An adjourned meeting of the Board of Supervisors of Albemarle County, Virginia, was held on November 11, 2015, at 2:00 p.m., in Room 241, County Office Building, McIntire Road, Charlottesville, Virginia. The meeting was adjourned from October 14, 2015. The regular night meeting was held at 6:00 p.m., in the Lane Auditorium, County Office Building.

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 2:03 p.m. by the Vice-Chair, Ms. Palmer. Ms. Palmer noted that Ms. Dittmar was running a little late and would be present shortly.

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

SCHOOL BOARD MEMBERS PRESENT: Mr. Jason Buyaki, Mr. Ned Gallaway, Mr. Stephen Koleszar, Ms. Pamela Moynihan and Mr. Graham Paige.

SCHOOL BOARD MEMBERS ABSENT: Ms. Kate Acuff and Ms. Barbara Massie Mouly.

SCHOOL STAFF PRESENT: Dr. Pam Moran, Superintendent; Dr. Matt Haas, Assistant Superintendent for Organizational and Human Resource Leadership; Mr. Dean Tistadt, Chief Operating Officer; Mr. John Blair, Senior Assistant County Attorney; and Ms. Jennifer Johnston, Clerk of the School Board.

Mr. Gallaway called the School Board meeting to order at 2:03 p.m.

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Item No. 2a. Five Year Financial Plan.

The executive summary, as presented by staff, states that on November 11, the Board of Supervisors and the School Board will engage in a joint work session to receive information on and discuss several topics that are related to the final development of the Five Year Financial Plan and that will provide guidance for the upcoming annual budget process. The work session will encompass the following five topics that bring together the work of a number of committees and County review processes that have been focusing on County revenues and expenditures:

-Updates to the FY 17 - FY 21 Five Year Financial Plan assumptions;
-October 14, 2015 Compensation and Benefits work session follow-up information;
-FY 17 - FY 21 Capital Improvement Program;
-Citizens Resource Advisory Committee Report; and
-School Division and General Government Efficiency Report.

While each topic has a specific outcome detailed in the executive summary, the overall intent of the work session is to provide clarity and direction for the Five Year Plan and budget process.

<u>FY 17 - FY 21 Five Year Financial Plan.</u> The two Boards will receive an update on the FY 17 - FY 21 Five Year Financial Plan based on updated assumptions. The updated FY 17 - FY 21 Five Year Financial Plan will serve as an important framework for the Board's discussion of the additional items that will be discussed during this Work Session. Long-range financial planning is an important component of the County's fiscal processes; it brings together three major components of the County's budget - schools, general government, and capital. It also provides a venue for discussion regarding important longer-term priorities and creates a framework within which the next fiscal year's budget development will take place. Beginning last year, the General Government and School Division have increased their long-range financial planning collaboration, which has resulted in the development of a joint five year financial planning process. In accordance with the budget development process schedule, the Board of Supervisors will have two additional work sessions on the Five Year Financial Plan on December 2 and December 9.

Desired Outcome - Board members to understand updated figures and review major drivers as a framework for the rest of the work session discussions - no decisions required.

<u>Compensation and Benefits Work Session Follow Up to October 14, 2015.</u> Staff will provide a brief recap of current and projected market conditions related to compensation and will offer recommendations to address both targeted salary increases and compression. The desired outcome of this portion of the presentation will be to seek board feedback on these recommendations and guidance for the development of the FY 17 budget. The second part of the presentation will focus on the County's proposed health care program modifications to create a modified traditional plan and a high deductible (consumer driven) plan. Staff will provide detailed comparisons of the two plans using hypothetical scenarios for individual and family participants. Staff believes that providing a unified short and long term disability plan for all employees is optimal, however due to limited funding and the critical need to address compression, recommends delaying funding unified disability benefits until FY18.

Desired Outcome - Boards to provide guidance on targets for salary increases and compression for upcoming budget and to provide feedback on recommendations regarding health insurance changes.

FY 17-FY 21 Capital Improvement Program. The purpose of the Capital Improvement Program (CIP) discussion is to review the completion of the Technical Review Committee (TRC) phase of the FY17 CIP process, including review of the ranking of the submitted projects and initial financial modeling prior to proceeding into the Oversight Committee (OC) phase. The primary desired outcome of the meeting is to review the requests and initial modeling at a level of detail necessary for the Boards to provide priority instructions and direction to their respective committee members who sit on the OC. The TRC's initial ranking is provided as **Attachment A**. A summary of all project requests is provided as **Attachment B**.

Desired Outcome - Boards to provide guidance to Oversight Committee members regarding any significant priority issues or concerns agreed upon by a majority of the Boards.

Citizens Resource Advisory Committee Report. The Board appointed the Citizens Resource Advisory Committee in June, 2015 to involve citizens in providing input regarding ways to best address the challenges faced by the County in funding future services. The Committee was charged to *"understand current and future funding challenges and service demands and develop a prioritized set of strategies to meet future resource needs. Strategies may include, but are not limited to, identifying new sources of funding, considering various methods of raising funds and the potential enhancement of existing revenue sources."* The Committee's final report with recommendations was presented to the Board of Supervisors at its November 4, 2015 meeting and was provided to School Board members by email in advance of the November 11 work session. A copy of the November 4 Executive Summary is provided as **Attachment C**.

Desired Outcome - Boards to provide guidance on priority strategies and to identify options that might impact Five Year Plan or FY17 budget.

School Division and General Government Efficiency Report. The purpose of the joint Local Government/Schools Efficiency Committee's efforts was to identify existing shared services and to research and evaluate innovative opportunities for the two organizations to further collaborate, coordinate or consolidate routine processes or operations. Over several months, the Committee identified specific operations or functions for review to include Purchasing, Health Care, Facilities Management, Language Assistance, Grant Management, Budgetary Management and Information Technology. Subcommittees were established, which identified organizational processes or new processes/functions that offer potential for streamlining, alternative services and or joint operations. Many efficiencies can be implemented within a short time while others require more research and collaboration with potential for implementation in a few years. The result of these synergies are to achieve greater efficiencies, more effective delivery of services, or both. The report is provided as **Attachments D1 and D2**.

Desired Outcome - Boards to provide guidance priority strategies and to identify options that might impact Five Year Plan or FY17 budget.

There is no direct budget impact, however, the results of this work session will provide initial guidance to General Government and School Division staff as they begin to develop their recommended budgets.

Staff recommends that the Board of Supervisors and School Board provide direction to staff that will inform the upcoming budget processes in consideration of the framework provided by the assumptions included in the FY 17 - FY 21 Five Year Financial Plan.

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Mr. Foley stated this meeting kicks off the five-year planning process, engaging both Boards over the next several weeks and making some final decisions as they approach December 9. He said the difference this year is rather than putting a proposal together for the Boards to work through, a lot of information has been feeding in with the intention of the Boards providing direction.

(**Note:** Due to technical difficulties with the sound system in Room 241, the Boards recessed their meeting at 2:09 p.m. and reconvened at 2:16 p.m.)

Ms. Pam Moran, Superintendent of Schools, stated the teamwork fostered over the last two years is represented in the room today, and three years ago they did not do a five-year planning process that incorporated both school and local government needs or shared perspectives on revenues and expenses. She stated they did establish some joint School Board/Board of Supervisors subcommittees that came back with some recommendations, including one that schools and local government build their five-year plan together. Ms. Moran said their continued collaboration is evident in the work between the County Executive and Superintendent, and with school and local government staffs, to help map resource needs and identify funding gaps. She noted the school funding request started with them beginning to do an assessment with the School Board and community stakeholder groups with the areas of need on their mind, and there will be a Superintendent's budget request coming forward in January.

Ms. Lori Allshouse, Director of Management and Budget, stated that on September 9, she had presented to the joint Boards a lot of information about the five-year financial plan, and they discussed the funding formula among other fiscal matters. She said her goal today would be to provide updates on the five-year plan, with other staff presenting information section by section and discussing the desired outcomes for each. Ms. Allshouse stated the desired outcome for her section would be to review the updated figures, review major drivers affecting the five-year plan, and consider it to be a framework for the background as they begin to think about their five-year planning. She said staff will be asking the

Boards to provide some guidance and priority setting in their overlapping areas, primarily the CIP and the compensation and benefits areas. Ms. Allshouse noted they had been doing this planning process in the County since 2008, and just last year began to work it into one plan instead of two. She commented that long-range planning is very important for organizations, and is critical in maintaining a AAA-bond rating. Ms. Allshouse stated that staff has updated the assumptions with the best information available at this point, and by the time they get to the annual budget process the numbers will be much more refined.

Ms. Allshouse reported the gap presented in September of $8.8 million in the first year of the plan is now estimated at $5.9 million, and said the reason the process was done earlier this year was to be able to provide this information to the Citizens Resource Advisory Committee for their work. She stated at the end of the five years, there is a $23 million gap, which is better than the initial projection of a $26 million gap. Ms. Allshouse said that while this is even a better picture than last year and things are moving in the right direction, there is still a fundamental structural imbalance to be considered as they move forward.

Ms. Allshouse reported that the General Fund brought in most of the revenues, and the total revenues projected for FY17 represents a 2.5% increase over FY16, but that includes a tax rate increase based on a dedicated .9 cents going toward the capital program, and the model also includes a 2.1 cent tax rate increase for FY19. She said the major drivers for revenues are general property taxes and other local revenues, with increases ranging from 6.2-6.5%. Ms. Allshouse stated it is also broken down by categories, and FY17 and FY19 has the tax increases built into the model, with real estate tax projections similar to projections from other localities around the state. She said in the first year, the model for general property taxes showed a slight decrease of -.7%, resulting in a $250,000 drop, but that was based on FY15 numbers and could change when the audit finalized these numbers. Ms. Allshouse said that other local revenues were projected to increase by 2.1%; state revenues were also projected to increase slightly, 1%, based on early information from the state; and federal revenues would remain at about 2%.

Ms. Allshouse reported that on the expenditure side, the model includes a 2% salary increase instead of the 2.7% initially included, and VRS, especially the School Division, had indicated there may be some savings. She said the model includes some additional funding to address salary compression, and healthcare is going through a lot of changes with more work still being done. Ms. Allshouse noted that there was also an assumption that some funding would be available in FY19 for long and short-term disability insurance for all employees, which is currently being run as two different models in Human Resources. She stated that student population growth estimates, which are a very important part of the school budget, has not increased as much as anticipated based on the schools' actuals just received. Ms. Allshouse noted there is a salary increase of 2% built in to all five years of the model, and healthcare increases are included as 14.5% in the first year, 13.5% in the second year, and 5% in the out years. She said her model in September had included a figure of 10% in the first two years, so this is a fairly significant difference. Ms. Allshouse reported that salary and benefit increases for schools is included as $5.4 million, and general government increases are $1.7 million, for a total of $7.1 million in FY17. She said that FY17, FY19 and FY21 are the years for VRS changes for the schools.

Ms. Allshouse reported the updated final school enrollment figures for the current year have changed their projections, and that adjusts the staffing needs from 14 new positions, as presented in September to 5 positions currently, for a savings of $800,000. She stated that general government put in 8 positions per year, based solely on maintaining the same staffing ratio and using the population growth model. Ms. Allshouse presented an updated chart from school staff on enrollment figures, showing a change from 13,511 to 13,372 students and remaining reduced through all five years.

Ms. Allshouse stated that on November 4, the Board of Supervisors had made a decision regarding the Ivy Materials Utilization Center, and that has not yet made it into this model. She said there are also no additional school initiatives built into this model, and there are no staffing capacity initiatives such as geo-policing and Community Development positions. Ms. Allshouse stated there is the .9 cent dedicated amount to go toward the CIP, but no additional funding beyond that. She commented the expenditure adjustments made since September include the healthcare changes, salary increases, the compression issue, long-term disability, school staffing adjustment, VRS changes, savings in revenue-sharing with Charlottesville, and several other items. Ms. Allshouse emphasized the model continues with a structural imbalance going forward, with no additional capacity for staff or the CIP, and the intent of the model is to provide a budgeting best practice for their financial planning.

Ms. Allshouse said that on November 12, the School Board will hold a work session on their budget, with the Superintendent presenting the annual funding request to the School Board on January 19, and the School Board presenting their funding request to the Board of Supervisors on February 25. She stated the Board of Supervisors will hold two more work sessions on long-range financial planning on December 2 and December 9, and on February 19 the County Executive will present a recommended budget to the Board of Supervisors.

Mr. Koleszar asked for clarification that the County Executive will present his budget to the Board of Supervisors before the School Board budget is received. Ms. Allshouse confirmed that is the case and said it is a scheduling matter, pointing out that in the past local government staff has worked closely with Jackson Zimmerman, Director of Fiscal Services, and his department on the budget throughout the process, with the school piece usually included last.

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Ms. Lorna Gerome, Director of Human Resources, addressed the Board, stating that most of the information she will be sharing is a recap of what they had discussed at the joint board meeting in October, and she will also bring back some specific information they had requested as well as asking for direction on recommendations. Ms. Gerome said that compensation and benefits are critical to their success as an organization because it supports their work to attract, keep and motivate high-performing employees. She stated the recommendations she will be seeking revolve around compensation, compression, and health insurance.

Ms. Gerome reported that total compensation targets are for teachers to be at the 75th percentile of market, and for classified staff to be at the median or 50th percentile of the market, with benefits targeted slightly above market. She stated the process has been to survey their adopted market and look at that data to see where the County is in that context, then get the World at Work projections, which are projected to have a 2.7% increase this year, and then project Albemarle's increases based on that information. Ms. Gerome said that based on the actions taken last year, the County has reached its targets and is at market, and she referenced a slide showing the top seven divisions in the adopted market at Albemarle's place in that ranking. She stated that teachers are paid on a set scale based on years of experience, and increases are given by moving up through the scale. Ms. Gerome said that last year the scale was adjusted by 2%, but the increases ranged fromr 1% to 3% depending on where a teacher was relative to the market data. She stated they had also recently received statewide data from the Virginia Education Association, which informed them that the strategy is serving them well, as the data shows Albemarle is ranked 9 or 10, with the lowest ranking at 17 among 125 localities.

Ms. Gerome reported that classified staff had also benefitted from last year's actions, which brought them to market level this year. She said that last year they were 1% behind market, then the market moved 2% this year, and the increase received was a total budgeted increase of 3%, so they are now at market. Ms. Gerome noted the classified staff market works differently from the teacher's scale and is not a set scale, but instead is an open range with a minimum and maximum and midpoint that is the market rate. She said that employees are hired into a point on that range based on their education and experience, and move through the range based on the increases given each year.

Ms. Palmer asked if the adopted market is the same for classified and teachers. Ms. Gerome confirmed that it is.

Ms. Palmer stated there was some discussion last year about taking a look at that adopted market again, and she wonders if that has been done or is planned to be done. Ms. Gerome responded they looked at their strategy to determine if it is meeting their needs, and if they determine that it is, then they have not deviated from the strategy. She stated they changed the target with teachers a number of years ago based on the recruitment and turnover data available, as well as the time it was taking to fill positions. Ms. Gerome said that based on current information, staff believes the market is adequately serving them at this point.

Ms. Gerome reported that World at Work is the compensation association that provides projections, and it has been a little bit higher than what the local market has actually done. She said that Ms. Moynihan had asked at the last meeting whether other sources can be used for this data, but staff has not yet been able to identify another source that meets their needs. Ms. Gerome noted the national Society for Human Resource Management used the World at Work for their projections, but the County's compensation manager is doing some research on this now to see if there are alternatives.

Ms. Dittmar asked Ms. Gerome to explain how World at Work comes up with their data. Ms. Gerome explained the World at Work did a large survey in the spring, using many different industries from all over the country, and the County used both the education and public administration sectors for the South region, which had been one of original recommendations from the committee focusing on this process.

Ms. Dittmar asked about the accuracy of World at Work data. Ms. Gerome responded they will be looking at that as part of their discussion.

Ms. McKeel said it will be interesting to see how the market compares to the Eastern sector, since Albemarle is right on the edge. Ms. Gerome responded it is something they can certainly look at, but she has not seen market differences in the regions or national data for those particular sectors.

Ms. Moynihan asked what criteria was addressed in the surveys, and what kinds of questions were included. Ms. Gerome stated they asked very specific questions around the types of increases that certain groups of employees would be getting, and they broke it down by exempt, non-exempt, professional, etc., so they are essentially asking what salary increases they will be offering.

Ms. Moynihan asked if they delineate that information or whether it is an average. Ms. Gerome responded there are many ways they cut the data.

Ms. Moynihan said she is trying to establish whether the World at Work figure includes benefits in what they surveyed. Ms. Gerome stated they primarily focus on base salary and compensation and variable pay, so this is really a straight salary projection. She said that World at Work is not including benefits in that increase amount, because benefits tend to vary significantly.

Ms. Moynihan said she is trying to assess whether the 2% Albemarle is offering instead of 2.7% is factoring in those benefit differences. Ms. Gerome stated that for the last three years, World at Work has projected 2.7% and the market actually moved 2%, so she is comfortable recommending 2% for this year for classified staff and to adjust the teachers' scale.

Mr. Koleszar noted this is based on a region, and Virginia has been particularly poor in revenue, and the fact that the market is all Virginia may be a reason why this is low.

Mr. Boyd stated the County's compensation strategy was built about 15 years ago, at a time when the cost of benefits was not what it is now given the Affordable Care Act and other factors. He asked when they will reconsider the approach of offering benefits at 5% above market. Ms. Gerome said with the compensation target at market, many localities in the market have similar benefits, so to help Albemarle retain a competitive edge for recruitment and retention it serves them well to have benefits a little bit above market. She stated the 5% above had been a little hard to measure, but the plan designed strives to keep the benefits above market. She added if the Board directs staff to re-look at that strategy, they will do so.

Ms. McKeel asked about how much the County is giving to employees each year for benefits. Ms. Gerome responded the Board contribution is approximately $8,500.

Mr. Boyd noted it is just the medical benefits, and does not include other benefits. He said he wants to make the point so that a future Board might consider revisiting a decision that was made 15 years earlier.

Ms. Gerome reported on compression and provided a hypothetical example of a police officer hired at the minimum salary of $38,727, and a police officer who was hired in 2010 at a salary of $41,890. She stated the pressure they are feeling with compression is the lengthy recruitment times, and it used to be that the County could fill positions within one to two months, but now that has shifted to three to six months. Ms. Gerome said this has an impact on the process itself, but also on the employees who are picking up the slack until a new person is hired. She noted it is not always that salaries are low, but that there is a ceiling because they value internal equity for employees and do not want to bring in those with less or equal experience at a higher salary than current employees.

Ms. Gerome stated that staff has developed several recommendations to address compression. She said they had a consultant come in and talk to many employees and leaders and assess all of that information and come back with recommendations. They reviewed those and modified them to meet organizational needs. Ms. Gerome noted they have not moved the scale for classified in a number of years, and said that minimum hiring salaries, particularly at the lower paygrades, are not competitive with the market. She said that starting salary is $9.75 per hour, and the recommendation is to bump that up to $10 per hour. Ms. Gerome stated they have collapsed pay grades 1-4, which will impact about 90 employees, the majority of whom are in food service. She said the model assumes that an employee should be paid a market rate after they have been in a position for eight years, which is the original model adopted with this strategy. Then they will look at how long an employee has been in their position and place them where they should be in a range, up to a midpoint. Ms. Gerome stated the impact will be on just over 500 employees, most of whom are in transportation or public safety, and staff is recommending a two-year phase in due to the cost. She emphasized this model is consistent with the compensation strategy to accelerate employees to a market rate and would preserve internal equity, as well as giving room for more competitive hiring offers. She noted the strategy does not account for performance differentiations, which staff has evaluated but feel that the focus should be on base pay, and it does not address compression for employees above the midpoint. Ms. Gerome presented a hypothetical example of two employees and how this strategy will impact them.

Ms. McKeel asked how the phase-in will work. Ms. Gerome said the increase will be done one half at a time over two years.

Mr. Koleszar asked if there is a reason why staff chose not to take performance into account. Ms. Gerome explained that employees who have successfully met high expectations should have their salaries adjusted, but when they do not there are steps taken to correct that through other measures, so there is already a plan to address this.

Mr. Koleszar asked if employees who are currently under poor performance ratings will still get this raise. Ms. Gerome responded that they will, and they may possibly be gone by the time this is implemented, or they may have turned their performance around.

Mr. Koleszar said the concept of this is that raises will not be filtered through a merit context, and he is uncomfortable that because of a compression issue, performance is being ignored. Ms. Gerome noted they have only had merit increases twice in six years.

Mr. Koleszar stated they are compensating by giving people extra pay, and due to compression they are ignoring merit, which he feels goes against their strategy of paying for performance.

Mr. Foley said staff had quite a bit of debate on this item and it is still an open discussion.

Ms. Mallek commented that it is demoralizing for people who are working hard, and they need to avoid that dynamic.

Mr. Boyd stated that in previous meetings they had talked about pay banding as a means of addressing compression, and he wonders if that should be revisited. Ms. Gerome said staff would like to pilot that in certain areas to see how it might work.

Mr. Boyd noted the University and other organizations have gone to that methodology.

Ms. Mallek stated that one other complicating factor is the fact that the County has not been giving raises. Ms. Gerome agreed, stating that even with broad bands they need to have those raises to address compression.

Ms. McKeel said she had requested some information on the police department's data on retention and said that she would still like to have that at some point. Ms. Gerome responded that the local government annual report is online, and the retention data is broken out by department. She stated that turnover has been fairly steady with no large spikes of concern.

Ms. Dittmar stated that one of the things she had learned was how different local governments have addressed compression, and asked Ms. Gerome if they had looked at the entire picture before recommending collapsing paygrades 1-4.

Ms. Gerome said there are some models that recommended modifying the entire pay structure, which has a fairly broad band at 60% to allow for movement within pay grades and serves both organizations' needs at this point.

Ms. Gerome stated that staff's recommendations are to implement a 2% increase for classified for FY17, adjust the teachers' scale by 2% to reflect the market movement, and implement a two-year phase in of the compression recommendations.

Mr. Boyd clarified this is just for budgeting and planning purposes.

Ms. Mallek said even though it is just for planning purposes, it is hard to go backward with the increase, and it is a lot easier to go from 1% to 2%.

Mr. Foley stated that staff always emphasizes the point that this is "subject to available revenues," and it may actually end up being another number such as 1.5%, with the boards' direction dictating that.

Ms. McKeel then **moved** to adopt the compensation and benefits recommendations as presented by Human Resources, for planning purposes, subject to available revenues.

Ms. Palmer stated she is still processing the information and did not realize they would be voting on this, even for planning purposes.

Ms. McKeel said the Superintendent and County Executive had to have something on which to base their budgets.

There was no second, and the motion failed.

Motion was then offered by Ms. Mallek to target a 1% salary increase based on available revenues for budget planning purposes. Mr. Boyd **seconded** motion. Roll was called and the motion failed by the following recorded vote:

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

Ms. Dittmar stated she was not aware that they were voting on this.

Ms. Mallek said that it is not going to get any easier.

Mr. Boyd said that consensus should be sufficient.

Ms. McKeel said they had the recommendation from the last meeting.

Mr. Foley stated they had presented the information from World of Work at the last meeting, with the recommendation of 2%.

Ms. McKeel then again **moved** to support the compensation and benefits recommendations as presented by Human Resources, based on available revenues.

Ms. Dittmar asked if available revenues means based on existing revenues, or if it means revenues that include the County Executive's recommended tax increase.

Mr. Gallaway said that he took it to mean whatever revenue was necessary to achieve the recommendations for which you are planning, but you are not locked into that.

Ms. McKeel stated that Mr. Foley presented a budget to them that includes those assumptions.

Ms. Mallek said all of the other decisions about what you must give up to achieve that was part of the process, and nothing is guaranteed yet.

Mr. Buyaki stated the disclaimer of “existing revenue” really does not mean anything.

Ms. Acuff said that until the various Boards vote on what the budget will be, it is all in play.

Ms. McKeel stated the salary increases are assumed in this model.

Mr. Foley confirmed they are part of this model, and there is still a deficit factored in. He stated the two staffs working together put a high priority on both Boards’ strategy to keep up with market, because of clear direction from them and because it is essential to take care of existing staff before adding new programs. Mr. Foley said they will be making some choices in order to keep the level and quality of services they currently have.

Ms. Mallek said she remembered clearly the recriminations experienced several years ago when they were unable to do 1% or 2%, because there were other obligations costing $5 million, and that has tempered her estimating going forward.

Ms. McKeel commented that they will have that opportunity as the budget process plays out, but this is a starting point.

Ms. Mallek stated it would never be easier than it is today.

Mr. Boyd stated that several years ago they had to dial it back from 2% in mid-year.

Ms. Mallek said that it was portrayed as a pay cut.

Ms. Moran stated that having clear consensus by the two Boards on the recommended increase, whatever that number is, is very helpful because when she builds her funding requests she wants it to be transparent to staff and the community as to the Boards’ direction. She said it is important for them to leave today with that understanding, either through vote or consensus, and the School Board will be considering this at their meeting the following night. Ms. Moran added that Mr. Foley seems to feel the same way from his perspective, so it would be helpful to have consensus.

Mr. Sheffield said he has no problem with consensus, but taking a vote seems to be a firm hand going into their budget discussions in December, when the revenue picture is uncertain. He stated he does not want to set an expectation through a firm action that he will then have to back down on in the future, and they have a lot more discussions over the next six months.

Ms. Dittmar agreed, and asked how many Board members want to take a vote today.

Mr. Boyd said he feels this is the only way they can clearly provide direction to management staff.

Ms. McKeel stated it has certainly been the Board’s past practice.

Mr. Sheffield said it is not legally required.

Mr. Davis responded that it is not legally required for them to take action on this today, but it had been the Board’s practice.

Mr. Foley asked if there is opposition to having staff use this as the data to help them prepare the budget, which is different from a vote.

Mr. Sheffield stated he does not oppose it, he just does not want to take a firm hand on a vote.

Ms. Dittmar said that last year they had undercut it and started with a low rate so they could move up, and it seems this is what Ms. Mallek is suggesting. She stated that Ms. Mallek had presented a suggestion of 1%, with staff’s recommendation at 2%, so perhaps they could include a range of “no less than 1%, no more than 2%.”

Mr. Boyd suggested that staff build one budget using 1% and one using 2%.

Mr. Foley said that a range of 1% to 2% is one way to get at this, and they would have to assess it anyway to figure out where to go with it.

Mr. Sheffield stated they can provide direction to staff for them to build a budget, but he does not feel that they need to take a vote on it.

Ms. Dittmar clarified that one option is to provide a range of 1% to 2%, and the other is to build two budgets, using 1% and 2% respectively.

Mr. Foley stated that given the strategy in place by the two Boards, which is to try to get to market, staff will build the budget using the recommended 2%. He said that short of any vote or absolute consensus, the Board’s strategy already includes the goal of trying to stay at market, and staff feels strongly that if they fall behind one year and have to make it up, it becomes much more of a challenge. Mr. Foley noted that staff is going to aim for 2% because it is consistent with the Board's strategy.

Ms. Palmer said she agrees with Mr. Sheffield that they should not take a vote, because it will translate in people's minds as a vote for a 2% increase. She said she certainly wants to keep up with this policy, but they have not seen what the numbers are.

Ms. Mallek stated that for the majority of the years she has been involved in this process, the World at Work data has not been reflective of what actually happens, so she is a bit more tentative about using that information. She said in the years they were not able to follow their strategy, it did not turn out to be a huge problem because other localities were faced with the same problem.

Mr. Boyd said he thinks this is a single line item.

Mr. Foley said if more money goes to a specific proposal, they will have to figure out what they are not going to do.

Ms. Dittmar asked if he feels comfortable moving forward with this given the Board's direction. Mr. Foley responded that he does, and said that unless there is some opposition to their strategy addressing compression, he would like to have staff use that assumption also.

Mr. Sheffield stated that he agrees as long as Mr. Koleszar's concerns about foregoing merit for compression are addressed.

Ms. Moran clarified that with the performance plan, they have the capability to freeze salary if that is deemed to be an appropriate action.

Mr. Foley noted that they would definitely be factoring that in.

Ms. Mallek asked if this goes throughout the entire salary range, or only people up to a certain point. Ms. Gerome responded that it is for every pay grade, but only up to the midpoint of the range.

Mr. Gallaway asked if the School Board supports giving Ms. Moran direction to do this.

Mr. Buyaki stated that he shares Mr. Koleszar's concern about the morale implications of the compression strategy, and said it needs to be resolved.

Ms. Moynihan said staff needs something to work with for planning.

Ms. Gerome reported that at the October meeting they had spent some time talking about the VRS hybrid plan and disability benefits mandated to be provided, which creates a situation in which newly hired staff has a better disability benefit than existing employees. She said that while it is felt to be important to adopt one unified plan, given other obligations it is something they can probably wait to address.

Ms. Gerome stated their goals around health insurance are to meet the strategy to be slightly above market, which at one point was 105%, but that is difficult to quantify, so their goal is just to be slightly above market. She said that other goals include providing choices for employees and their families to meet their various needs, targeting reserves at 20-25%, and complying with healthcare laws. Ms. Gerome stated the Cadillac tax, which begins in 2018 can be levied on total individual premium amounts higher than $10,200 at a rate of 40%, is potentially a problem. She said that Albemarle's total individual premium in 2016 is currently $9,500, so if they do not make some changes they will likely be subject to the tax. Ms. Gerome said they are recommending a few different ways to mitigate the tax, the first of which is to reallocate rates. She stated that currently they do a flat rate for all tiers so that an individual gets the same Board contribution as a family, and staff's recommendation is to reallocate that so the family premium is assigned appropriately based on what is incurred in claims. Ms. Gerome noted that staff is not proposing that they change the amount of the Board contribution or employees' premiums, just a reallocation, and they will be coming back in the future with specific recommendations.

Ms. Dittmar asked for an example of how a family might be impacted. Ms. Gerome responded that it might be easier to talk about the premiums in terms of the market, which data shows to have an average $7,000 premium, and Albemarle's is $9,500; for families the market premium is $18,000 and Albemarle's is $12,000. She explained that staff's recommendation is that the individual premium will decrease to $7,000, and the family premium will increase accordingly. Ms. Gerome noted that it is the Board contribution that will be reallocated, and they will have to change the premium amounts going forward.

Ms. Dittmar asked Ms. Gerome to provide an example as to the impact on one individual.

Mr. Koleszar said the Board seems to need a clear presentation of this and suggested the item be deferred until there can be a clearer example.

Mr. Foley stated they can do that, but there is a simple premise in that employee premiums will not change, only the employer's share will be reallocated. He said that going forward, it is possible that premiums might need adjustment, but as a basis of meeting the compliance, employee premiums will not change at all.

Mr. Boyd asked where the money will come from. Mr. Bill Letteri, Deputy County Executive, clarified that the total Board contribution will not change, only how it is applied, and a flat amount of $7,500 will be allocated for each employee, with less put toward individual premiums and more put toward family premiums. He emphasized that employee premiums will be held equal or level.

Mr. Koleszar said they need a chart with examples, and he does not feel it is appropriate for the Boards to be approving the concept without some clarity.

Mr. Foley agreed that staff will come back with more precise information for them.

Ms. Gerome reported the next challenge is related to sustaining their plan, and explained that they had number of years in which claims were very low so they were able to build up a reserve during that time, which helped them stabilize both Board and employee contributions. She said they had made plan design changes over the years, which meant some cost-shifting to employees in terms of deductibles and co-pays. Ms. Gerome stated the last two years, they have had some very high claims, due to the general cycle of these patterns, high pharmaceutical costs, and Affordable Care Act fees. She said for this year, expenditures have exceeded projections, and staff will be asking for $2 million to set aside in a reserve fund.

Mr. Letteri said it is important to note they have been talking for some time about the challenges in healthcare, and just in the last year they have seen significant changes in claims behavior. He stated they ended plan year 2014 with a 20% reserve, which by the County's standards would have been adequate, but from 2014 to 2015, that has declined to 9%. Mr. Letteri said it is unclear whether this trend will continue, but they need to take immediate steps to restructure their plan and address the reserve issue. He stated that staff will monitor this as they go along, with a team of people monitoring claims on a monthly basis, and will keep the Board informed.

Ms. McKeel asked where the $2 million for the reserve will come from. Mr. Foley responded that it will be from their excess fund balance.

Mr. Letteri clarified that it will come from surplus revenues at the end of the year and will be set aside as a special reserve.

Mr. Foley said that when the fiscal year ended June 30, 2015, staff had projected that they would have $3.3 million beyond the 10% held aside, and it would typically roll to the CIP. He stated they would like it to roll to the CIP, but staff is suggesting that $2 million of it be set aside for the healthcare reserves, if needed. Mr. Foley said that none of the $3.3 million has been allocated and is typically used for one-time expenses, but they have discussed using $250,000 for ACE.

Mr. Letteri noted the $250,000 for ACE had been set aside before the $3.3 million.

Ms. McKeel said there will be $2 million less going into the fiscally constrained CIP, and that was assumed in their five-year CIP plan.

Ms. Mallek stated they will need to back it out now before the CIP is approved.

Mr. Foley asked budget staff if they had already planned to use the $2 million to balance the CIP. Staff confirmed they had not factored it in.

Mr. Foley explained the budget the Board adopted in April did not have any idea as to how the year would be finished.

Ms. Mallek said she is looking ahead to the next season, so she assumes there are some assumptions made for it.

Ms. McKeel asked if the County has been following the healthcare consultant's advice, since they are now faced with essentially subsidizing their healthcare plan.

Ms. Mallek said she remembered him very strongly recommending that they cut down their reserves.

Ms. Gerome stated the consultant provided guidance and options for consideration, but does not come in with formal recommendations, and he has provided guidance that the County adopt a high deductible plan and a savings account, and encouraged them to implement deductibles. She said the County has always balanced his recommendations with staff's knowledge of the County's workforce and their needs.

Mr. Letteri said that staff has routinely valued the consultant's judgment, and he has demonstrated that his firm knows the market and has tended to be conservative. He stated that while other organizations had been raising the premiums for employees, Albemarle had not and now finds itself needing to catch up. Mr. Letteri said the County is seeing greater volatility in its claims, so perhaps targeting at 25% reserves, as the consultant recommended, may be prudent. He stated the County will not want to be in the circumstance where it has to infuse money, and wants to get contribution rates and premiums to a point where the plan can be sustainable and balanced.

Ms. Mallek said that many spouses for UVA were absorbed into the County's systems, and perhaps they have not been absorbed into the wellness programs yet. She asked to what extent they made use of the NACO and VACO pharmacy programs and group buying efforts.

Ms. Gerome responded that they will be looking at that this year, and currently all medical benefits are with Coventry and Aetna, and they will be able to negotiate better rates if they unbundle those.

Ms. Mallek said she is very resistant to setting up a County pharmacy because of cost concerns, so if they can get it through NACO/VACO instead, that would be a far better approach.

Mr. Foley stated that he was also at the VACO conference several days ago, and the NACO/VACO program is a citizen discount program, not an employer program that will bring the County's costs down for employees. He said the County's costs are actually lower than what NACO and VACO offers, and provides an option for citizens in the community to get a prescription card if they do not have one.

Ms. Mallek noted the U.S. community side is aimed at local governments and their employees, which was what she had in mind.

Mr. Foley said that it is a process staff can look into.

Ms. Gerome presented a slide on wellness initiatives, which were managed by LeAnn Knox, and said they are offering things like onsite flu shots and looking at more targeted programs around disease management. She added they are also exploring reduced rates for pharmacy, and are looking to implement a dependent eligibility review to ensure that everyone on the County's plan should be on it.

Ms. Gerome reported that in October she had shared information about a high deductible plan with a health savings account, and explained there are two parts to it: high deductible insurance, and a savings account. She stated the Board contribution will go in part to pay the premiums for the plan, and part will go into a savings account for employees. Ms. Gerome said it is a different model for health insurance, but more and more organizations are moving in this direction. She stated she had seen a survey that indicates 40% of government entities are considering implementing these plans in the next three years. Ms. Gerome said the advantages of the plan will be significantly reduced claims, lessened potential for the Cadillac tax, and offering a very different option for employees, particularly those who are interested in managing their own healthcare. She stated that disadvantages are the challenge of communicating the plan's specifics and the possibility that an employee may not have enough in their savings account to cover a claim. Ms. Gerome said that for employees, the advantages include lower insurance premiums and triple tax savings with contributions towards the account with savings interest, portability, and the ability to withdraw those funds.

Ms. Gerome presented an example from the consultant showing a worse-case scenario for a mid-life employee who is injured in an accident. She said that under a normal plan, this employee's premium is $4,812, with an out-of-pocket maximum of $6,000, so her expense would be $10,812. Ms. Gerome said with a high deductible plan, the employee's premium is just over $3,156, with an out of pocket maximum of $8,000, so her total cost would be $11,156, but the employer contribution of $1,000 would reduce her cost to $10,156.

Ms. Gerome stated the recommendations from staff are to set aside $2 million for the healthcare reserves, reallocate the rates to reflect coverage usage, align tiers more appropriately with claims, to offer two plans including a new high-deductible plan, and a 14.5% Board plan contribution increase.

Ms. Mallek said she would like to know how payments are impacted with the high-deductible plans and whether patients are treated as others within the system, and not treated like those who do not have insurance when dealing with hospitals and billing.

Mr. Boyd stated he does not see what the employer contribution would be for the high-deductible plans. Ms. Gerome clarified the contribution would be the same, but some of it would just be allocated to the savings account.

Mr. Sheffield said that JAUNT had implemented high-deductible plans several years ago, and sometimes with out of pocket expenses employees realized that it was not worth filing a claim.

Ms. Mallek asked if people would avoid seeking treatment because they are afraid of tapping into their savings account. Mr. Sheffield responded they become more conscious of it, but are not afraid of using it.

Ms. Palmer asked what happens to the Board contribution increase of 14.5% after year one. Ms. Gerome stated that it is 13.5% in year two, and after that they get back on track.

Mr. Boyd said he wants to return to a comment that Mr. Foley had made about 1% or 2%, and if the budget was built on a 1% increase in salaries, the tendency would be to apply that money to something else instead of building the budget on 2%, and he realizes that if it is not used for salary increases it will be used for something else, so he is not opposed to its use for that purpose.

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Mr. Trevor Henry, Director of the Office of Facilities Development, addressed the Boards and stated that the outcome for his presentation is to provide them with a check on the CIP process, to see the information coming out of the Technical Review Committee before it goes to the Oversight Committee. Mr. Henry said he will do a quick review of the projects, including order of magnitude and ranking, an initial look on the budget model, and there will be no vote, it is just an opportunity to show the Boards where things stand in the process, and to garner feedback to take back to committee members. He stated the Technical Review Committee is comprised of staff from agencies, departments, local government, schools and public safety, and this committee is charged with reviewing the requests from all departments and agencies with criteria established by the Board several years ago. Mr. Henry said the committee looks at the projects as they come in, reconfirmed their classification and understand their components, then rank the requests. He stated the Financial Review Committee also has cross-functional membership with schools and local government, and they look at the revenue picture and assumptions on things like fund balance. Mr. Henry said the process is still underway, with that committee meeting again on November 12.

Mr. Henry reported the Capital Improvement Program is the intersection of facilities planning documents, the Comprehensive Plan, the six-year road plan, facilities needs throughout the County now and in the future, with financial management and planning. He stated there is a balanced five-year CIP and a capital needs assessment for years 6-10. Mr. Henry noted this year is the first of a two-year cycle, and all departments and agencies are asked to submit requests, with 89 requests this year including 19 new requests, totaling $338 million for years 1-5, and $278 million for the out years. He presented a pie chart depicting the 10 years of requests by department, and said 75% of the requests are non-maintenance projects, with 25% maintenance projects. Mr. Henry stated there is also a 270-page document detailing the requests, with links to each project, the requesting department, project justification, any changes, and budget information. He said the document is oriented by classification of projects, which also ties to Board-established funding priorities, mandates and obligations, and there is a key that shows whether it is a new project, a multi-year project, and whether a project has offsetting revenues. Mr. Henry stated that after the CIP requests go to the Oversight Committee, and if there is funding shown in their column, it means the project is included in the recommendations going to the County Executive. He said that priorities based on County guidelines typically rank school and public safety projects in the upper tier, and things like studies and parks and rec projects ranking a little lower.

Mr. Paige asked what the definition of “new requests” is. Mr. Henry responded that if the request was not in last year’s CIP, it is considered a new request.

Mr. Henry reported that last year they spent a lot of time talking about learning space modernization, and $1 million was funded in the FY16 request towards this program. He presented information showing a before and after picture for a classroom at Albemarle High School, and said that schools have again this year requested modernization funds at that level. Mr. Henry presented an image of Cale Elementary and stated that staff has worked with building services to provide modifications that allow for access to all schools controlled by their front offices, and there were some remaining projects added in FY17. He stated the CIP reflects additional revenues in FY17 of 0.9 cents, and in FY19 of 2.1 cents.

Mr. Henry stated the first step in the CIP process is to take the approved program and update what has changed in their request, with about $10 million in changes this year on the expenditure side. He said some of that is court expenses, but they have been offset by assumed revenue from the City that was not in the FY16 plan. Mr. Henry said they are still assuming dedicated pennies, but are still not in balance for the currently adopted CIP. He stated the next step and the challenge is working with the Oversight Committee, and they can look at revenue and expenditures assumptions and consider delaying projects as part of the process. Mr. Henry said that staff is still looking at possible models, one of which is balanced and thus would likely involve reduced expenditures, and if new projects come in, they will need to adjust priorities.

Mr. Boyd said he is trying to figure out how the chart Mr. Henry has provided will overlay with VDOT’s matching funds chart. It does not seem that those ever align because they have to apply for VDOT funds a year or more in advance. Mr. Henry explained that if funds are included in the FY17 budget for transportation revenue-sharing that will feed the application for the fall, which means the funds will hit in the following year, if approved, as they always lag by a year.

Mr. Boyd asked if the time to apply with VDOT for revenue-sharing funds has already passed, because there is great interest in his district for building a pedestrian crossing to get across Route 250 and support the Neighborhood Model concept there. Mr. Henry stated they have missed the opportunity for this year, as funding would have had to be approved and an application deadline of October 30 for FY17, but David Benish will have to clarify that.

Ms. Mallek said they did not take new money for FY16 because they were finishing up projects stemming from leftover Meadow Creek Parkway funds, but they need to stay on top of it for future years.

Ms. Palmer stated she had recalled Mr. David Benish explaining the County already has too many revenue-sharing projects going, and the question is when will they have caught up to satisfy VDOT. Mr. Henry responded that next year’s cycle should be sufficient.

Mr. Henry said the CIP model does not include any new transportation initiatives.

Ms. Mallek said this is why she wants someone to put it on a list.

Mr. Koleszar stated the County has been going through a redistricting process, and the redistricting committee for Greer Elementary has said there are no empty seats there, so they may be faced with moving some students to Jouett and/or using trailers. He said the Woodbrook addition was not funded last year, and if they do not have more capital to meet enrollment growth, they will either have to cut programs or put kids in trailers. Mr. Koleszar commented they are in a crisis position, and business as usual in the CIP is not going to resolve that. He said they have talked about a bond referendum and asked if they are going to discuss it.

Ms. McKeel stated that Mr. Foley is going to bring that up, but even if they vote on that today it will take three or four years before they would have those projects going. She said they are pretty desperate at Greer, and the Fire Marshal has cited the school for holding classes in the hallway. Ms. McKeel stated the situation has been appeased for the time being, but they have to address overcrowding in the urban ring schools, and this is not a matter of just moving students from one school to another.

Mr. Boyd said this is a five-year CIP, and if the schools are in a desperate situation then perhaps they need to drop some of the other projects.

Mr. Koleszar stated that part of the process was to provide feedback to the Oversight Committee.

Mr. Boyd asked if the allocation of revenue-sharing funds can be changed at all. He would like to have an honest discussion on whether connecting the neighborhood models and making walkable neighborhoods is of any importance to future boards. There are dense neighborhoods separated by Route 29, Route 250 and Barracks Road.

Ms. McKeel stated it is just not acceptable to her to have children in the urban ring schools to be layered on top of one another. She stated that even if they issue a bond, they still need money to pay it back.

Mr. Paige stated they also need to look at modernization in some of the older schools.

Ms. Dittmar said the Citizens Resource Advisory Committee had talked about some of the possible sources for additional revenue.

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Ms. Lee Catlin, Assistant County Executive, addressed the Boards and stated that she will be discussing strategies to help them meet future resource needs, and up to now a lot of the review and assessment processes have included things they are familiar with, but this year a Citizens Resource Advisory Committee, as called for in the Board's adopted FY16 budget, was convened. Ms. Catlin stated this group was appointed by the Board of Supervisors with School Board input in 2015, with eight members representing experts in finance, economics, business and government. She said the committee was charged with understanding current and future funding challenges, service demands, and develop a set of strategies to meet resource needs. Ms. Catlin said the committee had developed recommendations for concepts in three different tiers, based on how they assess the feasibility of the strategies, the readiness of the strategies to be implemented, and the revenue potential of each of the strategies. She stated the committee urged the Board to carefully consider the strategies as some sort of a package they might put together, and recognized that no single strategy or pair of strategies would be a magic bullet to completely solve any kind of a funding gap. Ms. Catlin said the group also commented on the extent to which revenue-generated strategies are limited by the County's need to obtain enabling authority from the General Assembly, and they urged continued engagement with local legislators to encourage that support. She stated the committee also recognized the critical importance of cost savings and expenditure reductions, but did not go into that in depth.

Ms. Catlin reported that they divided the tier one strategies into three different groups: general revenue-generating possibilities, ranked in order of which they felt were highest to lowest considerations; tools such as grants and crowed-funding that might be effective in specific circumstances; and process tools by which the County could raise revenue, such as general obligation bonds. She stated that tier two strategies were those that had some potential but need further evaluation, or the revenue-generation potential was not as strong as tier one. Ms. Catlin said that tier three strategies were those the committee felt they would not recommend for further evaluation or study.

Ms. Catlin stated staff wants to provide the joint Boards with the ability to weigh in as to whether there are strategies they feel should rise to the top, as they consider the five-year plan and the budget process.

Mr. Buyaki said that economic development jumps out at him, and if they have a meaningful and robust economy it will solve a lot of their problems, with too much reliance currently on retail and restaurants. He stated the discussion recently over the brewery and the rezoning of industrial land is a very important discussion they need to have as a community.

Mr. Gallaway pointed out that three or four of the strategies in the first column will require enabling authority, and asked if the meals, cigarettes and transient occupancy are possible.

Mr. Sheffield said they have the ability to increase the motor vehicle registration cap.

Mr. Foley stated raising that would generate about $220,000, and the committee recommended they consider doing that and pull down matching dollars from the state.

Mr. Davis noted there is a cap on that amount, and Albemarle is currently $2.20 below the cap.

Mr. Gallaway said the tier one strategies should not be prioritized if they require legislative authority, because it is not a tool until the General Assembly grants it.

Ms. McKeel stated that some of these measures had been attempted in the legislature last year and failed, but that is not to say they should not be pursued again.

Ms. Catlin said this is the committee's way of saying they feel it is important to seek those out.

Ms. Dittmar stated the point is to ask the legislators once again.

Ms. McKeel said it is important to be realistic, and they should not count on this.

Ms. Dittmar stated they were told it is an election year and to ask again in 2016.

Ms. McKeel responded they have been told that for 10 or 12 years now.

Ms. Palmer said she would like to see a "Frequently Asked Questions" section on the County website as to what they are and are not allowed to do, and it would be a good message to send to legislators that they are advertising what they have authority over.

Mr. Boyd stated there are universities all over the country that recognize the importance of having a strong local government, and the vitality it adds to the university, and there is a big chunk of money in terms of what UVA is not paying in property taxes. He said he is not sure if the committee discussed this, and he wonders if there is any interest in pointing this out to University officials.

Mr. Foley said they have had a lot of discussion about that at the committee level, with Mr. Davis also having done significant research on this, and UVA is actually doing a lot more than many universities. He said that perhaps this is something they can discuss in depth in the future.

Ms. Palmer noted that somewhere in the Board packet is something about them being able to require nonprofits to pay property taxes. Mr. Davis responded there are very few nonprofits who are not already paying property taxes, and traditionally that has not been granted other than the classifications required by state law.

Ms. Palmer asked about hospitals. Mr. Davis stated the Board had specifically granted tax-exempt status to a class of hospitals in 2009.

Ms. Mallek said they can always donate to the County for their usage, and she would like to know if their class of charity has changed since they have changed ownership.

Mr. Foley stated there is some additional detail on what Martha Jefferson is providing to the community beyond what hospitals typically do, but it is worth discussing in depth.

Mr. Foley said the Crozet Library had $1.7 million donated in private money, and that is the kind of thing that should be explored further.

Ms. Mallek mentioned that Community Development staff is following up on short-term rentals, and her guess is that many of these are still flying under the radar, which raises safety concerns as well as lost tax opportunities.

Ms. McKeel agreed and said that perhaps the Board would want to prioritize staff work to focus on those things that will bring in money.

Ms. Mallek said she would pull out the admissions tax for discussion, especially if it can go into the fund to pull down matching funds.

Mr. Koleszar said the figure of $15.5 million in the land use policy had caught his attention.

Ms. Catlin pointed out that the $15.5 million is the gain if they eliminate the program entirely, and backing that down to consider the options within that range leaves a much lower number.

Ms. Mallek said the number will actually be much lower over time, as the $15.5 million is just one year and does not reflect the devaluation county-wide as development spreads throughout the rural area.

Mr. Buyaki stated that it is worthwhile to explore these options, but a portion of that money will go over to the City as part of the revenue-sharing agreement, and that should be discussed with them.

Ms. Dittmar said the revenue-sharing money is geared more to funding infrastructure, with bonds used for school projects and a lot of parents wanting improved facilities for their children, and she wants to know when the discussion of bonds and projects to be included within them will take place.

Mr. Foley stated if this is something the Boards want to pursue to the next level, staff will develop a plan to bring that back to them.

Ms. Catlin said it will include sequencing in terms of how the projects will unfold.

Ms. Palmer stated that she does not see any way around it because of the difficulty they have experienced in trying to raise taxes over the past several years, and she would want an efficiency study to be done in tandem. She said it is concerning to think what will happen if a bond referendum does not pass, and how they will deal with the school needs in that scenario, yet it is difficult to think what they will face if they have to raise taxes.

Ms. Catlin said there is definitely a strategy, process, and timing related to that, and staff will need to bring this back in terms of how it will fit into an election cycle, etc.

Mr. Gallaway said that he and the vice-chair of the School Board had drafted a letter formally requesting that the Board take up this issue.

Ms. McKeel stated she would like to have the discussion of the efficiency studies at the same time, and how much they will be spending on a general obligation bond, as it will not be cost neutral.

Ms. Catlin summarized the Boards have expressed interest in economic development, motor vehicle registration, short-term rentals, process tools, and payment in lieu of taxes from UVA and hospitals.

Ms. McKeel said it would be nice if both Boards' legislative packets could mirror the issues they are taking to legislators.

Mr. Foley said that staff will work to ensure that happens.

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Item No. 2b. Adoption of Joint Resolution Recognizing Veteran's Day.

Ms. Dittmar and Mr. Gallaway then read the following resolution in recognition of Veteran's Day:

RESOLUTION OF APPRECIATION

WHEREAS, the United States of America was founded on the principles of liberty, opportunity and justice for all; and

WHEREAS, America has called on her men and women in uniform to protect our national security, to advance our national interests and to preserve our rights and freedoms; and

WHEREAS, on Veterans Day we remember and pay tribute to the millions of patriots whose courage and sacrifice have secured our freedom and defended our values; and

WHEREAS, we also honor all men and women currently serving in the military for their sacrifices; and

WHEREAS, over one hundred fifteen (115) veterans continue to serve their country in public schools and government as teachers and other professionals providing services to the students and citizens of Albemarle County; and

WHEREAS, these veterans employed by Albemarle County Public Schools and Local Government deserve recognition for their continued service;

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle County Board of Supervisors and the Albemarle County School Board do hereby recognize all veterans and the men and women that are currently serving in our armed forces around the world; and

BE IT FURTHER RESOLVED, that the Albemarle County Board of Supervisors and the Albemarle County School Board do hereby recognize and honor the continued contributions and sacrifices of the Armed Forces veterans employed by local government and public schools; and

FURTHER RESOLVED, that this Resolution celebrating Veterans Day, be adopted this day of November 11, 2015.

Motion was offered by Ms. Dittmar to adopt the Joint Resolution Recognizing Veteran's Day, as presented. Ms. Mallek **seconded** motion. Roll was called and the motion carried by the following recorded vote:

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

Motion was then offered by Mr. Steve Koleszar to adopt the Joint Resolution Recognizing Veteran's Day, as presented. Ms. Moran **seconded** motion. On a voice call vote, all voted aye, there were no nays.

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(Recess. At 4:47 p.m., the Board recessed and reconvened in the Lane Auditorium to recognition of Veterans Day.0

Agenda Item No. 3. Call back to Order. At 6:06 p.m., the Chair called the Board back to order in the Lane Auditorium.

Agenda Item No. 4. Pledge of Allegiance.
Agenda Item No. 5. Moment of Silence.

Agenda Item No. 6. Adoption of Final Agenda.

Ms. Dittmar thanked veterans in attendance and stated there had been a ceremony recognizing them, particularly County employees who are veterans.

Ms. Dittmar then introduced County staff members.

Mr. Boyd said he would like to add for discussion at the end of the agenda an item related to the pedestrian crossing at Pantops. He noted that members of the Pantops Community Advisory Committee are present and plan to address the Board.

Ms. Mallek stated that she would like to add a few items from the VACO conference held over the weekend, for discussion another day.

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

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

Agenda Item No. 7. Brief Announcements by Board Members.

Ms. Mallek reported that she will be holding town hall meetings starting Monday, November 16 at Brownsville Elementary School cafeteria; Tuesday, November 17 at Broadus Wood Elementary School cafeteria; and Saturday, November 21 at the White Hall Community Center.

Ms. Dittmar stated that Ms. Mallek had been elected as the VACO Region 5 representative to represent Albemarle County and other localities, and congratulated her.

Mr. Boyd said that he and Ms. Palmer had attended a session at the VACO conference regarding establishing public-private partnerships, and some of the presenters reported on a library project in Hanover County. He said they were able to get a lot of the expenses paid through the collaboration, and development companies can work with local governments to develop a mutually beneficial project.

Agenda Item No. 8. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Ms. Diane Berlin of the Rivanna District addressed the Board and stated that she is speaking on behalf of a group of people. Ms. Berlin stated that she is a member of the Pantops Community Advisor Committee and said she is aware that they need to find a way for pedestrians to cross Route 250 at Rolkin Road, as an ongoing crosswalk is not feasible due to the 32,000 cars that drive on it daily. She said that pushbutton crossings will greatly impede the traffic flow, and a pedestrian bridge is needed to connect both sides of Richmond Road as a first step into integrating them as a cohesive, walking community, which is part of the Pantops Master Plan. Ms. Berlin said that she visited Lynchburg and toured the bridge, walked that City's crosswalk bridge and took pictures, and she found many of its features to be very impressive. She said the bridge is beautiful and minimal, and fit with Charlottesville's Jeffersonian look of red brick and black stanchions, and seems to be doable at $2 million. Ms. Berlin stated that it took up very little land on both sides, and the span of 110 feet covers four lanes and a median, close to what Pantops will have, and includes steps and an elevator on one side, stairs and an elevator on the other. She said the bridge can easily accommodate hundreds of pedestrians, parents with carriages, dogs, walkers, runners, bicyclists, wheelchairs and scooters, and managers of the nearby stores and shopping centers. Ms. Berlin stated she is impressed that the bridge was built with all local Lynchburg companies, and was built from conception to completion within six months. She said she has obtained the Albemarle County Police report on crashes by year and location, and for the last three years there were 188 accidents on Richmond Road, 49 of which were at the intersection with Rolkin Road. Ms. Berlin stated the bridge will be connecting hundreds of residents to stores, restaurants, walking trails, and the new growth area of the proposed Rivanna River corridor. She said the bridge will put Pantops one step closer to the walking community as it was meant to be.

Ms. Palmer asked in what year the Lynchburg walking bridge had been built. Ms. Berlin stated that it had been built four years earlier.

Mr. Boyd asked if it had actually been built for less than that. Ms. Berlin responded that it was $1.8 million, and there may have been some maintenance contracts included in the cost.

Mr. Boyd asked if she has a petition to give to the Board. Ms. Berlin said that she did, and gave it to the Board.

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Ms. Debbie Norton addressed the Board and stated that she has lived and worked in the Pantops area since 1991, and the Mountaintop Montessori School where she works and where her children have gone to school has become surrounded on all sides by retail shops, housing, and an in traversable highway. Ms. Norton urged the Board to now focus on a walking structure to make their lives more livable and sustainable outside of cars. She stated the children at the school are learning to be responsible citizens and stewards of the earth, and making the commerce and nature trails of the area accessible to them via their own two feet will open up the world of possibility and responsibility to them. Ms. Norton said that staff will be able to walk across the bridge safely on their lunchbreaks, and will allow nearby residents to get to their shops and workplaces sensibly. She stated she and others believe it is time to bring Albemarle County into the 20th Century by making it a walkable, bikable, sustainable place to live, a place that supports personal and planetary health. Ms. Norton noted that the Pantops Master Plan originally made allowance for pedestrian mobility, and the community urges the Board to follow through on the plans promised. She read a letter from the middle school students of the Mountaintop Montessori School to the Board encouraging them to provide a pedestrian bridge.

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Ms. Nancy Breci of the White Hall District addressed the Board and stated that Katherine Kane's efforts to establish a farm winery have created incredible turmoil in the Ballard's Mill neighborhood, and while Ms. Kane might by right have the ability to open a winery, this should not translate into a by right opportunity to host potentially over 100 for-profit events. Ms. Breci stated this will be a permanent situation for the community and once established will take on a life of its own, and "winery" has not been mentioned in any of Waterperry Farm's website, postings on web pages, or magazine articles highlighting gardens and plans to establish an eventing business. Ms. Breci said it is unbelievable that the state will allow Ms. Kane to become a winery without growing any grapes on her property, outsourcing much or most of wine production and packaging, and then being allowed carte blanche to do what she pleases, County and neighbors be darned. Ms. Breci stated the only access to Waterperry is via Ballard's Mill Road, requiring driving either a one or two-mile section. She said that Ballard's Mill Road is a three-mile long, one and a half lane dirt and gravel road dating to the 1700s, not able to be widened, and paving alone will not alleviate the hazard indirectly acknowledged by VDOT by posting speed limits of 10 and 15 MPH. Ms. Breci said that sources have claimed that Pippin Hill has booked weddings several years in advance, and in October alone had hosted 21 events, and transferring these numbers to Waterperry could mean an increase in road traffic of 4,000, 5,000 or more vehicle trips per year. She stated that besides the inconvenience to those who must use the road to access their homes, placing many hundreds or thousands of drivers coupled with alcohol consumption, possible recreational drug use, and leaving events at night, people's health and safety should be a major concern to the County and the ABC. Ms. Breci said that while Ms. Kane's property is only in Ms. Mallek's district, an eventing business under the guise of a farm winery will impact every constituent and Supervisor, and property owners in other districts will have a hard time fighting a farm winery in their neighborhood. Ms. Breci encouraged Board members to drive Ballard's Mill Road to see for themselves, and recommended that they take Garth Road to Millington Road onto Ballard's Mill, as people coming west from I-81, I-64 or Crozet will be guided by the GPS to take this path.

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Mr. Bill Pritchard of the White Hall District addressed the Board and presented a video featuring Ballard's Mill Road and its challenging driving conditions.

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Ms. Elizabeth Neff addressed the Board, stating that she is a resident of Ballard's Mill Road in the Whitehall District and commented that she has recently been introduced to the term "weddery" to describe those who use the winery ordinance umbrella in order to bypass Albemarle County's special use permits. Ms. Neff stated there are fewer than 20 people per square mile, 640 acres of land, in this area of the County, and many of their properties are in conservation easement and forestry. She said that landowners chose their properties knowing there would be a marked lack of services, knowing they would be among the last to have their snow plowed, have their electricity restored, and get DSL instead of dialup, with a substantial distance to the nearest volunteer fire department. Ms. Neff stated that Ballard's Mill Road is one of the oldest places in Albemarle County, dating back to the 1740s, before Monticello and the Revolutionary War. Ms. Neff stated she had seen a poster in the lobby of the County Office Building listing values for Albemarle County: "Integrity, Innovation, Stewardship, and Learning." She said that by looking at the totality of the Ballard's Mill neighborhood, it is easy to see how Waterperry, as a venue for large events, will dramatically change the character of the area, the large influx of people in cars, the lights destroying the clarity of night skies, and the music and voices from events. Ms. Neff asked if it is fair to allow one property owner's use to trump the integrity of contiguous properties, morally upright to turn a blind eye to an obvious misuse of a by-right ordinance, honest to hide under the guise of one thing but intending another. She encouraged the Board to help residents be good stewards of the rural area and approach any changes to it with wisdom, integrity and a sense of humor.

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Mr. Steve Blaine addressed the Board and stated that he represents Elizabeth Neff, and has consulted with a number of the property owners on Ballard's Mill Road and has seen the conditions of the road. Mr. Blaine said he understands the applicant for Waterperry Farm has withdrawn her special use permit request and has announced that she will seek a farm winery license, with the ordinance allowing usual and customary events to take place at these venues, accommodating up to 200 persons. He stated the complaint is that it was never intended for a primary use to be a wedding destination and the winery to be an ancillary use, but that is clearly the intent of the owner. Mr. Blaine said that he and Ballard's Mill area residents urge the Board to take up the ordinances and consider this a priority, as it can be a countywide threat. He stated that he represents a number of area wineries, and although he is not speaking for them tonight, bona fide wineries are not opposed to efforts to address this loophole. Mr. Blaine said there should be a way to promote the legitimate wine industry and accommodate events where appropriate in the rural area.

Ms. Dittmar said that Trish Nardone and her son had been at the meeting earlier and had wanted to express their support for the pedestrian crossing at Pantops.

Mr. Boyd stated that he did not think about the possibility of having these residents wait until the end of the meeting, and asked if they can consider the item now.

Mr. Sheffield suggested that they do the Consent Agenda now.

Agenda Item No. 9. Consent Agenda.

(Discussion: Ms. Palmer said that she needs to pull the August 5, 2015 minutes; Ms. Mallek said that she needs to pull the June 3, 2015 minutes; and Ms. McKeel said that she needs to pull the September 9, 2015 minutes.**)**

Motion was then offered by Ms. Palmer to approve Items 9.1 (as read) through 9.2 on the consent agenda. Ms. McKeel **seconded** motion. Roll was called and the motion carried by the following recorded vote:

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

Item No. 9.1. Approval of Minutes: June 3, July 1, July 8, August 5, September 2, September 9 and September 25, 2015.

Ms. Mallek had not read the minutes of June 3, 2015, and asked that they be pulled and carried forward to the next meeting.

Mr. Sheffield had read the minutes of July 1, 2015, and found them to be in order.

Ms. Dittmar had read the minutes of July 8 and September 25, 2015, and found them to be in order.

Ms. Palmer had not read the minutes of August 5, 2015, and asked that they be pulled and carried forward to the next meeting.

Mr. Boyd had read the minutes of September 2, 2015, and found them to be in order.

Ms. McKeel had not read the minutes of September 9, 2015, and asked that they be pulled and carried forward to the next meeting.

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

Item No. 9.2. PROJECT: ZMA-2015-00004. Commonwealth Senior Living. ***(cancel public hearing and reschedule public hearing for date no earlier than December 2, 2015)***

By the above-recorded vote and at the request of the applicant, the Board cancelled the advertised public hearing on ZMA-2015-00004 and rescheduled the public hearing for December 2, 2015.

Item No. 9.3. FY 2016 First Quarter Cash Proffer Report, ***was received for information.***

The Executive Summary forwarded to the Board states that in 2007, the Board directed staff to provide a quarterly report on the status of cash proffers. Since that time, the report has been expanded to also include updates on non-cash proffers. The last quarterly proffer report the Board received on September 2, 2015 included information on cash proffer revenue and expenditures and non-cash proffers for April through June, 2015. This report includes all proffer activity (both cash and non-cash) for the first quarter of Fiscal Year 2016 (July-September). The next quarterly report will be on the Board's February 3, 2016 agenda

Proffer Activity for Fiscal Year 2016 First Quarter (July-September)

A. **New Proffered Revenue:** There were no rezoning requests approved this quarter that provided new cash proffers.

B. **Total Proffered Revenue:** Total proffered revenue is $48,943,356.45. This reflects 2014 annual adjustments to anticipated proffer revenue (not received yet obligated) from proffers in which annual adjustments were proffered.

C. **1stth Quarter Cash Revenue:** The County received a total of $306,906.04 from existing cash proffers during this quarter from developments listed in Attachment A.

D. **Expenditure:** A total of $23,728.25 in proffer revenue has been expended from Belvedere for a Community Development Block Grant for affordable housing programs. A total of $4,250 was expended from Belvedere proffer funds received for two roadside historical markers.

E. **Appropriations**: A total of $579, 930.98 which includes interest, was appropriated for various Parks and Greenways/Blueways projects. (Attachment A)

Current Available Funds: As of September 30, 2015, the available proffered cash on-hand is $4,822,561.27 (including interest earnings on proffer revenue received). Some of these funds were proffered for specific projects, while others may be used for general projects within the CIP. Of the available proffered cash on-hand, $2,896,114.46 (including interest earned) is currently appropriated (Attachment B). The net cash balance is $1,926,446.81and Attachment C provides information on how the net cash balance may be used for future appropriations to CIP projects. The Community Development Department and Office of Management and Budget staff monitor proffer funds on an ongoing basis to ensure that associated projects not currently in the CIP move forward and to ensure that funding is appropriated to projects before any proffer deadlines.

Cash proffers are a source of revenue to address impacts from development and they support the funding of important County projects which would otherwise be funded through general tax revenue. Using cash proffer funding for current or planned FY17-FY19 CIP projects builds capacity in the CIP by freeing up funding for other projects. In addition, non-cash proffers provide improvements that might otherwise need to be funded by general tax revenue.

This Executive Summary is for information only and no action is required by the Board

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NonAgenda. Pantops Pedestrian Crossing.

Mr. Boyd stated that earlier in the Board’s meeting regarding the CIP, he asked a question about overlaying VDOT’s matching dollars with the County’s CIP process, and heard there might be a few years lead time. He said there is a study being done, but they need to take a leap beyond that because there is a great deal of interest in the Pantops community to get rid of the obstacle that is keeping people from walking to stores, restaurants, etc. Mr. Boyd stated he would, at least, like to confirm that there is no Board opposition to reallocating matching VDOT dollars for a pedestrian crossing instead of using those monies for sidewalks, if it is feasible and sensible to do that.

Mr. David Benish, Acting Director of Planning, addressed the Board and stated that some of the revenue-sharing projects are far along in their development process, but explained that each year the Board decides whether to provide for a match in the revenue-sharing program, and typically they had done that in the amount of $1-2 million per year, which leverages a dollar for dollar match. He stated there is not a match available this year to make an application, but typically it is made each year, so next fiscal year there will be an opportunity to apply for those funds.

Mr. Boyd asked if they can include the amount in this year’s cycle, and asked at what point in time they will request the amount of money needed to do this. He said he is having trouble understanding the process, because this is a much desired project to make this a truly walkable and cyclable neighborhood. Mr. Benish responded that the CIP submittal includes a $6 million request for pedestrian crossings, one on Route 250 East, and the potential for two on Route 29 North. He said the Technical Review Committee and Oversight Committee are looking at those recommendations and at this time have not prioritized those projects for funding, but the Board will have an opportunity to look at that. Mr. Benish noted the request has been made in the CIP for $2 million each year for the next three years to fund up to three pedestrian crossings.

Mr. Sheffield said that it came up in the meeting before that VDOT had told the County not to ask for any more matching money until the other revenue-sharing projects were completed. Mr. Benish stated they have a number of revenue-sharing projects underway and there have been cost overruns on those projects, so it has been difficult to complete the funding for those, which includes 10 sidewalk projects with revenue-sharing funding. He said the hope is to get those projects completed or revised in scope so they will be done.

Mr. Boyd asked how long out they need to request the funding. Mr. Benish said that each September staff approaches the Board for VDOT’s next year’s round of revenue-sharing, and that opportunity was missed this year because the County had no match to make an application. He stated that part of the process is an analysis of where the location needs to be and what the true costs will be, and they are trying to use existing funds already allocated so they can get a design and location for the three crossings.

Mr. Boyd stated that unfortunately, that will be two or three years. Mr. Benish said that is true in order to draw down the match.

Ms. Palmer said it is both a good and a bad thing, but they have been reluctant to raise taxes enough to pay for all the things citizens need. She also stated that she has heard the cost of a pedestrian bridge over Route 29 would be about $10 million. Mr. Benish stated the County does not have any hard costs yet but have spoken with entities like UVA about their bridges. The general cost, they have been told, is about $2 million, but that depends highly on where it is located, right of way utility work, and so forth.

Mr. Sheffield commented that he does not recall any pedestrian bridge study funds in the CIP. Mr. Benish responded there had been a request for FY17-18-19, not in the current budget.

Ms. Palmer asked if the bridge briefly discussed to cross Route 29 just north of Rio is also a $2 million cost. Mr. Sheffield said he would not even begin to estimate a 29 crossing, given the topography.

Mr. Benish stated they had done some general work during the Places 29 study.

Mr. Sheffield asked if staff can provide a ballpark estimate of a study cost, as that seems to be needed to further the process. Mr. Benish said the estimate for the study is more than $100,000, more than what was budgeted for the analysis of the three areas, so they are trying to work with the consultant to bring that cost down based on the funds available.

Ms. Mallek stated they can prioritize the Pantops project and do that study first to speed it along, so it will be ready for next September when the match is available.

Mr. Sheffield said this does not take into account some of the sidewalk projects that need to be finished that are still lacking complete funding.

Ms. Mallek asked when they can get back with a re-scoped study. Mr. Benish responded the Office of Facilities Development is working with a consultant and found some places to reduce the costs, and that should be back by January with separate costs for Pantops and Route 29 North, with the idea being to start in the spring.

Mr. Sheffield said the Lynchburg pedestrian bridge is on Wards Road, which is in the City, so they had latitude to do what they wanted. He asked Mr. Graham if he can provide some examples of crossings for roads that are controlled by VDOT. Mr. Mark Graham, Director of Community Development, responded there are several in Northern Virginia, and he can think of several in Fairfax County that he can bring back as examples.

Mr. Boyd asked if there is an interest on the part of the Board in moving forward with this at Pantops so that his constituents can cross a road that is separating them from stores and restaurants. Ms. Mallek confirmed that there is.

Ms. Dittmar stated there is a very compelling argument for doing so.

Mr. Boyd said it is a matter of staff taking some initiative from the Board to move forward with the project. Mr. Sheffield responded that it sounds as though it is already moving forward.

Mr. Foley stated the study is coming back to the Board for consideration in January, then it will be a matter of funding and matching dollars for the next cycle, which will be next September.

Mr. Benish said there can be other funding sources, but the first step is to figure out the location and the design costs so they know the order of magnitude, and that is what staff is trying to get done as soon as possible.

Mr. Boyd noted the Montessori School has expressed a strong interest in this, as well as the stores on the other side. This may be an opportune time to talk to them about land contributions that can be used to offset land purchase costs.

Mr. Sheffield said they have already established that in-kind donations of land can count toward transportation draw-down.

Ms. Palmer stated there may also be corporate donation possibilities.

Mr. Boyd said this is why he wanted to mention public/private partnerships, to see if there is interest in the community stepping up.

Ms. Dittmar stated that in terms of allocating funds to design-build, they respect a certain cycle each year, and this happens over the summer to conclude in September. She said there are many competing needs for capital dollars in what the County will put up to have matched by the state, so they are going to need to watch that as the time draws closer. Ms. Dittmar said that in the meantime it will be helpful to have conversations with private entities, such as the shopping center owners/managers, the stores, and the school, to talk about potential partnerships.

Mr. Foley agreed that it would, and said it is important to point out that this will be an issue in the budget deliberations, which start in terms of public process in March. He said there will be a budget proposal, and that will be the time for the Board to say they want to set $1 million aside for the bridge project, so that citizens can weigh in on it.

Ms. Mallek said that between now and March will be a great time for citizens to build an effort, and the County has seen this succeed with the Crozet Library as they raised $1.7 million to push that project over the edge.

Mr. Boyd stated he hopes the RFP for the consultant will reflect involvement from the Pantops Advisory Council, as it is representative of the businesses and the community there. Mr. Benish responded that all of the CACs are included in the scope.

Mr. Boyd thanked his constituents for coming out and making their point.

Mr. Foley noted the discussion of corporate sponsorships have stemmed from the Citizens Resource report reviewed earlier, as does consideration of service districts in urban areas, which is an approach that can possibly be dedicated to transportation, pedestrian crossings, etc. He said this is something the Board will want to discuss for further exploration, and whether it should be proposed in the annual budget process.

Mr. Boyd stated that a number of people from Ballard's Mill Road have brought forth concerns about having a winery as a secondary use to really create a venue for having parties, and he will be interested in having staff pursue available means by which to address this.

Ms. Mallek said she has been trying to focus some attention on this topic, but her understanding is that it does not reach staff's work program until 2018.

Ms. Palmer stated she thought it was happening sooner than that because they had realized it would take up a lot of staff time if they do not address it now.

Ms. Mallek said she is not sure the connection between those two things has been made.

Mr. Boyd stated at the very least he would like to find out whether there is anything they can do about it at the County ordinance level, but realizes they may have their hands tied by the state legislature.

Ms. Dittmar commented that she thought they were already going to get that from staff.

Ms. Mallek said there was a lot of Community Development effort on this in the spring, but it had subsided since the special use permit application had been withdrawn.

Mr. Graham stated if the interest is just for a short white paper explaining the limitations under state winery laws and where they might have opportunities, staff can bring it back by January at the latest.

Mr. Greg Kamptner, Deputy County Attorney, stated he had provided the Planning Commission with an analysis of the enabling authority and the extent to which farm wineries, distilleries and breweries can be regulated, and that was to put the ordinance within context, but that can be provided to the Board.

Ms. Dittmar said that it would be great if he could forward that to the Board.

Mr. Boyd asked if it addresses the question of whether you can set up an events center first and then pursue a winery designation to provide cover for it. Mr. Kamptner responded that it addresses that, but does not fully resolve it. He stated that staff had also met with the ABC agent who reviews applications in this area, and asked him about the faux farm wineries. Mr. Kamptner said they did not get a definitive answer from him, but anecdotally the agent said he has been approached four times over the years by people who are interested in obtaining a farm winery license primarily for the purpose of being an event site, but none of those applicants actually obtained the license, probably due to the financial investment needed.

Mr. Boyd said that perhaps the residents should address the state ABC Board about it.

Ms. Mallek stated they are planning to do so, and said it should be a well-attended public hearing. She said that Mr. Blaine had provided a draft in April regarding tightening up the events provisions or rolling them into the already stringent modern ordinances for farm events, and hopefully there is something in that to give them some traction, as well as measures to provide better guidance on the roadways.

Mr. Kamptner stated the licensing act itself is out of their hands, and hopefully the ABC and General Assembly will take up that issue if it becomes a problem, and they can take up the land use issues with the framework left by the legislature.

Ms. Mallek said the one thing that counties are allowed to do is protect the health, safety and welfare of citizens, so it is very frustrating for the residents in the Ballard's Mill area to see that yanked out of their hands.

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Agenda Item No. 10. **PUBLIC HEARING: PROJECT: SP-2015-00003. North Pointe Middle Entrance Amendment (Sign #61).**
MAGISTERIAL DISTRICT: Rivanna.
TAX MAP/PARCEL: 03200000002000 and 03200000002300.
LOCATION: North of Proffit Road, east of Route 29 North, across from Northside Drive and south of the Rivanna River.
PROPOSAL: Amend conditions of approval for SP2007-00003 to modify conditions requiring an arched span crossing of Flat Branch. PETITION: Amend conditions for Fill-in the floodplain SP2007-0003 under Section 30.3 of Zoning Ordinance. No dwelling units proposed.
ZONING: PD-MC Planned Development Mixed Commercial - large-scale commercial uses; residential by special use permit (15 units/acre). Flood Hazard Overlay District (30.3).
ENTRANCE CORRIDOR: Yes.
AIRPORT IMPACT AREA: Yes.
COMPREHENSIVE PLAN: Urban Mixed Use (in Destination and Community Centers) – retail, residential, commercial, employment, office, institutional, and open space; Urban Density Residential – residential (6.01 – 34 units/ acre); supporting uses such as religious institutions, schools, commercial, office and service uses; Privately Owned Open Space; Environmental Features – privately owned recreational amenities and open space; floodplains, steep slopes, wetlands, and other environmental features; and Institutional – civic uses, parks, recreational facilities, and similar uses on County-owned property in Hollymead - Places 29.
(Advertised in the Daily Progress on October 26 and November 2, 2015.)

Ms. Claudette Grant, Senior Planner, addressed the Board, stating the North Pointe development is located north of Proffit Road, east of Route 29 North, across from Northside Drive, and south of the Rivanna River. Ms. Grant presented a slide showing the portion of the development pertinent to this special use permit request, and noted the general location of the proposed middle entrance, an extension of Northside Drive. She stated the subject property is zoned Planned Development-Mixed Commercial, and the Comp Plan designation for the area shows a variety of uses as detailed on the screen and in the staff report. Ms. Grant said the applicant is requesting to amend SP2007-00003, which is for fill in the floodplain, and the special use permit conditions regarding an arch span crossing of Flatbranch stream. She presented the approved North Pointe application plan and noted that North Pointe Boulevard is parallel to Route 29, with Flatbranch running under the middle entrance, which is Northside Drive.

Ms. Grant referenced the revised plan of the proposed crossing and mentioned the design incorporates two 6x8' box culverts at the crossing, with a separate 8x8' lighted underground pedestrian tunnel, and the previous design was a single arched culvert that incorporated a pedestrian walkway in the culvert. She presented a comparison of the approved and the proposed design, and said the conditions of the approved SP require a single arch culvert with a bottomless design, and said the top section is a cross section of the road. Ms. Grant referenced a cross section of the culvert that is supposed to be under the road. She said the proposed culvert appears to be a large area for water and pedestrians, and at the time of the original approval there was concern that VDOT might not approve this type of culvert, due in part to the need for extensive soil tests and future maintenance costs. Ms. Grant stated that as a result, the special use permit conditions provides an alternative to the arch span in the way of a box culvert, and specific details are included in the staff report. She said as the applicant began to work on the design of the original special use permit, they decided to consider a redesign and a special use permit amendment, knowing that VDOT has concerns about the original design and realizing it will be just as costly to build a single span arch as it is to build a box culvert. Ms. Grant added the applicant also took into account the location of the pedestrian crossing, and had demonstrated to the County Engineer that obstruction and fill are minimized and protected against erosion and pollution to at least the same level as the span culvert.

Ms. Grant stated the Planning Commission held a public hearing on October 6, and recommended approval by a vote of 5-2, with conditions pertaining to FEMA regulations, a finding of general accord, the road plans, erosion, and sediment control for Northside Drive, the applicant agreeing to various landscape proposals, provision of retaining walls, and timing of the construction. She stated that staff recommends the Board adopt the resolution to approve SP2015-00003 including the conditions attached to the resolution.

Ms. Palmer asked if the original proposal has a culvert that is open on the bottom, and why the new one is not open on the bottom. Mr. Benish explained it is a box culvert design, and there are some efficiencies in terms of how it is designed and installed, and the applicant and County Engineer can probably better answer that.

Ms. Palmer commented that it seems like it will slow down the water a bit and would be better from an environmental standpoint.

Mr. Brian Mitchell of Townside Engineering addressed the Board and stated that to do an open bottom on a culvert, you have to build substantial footings in order to support the legs of the box coming down, which is one of the reasons VDOT chose a box culvert as one of their standard design features. Mr. Mitchell said that to build an open-ended or bottomless arch, you have to build footings, and with this type of design where there is 35 feet of fill. He stated this is not something they can dictate, as Route 29 is at elevation 460, then they are dropping down to 450 with the sag area over the stream at 416, so the only way to build a bottomless structure would be to put in substantial footings. Mr. Mitchell said the footings are very wide, and every bottomless arch his firm has done with that kind of fill has been on pile foundations where steel piles are driven down to rock to provide adequate support.

Ms. Palmer commented that it is more expensive. Mr. Mitchell acknowledged that it is, but said that from an environmental perspective they will have to get a steel-driving crane down to the location, so they will end up building a road to it, then drive the steel piles, put in the foundation, and end up tearing everything up anyway. He said at least one of the culverts has to be counter-sunk so the concrete is not visible, because that is where the stream is running.

Ms. Palmer asked if making the span of the bridge greater was considered. She explained that many years ago they did the north branch of the north entrance, now they are doing the middle entrance, and in the future they will likely be doing the southern branch, and wonders if eventually this is all just going to be filled in. Mr. Mitchell responded that he is proposing a less expensive option than building the culvert. The real reason they came up with the design was because they did not like the idea of pedestrians walking 35 feet to the bottom and then 35 feet back up. He stated this situation is really being dictated by where they are having to connect to Route 29, and Flatbranch Creek is running parallel to 29 and about 300 feet off of it, and at some point they have to get into the project, which is a topographic challenge.

Ms. Palmer said one of the Commission's recommendations was about planting, and she wants to know if they are going to do substantial plantings along the edges of the creek, with the grass cut down to it and some kind of stability. Mr. Mitchell responded they are, and said there is a 3:1 side slope going down, and said the schematic shows quite a number of trees, which staff has been adamant about including. He said they are impacting a stream buffer with this crossing, so there is a stream mitigation plan that has to be accomplished with plantings.

Ms. Mallek stated she would like some explanation as to why so many conditions were deleted, including the one pertaining to getting approval from the Army Corps of Engineers, and it seems as though they have given up quite a lot.

Mr. Glenn Brooks, County Engineer, addressed the Board and responded the condition pertaining to the Army Corps of Engineers is a requirement in the County's code now and does not need a separate condition.

Ms. Mallek asked if the minimum 20-foot setback from the floodplain has been removed because it is replaced by a 50 or 100-foot setback. Ms. Grant responded that a lot of the regulations have been updated.

Mr. Benish said that staff tries not to be redundant with conditions and delete them if they are now covered in the ordinance.

The Chair opened the public hearing.

Ms. Valerie Long of Williams Mullen law firm addressed the Board, stating she is representing the applicant, Great Eastern Management Company. She reported the SP had originally come before the Board in 2007 and was approved, and since then the applicant is proposing to change the design, with many of the changes to conditions being technical and clean-up revisions. Ms. Long stated that one of the key factors was that VDOT had said from the beginning that they may or may not approve the arch culvert, and the original conditions of approval provided a safety valve to the applicant in case VDOT did not approve it. She said that VDOT had said at the time that they probably would not approve it because they did not want to deal with the maintenance long term. Ms. Long noted there is an arch culvert in place at 5th Street Station, and it was particularly difficult to work with VDOT on that, made even more challenging because they have to approve the retaining wall design in addition to the arch culvert. She said that VDOT has new policy requirements that stipulate that those retaining walls are backfilled by a particular kind of stone, and the 5th Street engineer had estimated that it would add an additional $2 million cost to the North Pointe culvert. Ms. Long said that Mr. Mitchell had estimated at the Planning Commission that the arch culvert will cost an estimated $2.2-$2.5 million, and the box culvert plus the pedestrian culvert is about $760,000, so when adding the cost of backfilling the retaining walls, the cost is $4 million versus about $800K.

Ms. Long stated the original reason for proposing the change was the exceptionally superior design for pedestrians and bicyclists, and at the Commission meeting Mac Lafferty, a biking aficionado, has referred to this as a "far superior design." Ms. Long noted with the original design having a 35-foot drop, then a tunnel, then a 35-foot elevation, people might choose to cross the road instead, and if these are not user-friendly they will not be used. She stated the differences in the size of the footings is a factor that needs to be weighed for impact, but there is not a substantial difference in terms of the environmental impact, and the applicant hopes the Board will take that into consideration. Ms. Long presented slides of the North Pointe entrances and the location of the road coming in, and stated that VDOT requires that 50 feet of the distance coming back from Route 29 has to be flat, so you cannot go down as far as you might want to. She referenced a schematic of the pedestrian tunnel, which will be wide enough for bicycles, strollers, and for two pedestrians to pass on either side. Ms. Long presented a rendering of the original arch culvert and said the original design contemplated a pedestrian path on one side, and one of the other issues with this design, as Mr. Mitchell mentioned at the Planning Commission meeting, is the possibility of occasional flooding, resulting in increased maintenance costs and a less user-friendly design. She stated the applicant feels that separating the pedestrian crossing from the stream is a better design, and two Planning Commissioners felt there is a much greater benefit of having pedestrians right by the stream to be able to interact with it, and while that is true in a perfect world, those benefits are outweighed by the advantages of cost and better design. Ms. Long mentioned the North Pointe project as a whole has extensive proffers for trails, greenway and blue-way dedications, and the sidewalks and trails throughout the community include those along the Rivanna River. She emphasized there is no lack of opportunities for individuals to interact with those resources.

Ms. Mallek asked how much of what is shown in the images presented is natural grade versus that created by grading, and commented there is a lot of water in the stream that will need to go somewhere while the work is being done. Mr. Mitchell pointed out the fill slope for the actual crossing and said that everything in one direction is native grade, and said they would only be filling what it will take to get the road up to the elevation that VDOT would expect coming off of Route 29. He stated that in terms of the water they will take the stream and create a diversion channel in what would be one of the culverts, and that will be operational while they install the first culvert, then once that culvert is installed, they will divert the diversion channel into that culvert and build the second one.

Ms. Palmer asked if the north road has been built yet. Mr. Mitchell responded that it has not, and the property is owned by Richard Spurzem.

Mr. David Mitchell of Great Eastern Management addressed the Board and stated that Mr. Spurzem owns his property separately, although there are common elements and requirements as they came through zoning at the same time. Mr. Mitchell said he believes that Mr. Spurzem's approval is two box culverts, 8x8', so downstream it will be a similar crossing.

Ms. McKeel stated they are having more intense rainfall than in recent times, and many of the storms are exceeding expectations, and she wants to be sure the County requirements are strong enough for what they are seeing happening. Mr. Mitchell responded that in this instance they had a lot of redundancy built into this design and the two box culverts are designed to accommodate a 100-year storm without creating any backwater onto anyone else. He said that, if by chance, both culverts are blocked, the water would rise and go through the 8x8' pedestrian tunnel at the point the water got to that elevation, and if for some reason that got blocked, the elevation of the road is such that the water would spill over it, and even transfer upstream they still will not flood anyone out. Mr. Mitchell added the stormwater management has increased safety factors with the design of projects, with new rainfall intensity curves having to be used versus what was used 15 years ago. He said that VDOT has issued each municipality rainfall coefficients that have to be used, with changes in areas like Richmond and Chesterfield.

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

Ms. Palmer stated that she sees the improvement in having the pedestrian crossway, and having watched this area for a long time back when there was a Korean church on that spot, she wonders if this should have been an either/or situation to protect the streams. Ms. Palmer said she wonders what they would do on this entrance again, and said that when the curved arches were suggested on the north entrance, someone said it was too expensive.

Ms. Mallek said they are at a point now with a better design.

Ms. Palmer agreed, but said that perhaps there is something in between.

Mr. Benish stated that all Commission and Board comments provides direction for things staff should be aware of in the future.

Ms. Palmer asked if they are doing any native planting, or whether this can be anything. Mr. Benish responded the planting is subject to approval of the Planning Department, and they encourage use of native plant species.

Motion was then offered by Mr. Boyd to adopt the resolution to approve SP 2015-03 North Pointe Middle Entrance Amendment, subject to conditions of approval. Ms. Mallek **seconded** motion. Roll was called and the motion carried by the following recorded vote:

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

(**Note:** Mr. Benish commented this is Claudette Grant's last meeting with the County and she is joining the Piedmont Housing Alliance to work on Friendship Court. Board members thanked her for her service, and attendees applauded.)

RESOLUTION TO APPROVE
SP 2015-03 NORTH POINTE MIDDLE ENTRANCE AMENDMENT

WHEREAS, CWH Properties Limited Partnership is the record owner of Tax Map and Parcel Number 03200-00-00-02000, and Violet Hill Associates, LLC is the record owner of Tax Map and Parcel 03200-00-00-02300 (collectively, the "Owner" and the "Property"); and

WHEREAS, ZMA 2000-09 was approved on August 2, 2006, approving the North Pointe development, and SP 2007-03 was approved on June 6, 2007, which allows the Owner to install a new stream crossing within the floodplain of Flat Branch Creek and thereby extend Northside Drive to serve as the middle entrance for the North Pointe community.

WHEREAS, the Owner filed an application for a special use permit to amend the conditions of approval for SP 2007-03 to modify conditions requiring an arched span culvert crossing of Flat Branch Creek to allow two box culverts, and the application is identified as Special Use Permit 2015-00003 North Pointe Middle Entrance Amendment ("SP 2015-03"); and

WHEREAS, on November 10, 2015, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2015-03 with the conditions recommended by County staff, including the elimination of several conditions that are no longer needed, and the revision of several conditions to provide clarity and to be consistent with current Albemarle County Code requirements; and

WHEREAS, on November 11, 2015, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2015-03.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2015-03 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code § 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2015-03, subject to the conditions attached hereto.

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SP-2015-00003 North Pointe Middle Entrance Amendment Conditions

1. Prior to final road plan approval, the applicant shall obtain from the Federal Emergency Management Agency (FEMA) a conditional letter of map revision (CLOMR or CLOMA), and prior to road acceptance the applicant shall obtain from FEMA a letter of map revision (LOMR or LOMA). In addition, the applicant shall copy the County Engineer on all correspondence with FEMA.

2. The culvert under Northside Drive shall be in general accord with the attached drawing titled "North Pointe SP Crossing of Flat Branch" prepared by Townes Site Engineering with a revision date of July 20, 2015, page 2 of 3 (the "Plan"). To be in general accord with the Plan, development shall reflect the general size, arrangement, and location of the culverts. Modifications to the Plan, which do not conflict with the elements above may be approved subject to the review and approval of the County Engineer.

3. Prior to obtaining approval of the road plans and erosion and sediment control plans for Northside Drive, the applicant shall obtain approval of a landscape plan by the County's Design Planner and the site shall be landscaped as provided on the approved landscape plan. The landscape plan shall include a complete planting schedule keyed to the plan and shall provide the following:

   a. The existing tree line and proposed tree line that will remain, the limits of clearing and grading, and methods of tree protection;

   b. Provide an informal planting of mixed tree and shrub species and sizes to compensate for removed vegetation, and low-growing plants to stabilize slopes in the areas of proposed grading and tree removal; and

   c. Provide large shade trees on the north and south side of Northside Drive, along the sidewalk and space reserved for the sidewalk, two and one-half (2½) inches caliper minimum at planting, forty (40) feet on center, for a minimum distance of four hundred (400) feet from the existing edge of pavement of Route 29 North.

4. Design details of the retaining walls, including column cap design, pier design, stone finish, and similar design details shall be shown on the road plans and are subject to review and approval of the County's Design Planner.

5. If the use, structure, or activity for which this special use permit is issued is not commenced by November 11, 2020, the permit shall be deemed abandoned and the authority granted there under shall thereupon terminate.

Agenda Item No. 11. **PUBLIC HEARING: PROJECT: SP-2015-00023. 5th Street Station-Drive through Windows (Signs #47&48).**
MAGISTERIAL DISTRICT: Scottsville.
TAX MAP/PARCEL: 076M10000002A0, 076M10000002B0, and 076M10000004A.
PROPOSAL: Request for multiple drive-through windows ZONING: Planned Development Shopping Center.
COMPREHENSIVE PLAN: Regional Mixed Use – residential (up to 34 units/acre), regional serving retail, service and office uses, non-industrial employment centers. EC Entrance Corridor – Overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access. AIA Airport Impact Area – Overlay to minimize adverse impacts to both the airport and the surrounding land.
(Advertised in the Daily Progress on October 26 and November 2, 2015.)

Mr. Bill Fritz, Chief of Special Projects, addressed the Board and reported this is a special use permit for drive-through windows, stating that typically an application plan is submitted depicting important concepts identified, but in this case the applicant has submitted a conceptual plan identifying three potential drive-through locations that they may utilize, but they may use more. Mr. Fritz stated the project is zoned PD-SC, and planned districts are meant to provide for flexibility. He said in order to provide more flexibility, staff has developed design standards that identify best practices for drive-throughs. In the future it is possible that design standards may be used for future drive-through applications and can potentially lead to a zoning text amendment to allow them by right. Mr. Fritz noted the Planning Commission heard this request and recommended approval 7-0, and liked the approach of using conditions instead of having a specific plan.

Mr. Fritz reported the conditions are based on extensive research staff had conducted in the U.S. and Canada, and they reviewed and analyzed them against other drive-throughs in Albemarle County. He said the conditions address such things such as circulation, safety, location of the window, lane width, and separation of lanes. Mr. Fritz said they change stacking to a measurable distance, line up entrances, provided for a travel way beyond the window, and address screening. He stated the conditions far exceed those currently in the ordinance, and as part of the application the applicant is requesting special exceptions from the existing ordinance for stacking and lane width, and staff supports these, having found that local standards are not best practices found in other jurisdictions.

Mr. Fritz presented the applicant’s site plan, showing a conceptual location for a drive-through at the side or rear of a building, away from the public street, with access not on a primary travel way, and a 10-foot landscape area. He presented an alternate layout from the applicant’s plan that does not meet the minimum standards, with no barrier between the travel way and the drive-through lanes. Mr. Fritz noted the traffic in the adjacent travel aisle and the drive-through lanes conflict, with people going in the wrong direction, so it will need to be redesigned. He presented another example from the applicant’s plan showing separation of entrances, a stacking space beyond the window, and the window located at the side or rear of the building.

Mr. Fritz stated that favorable factors are that the proposed conditions address the design and functionality of any drive-through and offer significant flexibility for the location, number and types of businesses that make use of drive-through windows, and the drive-through windows proposed for this development are not expected to be visible from the Entrance Corridor district. He noted the only unfavorable factor is that this is a departure from past practices, with a list of conditions but no specific plans. Mr. Fritz stated that staff is still recommending approval, based on the findings of best practices, and in developing conditions they looked at other sites in the County that are working well or not working well. He said there are two actions the Board needs to take, one is on the special use permit, and one is on the special exceptions for stacking and lane width.

Mr. Sheffield asked where things stand with the zoning text amendment to allow this kind of thing by right. Mr. Fritz responded that staff is using this meeting as a trial to gauge Board’s feeling, and it is on the tentative agenda for their next meeting to bring back a resolution of intent.

Ms. Mallek stated the concepts and way Mr. Fritz has laid it out are very good.

Mr. Sheffield said it seems this will knock a few months off of an application process.

Mr. Fritz stated staff has found that about 8% of all special use permits over the last three years were for drive-throughs, and the application fee covers about 1/10th of the cost, versus just being able to review a design.

Mr. Boyd said this seems to be a good test case, but he has received a lot of complaints about the Starbucks drive-through at Pantops and asked if it would have met these performance standards. Mr. Fritz responded that it would not have met these standards.

Ms. Palmer mentioned the Planning Commission minutes had talked about a drive-through location at Willoughby that is so close it would have shined headlights through a neighbor’s window, but it was denied. Mr. Fritz stated the application did not meet performance standards and does not have landscaping, so it will need to be redesigned.

The Chair opened the public hearing.

Ms. Valerie Long, Williams Mullen law firm, addressed the Board and introduced Mr. Daniel Hines with Buller Engineering and recognized a representative from S. J. Combs Enterprises, the joint project developer. She stated this has been a wonderful example of collaboration with staff, especially Bill Fritz, Sarah Baldwin, Glenn Brooks, Mark Graham and other staff. Ms. Long mentioned the one example shown that did not comply with Board standards is not being proposed to be built, it was just left in their presentation to show how it does not work. She stated the other added benefit of this is the fact that this is a huge help for the leasing at 5th Street Station, and a number of tenants who are interested in locating their business at the shopping center are not willing to sign a lease until it can be guaranteed they will have a drive-through there. Ms. Long said this SP will continue to reap benefits in the coming years, and they will be able to add additional drive-throughs without coming back before the Board each time for each tenant, as long as the proposal meets the standards.

There being no further comments, the Chair closed the public hearing.

Motion was then offered by Ms. Dittmar to adopt the resolution to approve SP 2015-23 5th Street Station, Request for Drive-Through Windows, subject to conditions of approval. Ms. Palmer **seconded** motion. Roll was called and the motion carried by the following recorded vote:

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

RESOLUTION TO APPROVE
SP 2015-23 5th STREET STATION, REQUEST FOR DRIVE-THROUGH WINDOWS

WHEREAS, 5th Street Station Ventures, LLC (the “Owner”) is the owner of Tax Map and Parcel Numbers 076M1-00-00-002A0, 076M1-00-00-002B0, and 076M1-00-00-004A0 (the “Property”); and

WHEREAS, the Owner filed an application for a special use permit to establish drive-through windows, and the application is identified as Special Use Permit 2015-00023 5th Street Station, Request for Drive-Through Windows (“SP 2015-23”); and

WHEREAS, on October 6, 2015, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2015-23 with modified conditions; and

WHEREAS, on November 11, 2015, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2015-23.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2015-23 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code § 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2015-23, subject to the conditions attached hereto.

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SP-2015-00023 5th Street Station, Request for Drive-Through Windows Conditions

1. If the building is adjacent to a public street, any drive-through windows shall be located on the side or rear of the building, away from the public street.

2. Drive-through lanes shall not be located between a building and a public street unless separated from the right of way by a landscaped area at least ten (10) feet in depth extending the length of the drive-through lane that complies with Albemarle County Code § 32.7.9.5(b), (c), (d), and (e).

3. Drive-through lanes shall be separated from sidewalks and any vehicular travel areas by a planting strip at least five (5) feet in width.

4. Where pedestrian access crosses drive-through lanes, a five (5) foot wide raised pedestrian travelway or a five (5) foot wide pedestrian travelway containing a change in texture and visual markings shall be provided.

5. Drive-through lanes shall be at least eleven (11) feet wide.

6. Drive-through lanes shall not enter directly from or exit directly to any public street.

7. Entrances to drive-through lanes shall be more than fifty (50) feet from any intersection with a public or private street or travelway without parking (interior circulation in shopping areas).

8. Drive-through lane length shall be a minimum of one hundred (100) feet measured from the center of the first window or service point. This length may be reduced if a study is submitted and approved by the Director of Community Development or their designee demonstrating that a shorter length will be sufficient for a particular use.

9. The drive-through lane shall extend at least twenty (20) feet beyond the drive-through window.

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

11. The use shall commence on or before November 11, 2018 or the permit shall expire and be of no effect.

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Motion was then offered by Ms. Dittmar to adopt the resolution to approve the special exceptions for SP-2015-23 5th Street Station, Request for Drive-Through Windows. Ms. Mallek **seconded** motion. Roll was called and the motion carried by the following recorded vote:

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

RESOLUTION TO APPROVE SPECIAL EXCEPTIONS FOR SP 15-23, 5th STREET STATION, REQUEST FOR DRIVE-THROUGH WINDOWS

WHEREAS, 5th Street Station Ventures, LLC (the "Owner") is the owner of Tax Map and Parcel Numbers 076M1-00-00-002A0, 076M1-00-00-002B0, and 076M1-00-00-004A0 (the "Property"); and

WHEREAS, Albemarle County Code § 18-4.12.17(c)(2) requires that one-way access aisles be 12 feet in width and Albemarle County Code § 18-4.12.6 requires that one-way access aisles be 5 stacking spaces long; and

WHEREAS, the Owner filed a request for a special exception in conjunction with SP 2015-00023, 5th Street Station, Request for Drive-Through Windows, to allow drive-through window access aisles that have a minimum travel way width of 11 feet and that are 100 feet long.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared in conjunction with the application, the supporting analysis included in the staff report, and all of the factors relevant to the special exception in Albemarle County Code §18-4.12.2(c)(2), the Albemarle County Board of Supervisors hereby approves the special exception to allow an 11-foot-wide, 100 foot long one-way access aisle for the drive-through windows.

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(**Recess.** At 7:43 p.m., the Board recessed its meeting, and reconvened at 8:00 p.m.)

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Agenda Item No. 12. **PUBLIC HEARING: ZTA-2015-00007. Wireless – Public notice**. Ordinance that would amend Sec. 18-5.1.40, Personal wireless service facilities; collocation, replacement, and removal of transmission equipment, of Chapter 18, Zoning, of the Albemarle County Code. This ordinance would amend Sec. 18-5.1.40 by requiring the applicant to provide written notice to landowners of all abutting parcels of proposed Tier I facilities, exempt collocations, and exempt replacements of transmission equipment, by specifying the contents of the notice, and by requiring documentation of such notice. Currently, the agent is required to provide written notice of proposed Tier I facilities requiring a special exception, and no notice is provided for proposed exempt collocations and exempt replacements of transmission equipment. *(Advertised in the Daily Progress on October 26 and November 2, 2015.)*

Mr. Bill Fritz addressed the Board, stating this ZTA pertains to how the County provides notice for personal wireless facilities, and on July 8 the Board discussed amending the ordinance to provide notice for administrative actions for personal wireless service facilities. He said that staff and the Planning Commission recommended denial of the ZTA and also identified the need for further research for notice on all projects but acknowledged the task would take time, and the Board wanted to move forward with a Tier I and collocations notice ahead of that work. Mr. Fritz said the Board recommended that staff revise the ZTA to require the applicant to provide the notice instead of the County, so the applicant would provide the notice to abutting owners for Tier I and exempt collocations. He stated this was referred back to the Planning Commission, and they held a public hearing where they unanimously recommended approval. Mr. Fritz noted the Commission had also added that the notice should include information about the proposed work, the entity that will perform the work, contact information, and the schedule for the work, and that is all now included in the ordinance. He stated that staff believes the intent of the Board is being met by the ordinance amendment, and has some possible motions for them.

Ms. Palmer said this amendment is fine with her and she appreciates all of staff's work and the fact they did it so quickly. She stated they had discussed whether the applicant or the County should do this, and Mr. Fritz had said that staff prefers having the County do it, so she would like clarification of that point. Mr. Fritz responded that typically the County does this type of notification so staff knows it is done and do not have to go back and monitor it, but they will develop a template for applicants to use. He stated that applicants will be required to provide a copy of whatever notice they send, and staff will need to ensure that it contains the required information and will verify who is notified.

Ms. Mallek asked if there will be certified notices to ensure they have been sent, as just mailing them has not been particularly successful with community meetings, where only 30% of people are getting notifications. Mr. Fritz responded the letters are being sent first class mail.

Ms. Mallek stated her concern is that the notices will actually be sent, and also asked if the notices will jump over in the event that abutting parcels are owned by or affiliated with the tower location, as there can be multiple LLCs. Mr. Fritz responded the County will encourage that to happen, but would not require them, nor do they now, as each LLC is a unique entity. He confirmed the way the notice is written is that it will be to abutting owners, so if there is a private street that goes well beyond the abutting parcel, those owners will not receive a notice by this ordinance.

Ms. Mallek asked if exempt collocations and replacements are only for the same number and size of apparatus. Mr. Fritz responded that Tier I can be brand new equipment on an existing structure that does not have any other antenna; exempt collocations could be more equipment than what is on there now. He confirmed that abutting owners will get notified, and "exempt" was created as a category because of the FCC's requirement for mandatory approvals of certain facilities.

Ms. Palmer asked if it will be possible for staff to update the Board in a year as to how much staff time this is really consuming. Mr. Fritz responded that staff can provide a summary of what they have experienced.

The Chair opened the public hearing.

Ms. Jessie Wilmer of Ntelos Wireless addressed the Board and said she has some procedural questions, and stated she has submitted about 10 exempt collocation applications over the last few months, all of which have gone smoothly, with approvals received within about three weeks. Ms. Wilmer said that in reading through the new ordinance, she has questions about the template letter and at what point they are required to send out the notices. She stated it is not clear who will prepare the list of adjacent property owners, and asked what will happen if the company misses one who might be a few parcels away from the tower site. Ms. Wilmer said she also has questions about the requirement of naming every contractor onsite and when they will be onsite, but companies do not always know exactly what contractor will be onsite on what date and what vehicle they will be driving. She emphasized that Ntelos would like just one point of contact for adjacent property owners to contact, rather than multiple contractors.

Mr. Neil Williamson of the Free Enterprise Forum addressed the Board and said they ask from time to time what they can do to make things better. He stated in this instance they will have outside entities notifying adjacent property owners of by-right changes that the Board can do nothing about. Mr. Williamson cautioned that when neighbors become alarmed upon receiving a notice, they will come in and think there is a public hearing and they should be able to influence the decision. Mr. Williamson stated this is bad policy, and both staff and the Planning Commission have recommended not doing it.

Ms. Valerie Long stated she had spoken on this issue previously and asked the Board to keep in mind the context of the larger issue, noting there was an unfortunate incident in Bellair, which AT&T had worked hard to rectify, and there has been a number of ordinance changes stemming from that. She said she is not aware of any situation where a by-right application created any problems as a result of neighbors not having been notified, and Piney Mountain was a special use permit application, so those neighbors were notified. Ms. Long stated she is only aware of a single property with an unfortunate situation, and rather than identifying solutions for that one instance, this ordinance will impose incredibly burdensome new regulations on every single application in the entire County. She said it may seem like a simple process to send a notice out, but it is not as they have to coordinate with their contractors and subcontractors, with lots of variables and a 10-day waiting period. Ms. Long stated the concept is laudable, but the implementation is burdensome, on top of Albemarle County’s already burdensome requirements, the most stringent in the state. She mentioned the provision of broadband is a high priority for the Board, and suggested a minimum one-year sunset period if they choose to adopt this ordinance.

Ms. Lori Schweller, representing Verizon Wireless, addressed the Board. Ms. Schweller stated it is clear that wireless service providers are being treated differently than other citizens and businesses asking for a building permit for a by-right use. She said one of the comments at the Planning Commission meeting was that these structures are “taller,” but the facilities being addressed already exist as a vertical structure, and these are simply collocations and changes to those existing structures. Ms. Schweller stated this notice provision does not solve the problem that is the impetus for the ZTA in the first place, and the problem arose from utilities being laid. She said utilities are laid for most construction work and do not start and end at one property or abutting properties, so notifying them is under-inclusive, and this ZTA does not address the problem. Ms. Schweller added the logistics of the notification are impossible, because companies ask for building permits months in advance of when they are actually done, and it is not possible to know in advance all of the subcontractors and their timing. She stated it will not comply with the ZTA as proposed, or the letter will have to be repeatedly amended so it can be sent, and there is no way that 10 days prior to the agents making a decision they will know the answer to these questions.

Ms. Jennifer Grieson of the Samuel Miller District addressed the Board and stated her neighborhood has been mentioned several times in this discussion, and she thanked staff and the Board for pursuing this amendment. Ms. Grieson stated that sending out notices is simple and is a small measure to help ameliorate the conflicts and stresses that are growing out of the fact that Albemarle County is actually easier than some localities on wireless providers because it allows location in residential districts, which is not common in Virginia. She said it is incumbent upon the providers to make sure the commercial industrial work being allowed in a residential district is carried out with basic courtesy and professionalism and with as little disruption as possible for people who will be disturbed in their homes. Ms. Grieson emphasized that basic notification is a great step toward that, and this amendment responds to concerns that have come before the Board from residents in a variety of neighborhoods and districts. She said these types of conflicts will continue to increase because companies are moving very quickly to update facilities, many of which are in residential areas. Ms. Grieson stated it is very disruptive work that is different from regular by-right work, as it requires major equipment, such as 120-foot cranes, and blockages of roads and driveways. She said the details of the template letter are something to be worked out by staff and industry, but the notice is important because of the scale of disruption, the incommensurateness of the use with the zoning, and the need for identification of contractors who will be working onsite.

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

Ms. Palmer stated the Planning Commission is interested in pursuing this but needs more discussion and feedback from staff. She said the last time the Board talked about this, she had mentioned Dominion's letters sent to residents in her neighborhood letting them know they would be burying lines and doing work, and informing them that contractors would be walking through yards and surveying, etc. Ms. Palmer said there needs to be a little more work, but it is a good thing if they can make it a little less onerous in terms of timing and so forth.

Mr. Greg Kamptner said the current notice provision requires the notice be sent 10 days before action by the agent, so the timing is already established in the ordinance, and it also provides that the failure of any abutting owner to receive the notice does not affect the validity of the approval and does not grant a right of appeal. He stated he assumes that staff will provide the applicants with the list of abutting parcels.

Mr. Fritz stated if the ZTA is approved, staff will create a template that will allow an applicant to plug in their unique information, and will also include information about when a notice will be sent, and how to use the County's GIS system to develop the mailing list themselves, or who to contact on staff for assistance.

Ms. Palmer asked if the 10-day period can be extended. Mr. Fritz explained the County must wait 10 days from when the notice is sent to act on it, which is what they have to do currently for Tier II applications, so the applicant can file and send the notice on the same day. He added the work can happen long after the approval, with the notice going out ahead of time to abutting owners.

Ms. Palmer asked if there can be one point of contact.

Mr. Boyd asked if the number has to be the contractor, or if it can be the originating company.

Mr. Fritz responded it can be anybody, and the provision requires contact information for each entity performing the work, but the service provider can offer their number as well. He added that staff is trying to encourage using the actual applicant as the primary contact person.

Mr. Boyd said what the Ntelos representative had said is that they are required to give the numbers of the individual contractors, and they may not know who the specific one will be 10 days ahead of the application, and it might change.

Ms. Mallek stated the provider can put their number and just field some phone calls. She said the other option is to include a company contact number, but when the work is commencing, they can have a sign with the contact information of the people who are doing the work. She said there were not a lot of incidents where this was an issue, but there were several incidents in Piney Mountain where contractors were lost and had to pound on doors to get directions, so in response to that, the neighbors put up signs directing people to the tower.

Mr. Fritz said when the building permit is issued, the building official can require that a sign be posted on the property, and one of the alternatives suggested by staff is to have the building official require a sign to be posted, notifying residents of the work that will be done and mentioning who the contractor is.

Ms. Dittmar commented that she recalled the difficulty in Ms. Grieson's neighborhood, but it concerns her when they are pulling together a lot of regulation because of one bad incident, and this falls into that category in her opinion. She stated the letter serves as a tool for notification but should not include contractors as the contact, and should only include the wireless company's names. Ms. Dittmar said feels this is a bad idea and hates to see Albemarle getting beyond the good regulations they have worked for, and the harder and more expensive they make it to deploy broadband, the harder it will be to implement it. She clarified that at a minimum she would like to defer the letter and have it revised to include a statement to neighbors there is nothing they can do about this, and to eliminate the contractor as a contact.

Mr. Boyd agreed and stated this is the equivalent of trying to kill a fly with a sledgehammer. He stated this amendment is based on one incident, and if they do everything in the County based on one person bringing a problem to their attention, they will be changing ordinances every other week. Mr. Boyd said he sympathizes with Ms. Grieson and the problems with the contractor in her neighborhood, but this does not solve that problem and he is not going to vote for it.

Ms. McKeel agreed, stating that she has a lot of sympathy for what has happened in that neighborhood, but feels it is going way above board. She stated that perhaps they can come to some agreement on modifications of the amendment, but as it is written she cannot support it.

Ms. Palmer said that it comes down to common courtesy, and she appreciates getting a letter from utility contractors when they are doing work in her neighborhood, although they may not need to list all of the contractors in the letter. She stated with towers going up in residential neighborhoods and people coming in all the time, this is just common courtesy.

Ms. Mallek stated she feels this is worthy of a year's trial, and the general notice and the sign would be simple to do. She said that residents are becoming increasingly concerned about a host of people showing up with large equipment, with homeowners going off to work and leaving people wandering around their neighborhood. Ms. Mallek said this is a possibility to provide notice and comfort, and to keep people informed, and she was not aware that building permits were not required to be posted.

Ms. Palmer suggested they at least look at the letter, since they do not have the votes to move this forward as it is.

Mr. Sheffield stated they voted on a resolution of intent to move this forward, and he would hate to extinguish it at the finish line.

Ms. Palmer said they obviously do not have the votes.

Ms. McKeel said she is very concerned about the ramifications of this, and perhaps it can be moderated, but at this point she finds it problematic.

Mr. Foley stated if there is not an agreement in principle on doing this, he would hate to have staff go through a bunch of revisions on letters, but if they want to entertain that, it would help if the Board is clear on that.

Ms. Dittmar said that Ms. Palmer's point about notification courtesy is a good one, but a sign might be a way to accomplish that, and she mentioned she had not voted for the original motion to move this item forward. She asked if the Board wishes to have direction for staff follow-up.

Ms. McKeel suggested there may be a form of notification that does not get down to this level. Mr. Fritz responded they can certainly have a letter template for notification and request that companies notify neighbors, and he will speak with the building official about the posting of permits.

Ms. Palmer asked if companies have to comply with that request. Mr. Fritz replied they do not if there is no ordinance.

Ms. Dittmar asked if there is an ordinance that covers Dominion. Ms. Mallek said there is nothing for Dominion, but it saves them a lot of hassle in the long run to provide notification voluntarily as it helps their reputation.

Ms. Palmer stated there are a lot of different companies, and it is not certain they will do the same things as Dominion.

Ms. Dittmar said the Board can see whether there are complaints in the future and respond accordingly.

Mr. Sheffield suggested that Ms. Palmer and another Board member meet with staff and discuss the content of the letter template for cell provider notification, rather than work it out in a meeting.

Mr. Boyd asked if he agrees that it was a non-ordinance requirement and is just good business practice. Mr. Sheffield responded if it was good business practice, the County would not need to be stepping in.

Mr. Boyd said they are doing it because of one case.

Mr. Sheffield stated he is viewing it beyond the one case as a symptom of a larger problem, and it is good practice to notify neighbors when you are going to be doing work on their property.

Mr. Boyd stated the Albemarle County Service Authority had notified him that they were putting in new water lines in his neighborhood because they needed an easement from him, but he did not realize they were going to park a backhoe and all of their trucks in his front yard and tear everything up. He emphasized that he does not blame the Service Authority for that, the contractor just needs some place to put their equipment.

Ms. Mallek said if it is outside the construction easement area, they were breaking the law.

Mr. Sheffield stated he would just want to know what is going on next to his house.

Mr. Foley said if staff directs the building official to ensure there is posting, the question is whether that is enough or not, but they can make sure they do a posting.

Ms. Mallek stated she would like to have a contact phone number on that.

Ms. Dittmar said that is a great idea.

Ms. McKeel agreed.

Ms. Palmer stated you might not necessarily see the sign.

Mr. Sheffield said you would if it is in your neighborhood.

Ms. Palmer stated you might not necessarily see it and she still feels it is common courtesy, but said that she and Ms. Mallek can sit down with Mr. Fritz and work on a notification letter.

Ms. Mallek said she is happy to see how things go with the suggestion to companies for notification and the posting of the sign onsite.

Mr. Sheffield commented that it would be appropriate to involve someone from the industry in that discussion.

Board members agreed.

Mr. Sheffield said he is not sure where they will go with this, but he does not want to have staff do a lot of work on something that is going to fizzle when it comes back to the Board.

Ms. Palmer asked how far in advance you would post a sign. Mr. Fritz responded he does not know all of the details on that, but he will find out from the building official.

Mr. Davis noted the Board needs to approve, deny or defer the matter.

Ms. Palmer said she would prefer to defer it, but is not sure they have the votes.

Mr. Foley clarified that staff is going to work to make sure a sign is posted and work with the building official, and encourage companies to provide notice, so those are the two things the Board would like to have done.

Mr. Davis said if this is the path they are taking, then there is no purpose in further considering the ordinance as it is not required to do either of those things, so leaving the ordinance as it is, is a motion to deny.

Ms. Palmer then **moved** to defer ZTA-2015-0007.

Mr. Davis asked if it is an indefinite deferral. Ms. Palmer responded it will be deferred until she meets with staff.

There was no second to the motion; therefore, the motion failed.

Mr. Davis said if there is a 3-3 vote, he suggests they move for approval.

Motion was then offered by Mr. Sheffield to deny ZTA-2015-0007. Ms. Mallek **seconded** motion. Roll was called and the motion carried by the following recorded vote:

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

Mr. Foley commented that staff will communicate with the Board members as to the conclusions staff has come to on this matter.

Agenda Item No. 13. Continued discussion on “stale” proffers.

Mr. Greg Kamptner stated that at the previous week’s Board meeting there was a question regarding a rezoning in the Pantops area for a property known as Luxor, and one of the proffers pertained to closing the road on the site developed. He said the rezoning had come through at least 10 years ago, and since then VDOT’s perspective had changed, so Mr. Boyd asked the question as to whether there could be an expedited process in dealing with a “stale proffer.” Mr. Kamptner presented the applicable code section, which was adopted by the General Assembly in 2009 and revised in 2012, and it said the Board has the ability to waive the requirement for public hearing when it is considering an application to amend proffers, provided they do not affect use or density. He stated that effective January 2014, the County comprehensively amended its regulations dealing with legislative processes, such as zoning map amendments, and they included Subsection 33.7F, which implements 23.02B. He said this gives the Board the option when the County receives an application to decide whether to refer the application to the Planning Commission for the full process, to have the application come directly to the Board for consideration without going to the Commission, and to waive the requirement for a public hearing. Mr. Kamptner noted the County has not had anyone pursue that process at this point, but it is available to them. He said even with that process in place, there are a number of provisions in the zoning map amendment regulations that will still apply: holding a work session, holding community meetings, and paying the fees for a ZMA. Mr. Kamptner said the Director of Planning has the authority under the current regulations to not require those steps. He said the fee that will apply would be the fee that applies to the particular ZMA, and that is based upon the acreage affected by the rezoning.

Mr. Kamptner stated if the Board is interested, there are some possible amendments to the current regulations if they decide they want to waive the public hearing requirement. He explained they can change the application requirements specifically for these types of proposals, and it can be a simpler application process, fewer copies, and less information than what is typically required. Mr. Kamptner said the regulations could also expressly require that the application come first to the Board of Supervisors to make the decision as to which process would apply. He said it could also eliminate the steps for community meetings and work sessions, and one thing that would still be in place would be the pre-application meeting, which would allow staff to serve as gatekeeper at the very early stage, to advise the potential applicant of this process and make a recommendation to the applicant as to whether to proceed. He stated if the Board is interested in pursuing this alternative process in greater depth, staff can come back to the Board with a resolution of intent and an executive summary that would summarize the scope of the regulation.

Mr. Wayne Cilimberg, Assistant Director of Community Development, stated that ultimately staff would provide for the Board the procedures they would expect to use, so they would have an understanding as to when staff would try to get them to the Board to make a decision on whether or not the Commission would review the request or whether the Board would want to hold a public hearing.

Mr. Sheffield asked if currently a landowner could come to the County and say they would rather have their item go directly to the Board. Mr. Cilimberg responded that is possible, but they would pay a full fee and would be subject to the provisions as outlined by Mr. Kamptner.

Mr. Sheffield asked if they would expect people to start contacting the County about proffers, because he would hate to create a process for 10 cases versus seeing significant efficiency over the years. Mr. Cilimberg said that Mr. Benish had shared with him earlier that an applicant had been discussing with staff the potential for amendments with an older ZMA, but how many they would see in a year's time is hard to say, with no inquiries really thus far. He added this can change once staff discusses it with people in early meetings.

Mr. Sheffield stated that in the past, the implication has been that they want applicants to go through the full process, but perhaps that is shifting. He asked how long it will take staff to come up with a new process that involves skipping the public hearing process in lieu of what is being suggested here. Mr. Cilimberg responded they would need to get a resolution back to the Board, it is possible for staff to have that by December, and the matter of establishing the best place to have the Board make the decisions is part of the overall process can be done fairly quickly, with staff working with the County Attorney's office on it. He emphasized that when the resolution comes back, they can provide a better timeframe, but initially it will go to the Planning Commission, because that is the required process for a ZTA.

Mr. Kamptner stated that most residential and commercial rezonings over the last 10 years have been Neighborhood Model developments, which included application plans, schematic drawings, and codes of development, and this procedure will not apply to changes in that area, it just affects proffers. He added the County does not see many applications now for only proffers, because usually when someone is putting forth the effort to amend proffers there are also changes to codes and plans.

Mr. Cilimberg said there are probably more amendments regarding code changes than proffer changes.

Mr. Davis pointed out that those will be required by law to go through a public hearing process.

Ms. Palmer asked for an example of a proffer amendment that does not have anything to do with use or density. Mr. Cilimberg responded that a potential amendment is stemming from past rezonings that came in at higher amounts than what might typically be adopted in the cash proffer policy, requesting that cash proffers be lowered.

Mr. Kamptner said that Ms. Long had given him a recent example in Stonefield in which the proffers were amended to change a proffered public road to a private road.

Ms. Palmer stated that voting to change proffer amounts is a pretty significant decision.

Mr. Cilimberg emphasized the Board will make the call.

Mr. Sheffield said he would be fine with sending the message that the Board is willing to bypass public hearings and for staff to come back with a timeframe for getting the new process for changing proffers.

Mr. Boyd noted the case that prompted this discussion was a truly stale proffer, and in that circumstance they had already closed the road, so his question is who has to request undoing a proffer and who will pay for it.

Mr. Sheffield said they are talking about minimizing the process and cost so it can be done more easily, and asked staff how long it would have taken an applicant to go through that process. Mr. Kamptner responded the law allows for up to 12 months.

Mr. Davis clarified that it would take 90-120 days depending on how they hit the application cycle.

Ms. Mallek said that VDOT has changed their rules, which had consequences on the road in question, but her concern is the possibility of uneven treatment of different applicants depending on the mood of staff behind the desk, and she does not want to make substantive changes to proffers in this way.

Ms. Palmer said she would rather see what they are going to do with their proffer policy before deciding this.

Mr. Boyd stated that he continues to hear that Albemarle's process is the most onerous in the state, and saying it can take 18 months for a business to relocate or expand here is contradictory to their stated goal of promoting economic development.

Mr. Sheffield said that he agrees.

Ms. Mallek said economic development is welcome, but not if it means sweeping all the rules under the rug.

Mr. Sheffield stated this is why the Board can decide whether a proffer should go through the full process or not, and this is something that staff should explore, as a developer or prospect can move on rather than wait a year for a proffer to be decided on. He added that he does not want to create bureaucracy just to protect themselves from criticism.

Ms. Mallek asked if there is a way to create good criteria for a comprehensive checklist that will provide some objectivity in the process. Mr. Kamptner responded that as staff is working on this, they can work on some guidance in the development of the ordinance, and as time goes on they can develop some guidance as to which projects are appropriate, but he emphasized this process gives the Board the say as to which process will apply. He said that even when an item comes back to the Board in an expedited process without a public hearing, they will still have the ability to control the process and decide that an item should go through the full process.

Mr. Davis said state code requires that adjacent property owner notice still must be provided, so there will be written notice provided to property owners, but not a full public hearing, and it would still require the owner of the property to be the applicant.

Mr. Cilimberg added that you must have standing in order to apply.

Ms. Palmer said if the County ends up reducing proffer amounts and start getting applications to amend the proffers down to what they will be, they really need to think about the impact of this because there are a lot of proffers still outstanding.

Mr. Boyd stated a lot of the proffers were enacted at a much lower level than the current $21,000, and North Pointe was about $3,000 per unit. He said the Board would still have to make the decision for a shortcut method, and this simply provides them with a tool to use.

Ms. Palmer said her concern is whether applicants will come in and ask them to lower their proffer amounts. Mr. Cilimberg responded the cash proffer policy is not before them at this time, he is just using that as an example as how the process might be used.

Ms. Palmer said she understands that, but it is something they are going to have to face if they take this action.

Mr. Foley suggested the Board will have to choose which method they use, and perhaps those applications requesting a reduction in proffer amounts would have to go through a full review.

Mr. Davis said the processes elements that are more onerous are the application fee, the amount of detail of the application, and the public hearing is not the worst part, it is the cost. He added they have not heard from the development community on this, but he would think that is a significant factor for some landowners.

Mr. Boyd asked Ms. Long if she would like to comment on this.

Ms. Long thanked the Board for the opportunity, and emphasized the Board would still have the final say as to whether an application needs to go through the full process. She said she is reminded of an example with Old Trail Carriage House rezoning amendment, approved about a year earlier, with the proffers stating the only accessory units that counted were those as an "attached garage," but not a "detached garage." She explained she met with staff to try to make the change and was told that it was not allowable because the language stipulated "attached garage" only, and they would have to amend the proffers. Ms. Long stated they went ahead with the amendment and it was not controversial, with neighborhood meetings held about the change. She said they also had to amend the Stonefield proffers three times when Edens & Avant took the project over, and at least one of those times was to allow a road that the proffers had said must be private but built to public standards, and it was never controversial but it took a long time.

Ms. Long stated that in terms of timeframe, the next County application deadline is December 7, but that cannot happen without a pre-application meeting, and before that you need staff comments so you need a good month. She said if they file on December 7, staff comments would be back January 22, and the very soonest you could go to the Planning Commission is February 23, and that is only if there are no changes from staff, which is rare. Ms. Long stated that most likely it would be early March, so getting on the calendar would probably be April, and that is for the simplest changes. She said it takes about five months and a lot of paperwork, and she actually hired a planner in her firm because she can no longer file applications for their clients efficiently. Ms. Long emphasized that having this as a tool and an option might make the difference in a project moving forward or just sitting there.

Mr. Foley stated this is one of those streamlining types of items that the Board had discussed at their last meeting, as an option, but not as a requirement.

Ms. Mallek asked if they would not be getting into the problem of unequal treatment, in staff's opinion. Mr. Davis responded they could by virtue of the fact the Board would always have the latitude to decide whether an applicant would get the full process or a shortened process.

Mr. Boyd said in the application he mentioned, VDOT no longer required them to close that road, and he was told by the business there that their business will drop by 50%.

Ms. Mallek commented it is unfortunate that the landowner did not do anything about this.

Mr. Davis clarified they could have gotten to the same point under the current ordinance, because the ordinance allows the waiver process to bypass the Planning Commission, if it is not a change in use or density. He said what it does not allow is an abbreviated application or fee reduction, but it will allow them to get to the same point.

Ms. Palmer commented they should not change the ordinance if that is the case.

Mr. Davis stated the major issue, as he sees it, is whether or not to have a cheaper process for someone who does not have to go through a full review by staff and may not have to have public hearings should the application fee be less for that process. He said they can apply for an expedited process at a lower fee and if that was rejected they would have to pay for a full process.

Ms. Mallek said the lower fee is appropriate since it involves less staff time.

Ms. McKeel stated she is comfortable in moving forward with this, and then it will come back to the Board.

Mr. Cilimberg said it will come back as a resolution of intent.

Board members agreed to move it forward.

Agenda Item No. 14. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Item No. 14a. Joint Resolution of Charlottesville City Council and the Albemarle County Board of Supervisors Regarding Establishment of a Management Committee for the Charlottesville/Albemarle Convention and Visitors Bureau.

Ms. Dittmar stated that after some discussions she had with Larry Davis after their last meeting, she is interested in determining where the fiscal oversight function of the CACVB has gone, because in the past it had included the County Executive, the City Manager, a representative from the Chamber of Commerce, Leonard Sandridge as ex-officio from the University, and Dan Jordan from Monticello. She stated that in 2004, it seems they launched a Management Board instead and jettisoned the fiscal oversight function. Ms. Dittmar said that in considering the Economic Vitality Plan, which highlights tourism as a major function and big dollar generator, and the Comp Plan, it seems that it is time to regain some fiduciary responsibility. She stated the resolution before them is general in its nature, although they may need to work on the wording of “management” since there is already a Management Board and what they are seeking is fiscal oversight. Ms. Dittmar said this step is what the City has recommended be done, and said the City Manager and County Executive can review the resolution and recommend any changes.

Ms. McKeel asked if they want to go ahead and address the word “management.” Mr. Foley pointed out that the bylaws stipulate a “Management Board,” and what is being suggested is a management committee, so it is different in that regard.

Mr. Davis said this is a joint exercise of powers organization, which by statue can establish a Management Board, and those responsibilities are set out in the agreement adopted by the City and County by ordinance. He stated it may be confusing to call it a management committee, and suggested calling it a review committee.

Mr. Boyd stated he had only been on the Board a year when a meeting was called in then County Executive Bob Tucker's office, and the CACVB Board was described at that time as “non-functional” in its structure because the people who had a vested interest in tourism dollars were not on that board. He said the CACVB Board was required to provide an annual report indicating how much they had promoted tourism and how much in tourism dollars had been brought into the community, and he was not sure if they still do that. Mr. Boyd stated as he recalls it was largely Mr. Tucker's idea to restructure the Board in favor of those who represented the tourism industry.

Ms. Mallek and Ms. Dittmar said this will not take that away.

Mr. Boyd said they will be providing an oversight committee to tell the CACVB how to run their business, and it will create an unnecessary level of bureaucracy.

Ms. Dittmar stated it will not do that, and it will give the County the ability that when they are talking with people about tax increases there is oversight on tourism dollars, relocation, expansion, etc. She said this is a missing piece, and in sitting on the original group that had oversight they never pretended how to run a hotel, it was about whether her Chamber members were getting the result they needed, and Bob Tucker had the same goal for the County, as Cole Hendrix did for the City. Ms. Dittmar emphasized that oversight is not getting down to a micro level for specific tourism initiatives, but provides a direct relationship for the tourism dollars coming in. She added this is not meant to, in any way, take the expertise away or diminish it, but is just an effort to say that tourism is an important economic development function, and to be communicative about the County's needs.

Mr. Boyd said he disagrees, and he remembers clearly sitting in Bob Tucker's office and talking about the fact the committee was non-functional.

Ms. Mallek said this is a substantial amount of money that from the executives' perspective they need to get a report on quarterly, and it includes a lot more than hotels, with wineries, farms, and cultural entertainment.

Mr. Boyd said if they are worried about the oversight of funds, the Board can redirect that and not give it to the CACVB.

Ms. Dittmar and Ms. Mallek stated this is not at all what they are suggesting.

Motion was then offered by Ms. Palmer to adopt the proposed resolution, with the references changed to "review committee."

Mr. Davis stated that since this is a joint resolution, the Board will act first, and then City Council will need to act for the joint resolution to be adopted.

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

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

Mr. Kurt Burkhardt addressed the Board and thanked them for their support. He stated the most recent CACVB annual report had just been digitally transmitted to Lee Catlin, adding that tourism has seen gains of more than 7% for the last three years. He stated there is much enthusiasm in making Charlottesville/Albemarle a destination, and he wishes Mr. Boyd and Ms. Dittmar well in their next endeavors.

Mr. Boyd asked if the CACVB set goals and objectives each year, because he was impressed at the fact they have been exceeding them each year. Mr. Burkhardt stated that other than the recession and post-recession years, the 7 to 1 return on investment is what they work toward each year. He said that Payne, Ross & Associates had done an 18-month advertising campaign in the D.C. area that cost $424,000 and translated into a 57 to 1 return yielding roughly $24 million of added direct visitor spending in the area.

(Note: The adopted resolution is set out below:)

**Joint Resolution of Charlottesville City Council and
the Albemarle County Board of Supervisors
Regarding Establishment of a Review Committee for
the Charlottesville Albemarle Convention and Visitors Bureau**

WHEREAS, generating revenue through Charlottesville's and Albemarle's abundant and unique tourism assets assists our economy and serves to lower the tax burden on our permanent residents, and

WHEREAS, the two jurisdictions together generated approximately $5.8 million in transient occupancy taxes in FY 15 and also generated a combined total of approximately $40.8 million in meals and sales tax, a very significant percentage of which is attributable to tourists, during that same period, and

WHEREAS, the Commonwealth of Virginia requires that a certain portion of County revenues collected from the Transient Occupancy Tax (TOT) be designated and spent solely for tourism and travel, including marketing of tourism that, as determined after consultation with the local tourism industry, attracts travelers to the County and generates tourism revenues to the County, and

WHEREAS, the City of Charlottesville and the County of Albemarle created the Charlottesville Albemarle Convention and Visitor's Bureau (CACVB) in 1979, with the last amended agreement in 2004, to provide that consultation and to use the designated revenues to enhance the economic prosperity of the City and County by promoting, selling and making the City of Charlottesville and County of Albemarle a destination for tourism and to promote their meetings and tourism markets, and

WHEREAS, the City and County desire to ensure these funds are managed effectively producing the desired results, and

WHEREAS, it would be beneficial to have the City and County leadership meet at least twice annually and no more frequently than quarterly to receive information and provide feedback as to CACVB performance,

Now, THEREFORE, BE IT RESOLVED, that the Charlottesville City Council and the Albemarle County Board of Supervisors hereby request that the City Manager and the County Executive establish a review committee, no later than December 8, 2015, to perform such review, analyze CACVB performance and provide feedback to the CACVB director, the CACVB Management Board, and to the respective governing bodies after each review committee meeting as to the efficiency and effectiveness of our jointly created and managed bureau. The elected boards will consider any potential changes needed resulting from the reviews.

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Item No. 14b. Rivanna Station Environmental Assessment.

Ms. Mallek reported that there is information in their Dropbox regarding the environmental work at Rivanna Station, with Elaine Echols leading the gathering of information effort, and it is important that they convey to Rivanna Station that the County recognizes their presence. She said she had spoken with Colonel Davison at the Veterans Day ceremony earlier that day, and encouraged her to reach out to the County on things they can help with.

Ms. Mallek reported she will be circulating a digital file of the legislative program adopted at VACO. She said the State Board of Health has legislation pending that will hand over design, approval, enforcement, etc. of alternative sewage systems to private entities, which everyone at the Agriculture & Environment Committee feels is a horrible idea. Ms. Mallek stated she will also be bringing back information about location of transmission line corridors, and other counties are establishing corridors in their comp plans that overlay current easements held by utilities. She noted the SCC encourages collocation, and any work they would do ahead of time will help provide a foundation for being involved in the location of transmission lines. Ms. Mallek said one of the Madison County members has been appointed to PJM, which is the deciding delegate entity for the Federal Energy Regulatory Commission about locations, and they would like to have people in the localities involved.

Ms. Dittmar said she will report on the Governor's Broadband Commission meeting at a future Board meeting in December.

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Agenda Item No. 15. From the County Executive: Report on Matters Not Listed on the Agenda.

Mr. Foley reported they have established a tentative Board orientation plan for the next four months, and staff has already met with the two new Board members to get their input, as well as gathering input from the newest current Board members about what is helpful. He stated there are also items that should be discussed with the entire Board as a refresher, and some of those items are scheduled for January 13 with Mike Chandler, who handled the new Supervisors conference for VACO. Mr. Foley said that Board members can also sit in on the other orientation sessions for new Supervisors. He stated they had also received a suggestion to have a "planning boot camp," and the County Attorney's Office is already putting together a curriculum for that.

Ms. McKeel and Ms. Palmer said they would like to attend that.

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Agenda Item No. 16. Closed Meeting.

At 9:34 p.m., Mr. Sheffield moved that the Board go into Closed Meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (7) to consult with and be briefed by legal counsel and staff regarding specific legal matters requiring legal advice relating to: 1) The negotiation of agreements for the Ivy Landfill Transfer Station; 2) The negotiation of easements on the County Office Building Property; and 3) The negotiation of an agreement for the Court Facilities. Ms. Palmer **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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Agenda Item No. 17. Certify Closed Meeting.

At 10:59 p.m., Ms. McKeel **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 carried by the following recorded vote:

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

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Agenda Item No. 18. Adjourn.

At 11:00 p.m. with no further business to come before the Board, the meeting was adjourned.

Chairman

Approved by Board
Date; 02/10/2016
Initials: EWJ