.

Mr. Davis explained that under the County's nuisance authority, there is the authority to require grass to be cut under certain circumstances, adopted as an ordinance for vacant properties. He stated that for buildings, they have the authority under the nuisance ordinance, to make sure buildings are safe. If they impose a danger on the community, the County could require them to be put in a condition where they are no longer unsafe. Mr. Davis emphasized that the County does not have the authority to address aesthetics of vacant or dilapidated buildings, so they are somewhat limited. There may be other strategies that are appropriate to revitalize those areas.

Ms. McKeel stated that there are several neighborhoods with older homes that have been abandoned completely, so those neighborhoods are concerned about the structural integrity of those homes. The County has no ordinances to help with these situations, although the neighborhood associations have contacted the owners.

Ms. Mallek said that it sounds like those will qualify as safety issues.

Mr. Sheffield said that they do not. He has a house in his district with a pool that is full of water, so kids broke through the fence and it is still not considered a safety issue – even though no one has lived there for years.

Ms. Dittmar said that the fire marshal has all kinds of authority, at least with commercial properties.

Mr. Davis stated that if a building is a fire hazard and is not properly secured, and is in danger of falling down and endangering life and/or other property, a building official or fire marshal can make certain determinations. The County can declare those buildings a nuisance and require certain things to be done. He said it would require that finding from the building official or fire marshal that they are, indeed, unsafe structures, but sometimes they will make the determination after inspection that a building be properly secured, so it can stand as is even though it may not be particularly attractive.

Ms. McKeel said that sometimes the recommendation to make it safe is as bad or worse, and does not solve the problem for the neighborhoods or property values. She mentioned an example of a home in her district that has been abandoned, with the chimney in danger of falling, and by the time they had finished the repairs, the neighbors were even more distressed.

Ms. Dittmar said this is getting into aesthetics, and she did not mean that in a light way.

Mr. Foley stated that these are all issues that need more consideration in terms of how they will carry out these strategies, and this gives them the push they need to look further into how to better address them.

Mr. Sheffield said that based on the Planning Commission's discussions, they did not even talk about these things.

Ms. Palmer said that the County has the ability to make an aesthetic judgment for abandoned cars, and asked why they could not do a different type of aesthetic judgment on these properties.

Mr. Davis said that there is specific enabling legislation for inoperable motor vehicles, and specific enabling authority allowing the County to limit them to one or more inoperable vehicles that are visible.

Ms. Dittmar asked how the Board wants to leave this, or whether they want to pick it up after closed session. Mr. Sheffield said that the Planning Commission has left this with wanting to ask the residence what the maintenance issues are.

Ms. Echols said that the Commission wanted to start at the bottom, and did not want to immediately jump to adopting a property maintenance code.

Mr. Sheffield said that he would rather see the Board draft something that the public could react to, rather than starting with a blank slate.

Ms. McKeel said that the neighborhoods that she is working with, neighbors have been dealing with these things for years. She stated that the neighbors in one case has been dealing with an abandoned home for 15 years and have done everything they could. Now there are roofs about to cave in, mold, and floors collapsing in houses.

Ms. Dittmar said that fire marshals can cite it and take care of those types of issues.

Ms. McKeel said that the fire marshal will come in and put something around it that says "do not walk on this property," and that does not solve the problem for the neighborhood.

Ms. Dittmar stated that she was not certain that is a fire marshal issue, as it seemed like more of a building inspection issue.

Ms. McKeel said that she would like to continue this conversation at some point.

Ms. Mallek asked if this was a good starting place, or if they should strengthen the language.

Mr. Foley said that the Board can put stronger language in the Comp Plan that said the County would evaluate alternatives to address this, as opposed to getting with the residents to see what they think. He said that this does not stipulate exactly what they intended to do, but said they are going to look at alternatives, and they will have to see if they are legal and so forth. If that is a stronger statement the Board wants to make because they are seeing some decline in urban areas, it is appropriate to make a change.

Ms. McKeel stated that what they are able to do now did not work and does not solve the problem.

Mr. Foley suggested that Ms. Echols draft something a little bit stronger, then when they come back they can see if it reflected what the Board is interested in doing.

Mr. Sheffield said that the Planning Commission is probably just being cautious, because the County will likely get pushback from some that this is government overreach, in the sense they are dictating the aesthetics of someone's property.

Ms. Mallek commented that what Ms. McKeel is describing is radically different than a house that is waiting for insurance to kick in after a fire.

Ms. McKeel said that the homes to which she is referring do not even have insurance carried on them any longer.

Ms. Palmer said that she wants them to consider the rural area versus the development area. There are a lot of abandoned houses in the rural areas, and she is concerned about the implications to staff with all of the abandoned buildings on old farms.

Ms. McKeel agrees that is an entirely different issue, just as they have focused on the abandoned car problem in urban neighborhoods on quarter-acre lots and such.

Ms. Palmer said that they did have quarter and half-acre lots in rural areas as well, and she just wants to make sure the Board is making a distinction.

Mr. Foley said that is what is intended.

Agenda Item No. 4. Closed Meeting.

At 6:25 p.m., Mr. Sheffield **moved** that the Board go into a closed meeting pursuant to Section 2.2-3.711(A) of the Code of Virginia under Subsection (7) to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice concerning agreements related to the Ivy Landfill. Ms. Mallek **seconded** the motion. Roll was called and the motion passed by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield, Mr. Boyd and Ms. Dittmar.

NAYS: None.

Agenda Item. No. 5. Certify Closed Meeting.

At 7:20 p.m., Mr. Sheffield **moved** that the Board certify by a recorded vote that to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting. Ms. Mallek **seconded** the motion. Roll was called and the motion passed by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield, Mr. Boyd and Ms. Dittmar.

NAYS: None.

Agenda Item. No. 6. Continuation of Work Session to include public comments and possible Board direction.

Ms. Echols reported that with the Housing chapter, the Board did not have any changes for staff, so they just did editing; and there are only two things the Commission came up with, the first being an enhancement of a program – encouraging developers to include housing for seniors and individuals with disabilities in new development. She said that staff has the option to talk with developers to suggest that they do things, and this is an opportunity to influence their thinking on housing for seniors and those with disabilities. Ms. Echols stated that the new program or project pertained to making sure that affordable units stay affordable, which is in the existing Comp Plan but has not yet been done. She noted that if it is to be a strategy that gets a high priority, it will come from here.

She stated that staff has done some reorganizing with the Transportation chapter, but the primary thing that has been requested is an update of information such as the long-range transportation plan. Ms. Echols said that they did not include information about Places 29 and the Rio Road interchange, and the origin of that was when the Transportation chapter was being developed by the Planning Commission,

the bypass had just been added to the list of projects, so they wanted to be sure there was a prompt to reflect that. With the change in that particular project, she said, one of the Supervisors had asked for staff to put in the new projects in the Places 29 area – and the reason staff did not do that is because much of that is contained in the master plan, and having that piece of information sitting by itself and not related to anything else did not seem to make sense.

Ms. Mallek asked if there is a cross-reference that will go to the Places 29 master plan. Ms. Echols confirmed that there is, and said this is in the long-range transportation plan.

Ms. Echols stated that the strategies and priorities which the Commission has recommended are to emphasize with developers the importance of making multi-modal connections, especially between residents and employment centers, enhancing that and improving the funding for people to be able to walk – specifically for walkway, greenway and sidewalks. Ms. Echols said that for new programs and projects, their priority is the dedicated bike/ped connections across the physical barriers that came from the Livability Project.

Ms. Echols stated that Parks and Recreation – Greenways, Blueways, and Green Systems, are all related to each other. Staff added the school parks to this chapter to ensure they have a comprehensive list of the parks in the County. She said that the Board has asked staff to add some information on the recreational use of Sugar Hollow Park, and they are putting in the information on the reservoirs.

Ms. Palmer commented that she hopes they are not calling Sugar Hollow a “park.”

Ms. Mallek asked if they have changed strategy 1C, because it emphasizes the water quality – with those attributes being much more important in that location, and this should not be considered a recreation area. Ms. Echols said that 1C refers to the County’s drinking water supply reservoirs, and that came mostly from the existing Comp Plan, with the one relating to Sugar Hollow as the next strategy, which talks about work with the City on ways to make City-owned parkland in the County’s rural areas available for greater public enjoyment of these natural areas and resolve misuse of resources. She said this section also addresses the fact that City-owned areas are not available for public use, but that residents and non-residents alike are overwhelming the resource and some of the issues that relate to that – and these issues should be resolved through cooperation and collaboration with City officials and the National Park Service.

Ms. Mallek said that the Rivanna Water and Sewer Authority needs to be principle in these discussions, as it is the water quality that they are concerned about. She agreed that the word “park” should be removed from Sugar Hollow, because that and Ragged Mountain are rural water supply reservoirs where people can walk – but they somehow have to get away from the notion that they need to provide picnicking and camping and other activities all over them. She suggests substituting “reservoir areas” for the word “park.”

Ms. Dittmar recalled that during the Ragged Mountain dedication, Clarence Roberts was talking about the fact that there will be a place for weddings and so forth.

Ms. Palmer clarified that the Ragged Mountain area is primarily used for a reservoir, but the Ivy Creek Foundation opened up a natural area there and put in trails – and the City took that over. She said that it is a little bit more of a park, but it has been clearly defined by the City as a reservoir first and foremost, with many restrictions such as no pets, etc. – whereas Sugar Hollow is not a park or a managed situation.

Ms. Mallek said that County Police and Parks and Rec staff are out there, but there is no MOU to be out there – and they are the only ones that get called when something happens.

Ms. Echols suggested having the language state, “Ragged Mountain Reservoir and Sugar Hollow Reservoir are public water supply reservoirs that are owned by the City of Charlottesville but located in the County.”

Board members agreed with the language inclusion.

Ms. Echols said that the Board has also asked that the needs assessment be updated, and for some information on ways to provide for neighborhood parks in the development areas. She states that Parks and Rec has asked to remove the complementary and non-duplicative language, and that language related to ADA requirements that are no longer applicable, because they now have to comply with a higher standard. Ms. Echols said that another item pertained to school parks, and in discussing the number of school parks that staff maintains and the amount of acreage, it got to be a fairly large number. She states that one of the things they noted is that most people do not know that these parks are supposed to be public, so Parks and Rec staff feel that making them more user-friendly is an important strategy. Ms. Echols said that staff has tried to map the greenways, but the mapping is not great, and they are working to get those into a better format. She stated that the greenway trails, sidewalks, and walkways have a very close relationship, so sometimes a piece of a walking path is a greenway, and sometimes a piece of a greenway trail is a sidewalk to make sure you get all of those connections. Ms. Echols said that staff wants to be working on better demonstrating that so it is clearer to the public that this is a system that allows for multiple uses – transportation and recreational – and the new transportation planner is already working on some mapping with that. She stated that Parks and Rec

staff would like for that to be made clearer to the public, and their suggestions have been put into this draft.

Ms. Mallek asked if they have used the mapping done by the Planning District Commission. Ms. Echols said they have that and used it with the Livability Project, and have put all the information together for the regional component – and now are pulling back out to get at just the individual Albemarle County information. She said that some of what that uncovered is the amount of work being done to make sure that City parks can be accessed from the County, and vice versa, and that has been going on for a long time.

Ms. Echols stated that Parks and Rec staff asked for two projects to be addressed: Hedgerow Park and Buck Island Park. Ms. Echols said that staff is not proposing improvements without getting public input, and sometimes they have received general input without seeking it, but they need better public participation from the beginning. She stated that the place where they would like to show something on the map has to do with a trail, not assuming it will happen, but calling it a potential trail to Hedgerow Park. Ms. Echols said that Buck Island Park is located in the eastern part of the County, directly on the Rivanna River. She stated that the recommendation is to put the potential trail on the greenways map so they know there is consideration for a trail being there, but before anything else happens, they will hold public meetings and get input on those improvements. After getting public input and using it, she said, Parks and Recreation staff would be recommending improvements as a CIP project, and anything done would be subject to compliance with the Comp Plan by the Planning Commission. Ms. Echols said that those improvements have not been vetted by the public, so they do not want to put them in the Comp Plan to indicate they are going to do them, before getting that public input.

Ms. Palmer asked who holds the public meetings for the parks. Mr. Wayne Cilimberg, Director of Planning, said that the Board's process, which they had agreed to the previous year, was for any public project not specifically located in the Comp Plan to go through compliance with the Comp Plan, which is essentially the same process used for rezonings – which would involve a community meeting for each project. He confirmed that County staff will work with Parks and Rec to set those meetings up.

Ms. Echols said that Buck Island Park has been on the maps, and it has been through the public process as a potential acquisition or gift. They are considering it to be a potential trail, but if they went through the public meeting process and find it is not going to fly with the community, it will not be looked at as being in conformity.

Mr. Cilimberg said that ultimately the determination of compliance is made by the Planning Commission. So, if these are two projects they are moving forward, the community meeting will be to solicit input, and the Commission's public hearing will determine compliance and report that to the Board.

Ms. Mallek asked about the timeframe for the public process. Mr. Cilimberg said that he is not sure.

Ms. Echols said that they are planning to have the Hedgerow one as soon as possible.

Ms. Mallek said that for Buck Island, they are working on grants for boat launch improvements and other amenities.

Ms. Echols said that as soon as some of the administrative items are taken care of, staff will help them with that next step, and the community engagement specialist will likely be helping with the public process. She noted that they all work together to ensure everyone is prepared to present the project and get the input.

Ms. Mallek asked if they will have an open house at Buck Island, because there is a whole different clientele of people who will use it if they are coming to it from the water. Mr. Cilimberg said that the Supervisor and Board member in each of the districts will be invited, and others can come as well.

Ms. Echols said that if it were possible for Parks & Rec to get the meetings done and everything worked out OK and the timing worked out, they can get it in the Comp Plan before the Board adopted it – but staff is not counting on that.

Ms. Echols stated that the Planning Commission's recommendations are enhancing activities to coordinate adjacent land development going on with greenways, and the new program is to get the greenway trail advisory committee established, appointed, and moving on helping the Parks and Rec staff to have those projects come to life. She noted that one need that generates participation from many volunteers was greenway construction, as people like to do that.

Ms. Echols reported that in the Community Facilities chapter, they have reordered the objectives and added a strategy for public/private partnerships that the Board asked for – and to use volunteers to help provide cost-effective facilities and services. She said they have added help volunteer fire/rescue station funding, solid waste changes, wireless and broadband – and the Planning Commission's recommended strategy priorities are to increase outreach to the public on reduce, reuse and recycle; cooperation with solid waste management; building facilities to make it possible for students and parents to walk and bicycle to school. Ms. Echols stated that there are some issues of school security, but there are things that can be done to make it easier for children and their parents to get to school, and the Commission did not identify any new programs, wanting just to enhance what is being done now.

Ms. Echols said that at their last meeting on the Comp Plan, they had talked about prioritizing items, and had also talked about establishing a process for doing that.

Ms. Mallek asked if they were going to revisit the Rural Areas chapter, because the agenda referred to a "review of redline changes." Ms. Echols acknowledged that it had been added by mistake.

Ms. Mallek said that under that category, she would like to introduce something, and explained that in the last week or so she has learned that there is likely a lot of tourist lodging going on in the rural areas, with or without inspections, licensing, or transient occupancy tax. She stated that the Board had previously discussed removing a section that she now thinks they might need to include, and they need to consider the possibility of making these informal B&Bs operate legally.

Ms. Echols stated that the version brought to the Board from the Planning Commission described the kind of lodging that is going on currently in the Rural Area, and the Planning Commission's recommendation was to consider amending the zoning ordinance to allow for a greater lodging use in the Rural Area.

Ms. Mallek said that she is not advocating for Holiday Inn-type hotels, but wants to consider doing some work on the small, individually-owned tourist lodging. She stated that many people use Air BnB lodging now when they travel, and she wants to make sure that the County does not miss an opportunity to deal with this – because she would much rather have people licensed and inspected and paying TOT, rather than pretending they do not exist. She said that there are some farms that have five and ten houses, so it is a busy activity, and some communities are concerned because they are seeing neighborhoods become more like transient housing instead of actual neighborhoods.

Ms. Echols said that a good place to start with this will be to look at what the City is doing, and they have done a study on the extent of what is happening. She stated that there are older facilities that have been there a long time, B&Bs, tourist lodging, and rural area retreats. Ms. Echols said that the first step is to find out what is going on and the extent to which these issues are occurring, and then go from there to see if the Board wants to change the regulations or to find ways to bring these people into conformity. She stated that Charlottesville has done some good research approaches that can benefit the County.

Ms. McKeel stated that she would also like to do this for the development areas, as well as the rural areas.

Ms. Echols said that the strategy will be to study what the problem is, find out the extent of what is going on, and discuss it to find out whether they want to change the regulations or bring people into conformity.

Ms. Mallek emphasized that she wants to affirm that there are many people who are compliant and are licensed through Guesthouses and Stay Charlottesville. They paid their TOTs and follow all the rules – and it is a very unfair situation to them to have others doing it without licensing.

Ms. Mallek said that the only other item not on the list is related to climate change, and asked staff how it is included.

Ms. Echols said that at this point, staff has not made any changes because they are all going to be done after all edits are made. At the Board's last meeting they had said that in the Natural Resources section they wanted staff to add something about the effects of climate change and to make reference to the LCAP report. She stated that if there are other places in other chapters that are effected by climate change, the Board had wanted them to put the references in there – so staff will be bringing that back to the Board. Ms. Echols said that effects may be temperature shifts, more frequent events, more erratic weather, more flooding, etc. She stated that some of the impacts are going to affect infrastructure, but these are not known yet so it is a matter of looking into a community resiliency plan, as Mr. Werner has mentioned.

Ms. McKeel stated that this is the time to have that conversation, and she would like to see something included.

Ms. Palmer asked if the community resilience plan is intended to be site-specific. Ms. McKeel said that Mr. Werner has cited models from other places – Hampton Roads, and specific cities in Vermont and Florida. She added that it is worthy of some work and discussion.

Mr. Cilimberg said that staff's thought was to have the Comp Plan recognize the need to address it as a starting point, and then it will become a strategy that they would have to prioritize as to how and when they do that. He stated that staff is intending to do that for the Comp Plan document that is going to public hearing.

Ms. Echols confirmed that the LCAP will be in the reference documents, as the Board has directed.

Ms. Palmer said that she had sent one change to Ms. Echols, which she has agreed with, for strategy 5C in the Natural Resources section. She stated that the suggested language change will clarify the most important steep slopes, and that it be stipulated that the slopes to be protected in the

development area are those designated for preservation. Ms. Echols agrees that it needs to be changed to be made more current with what they have done with the steep slopes section.

Ms. Dittmar stated that her suggestions pertained to libraries and broadband under Community Facilities, but she does not have them with her and asked if she can email them. Ms. Echols said that staff is recommending setting a public hearing on May 13, so the next Comp Plan version will come before them with all of the changes.

Ms. McKeel stated that staff has done a wonderful job with the plan, especially interpreting and including items that are generated from the Board's discussion.

Board members agreed.

Mr. Cilimberg said that staff's thought is for the final draft to be completed by the time the public hearing is advertised, so it will be available to the Board at that time.

Ms. Echols said that staff will get with them as to the process for setting priorities, and said that if they need to have a separate meeting for prioritizing, staff will need to get back with them.

Agenda Item. No. 7. From the Board: Matters Not Listed on the Agenda.

Ms. Dittmar said that she has spoken with Ms. McKeel about sending a letter to the Chamber of Commerce and North Charlottesville Business Council asking if they want to team up with the County on the business assistance program. She asked Mr. Davis what his sense is of the lawsuit pertaining to the Route 29 Solutions project, and asked about the timeframe for that suit.

Mr. Davis responded that an answer will be due within 30 days, and how they answer it will probably determine how long the litigation may last. He said that if they try to get an immediate dismissal, it could be heard within several months; if it has to go to trial, it would probably be a year. He stated that the key will be whether or not any injunctive relief is granted to slow down the project moving forward, and if that is not granted, the litigation may happen very quickly.

Ms. McKeel said that her feeling is that the Chamber is a big player in the work with the business community and should be at the table, and she would be interested in having them work with the County – because otherwise, she does not see the County as having the staff and money to do some of these things. She emphasized that a lot of the items they have talked about the previous week for the program needed involvement from the Chamber and the North 29 Council.

Ms. Palmer commented that she does not see any reason to wait.

Ms. Dittmar agreed to draft a letter and bring it back to the Board.

Ms. Dittmar reported that she has a meeting with a constituent regarding an alternative fuel tax for personal property, which allows them to set a lower clean fuel tax rate through enabling legislation, and asked if they are interested in discussing it further.

Mr. Davis said that there is some enabling authority in regards to that, but he has not reviewed it in a while and will need to revisit it.

Ms. McKeel said that she has been to various public parking lots around the state that offers closer parking spaces for alternative fuel vehicles.

Ms. Mallek stated that the County needs to be applying for grants for charging stations.

Ms. Dittmar stated that she had been a guest at Ms. McKeel's police advisory committee, and they heard a report from UVA Chief of Police Mike Gibson, who had raved about the relationship among the three localities' police departments and has said that many areas do not have that type of cooperation. Ms. Dittmar said that Captain Greg Jenkins had also attended her town hall meeting, and he and the Town of Scottsville's police chief had shared how much they cooperate.

Ms. McKeel mentioned that the bids are due back soon for the police training facility, stating that 26 groups had shown up at the meeting – with 12 of them being viable.

Mr. Foley said that it is hoped the competition will keep them under the \$6 million level, and the item is tentatively set for the Board's April agenda in the event staff has to come back to them.

Ms. Mallek said that once the bid numbers come in, there is the option to go to the state Attorney General for support.

Agenda Item. No. 8. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Foley reported that staff had sent out an email regarding the citizens' survey, with information on all of the past survey questions, and Louise Wyatt has asked for input from the Board in two weeks. He asked the Board if they feel that is enough time, as the goal is to try to get the results in by the end of

the June, in a draft report format that might help the solid waste committee and other groups. Mr. Foley noted that they have the opportunity to add some customized questions.

Ms. McKeel suggested that they reach out to schools to see if there are one or two questions they want to have included.

Ms. Mallek noted that they are only allowed to have five total questions, and said that she has thought there would be more information coming back to the Board regarding the questions and the cost for adding local questions.

Mr. Foley said that they went through that process and voted to proceed, and recalled that Ms. Palmer and Ms. Mallek had voted against it, but emphasized that they did have a full opportunity to add questions as the County was able to secure a competitive price.

He stated that at the end of their meeting tomorrow is a discussion of solid waste alternatives, and there are some questions raised that staff feels needs to go back to the RSWA for consideration – and the terms of an agreement also needs to go back to Rivanna. Mr. Foley said that in light of that, staff planned to do just a brief overview covering the basics of the alternatives, with the idea that no decisions will be made until this goes to the RSWA.

Ms. Palmer said that the abbreviated version will be appropriate, but she would like a chance to explain to the Board why she does not feel that any of the options on the table currently are not the right ones – and they do not need the Draper Aden representatives in order to do that.

Mr. Foley said that if there are questions on the alternatives, he wondered if it might be prudent to include the engineers.

Ms. Mallek said that getting the other answers first is probably more appropriate.

Mr. Foley agreed to do the overview, with the understanding it will have to come back to the Board eventually.

Agenda Item. No. 9. Adjourn.

At 8:20 p.m., Ms. Mallek **moved** to adjourn the Board meeting to March 11, 2015 at 3:00 p.m. in Room 241 of the County Office Building. Ms. Palmer **seconded** the motion. Roll was called and the motion passed by the following recorded vote:

AYES: Ms. Mallek, Ms. McKeel, Ms. Palmer, Mr. Sheffield, Mr. Boyd and Ms. Dittmar.
NAYS: None.

Chairman

Approved by Board
Date: 10/07/2015
Initials: EWJ