A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on December 2, 2015, at 1:00 p.m., Lane Auditorium, Second Floor, County Office Building, McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. Kenneth C. Boyd, Ms. Jane D. Dittmar, Ms. Ann H. 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 1:05 p.m., by the Chair, Ms. Dittmar.

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

Agenda Item No. 4. Adoption of Final Agenda.

Ms. Dittmar introduced County staff members.

Mr. Foley stated that staff pulled Item No. 8.2, from the consent agenda and made it a separate item on the regular agenda since Mr. Sheffield has a conflict with voting on that item.

Ms. Palmer stated that she would like to talk about the Board's legislative meeting, scheduled for that Friday.

Ms. Dittmar said that it could be discussed under matters From the Board at the end of the agenda.

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

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

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

Ms. Mallek reported that about a week earlier, the Chestnut Grove Baptist Church in Earlysville was celebrated by the National Society of Colonial Dames – 17th Century. It has been in constant existence since 1773. She said many of the descendants of the 48 original constituent families still live in the area.

Ms. Mallek stated she had recently attended a planning meeting of the Chamber of Commerce's Defense Affairs Committee, which had distributed a brochure about the three agencies placed at Rivanna Station. She said the meeting focused on how the community and its partners can work together to strengthen Rivanna Station and its presence. She said the quarterly meeting of the committee will be held Friday at 11:30 a.m. at the Holiday Inn in Ruckersville.

Ms. Mallek stated that LEAP program representatives are in attendance, and asked that they update the Board on the solar program in schools, as well as the PEARL program.

Ms. Dittmar asked if there is someone from the Van Clief Nature Area who can provide some information about it, stating she had attended a presentation about it in the Town of Scottsville in the past month. She noted the park is within the town's limits but will add to the overall trail system, with a well-stocked fishing pond.

Ms. Dittmar reported that she and Ms. Palmer had attended the first 5th and Avon Citizens Advisory Committee, and she is excited about what this citizens group will do for the eastern portion of the County.

Ms. Dittmar stated the previous evening they held a meeting with regional representatives from Planning District 10, and met with two state legislators about the "GO (Growing Opportunities) Virginia" initiative, which promotes regional partnerships and will come before the General Assembly for funding in their next sessions.

Agenda Item No. 6. Recognitions.

Item No. 6a. 2015 Green Government Challenge.

Mr. Foley reported that Albemarle County had received a gold level certification in the 2015 Green Government Challenge, which is part of the Virginia Municipal League's "Go Green Virginia" environmental initiative that kicked off in 2007. He noted the County has received the certification eight years in a row, more frequently than any locality in the state, and the initiative is a friendly competition among local governments to encourage the implementation of specific environmental policies and practical actions that reduce carbon emissions generated by the local government and broader community. Mr. Foley stated that cities, towns and counties can become certified green governments, earning green points by implementing or adopting up to 44 action items divided into 10 categories ranging from energy efficiency and green buildings to land use and innovation. He said the County earned a gold level certification with a total of 170 green points in areas such as energy efficiency, waste management, air and water quality, and education and community participation. Mr. Foley stated that included in the points are innovation credits, including the County's support of LEAP, implementation of an environmental management system, working with the City and University on a local climate action planning process, and engaging in various public education and outreach efforts with partners such as the Rivanna Regional Stormwater Educational Partnership and the Rivanna Environmental Management System Alliance. He recognized County staff, including Andy Lowe, Environmental Management Manager, and the staff of General Services in support of this program.

The Board and audience applauded.

Ms. Mallek stated it is a treat to receive this award for the last eight years, as it is a select group of jurisdictions working their hardest on this, and she noted these efforts inspire local businesses and residents to show them they can invest small amounts of money that will have big returns.

Ms. Dittmar congratulated staff and the County for this award.

Item No. 6b. Downtown Crozet Streetscape Project, Phase 2 – Virginia Transportation Construction Alliance 2015 Transportation Engineering Awards.

Ms. Mallek reported that Phase Two of the downtown Crozet streetscape project has received honorable mention in the Virginia Transportation Construction Alliance's transportation engineering awards for 2015, a year after cutting the ribbon on the project. She stated the streetscape project improves pedestrian connectivity within downtown Crozet; provided increased vitality and visibility for business owners; created a context-sensitive design that balances the needs of all users including vehicles, pedestrians and bicyclists; aesthetically enhanced the entrance corridor and main thoroughfare of downtown; and created an environmentally green street. Ms. Mallek noted this is one of the first times that VDOT has approved the use of bio-retention facilities between the sidewalks and the curbs, and the project had addressed the fragmented and missing pedestrian and bicycle facilities and links in downtown. She mentioned that more people walked than drove to the 4th of July fireworks at Crozet Park, and the town has seven-foot wide sidewalks, paved crosswalks, decorative street lighting and bike lanes to enhance the downtown feel. Ms. Mallek stated the streetscape is right in front of the new library, with new construction across the street and a redevelopment project up the hill, with the County investment being the jumpstart to make this happen. She recognized Jack Kelsey for all of his work on securing easements for the construction work.

Mr. Foley stated this project is the culmination of about 10 years of work, and recognized the community and partnership that put this together. He emphasized that it was a strategic focus by the Board of Supervisors to funnel capital monies to accomplish a specific objective in the master plan, as well as doing some creative things with VDOT funding. Mr. Foley recognized County staff members Trevor Henry, Frank Pohl and Jack Kelsey, and stated that Mr. Kelsey had put significant effort into getting the necessary easements. He also recognized Greg Harper for his work on the stormwater project that connected some of the critical road project issues, and recognized Wayne Cilimberg, David Benish, Mark Graham and Lee Catlin for their efforts.

Ms. Mallek also recognized Brian McPeters of Kimley Horn, who is in the audience, and asked everyone to stand up and be recognize.

The Board and audience members applauded.

Agenda Item No. 7. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Mr. Scott Leake, representing Congressman Robert Hurt, addressed the Board. Mr. Leake stated the Congressman had asked him to come and recognize the two departing Board members, Mr. Boyd and Ms. Dittmar, stating it has been a pleasure to come before them and noting the County has an excellent staff. He wished the Board happy holidays.

Ms. Stacy Norris, Co-President of Voices for Animals and the Founder and Director of the HOWS Project, addressed the Board. She stated she had recently met with John Blair to present proposed changes to the current Albemarle County "contained animal" codes, targeting the definitions of "abandoned," "adequate care," "adequate shelter," "adequate space," "adequate water," "adequate treatment," and a loophole in the current code as it pertains to the prohibition of possession or ownership of companion animals, once convicted of animal cruelty. Ms. Norris stated that Mr. Blair is working through the process from his end and will be reporting to them, and said that the HOWS project continues to operate in the community to bring animals improved shelters and work with their people to ensure they are more aware of what the animals need.

Ms. Dittmar thanked Ms. Norris, and Ms. Mallek thanked her for work every Saturday throughout the year.

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Mr. Pete Caramanis addressed the Board and stated he is representing Route 29 LLC, the entity subject to the transportation proffer related to the Kohl's development, with appropriations on the Board's agenda related to funding of the new JAUNT commuter route, with one of the stops planned to be at the Kohl's development. Mr. Caramanis stated there are some major questions remaining with regard to the proposal, particularly the reliance on the $50,000 proffer and a $50,000 matching grant from the federal government. He noted that $15,000 is budgeted as revenue from fares, and Route 29 LLC contends the application of the $50,000 based on this particular commuter route is not a reasonable application of the proffer, and is not connected in terms of the required nexus. Mr. Caramanis stated the proffer is related to the Kohl's section of Hollymead, not the entire town center development, and was intended to relate to transportation needs emerging out of that project. He emphasized the proposed JAUNT route is a commuter route to bring people from the northern part of the County into the City, not related to the services provided by the Kohl's section of the development. Mr. Caramanis said the missing nexus makes this an inappropriate application of the proffer, and stated that Wendell Wood had come before them and indicated that the numbers from JAUNT originally showed the Hollymead route at $275,000 per year, but now they are at $115,000, which conveniently matches the $50,000 proffer, the $50,000 match, and the $15,000 fare revenue. He encouraged the Board to delay the appropriation for this project until this can be discussed further, and said that Route 29 LLC plans to apply to amend that proffer to provide that clarity, and asked them to delay the action and commitment of funds that might not be there.

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Ms. Leslie Fore, Associate Director of LEAP, addressed the Board and said that LEAP is celebrating its fifth year of service in Albemarle County. Ms. Fore stated the mission of LEAP is to lead the community in the effort to implement energy efficient and renewable technologies, such as solar energy, to promote cost savings for families and businesses, to create jobs, to promote energy self-reliance, to foster economic development, and to mitigate climate change. She noted that LEAP's alliance model is a community-based public-private partnership, and said that Ms. Mallek has been on the governance board since its inception. Ms. Fore stated that LEAP programs serve as a tool to help local governments meet their carbon emissions reduction targets; improve the affordability and durability of businesses, neighborhoods and homes; and can stimulate the local economy through job creation and retention. She said that energy efficiency improvement benefit the local economy by enabling residents to keep their spending local rather than sending it to utilities. Ms. Fore stated that over the last five years, LEAP has made energy efficiency improvements in 745 Albemarle County residences, with 168 of them earning the certificate home performance with Energy Star, and the organization has a pilot with Rappahannock Electric Cooperative for home retrofitting, a team of AmeriCorps volunteers who perform 33 home energy reviews, 568 Dominion home energy checkups, and have "Solarize Charlottesville" campaigns resulting in 69 signed contracts or installations in the County of Albemarle.

Ms. McKeel commented that she is one of the LEAP statistics and said it is a wonderful experience for which she is still reaping the rewards.

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Mr. Neil Williamson of the Free Enterprise Forum addressed the Board, stating the year has gone by quickly and he is thinking about proffers a lot, with the new proffer regulations coming into play in July 2014 and a panel assembled in September of that year per the Board's action to discuss cash proffers, with recommendations coming forth in September 2015. He stated it is now December and the item is still not on the Board agenda as an action item, and he questioned why Albemarle County moves with unbelievable speed when some state laws change yet choose to drag their feet with others. Mr. Williamson urged the Board to amend their policy to match state code and amend the cash proffer process, although he would like to see it completely eliminated.

Ms. Dittmar suggested the Board discuss it under From the Board.

Mr. Foley noted the Board has it as an information item on their agenda the following week, which will explain the status of the item with the Planning Commission.

Mr. Boyd asked why it is not an action item. Mr. Davis stated the current County policy is not in conflict with state law.

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Agenda Item No. 8. Consent Agenda.

(Discussion: Ms. Mallek said she needs to pull the June 3 and her portion of the minutes of October 7, 2015 minutes; Ms. Palmer said she needs to pull the minutes of August 5 and her portion of the minutes of October 7, 2015.**)**

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Motion was then offered by Ms. McKeel to approve Items 8.1 (as read) through 8.6 on the consent agenda, as amended. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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Item No. 8.1. Approval of Minutes: June 3, August 5, September 9, September 10, 2015, September 23, 2015, October 7, 2015 and October 14, 2015.

Ms. Mallek asked that the minutes of June 3 and her portion of October 7, 2015, be pulled and carried forward to the next meeting.

Ms. Palmer asked that the minutes of August 5 and her portion of October 7, 2015, be pulled and carried forward to the next meeting.

Ms. McKeel had read the minutes of September 9, 2015, and found them to be in order.

Ms. Dittmar had read the minutes of September 10, 2015, and found them to be in order.

Mr. Boyd had read the minutes of September 23, 2015, and found them to be in order.

Mr. Sheffield had read the minutes of October 14, 2015, and found them to be in order.

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

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Item No. 8.2. FY 2016 Appropriations. ***Moved to regular agenda.***

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Item No. 8.3. Bent Creek Road, Road Name Change. *(Scottsville Magisterial District)*

The Executive Summary forwarded to the Board states that pursuant to Part I, Section 6 (e) of the Albemarle County Road Naming and Property Numbering Manual, road name change requests shall be forwarded to the Board for approval upon validation of the following: That the landowners of more than fifty (50) percent of the parcels served by the road have signed a petition in favor of a common road name, and that the proposed road name is otherwise consistent with the road name guidelines set forth in the Manual.

The owner of the parcel currently served by Bent Creek Road (TMP 76M1-2B), as well as the owners of the two parcels that will also be served by the extension of the road to Avon Street (TMP's 76M1-4A and 77-11E), have submitted a request to change the road name of Bent Creek Road to 5th Street Station Parkway (Attachment A). Staff has reviewed the road name request for Bent Creek Road at the intersection of 5th Street and the property owners have signed a letter of agreement to the new road name.

There is no anticipated budget impact. The landowners will be responsible for the costs associated with new signage. The road name change will not create any additional cost for tax payers and will help distinguish a new economic resource within Albemarle County.

Staff recommends that the Board approve changing the road name of Bent Creek Road to 5th Street Station Parkway and authorize staff to implement the change.

By the above-recorded vote, the Board approved changing the road name of Bent Creek Road to 5th Street Station Parkway and authorized staff to implement the change.

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Item No. 8.4. Resolution to accept road(s) in Luxor Subdivision into the State Secondary System of Highways. *(Rivanna Magisterial District)*

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

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 2nd day of December, 2015, adopted the following resolution:

R E S O L U T I O N

WHEREAS, the street(s) in **Luxor Subdivision,** as described on the attached Additions Form AM-4.3 dated **December 2, 2015**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Luxor Subdivision,** as described on the attached Additions Form AM-4.3 dated **December 2, 2015**, to the secondary system of state highways, pursuant to §33.2-705, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

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The road(s) described on Additions Form AM-4.3 is:

1) **Rolkin Road (State Route 1779)** from Route 250 (Richmond Road) north to Route 1770 (Olympia Drive), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3530, page 111, for a length of 0.54 miles.

2) **Verona Drive (Extended) (State Route 1771)** from Route 1773 (Treviso Lane, southwest to Route 1779 (Rolkin Road), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3520, pages 644-660, for a length of 0.22 miles.

Total Mileage – 0.76

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Item No. 8.5. Resolution of Intent to amend Drive-Through Window Regulations.

The Executive Summary forwarded to the Board states that the County requires a special use permit for drive-through windows in the commercial districts. The Planning Commission and Board of Supervisors have expressed interest in developing performance standards that would permit drive-through windows as a by-right use in commercial districts.

Currently the Zoning Ordinance has limited design standards for drive-through windows. During the review of a recent application for multiple drive-through windows at a shopping center currently under development, staff developed performance standards, which the Board imposed as conditions of approval. This approach provides flexibility for the shopping center developers in attracting new businesses that use drive-through windows and flexibility to relocate or replace businesses in the future while preserving safe pedestrian and vehicular traffic flow and addressing potential conflicts with other uses, particularly nearby residential uses and protecting the visual quality of entrance corridors. This performance standard approach will allow for easier application of the Zoning Ordinance by developers and improve the quality of urban development.

In the last three years approximately 8% of all special use permit applications have been for drive-through windows. The fee received for these applications covers approximately 10% of the actual review cost. Applying administrative standards for drive-through applications is a significantly less resource intensive process. Amending the ordinance to allow for administrative review of drive-through windows will have a positive budget impact.

Staff recommends adoption of the attached resolution of intent.

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

RESOLUTION OF INTENT

WHEREAS, drive through windows are currently authorized by special use permit in various commercial districts under the Albemarle County Zoning Ordinance; and

WHEREAS, applications for special use permits for drive through windows, for the most part, do not raise concerns about their potential adverse impacts from abutting landowners and other members of the public, and the conditions imposed in conjunction with such special use permits are now relatively standard; and

WHEREAS, staff researched best practices for drive through windows in conjunction with a recent application for such a special use permit and the conclusions from that research resulted in revised conditions that could serve as performance standards for drive through windows; and

WHEREAS, in order to improve efficiency in the development process while ensuring that any potential adverse impacts from drive through windows are addressed through performance standards, it may be desirable to amend the Albemarle County Code § 18-5 to establish performance standards for drive through windows and to amend the district to allow drive through windows by right, rather than by special use permit, subject to the proposed performance standards.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending Albemarle County Code §§ 18-5, 18-20, 18-20A, 18-20B, 18-22, 18-23, 18-24, and any other sections of the Zoning Ordinance deemed to be appropriate to achieve the purposes described herein; and

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

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Item No. 8.6. Fiscal Year 2016 County of Albemarle and State Health Department Local Government Agreement.

The Executive Summary forwarded to the Board states that Virginia Code § 32.1-31 allows local governing bodies to enter into contracts with the State Board of Health for the operation of local health departments. It also requires that these contracts specify the services to be provided in addition to those required by law and contain such other provisions as the State Board and the governing body may agree on. The County's contract specifies both the scope and costs for the services to be provided locally.

The Thomas Jefferson Health District (TJHD), in cooperation with the Virginia Department of Health, is the primary provider of public health services and programs for Albemarle County and surrounding localities. TJHD offers specific health programs targeted at preventing and controlling infectious diseases as well as initiatives aimed at improving the health of low income women, children and infants. In addition, the Health District provides an inspection and monitoring program to ensure the safety of food and private well/septic systems. These services are funded cooperatively by the State, County and other neighboring jurisdictions. Non-local funding for these TJHD programs is provided by the Commonwealth of Virginia, grants and income from local fees charged to individual clients. The localities served by TJHD provide matching local funds for the allocations made by the State and allocate resources for Local-Only Programs such as food safety. The Virginia Department of Health requires that local governments enter into agreements stipulating the scope of health services to be provided by the TJHD to citizens in their respective jurisdictions. The FY16 agreement (Attachment A) has been reviewed and approved as to form by the County Attorney's Office. Attachment B is an attachment to the Agreement, and sets forth services to be provided by the TJHD.

Pursuant to the funding formula set by the Joint Legislative Audit and Review Commission and based on the State's FY16 contribution of $827,005 to the TJHD, the County's required match for Cooperative State and Local Matched Programs in FY16 is $676,640, and the required contribution for the Local-Only (Unmatched) food inspection program is $838, for a total of $677,478. The Health Department had a FY15 year-end savings in the amount of $36,650, of which $838 will offset the County's required contribution for the Local-Only food inspection program, and the remaining $35,812 will offset the County's required contribution of $676,640 for Cooperative State and Local Matched Programs, reducing the required County FY16 contribution for those Programs to $640,828 and the required County contribution for the Local-Only food inspection program to zero, for a total of $640,828. The County has appropriated $640,828 in FY16 for the TJHD.

Based on the vital nature of the services provided by the TJHD, staff recommends that the Board adopt the attached Resolution (Attachment C) to approve the FY 16 County of Albemarle and State Health Department Local Government Agreement (Attachment A) and to authorize the County Executive to execute that Agreement.

By the above-recorded vote, the Board adopted the following Resolution to approve the FY 16 County of Albemarle and State Health Department Local Government Agreement and authorized the County Executive to execute that Agreement:

**RESOLUTION TO APPROVE THE FY16 AGREEMENT
BETWEEN THE COUNTY OF ALBEMARLE AND
THE COMMONWEALTH OF VIRGINIA DEPARTMENT OF HEALTH**

WHEREAS, the Board finds it is in the best interest of the County to enter into an Agreement with the Commonwealth of Virginia Department of Health for the operation of the local Thomas Jefferson Health District Health Department.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to Virginia Code § 32.1-31, the Board of Supervisors of Albemarle County, Virginia hereby approves the FY 16 Agreement between the County of Albemarle and the Commonwealth of Virginia Department of Health and authorizes the County Executive to execute it on behalf of the County in a form approved by the County Attorney.

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**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH**

STATEMENT OF AGREEMENT WITH the Board of Supervisors of Albemarle County

Under this agreement, which is created in satisfaction of the requirements of § 32.1-31 of the ***Code of Virginia*** (1950), as amended, the Virginia Department of Health, over the course of one fiscal year, will pay an amount not to exceed $827,005, from the state general fund to support the cooperative budget in accordance with appropriations by the General Assembly, and in like time frame, the **Board of Supervisors of Albemarle County** will provide by appropriation and in equal quarterly payments a sum of $640,828 local matching funds and $0 one-hundred percent local funds for a total of $640,828 local funds. These joint funds will be distributed in timely installments, as services are rendered in the operation of the **Albemarle County** Health Department, which shall perform public health services to the Commonwealth as indicated in Attachment A(1.), and will perform services required by local ordinances as indicated in Attachment A(2.). Payments from the local government are due on the third Monday of each fiscal quarter.

The term of this agreement begins July 1, 2015. This agreement will be automatically extended on a state fiscal year to year renewal basis under the terms and conditions of the original agreement unless written notice of termination is provided by either party. Such written notice shall be given at least 60 days prior to the beginning of the fiscal year in which the termination is to be effective. Any increase or decrease in funding allocation shall be made by an amendment to this agreement.
The parties agree that:

1. Under this agreement, as set forth in paragraphs A, B, C, and D below, the Commonwealth of Virginia and the Virginia Department of Health shall be responsible for providing liability insurance coverage and will provide legal defense for state employees of the local health department for acts or occurrences arising from performance of activities conducted pursuant to state statutes and regulations.

   A. The responsibility of the Commonwealth and the Virginia Department of Health to provide liability insurance coverage shall be limited to and governed by the Self-Insured General Liability Plan for the Commonwealth of Virginia, established under § 2.2-1837 of the Code of Virginia. Such insurance coverage shall extend to the services specified in Attachments A(1.) and A(2.), unless the locality has opted to provide coverage for the employee under the Public Officials Liability Self-Insurance Plan, established under § 2.2-1839 of the Code or under a policy procured by the locality.

   B. The Commonwealth and the Virginia Department of Health will be responsible for providing legal defense for those acts or occurrences arising from the performance of those services listed in Attachment A(1.), conducted in the performance of this contract, as provided for under the Code of Virginia and as provided for under the terms and conditions of the Self-Insured General Liability Plan for the Commonwealth of Virginia.

   C. Services listed in Attachment A(2.), any services performed pursuant to a local ordinance, and any services authorized solely by Title 15.2 of the Code of Virginia, when performed by a state employee, are herewith expressly excepted from any requirements of legal defense or representation by the Attorney General or the Commonwealth. For purposes of assuring the eligibility of a state employee performing such services for liability coverage under the Self-Insured General Liability Plan of the Commonwealth of Virginia, the Attorney General has approved, pursuant to □ 2.2-507 of the Code of Virginia and the Self-Insured General Liability Plan of the Commonwealth of Virginia, the legal representation of said employee by the city or county attorney, and the **Board of Supervisor of Albemarle County** hereby expressly agrees to provide the legal defense or representation at its sole expense in such cases by its local attorney.

   D. In no event shall the Commonwealth or the Virginia Department of Health be responsible for providing legal defense or insurance coverage for local government employees.

2. Title to equipment purchased with funds appropriated by the local government and transferred to the state, either as match for state dollars or as a purchase under appropriated funds expressly allocated to support the activities of the local health department, will be retained by the Commonwealth and will be entered into the Virginia Fixed Asset Accounting and Control System. Local appropriations for equipment to be locally owned and controlled should not be remitted to the Commonwealth, and the local government's procurement procedures shall apply in the purchase. The locality assumes the responsibility to maintain the equipment and all records thereon.

3. Amendments to or modifications of this contract must be agreed to in writing and signed by both parties.

Marissa J. Levine, MD MPH State Health Commissioner Virginia Department of Health	Local authorizing officer signature
	Authorizing officer printed name
	Authorizing officer title
Date	Date

Item No. 8.7. Copy of letter dated October 27, 2015, to Peter O'Brien, from Mr. Francis H. MacCall, Principal Planner, ***re: LOD-2015-00014 – OFFICIAL DETERMINATION OF PARCEL OF RECORD & DEVELOPMENT RIGHTS – Parcel ID 13000-00-00-00800 (property of J Gilbert & Dolores T. Somers) (Scottsville Magisterial District), was received for information.***

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Item No. 8.8. County Grant Application/Award Report, ***was received for information.***

The Executive Summary forwarded to the Board states that pursuant to the County's Grant Policy and associated procedures, staff provides periodic reports to the Board on the County's application for and use of grants.

The attached Grants Report provides a brief description of one grant application and two grant awards received during the time period of October 16, 2015 through November 13, 2015. This report also includes a comprehensive look at potential Five Year Financial Plan implications if projects and/or programs that are supported by grants are continued with local funding after the grants end. As grant funding ends, recommendations will be included in the County Executive's proposed annual budgets for the Board's consideration as to whether local funding should be used to continue those projects and programs. No County funds will be used to fund the continuation of those projects and programs without Board approval.

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

GRANT REPORT ACTIVITY – October 16, 2015 through November 13, 2015

Applications were made for the following grants:

Granting Entity	Grant	Type	Amount Requested	Match Required	Match Source	Department	Purpose
Department of Justice	Training Grant	Federal	$9,404	$495	Grants Leveraging Fund	Police	This grant will be used to provide training to Police supervisors on the problem oriented policing model to improve understanding and practices.

Awards were received for the following grants:

Granting Entity	Grant	Type	Amount Awarded	Match Required	Match Source	Department	Purpose
Virginia Department of Emergency Management	FY 14 Supplemental Local Emergency Management Program	State	$10,000	$10,000	Grants Leveraging Fund	Fire Rescue	This grant will be used to provide funds for the development of a hazard specific pre-incident response plan, drills and exercises that include the first responders and rail carriers of crude oil.
National Fish and Wildlife Foundation	2015 Chesapeake Bay Stewardship Fund - Innovative Nutrient and Sediment Reduction Grant	State	$191,000	$191,000	Water Resources	General Services	This grant will be used to provide funds for analysis and initial prioritization, owner outreach, field reconnaissance, final prioritization and pollutant accounting, and conceptual plan development for Total Maximum Daily Load (TMDL) Retrofits.

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Item No. 8.9. Board of Equalization Annual Report, ***was received for information.***

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Item No. 8.10. Local Board of Building Code Appeals Annual Report, ***was received for information.***

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Agenda Item No. 8.a. FY 2016 Appropriations.

The Executive Summary forwarded to the Board states that Virginia Code § 15.2-2507 provides that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget; provided, however, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The Code section applies to all County funds, i.e., General Fund, Capital Funds, E911, School Self-Sustaining, etc. The total increase to the FY 16 budget due to the appropriation itemized below is $521,530.83. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

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

- One (1) appropriation (#2016041) to appropriate $57,520.00 from the Reserve for Contingencies to JAUNT for a new Hollymead route. This appropriation will not increase the County Budget;
- One (1) appropriation (#2016042) to re-appropriate $43,408.87 in remaining FY15 grant funding to pay the University of Virginia for services it provided in FY15 that were related to the grant;
- One (1) appropriation (#2016044) to appropriate $10,000.00 in grant funds from the Virginia Department of Emergency Management and $10,000 from the Grants Leveraging Fund to Fire Rescue. The Grants Leveraging Fund portion of this appropriation will not increase the County budget;

- One (1) appropriation (#2016045) to appropriate $191,000.00 in grant funds from the National Fish and Wildlife Federation to the Water Resources fund;
- One (1) appropriation (#2016046) to appropriate $258,714.17 to the School Division;
- One (1) appropriation (#2016047) to appropriate $18,470.79 in grant funds from the Virginia Department of Environmental Quality to the Department of General Services; and
- One (1) appropriation (#2016048) to appropriate $7,000.00 from the Reserve for Contingencies to the Juvenile and Domestic Relations Court for furniture. This appropriation will not increase the County Budget.

One additional appropriation (#2016049) will be considered separately today as part of the Board's agenda item "Economic Development Work Plan and Strategic Plan."

Staff recommends that the Board adopt the attached Resolution (Attachment B) to approve appropriations #2016041, #2016042, #2016044, #2015045, #2016046, #2016047, and #2016048 for local government and school division projects and programs as described in Attachment A.

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Appropriation #2016041 $0.00

This appropriation will not increase the total County budget.

Source:	Reserve for Contingencies	$ 57,520.00

This request is to appropriate $57,520.00 from the Reserve for Contingencies to JAUNT to establish a new proposed Hollymead bus route pursuant to the Board of Supervisors' direction at its November 4, 2015 meeting. If appropriations #2016041 and #2016048 (see below) are approved, the FY 16 Reserve for Contingencies balance will be $130,603.00, of which $50,000 has been reserved for a potential FY 16 primary election.

Appropriation #2016042 $43,408.87

Source:	State Revenue	$ 43,408.87

This request is to re-appropriate $43,408.87 in grant fund balance remaining at the end of FY 15 to pay the University of Virginia for services it provided in FY15 that were related to this grant and invoiced after FY 15 ended. The County had received these funds to pay for this obligation from the U.S. Substance Abuse and Mental Health Services Administration's Center for Substance Abuse Prevention through the Virginia Commonwealth University in FY 15.

Appropriation #2016044 $10,000.00

Source:	State Revenue	$ 10,000.00
	Grant Leveraging fund*	$ 10,000.00

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

This request is to appropriate $10,000.00 in grant funds from the Virginia Department of Emergency Management to the Fire Rescue Department with a local match of $10,000, for a total grant project amount of $20,000.00. This grant will be used for the development of a hazard specific pre-incident response plan along with drills and exercises that include first responders and rail carriers of crude oil.

Appropriation #2016045 $191,000.00

Source:	State Revenue	$ 191,000.00

This request is to appropriate $191,000.00 in grant funds from the National Fish and Wildlife Federation to the Water Resources fund. This grant will be used for analysis and initial prioritization, owner outreach, field reconnaissance, final prioritization and pollutant accounting, and conceptual plan development for Total Maximum Daily Load (TMDL) Retrofits.

Appropriation #2016046 $258,714.17

Source:	Donations & Tuition	$ 82,055.00
	Federal Grant Revenue	$ 160,223.41
	Community Public Charter School Fund Balance	$ 16,435.76

This request is to appropriate the following School Division's appropriation requests approved by the School Board on November 5, 2015:

- This request is to appropriate $56,435.76 to the Community Public Charter School. The mission of the Community Public Charter School is to provide an alternative and innovative learning environment, using the arts, to help children in grades six through eight learn in ways that match their learning styles; developing the whole child intellectually, emotionally, physically and socially. This request includes $40,000.00 in donations from anonymous donors and $16,435.76 in fund balance remaining at the end of FY 15.
- This request is to appropriate $42,055.00 in donations and tuition for the Club Yancey Program.
- This request is to appropriate $160,223.41 in 21st Century Community Learning Center federal grant funding.

These funds will be used to expand student participation in the Club Yancey Program, which provides afterschool academic and fitness enrichment programs for students.

Appropriation #2016047 $18,470.79

Source:	State Revenue	$ 18,470.79

This request is to appropriate $18,470.79 in grant funding from the Virginia Department of Environmental Quality to the Department of General Services. This grant supported the staffing effort required to collect, organize, and deliver data related to stormwater management facilities.

Appropriation #2016048 $0.00

This appropriation will not increase the total County budget.

Source:	Reserve for Contingencies	$ 7,000.00

This request is to appropriate $7,000.00 from the Reserve for Contingencies to the Juvenile and Domestic Relations (J&DR) Court to purchase furniture. The recent J&DR Court renovation included an unfurnished office for a fourth judge. A fourth judge is now assigned to the district and the office needs furniture. This cost is shared with the City of Charlottesville. After appropriations #2016041 and #2016048, the FY 16 Reserve for Contingencies balance will be $130,603.00, of which $50,000 has been reserved for a potential FY 16 primary election.

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Mr. Davis reported that he had prepared two resolutions for the Board's consideration, to separate out a matter for which Mr. Sheffield has a conflict and Mr. Boyd may want to vote against. He stated that the first resolution dealt with all of the appropriations except for 2016-041, and suggested that they act on that first since it was on the Consent Agenda.

Motion was offered by Ms. McKeel to adopt the proposed Resolution to approve appropriations #2016042, #2016044, #2015045, #2016046, #2016047, and #2016048 for local government and school division projects and programs. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

RESOLUTION TO APPROVE
ADDITIONAL FY 16 APPROPRIATIONS

BE IT RESOLVED by the Albemarle County Board of Supervisors:

1) That Appropriations #2016042, #2016044, #2016045, #2016046, #2016047, and #2016048 are approved; and

2) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2016.

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(Note: Mr. Sheffield then read the following Transactional Disclosure Statement: "I am employed as Executive Director of JAUNT, a regional public transportation provider owned by the City of Charlottesville and the counties of Albemarle, Fluvanna, Louisa, Nelson, Buckingham, and Amherst located at 104 Keystone Place, Charlottesville, Virginia 22902, and have a personal interest in JAUNT because I receive an annual salary from JAUNT that exceeds $5,000 annually." He stated that he is disqualifying himself from participating in the next transaction because JAUNT is the subject of the agenda item and could realize a reasonably foreseeable direct or indirect benefit or detriment as a result of any decision related to JAUNT. He then left the room at 1:40 p.m.)

Ms. McKeel stated that because they had discussed this at their last meeting, she had asked Mr. Gerald Gatobu to prepare some information for the Board. She stated there were some questions as to the proposal from Charlottesville Area Transit (CAT), and Karen Davis from JAUNT is also present at the meeting to answer questions. Ms. McKeel said that Mr. Gatobu also has information related to "Big Blue" and its history, an issue that had been raised by Mr. Boyd.

Mr. Gerald Gatobu, Transportation Planner, addressed the Board, referencing a letter that he had distributed from John Jones of CAT detailing their costs for providing service to Hollymead Town Center. He stated there are several different aspects to it, with one, two or three buses, and itemized cost information for each. Mr. Gatobu said he had previously distributed information to the Board in a memo about Big Blue, and he had been able to assemble information for a 10-year projection of service from JAUNT. He stated that with federal and state subsidies, the cost to JAUNT would be at least $162,000, for operations in FY18, and if it needs to be started in January 2016 those costs will rise to $360,000.

Ms. McKeel commented that because CAT and their costs have come up in this discussion, it is important to note these comparative costs in the record as they are considerably less with JAUNT.

Mr. Boyd stated he had not seen these numbers before, but it seems they are comparing apples and oranges, as the CAT service will run one bus per hour, 6:30-11:30 six days a week at a cost of $162,600, and the JAUNT proposal is just one bus in the morning and one in the afternoon, which is not a true comparison of what the costs will be. Mr. Gatobu responded it is two busses in the morning and afternoon, and said that both CAT and JAUNT have provided what they can provide at these costs, and what the County needs to determine is what it can fund as an appropriation.

Ms. McKeel commented that they are different types of systems, so this information reflects what CAT can do versus what JAUNT can do.

Mr. Boyd said he understands that, and stated that the JAUNT budget online shows a considerable amount of money in the second and third year, much more than a 3% increase.

Mr. Gatobu stated that Ms. Karen Davis of JAUNT can clarify those details, and said that staff has met with Wendell Wood to go over that.

Ms. Karen Davis, Assistant Executive Director of JAUNT, addressed the Board and said the projections provided to the Board for this route are as presented, and said she is not sure which online reference Mr. Boyd is talking about.

Mr. Boyd stated he was looking at the JAUNT budget and their five-year projections as to what their cost will be, as it specifically mentions this particular route. Ms. Davis responded they are only looking at a 3% increase over time, and she did not realize they would be looking at the entire budget going forward.

Mr. Boyd stated this is a line item in the budget, and identified itself as the new Route 29 commuter route. Ms. Davis said they are looking at the 3% increases over time, factoring in the demand remaining level.

Mr. Boyd asked if she would be willing to commit to the 3% increase per year, and asked if that would be done contractually with the County so those costs would not escalate. Ms. Davis responded that JAUNT is already providing transportation to Albemarle County so there is no contract per se, and this exercise is just attempting to provide a proposal based on current needs and circumstances. She stated that JAUNT and CAT offer different services, with CAT looking at fixed route, comprehensive traditional bus service, and JAUNT looking at providing a commuter route within the service area.

Mr. Boyd stated it is difficult for him to grasp this because typically the Board just appropriates money for JAUNT every year, with considerable increases some years in what they request. He said that to his knowledge, this request has come from one household that is not even in the Hollymead area, and he does not understand how the County can go to this kind of expense to accommodate one household for their work transportation. Mr. Boyd stated he realizes that JAUNT had done a survey in which they had received 25 responses and perhaps that is where the fare income projection comes from, assuming those riders would take it every day, but he is at a loss as to this particular use of proffer money. Ms. Davis said the question to the Board is whether they feel it is valuable to have some kind of commuter route for 29.

Ms. Palmer commented that a lot of times initiatives originate with one individual initially, and then the County looks into it, does surveys, discusses it with people, and then makes a decision, so this is not based on one letter to the Board.

Mr. Boyd said there are two individuals in one household who have provided a letter, which was in the original proposal.

Ms. Mallek stated this has been in the proffers since 2004 and bus routes to the airport and northern Albemarle have been discussed since 1985, perhaps earlier. She said that now they are getting to a point of having connector streets to make it possible to get to locations more easily, so they are evolving along with it.

Mr. Boyd asked if the County would make up the difference of any fares not collected. Ms. Davis responded they can raise fares and try to fill the busses, but it is difficult to predict the future and they will try their best to provide a robust commuter service on 29 North.

Ms. Mallek added that in each of JAUNT's jurisdictions, they decide how much they will support transit, and JAUNT adjusts their routes accordingly. She said she does not perceive this will be different going forward. Ms. Davis stated she can certainly come back before them for a more thorough discussion.

Mr. Boyd said he would like to know the discrepancy between what the JAUNT website says in terms of their five-year projections and the numbers provided for the Board, and he does not know if the decision can be postponed, but it would help to know what the discrepancy is.

Ms. Mallek said that budgets are long and complicated, and making a decision without any information in front of them does not seem prudent.

Mr. Boyd stated they are talking about is delaying it until they can get that.

Ms. McKeel commented they have the details today to make a decision and could have asked questions of Ms. Davis before this meeting, but that does not have a reference to what their decision is today.

Ms. Dittmar asked for clarification that they anticipated and built into their budget just a 3% increase per year. Ms. Davis responded this information is provided in the information given to the Board, and they broke out the commuter route because it is something being discussed, and whatever numbers contained are the numbers they are working on here.

Mr. Boyd asked Mr. Wendell Wood if he had brought the printouts that could verify those amounts.

Ms. Mallek said there is background information in the Board's staff report, which includes a box showing their five-year projections, the projected increases in fares and health insurance costs, and a fuel disclaimer, which has always been addressed in previous budget years, based upon JAUNT's experience.

Mr. Boyd asked that the information be given to Ms. Davis.

Ms. McKeel reiterated that it would have been helpful if Mr. Boyd had contacted Ms. Davis prior to this meeting.

Ms. Dittmar asked Mr. Davis to comment on the proffer itself, and whether it can be applied this way, in his legal opinion. Mr. Davis responded the proffer stipulates that proffer funds will be made available within 30 days after the request by the County once there is public transportation service provided to the project. He stated there is a transit stop provided for in the master plan for this Community Development A-1, and this proposal would provide public transportation service to this site, so the proffer is a legal obligation that the developer has under the zoning application. Mr. Davis said that the proffer previously referenced was first made in 2007, and was renewed in 2012 when the proffers were amended. He stated that in staff's opinion, the proffers are reasonable and connected to the impacts proposed by the development, and are legally enforceable. Mr. Davis mentioned that the owner did have the right to petition the Board through a zoning map amendment to amend the proffer, but that would be subject to the Board's approval and there is no requirement for the Board to let them out of that proffer.

Ms. Davis stated that the TDP was developed in June 2011 and is a document that helps them plan, but is also a document that they deem should be updated. She said they are working on a five-year plan now, and this was discussed at JAUNT board meetings as well in terms of not being as current as it needs to be. Ms. Davis stated the budget numbers in the planning document are not the same as those provided in the information given to Albemarle County, and the information is presented on the JAUNT website.

Mr. Boyd said they could be comfortable that this is a one-year cost, and basically it is renewed every year, with the previous JAUNT Executive Director coming before them to ask for considerable increases in order to maintain existing service. He added that once they establish a particular route it is difficult to give that up, as was the case with Big Blue. Ms. Davis stated that JAUNT always comes before the Board and has a conversation, and it is a dynamic conversation as to whether Albemarle County would like to grow, maintain or reduce services, and the Board can decide to keep the commuter route with the 18-passenger buses or can decide to grow it.

Ms. McKeel said she is excited about the opportunity.

Motion was then offered by Ms. McKeel to adopt the proposed Resolution to approve appropriation #2016041. Ms. Mallek **seconded** the motion.

Ms. Dittmar stated that one thing she had taken from their last discussion of this item was that the sunset window for this proffer was 10 years, and asked if the Board feels this is the right time to start the clock.

Ms. McKeel and Ms. Mallek responded they feel it is the right time.

Mr. Boyd said he is opposed to the use of this proffer because it is the first time in his recollection that they have implemented a proffer prior to completion of a project or occupancy permits were issued.

Ms. Dittmar noted that proffers are enacted whenever they are needed, during the course of a project.

Ms. Mallek stated that the stores are there and operating.

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

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

**RESOLUTION TO APPROVE
ADDITIONAL FY 16 APPROPRIATION**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

1) That Appropriation #2016041 is approved; and

2) That the appropriation referenced in Paragraph #1, above, is subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2016.

**COUNTY OF ALBEMARLE
APPROPRIATION SUMMARY**

APP#	ACCOUNT	AMOUNT	DESCRIPTION
2016041	4-1000-59000-459000-563300-1005	57520.00	SA2016041 JAUNT - Hollymead Bus Route
2016041	4-1000-99900-499000-999990-9999	-57520.00	SA2016041 Reserve for Contingencies
2016042	3-1591-33000-333000-330001-1005	43408.87	SA2016042 State Revenue
2016042	4-1591-53163-454101-312210-1005	43408.87	SA2016042 Contract Services
2016044	3-1575-24000-324000-240548-9999	10000	SA2016044 State Revenue
2016044	3-1575-31010-431013-210000-1003	10000	SA2016044 Transfer From - Grant Leveraging Fund
2016044	4-1000-99900-499000-999974-9999	-10000	SA2016044 Grants leveraging fund
2016044	4-1000-93010-493010-930200-9999	10000	SA2016044 transfer to new fund
2016044	4-1575-32015-432010-312000-1003	20000	SA2016044 Development for Bakken Crude Oil Emergency Response Plan
2016045	3-1000-51000-351000-512050-9999	-32000	SA2016045 NFWF grant for operating
2016045	3-1000-24000-324000-330034-1004	32000	SA2016045 NFWF grant for operating water resources revenue
2016045	3-9100-24000-324000-330034-9999	159000	SA2016045 NFWF grant for capital
2016045	4-9100-82046-482040-800975-9999	159000	SA2016045 NFWF grant for capital
2016045	3-1650-51000-351000-510100-9999	-32000	SA2016045NFWF grant for operating
2016045	4-1650-93010-493010-930009-9999	-32000	SA2016045 Operating
2016047	3-1000-24000-324000-240052-1008	18470.79	SA2016047 State Revenue
2016047	4-1000-43205-482040-130000-1004	18470.79	SA2016047 Water Resources
2016048	4-1000-99900-499000-999990-9999	-7000	SA2016048 JDR Court furniture - 4th judge
2016048	4-1000-21050-421050-700004-1002	7000	SA2016048 Furniture for 4th judge
2016049	4-1000-99900-499000-999990-9999	-25000	SA2016049 Economic Development Work Plan
2016049	4-1000-81050-481050-312210-1008	5000	SA2016049 Economic Development Work Plan
2016049	4-1000-81050-481050-310000-1008	20000	SA2016049 Economic Development Work Plan
2016046	3-3219-63219-333000-384287-6599	160223.41	SA2016046 Revenue
2016046	4-3219-63219-460000-111400-6113	22880	SA2016046 Salaries - Other Management
2016046	4-3219-63219-460000-119400-6113	79418.41	SA2016046 Salaries - Teacher
2016046	4-3219-63219-460000-119402-6113	8000	SA2016046 Salaries - Site Facilitator
2016046	4-3219-63219-460000-210000-6113	8439	SA2016046 FICA
2016046	4-3219-63219-460000-221000-6113	3500	SA2016046 VRS
2016046	4-3219-63219-460000-231000-6113	15000	SA2016046 Health
2016046	4-3219-63219-460000-232000-6113	600	SA2016046 Dental
2016046	4-3219-63219-460000-241000-6113	500	SA2016046 VRS Group Life
2016046	4-3219-63219-460000-312500-6113	2000	SA2016046 Prof Services-Instructional
2016046	4-3219-63219-460000-420100-6113	8000.00	SA2016046 Field Trips
2016046	4-3219-63219-460000-520100-6113	175.00	SA2016046 Postage Services
2016046	4-3219-63219-460000-550100-6113	500.00	SA2016046 Travel-Mileage
2016046	4-3219-63219-460000-580500-6113	600.00	SA2016046 Staff Development
2016046	4-3219-63219-460000-600100-6113	400.00	SA2016046 Office Supplies
2016046	4-3219-63219-460000-601300-6113	10211.00	SA2016046 Ed & Rec Supplies
2016046	3-3157-63157-318000-181254-6599	42055.00	SA2016046 Donations & Tuition
2016046	4-3157-63157-460000-111400-6113	26000.00	SA2016046 Salaries - Other Management
2016046	4-3157-63157-460000-210000-6113	1989.00	SA2016046 FICA
2016046	4-3157-63157-460000-221000-6113	4000.00	SA2016046 VRS
2016046	4-3157-63157-460000-231000-6113	4000.00	SA2016046 Health
2016046	4-3157-63157-460000-232000-6113	100.00	SA2016046 Dental
2016046	4-3157-63157-460000-241000-6113	400.00	SA2016046 VRS Group Life
2016046	4-3157-63157-460000-312500-6113	5566.00	SA2016046 Prof Services-Instructional
2016046	3-3380-63380-318100-181080-6599	40000.00	SA2016046 Donations
2016046	3-3380-63380-351000-510100-6599	16435.76	SA2016046 Use of Fund Balance
2016046	4-3380-63380-461101-132100-6280	45000.00	SA2016046 PT/Wages-Teacher
2016046	4-3380-63380-461101-152100-6280	1500.00	SA2016046 Sub/Wages-Teacher
2016046	4-3380-63380-461101-154100-6280	1000.00	SA2016046 Sub/Wages-Teacher Aide
2016046	4-3380-63380-461101-210000-6280	3633.75	SA2016046 FICA
2016046	4-3380-63380-461101-580500-6280	3000.00	SA2016046 Staff Development
2016046	4-3380-63380-461101-601300-6280	2302.01	SA2016046 Ed & Rec Supplies
TOTAL		**935,187.66**	

(Note: Mr. Sheffield returned to the meeting at 2:03 p.m.)

Agenda Item No. 9. Emerson Commons, private central sewer system *(White Hall Magisterial District)*.

The Executive Summary, as presented by staff, states that as required by Section 16-102 of the County Code, the property owner has notified the Clerk of the Board of Supervisors of an intent to construct a central sewerage system to serve their proposed development. Sections 16-104 and 16-105 of the County Code require the Board to consider this proposal and either approve or deny this request. Emerson Commons is a proposed 27 unit residential development on Parkview Drive in Crozet (tax map

56 parcel 67A). It is in the development and jurisdictional areas of the comprehensive plan. A rezoning was approved by the Board in 2007 under the name Blue Ridge Cohousing, and a site plan application has been made. The application was submitted in 2014 under the name Sheeflee Cohousing. Final approvals depend on demonstration of an adequate sewerage system for the development.

This proposal is for a private pump station and sewer line, needed to connect to the public sewer, which is located on an adjacent, higher parcel. This request is for a central sewerage system under County Code § 16-102. While the property is in the County's Jurisdictional Area for public water and sewer, the Albemarle County Service Authority (ACSA) has determined that there is no cost effective means of providing public sewer service to this property and does not envision that a public pump station in this location could ever serve a large enough area to justify the ongoing maintenance cost. Therefore, public sewer service is not available to the property. Alternatives considered for providing sewer service for the proposed development include: 1) provide 27 private individual pumps and lateral connections to the off-site public sewer. It appears this could be done "by-right", but is considered to have a high failure potential by both staff and the applicant's consultant; 2) provide a private onsite sewage treatment system. This is considered a better alternative but still has a higher probability of failure; or 3) install a common pump station, collecting all the sewage from the 27 dwelling units, and conveying the sewage off-site in a single private off-site sewer line that would connect to the public sewer line as proposed by the property owner. This is considered to have the lowest likelihood of failure. The sewer plans have received a courtesy review by ACSA. Comments and recommendations by the County Engineer and the ACSA have been addressed by the applicant. Copies of two plan sheets (C4-01 and C4-02) are attached to illustrate the proposal, as well as a graphic showing the sewer system outlined on an area map.
Staff recommends that, if approved, the Board impose conditions requiring that: 1) the sewerage facility shall be constructed in accord with the Plan Sheets C4-01 and C4-02, (Attachment B), provided that the final plans shall be subject to approval by the County Engineer before starting construction of the system; 2) the sewerage facility shall be either bonded with the County or its construction shall be completed prior to issuance of any building permits for dwelling units to be served by this sewerage facility; 3) the operation and maintenance of the sewerage system shall be the responsibility of the Owner of tax map and parcel number 05600-00-00-067A0; and 4) if requested by the County Engineer, the Owner shall provide the County Engineer annual documentation of maintenance that demonstrates compliance with all State operation and maintenance requirements.

This is considered to require minimal staff time to verify that ongoing maintenance is being provided.

Staff recommends that the Board adopt the attached Resolution (Attachment D) approving the installation of a common pump station, subject to the conditions therein.

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Mr. Mark Graham, Director of Community Development, addressed the Board and stated he is filling in for Glenn Brooks, who has put a lot of hard work into getting this ready. Mr. Graham thanked the property owner and Jo Higgins for their patience in this long and complex process. He reported this is a request for a resolution to approve a private central sewer system for Emerson Commons, which is considered under Section 16.102 of the County Code. Mr. Graham stated the property is located along Route 240 in Crozet, and noted the adjoining properties, the Crozet Veterinary Clinic and Crozet Storage Center. He said he has highlighted the pump station and the force main, which is the pressurized line that will carry the sewage up to the public sewer. Mr. Graham stated he has provided a picture of a typical small setup for one of these facilities, noting that there will be a backup generator above ground, which is usually a very small area, and he explained that the pipe is under pressure until it reaches the public sewer line, which is all underground.

Ms. Palmer asked how many pumps there are. Mr. Graham responded there are two, one being used, and a backup.

Ms. Mallek asked what the dimension is of the pipe that appears to be about one inch. Mr. Graham responded the pipe is about three inches, but you want it to be as small as possible to reduce the hydraulic retention time, as methane gas can form if sewage stays in the pipe for too long.

Mr. Graham reported that Emerson Commons is located in the jurisdictional area, and the Albemarle County Service Authority cannot identify a cost-effective way of providing a public sewer. He noted the issue was questioned at the time of the rezoning, and it was noted that it was not clear if a gravity sewer would be possible and a private pump station and force main might be needed. Mr. Graham stated that staff has considered several options and realized that all of them had risks and benefits, and he would review them to give the Board an idea as to how staff has evaluated them. He said that staff is agreeing with the requested option as it was described in the rezoning.

Mr. Graham stated that staff has spent a lot of time working with the applicant and service authority to try to make the public sewer option work, which was by far the preferred option, but they were not able to identify a viable option. He said the second option considered was to install individual grinder pumps and laterals at each house to run up to the public sewer line, but with 27 units there could be 27 separate laterals, and staff feels this option is extremely prone to possible failures and should be avoided if there are other options. Mr. Graham stated there is a code provision in the zoning ordinance to allow use of separate septic fields under certain circumstances, and in this case the development would likely meet those requirements, but in looking at the approved zoning, which has an application plan for a planned residential development, staff could not identify a location that would accommodate the leach fields of a size necessary for this of development.

Mr. Graham said that staff then moved on to consideration of private central sewer systems, the first being alternative onsite septic systems for both individual private residences and combined, but these have a maintenance need that creates a higher failure rate than pumping to public sewer. He stated the next option considered is an onsite package treatment plant, which is a small sewage treatment plant similar to what operates at Moore's Creek, and it would discharge into the nearest channel or stream. Mr. Graham said that because of that, staff does not feel it is a viable option, and the DEQ has regulations prohibiting that discharge within a certain distance of a drinking water intake, noting that Beaver Creek Reservoir is immediately downstream from this property. He stated the last option considered is an onsite pump station and lateral, which is being proposed today and would connect to the public sewer, and staff considered that to have the best reliability, which made it the preferred option.

Mr. Graham stated that staff was concerned about ongoing operations and maintenance and wanted to first ensure that the facility is constructed to appropriate standard, and staff wants to note that the design has been reviewed by the service authority and staff, satisfying all of their concerns. He stated they wanted to ensure that it was constructed in advance of the need for the facility so that there are no potential homebuyers stuck with this, so there is a provision that addresses bonding or completion of the unit prior to building permits being in place. Mr. Graham said they also want to ensure there is proper maintenance and operation, and DEQ permits are in place to ensure that this is being done. He stated they also want to ensure that homebuyers are aware of their responsibility, with the proposed condominium bylaws demonstrating that. Mr. Graham noted that additional assurances could be possible, if necessary, but staff was satisfied with it as proposed.

Ms. McKeel asked for clarification as to what the homeowner's responsibility on maintenance would entail. Mr. Graham responded these facilities would require regular inspection per the permit conditions, and they will have to do ongoing maintenance on this facility, so enough funding needs to be in place to cover unanticipated expenses such as line breaks. He added this is typically expected for these systems.

Ms. Palmer said that at one point she had asked if this obligation went with the property owner, but he seems to be saying that it goes with the condominium. Mr. Graham clarified that these are condominiums, so it will be done through their homeowners association and this is typically addressed through their dues, with an analysis done each year at an annual meeting to assess their adequacy.

Ms. Palmer asked if there are stormwater management fees and other expenses that the homeowners association will be responsible for. Mr. Graham responded the stormwater was a primary concern during the rezoning, with a very high level of protection in recognition that this drains directly into Beaver Creek Reservoir.

Ms. McKeel asked if there will also be obligations for roads. Mr. Graham confirmed that there will be private roads, so they will be responsible for them.

Ms. Palmer said it would be helpful to understand the obligations of the condo association, because the higher the requirement is, the more concern she has about it not being met in the future, with the possibility of the County having to take it on. She noted the stormwater facilities management can be pretty expensive if it is not done regularly, and there was another situation in her district where it is not being done, with one individual having to take on that expense.

Ms. McKeel stated they have had situations in other areas where road responsibility and the neighborhood itself splitting off with arguments as to who will pay for what, and she shares Ms. Palmer's concerns.

Mr. Graham said those are all legitimate concerns, which is why staff has put the information forward as to the ongoing operation and maintenance, and he pointed out to the Board that they do have other options, such as private individual grinder pump and lateral. He stated it would have to be designed to a proper standard, but it will have no funding assurance, with each individual unit responsible for that.

Mr. Sheffield asked about the origin of the regulation that requires it to come to the Board, versus private individual pumps that does not. Mr. Graham explained that in looking at the state code, there was concern that property owners would see an opportunity to avoid connecting to public sewer systems in order to avoid the connection fees, while localities made significant investment in infrastructure that relied on those connections being made. He said in this case it meets the definition of central system since it is collected together, but is taken into the public sewer system once it is pumped up to the public line. Mr. Graham stated that staff is studying the individual systems currently, because there are other areas where the private grinder systems are connecting to public systems but are setting up homeowners for unexpected expenses in the future as they are not aware of the grinder pump and lateral.

Mr. Sheffield asked how much of that is already happening. Mr. Graham responded that up to now it has been fairly isolated, but staff has noted several developments in recent years that appear to indicate that it is becoming more frequent, and this may be because the easiest land to develop has already been developed, with the more marginal lands that are harder to serve with gravity sewer systems now being cut into.

Mr. Sheffield asked if there are any other central sewage systems serving multiple homes. Mr. Graham stated that Farmington had them in the past, but he is not sure if they still do given recent water and sewer upgrades in that development. He said there are a number of these on the water side, but on the sewage side it has been less of a problem up to now.

Ms. Palmer noted that there have been commercial ones, such as the one they just approved on Route 250 East.

Mr. Sheffield said his concern is who does the inspections and submits the documents. Mr. Graham responded they will have to hire a professional.

Mr. Sheffield asked what will happen when that is not done. Mr. Graham responded this is a legitimate question, and it is a requirement of their permit with DEQ, so they can get their permit revoked and not have a sewage system.

Mr. Davis said they have not seen these historically in the County because in the rural area this kind of density is discouraged, and in the development area the County wants all public water and sewer. He noted that state law requires localities to regulate and require approval for central systems, and in Albemarle this is a unique circumstance because the property is in the development and jurisdictional area, but ACSA regulations are such that they do not want to approve this type of a pump station. Mr. Davis stated the only alternative for the developer is to choose one of the options that Mr. Graham has outlined for the Board, and the staff determination is that this is the least environmentally risky option. He emphasized that the Board is not required to approve it, but if they do not then the developer can choose other by-right options that may be less desirable, and ultimately it will be the developer’s decision based on cost and other factors.

Ms. McKeel commented that there are homes all through the development area, particularly in the urban ring, which have septic systems and are not connected to public sewer because it is cost prohibitive.

Ms. Palmer noted that some of those systems are failed.

Ms. McKeel stated she would like to have a discussion about this topic in the future.

Ms. Palmer asked if the County can legally require the homeowners or condominium association to keep escrow of a particular amount. Mr. Davis responded that under the condominium laws they are already required to do that, and have already submitted their draft bylaws with this system addressed separately because it is a financial obligation of the condominium association. He stated that under their bylaws, they have a dues structure designed to cover the cost and provide a financial plan to cover the costs, as well as the ability to do special assessments if the amount is inadequate for any reason. Mr. Davis said this is a risky proposition as it is a small development facing a potentially large cost, and this is something that the condo association will have to deal with over time if their costs exceed their expectations.

Mr. Sheffield stated that his concerns are satisfied in terms of the County taking on this obligation down the road, because it is addressed in the condominium association’s covenants and DEQ is involved.

Ms. Mallek said there will only be that assurance if the enforcement bodies are willing to evict people from those houses, and this is a five-minute water run from the reservoir if this fails, which will bring enormous consequences. She stated that if it fails, the consequences are enormous, and she would like to know about the accountability if the community water supply is damaged. Ms. Mallek said she would like to see a stronger requirement for mandatory reporting and inspecting, not just if the engineer decides to request it, and said there should be a regular schedule of inspections and reporting because of its proximity to the reservoir. She stated she was present at the meeting when this co-housing was originally approved, and she did not recall the Board overriding recommendations about not doing this because of the challenge of providing sewer. Ms. Mallek emphasized that the layout applied for and approved was very different from this, with small bungalow-type residences and a collective place for laundry and eating, with a sewer line that was very direct and minimized concerns. She stated if there are 27 enormous houses, that will be a completely different water use and septic generation than what was originally approved, and she is disappointed that those are not different categories of land use. Ms. Mallek stated they have allowed for something to be magnified tremendously without making sure the impacts will not be met, and she proposes that the Board defer their decision until Mr. Davis has a chance to strengthen the requirements as much as he can in terms of reporting and the budgets, as an escrow of $5,000 will not even come close to covering line replacement. She added the water supply for 6,000 or 7,000 people is in jeopardy if something fails, and it often takes some time to find broken lines. Ms. Mallek stated she has seen the arguments in homeowners associations for small tasks such as paving parking lots, and if they are facing a $150,000 expense people are going to resist or may not be able to pay their share.

Mr. Foley stated this is a reality of some homeowners associations, and the County does not have people to go in and examine their records, so when they get to a point where things need to be replaced, they generally come to the County and ask them to take it over. He added there are a lot of associations that are supposed to have escrows, and this is definitely a challenge.

Ms. Mallek said that sometimes the developers lose their investment and walk away, and the responsibility then falls to the few homes that have been built.

Ms. Dittmar asked Mr. Graham to review the two by-right options and why they are not attractive.

Mr. Sheffield said it sounds like they need to move forward with a recommended option.

Ms. Mallek stated she is not suggesting otherwise but wants to make sure the County does not give up all possible requirements, and does not support the two riskier options, so they need to do everything they can because in the past these issues have come back to bite them.

Ms. Dittmar asked Mr. Davis if there are ways he needs to tighten this up. Mr. Davis responded the only suggestions he has discussed with staff includes a condition, drafted as condition #5, that would require notice to be given to each purchaser of the units as well as an annual notice as a reminder that they have this liability. He stated the purpose of that would be to preclude having occupants come to the Board later and say they were not aware of the obligation when they bought into the development, and noted it is also important in fairness to the occupants. Mr. Davis said that to address the documentation issue, condition #4 can be changed to remove the provision "if requested by the County Engineer," replacing it with "the owner shall provide the County Engineer annual documentation of maintenance that demonstrates compliance with all state operations and maintenance requirements. He stated the only other condition they have talked about is whether there will be some benefit in having the County post a bond for future maintenance costs on top of what is required by the condominium laws for escrow, but the County has not done that in the past because it can be very expensive, it can be redundant to what they are already doing, and it can be administratively difficult to do it in perpetuity. Mr. Davis said this is not being recommended by staff, although it can provide some comfort to homeowners, and as long as they are dealing with it responsibly, the existing conditions are probably adequate.

Ms. Palmer asked if there is any kind of insurance policy that can be required to ensure they have the money if they have a problem they cannot fix such as a major leak or repair. Mr. Davis responded he is not sure, but it is fairly standard in risk management to have that type of liability insurance policy for this type of entity, and whether the County can require that for spills requiring cleanup, he would need to look into it more carefully. He stated the ordinance requires a hearing that is not a public hearing, but encourages the Board to have the applicant address them.

Mr. Peter Lazar addressed the Board as the developer, stating these problems will all be solved if the service authority would take this into the public system, but this is more of a policy issue for the County, in terms of encouraging growth in the growth areas, particularly that done by smaller developers. He stated there is $286,000 in proffers, and this condo association has a very strict agreement from August 2015 requiring dues, so he would suggest that Mr. Davis's office look at this from a legal perspective. Mr. Lazar said that with 26 homes and a clubhouse, the septic system is a relatively small piece of the dues costs. He noted the houses are the exact same size as originally proposed in the same locations, and just some minor changes to the parking area.

Ms. Jo Higgins addressed the Board and stated she has been working with Mr. Lazar on the site plan process, adding that it is not desired by the developer to have approval for a private system. She stated the handout she provided shows an orange area, the force main, separated from the red strip, and said the developer is also paying for an extension to the public sewer, with two manholes and about 300 feet of line, to bring it as close as possible based on the elevation of the ground. Ms. Higgins said this part is under a developer's agreement with the service authority that they will take it into their system, with the offsetting costs going against the connection fees. All the 27 connections will pay for connection fees at $12,000 per unit, making them users of the public system. She stated the main issue is that the ACSA, which maintains numerous pump stations in the County, is tasked under their charter with providing public water and sewer services to the designated growth area, with this development falling within the jurisdictional area.

Ms. Higgins said the letter from the ACSA indicates that the pump station and force main "would put an undue financial burden on the service authority customer base that should be bore by the developer." She emphasized these occupants are customers and will pay water and sewer fees, in addition to fees they will pay into the escrow under the condo association. Ms. Higgins noted the service authority could take the pump station and charge a fee for being on a private or pumped system, as they are the experts and know how to maintain these systems. She stated the system has dual pumps and a backup generator, and if a pump fails another one will be there to continue operation, and if electricity fails the generator will kick in. Ms. Higgins emphasized that all the protection parts are in place, and the County does not have a public utilities department to take the operation over, but the service authority does. She stated the ACSA has not even inquired about doing a special fee to charge the homeowners, who will be users of the public system.

Ms. Higgins stated the Board can make a legal requirement to upgrade the condo association documents, and explained that the condo owners own all of the property jointly beyond their condominium square footage, which is different than a homeowners association. She said the Board formed the service authority to provide public sewer, and in this case they do not want their budget to be stressed by this, and the ACSA never came back with a proposal to have the condo owners pay a fee per month to cover it, they just said they do not want another pump station as they are deemed to be "too much trouble."

Ms. Mallek said this raises a whole new series of questions, and asked if anyone has reached out to the service authority to determine why they have said no, as she assumed it was the topography. Ms. Higgins responded it is the topography, and the extension of the sewer is very shallow with the land slightly lower, and emphasized they need to lift it and put it in the manhole. She stated the RWSA and ACSA have many pump stations, and any section of the growth area that is lower has to be lifted. Ms. Higgins noted if the other two properties in the area are to develop, they could come forward to add connections because the capacity of the system is much greater than the 27 connections with the condo development. She said the ACSA has reviewed this and said it is in conformance with the applicable regulations, so it meets the standards and is the correct thing to do. Ms. Higgins emphasized the ACSA is tasked with serving the growth area, and asked why they should get an out because they have decided that putting more pump stations in their budget is cost prohibitive. She stated the service authority has the staff to monitor them and check them routinely, and has workmen who can be onsite in a moment's notice to pull and service a pump. Ms. Higgins said this developer is paying the fees for the use of the public system and the pump station, and the condo association will completely cover the financials. She stated they are talking about no more than $5,000 per pump, as the big fixtures, such as the surge tank and sump pump, are permanent and do not need maintenance.

Ms. Higgins stated the rezoning was approved in 2007 or 2008, and they have done everything required under the site plan approval, as well as securing a certificate to construct from DEQ. She added that the developer has done everything responsible with this project, and significant time has been invested in the engineering process.

Ms. Palmer said that Ms. Mallek will probably suggest getting some of these questions answered.

Mr. Foley said that Mr. Graham can comment on his conversations with the service authority.

Mr. Graham stated the ACSA was worried this would set a precedent for other small pump stations that would crop up, and could prove to be difficult for them to operate under their current structure. He said the "surcharge" on a customer bill for ongoing maintenance has not come up with the service authority, and the focus is on what this could mean to them on a system-wide basis.

Ms. Palmer said that having sat on the service authority board for a long time, she understands their limitations with respect to how they manage their system and what kind of equipment is required, so it is not only a question of collecting additional monies.

Ms. Mallek asked if the generator will be in an easily accessible place for fueling, because the generator at the big ACSA facility had almost run out of fuel during the derecho. Ms. Higgins responded that it will be located next to a parking lot and will be easy to access. She also asked that the first condition be changed to state "as approved by the County Engineer" rather than "attached hereto," as the plan sheet they have reflects the final plans.

Mr. Davis stated it is clear as it is stated.

Mr. Foley said that staff could talk to the service authority, but the issue will fall on the County or the utility established to handle these items, and under the current ACSA structure they are not set up to handle it. He stated that perhaps there could be some creative solutions, such as a surcharge, to cover this, and in talking to Mr. Graham it seems it may be worth discussing further with the ACSA.

Mr. Davis clarified that the Board can take action on the item as presented with the modified conditions, and if they want additional review before taking action, he would recommend they defer the item until at least January.

Ms. Dittmar asked if the modification to condition #5 can be added at this point. Mr. Davis responded that it can.

Ms. Dittmar stated they can either defer it until January or approve it with the additional language to ensure the people who are part of the condo association are aware of it on an annual basis.

Mr. Davis distributed the resolution and the conditions, noting that condition #5 is new and addresses redundancy in notice to property owners. He suggested that condition #4 have "if requested by the County Engineer" stricken and replaced with "the owner shall provide," which will require an annual maintenance and inspection report to the County.

Ms. Dittmar asked if Mr. Lazar and Ms. Higgins have seen the rewrites. Ms. Higgins responded they have not seen them, but said the condo association documents have to be given to any purchaser within 10 days of a contract.

Mr. Davis noted that Mr. Graham had provided them to the association.

Mr. Lazar said that he is okay with them.

Ms. Palmer commented this is Ms. Mallek's district, but she would like to state that they do not want the by-right option, and she suggested that the service authority questions be ironed out and have the item put on the Consent Agenda.

Mr. Graham said he would like to come back and talk to the Board at a later date about the grinder pump issue, with a follow-up discussion with the ACSA unrelated to this.

Mr. Davis stated that if the Board approves this and the service authority is amenable to taking it over, the developer would probably be more than happy to have that happen, so the Board may not need to defer it in order to discuss it with the authority. He noted he had discussed this with ACSA Executive Director, Gary O'Connell, and their legal counsel over the summer, and they related their position to him that this system does not meet their standards for accepting pump stations.

Ms. Palmer asked if they meant their engineering standards or something else. Mr. Davis responded it is their system standards, and said that a pump station of this size for this number of customers is not something their standards would allow them to accept, although their standards could be changed.

Ms. Palmer and Ms. Mallek asked if they want a bigger pump.

Mr. Graham explained the ACSA wants their pump stations limited to larger service areas, and said they are concerned about having 50 or 100 pump stations around the area that they will be responsible for maintaining, and that is the precedent for which they are concerned.

Ms. Mallek said the way to correct this from happening is for the Board not to approve anything without a downhill run.

Mr. Davis stated this is a policy position of the service authority, which begs a larger policy discussion but should not delay this particular project.

Motion was then offered by Ms. Mallek to adopt the resolution approving the installation of a common pump station subject to conditions. She also expressed her concerns about the reservoir and said the County probably does not have the power to put liens on these properties to collect what it would cost if something would happen. Mr. Sheffield **seconded** the motion.

Mr. Boyd asked how the County will police condition #5. Mr. Davis responded that there is an annual reporting requirement, so if by 30 days after January it has not been reported, staff will need to follow up and ensure that notices are provided.

Mr. Graham said the County has a number of annual “ticklers,” and this will be set and added to that group as a reminder to contact the owners.

Ms. Mallek stated that she wants something more than a simple “yes” to prove that the owners have received the information. Mr. Davis said this requires a copy of the document provided as well as the certification.

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

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

Ms. McKeel stated that she would like to have a larger discussion about the old properties in the urban ring that have failing septic systems, and the inability of homeowners to be able to afford to tap in, as there are creative approaches in other communities to help in these situations.

Mr. Graham said he will try to get Mr. O’Connell or someone else at the service authority to be present for that discussion.

Ms. McKeel stated she had spoken with Mr. O’Connell about it and he is going to plot out where all of these locations are, such as the numerous spots at Hessian Hills.

Ms. Mallek said that as part of that agenda in the future, it is important for them to discuss a better role for the Department of Health, and that must change in order for these improvements to come about.

(The adopted resolution and conditions are set out below:)

RESOLUTION TO APPROVE SDP 2008-00074 BLUE RIDGE COHOUSING APPLICATION TO INSTALL A PRIVATE CENTRAL SEWER SYSTEM ON TAX MAP AND PARCEL NUMBER 05600-00-00-067A0 UNDER CHAPTER 16 OF THE ALBEMARLE COUNTY CODE

WHEREAS, Blue Ridge Cohousing LLC was the owner of Tax Map and Parcel Number 05600-00-00-067A0 (the “Property”) when the Board approved a rezoning of the Property in 2007 and when a site plan application was submitted (SDP 2008-00074 Blue Ridge Cohousing); and

WHEREAS, Sheeflee, LLC (the “Owner”) is the current record owner of the Property and has submitted an application to install a common pump station on the Property, which is subject to review and approval by the Albemarle County Board of Supervisors as a private central sewer system under Chapter 16 of the Albemarle County Code; and

WHEREAS, on December 2, 2015, the Albemarle County Board of Supervisors considered the Owner’s application to install a private central sewer system on the Property. **NOW, THEREFORE, BE IT RESOLVED** that, upon consideration of the foregoing, the staff report prepared for Sheeflee, LLC’s application, and all of its attachments, the information presented at the Board meeting, and the recommendation of the County Engineer under Albemarle County Code §§ 16-100 et seq., the Albemarle County Board of Supervisors hereby approves Sheeflee, LLC’s application to install a private central sewer system on the Property and to allow up to 27 connections to this system, subject to the conditions attached hereto.

SDP-2008-00074 Blue Ridge Cohousing Conditions

1. The sewerage facility shall be constructed in accord with the Plan Sheets C4-01 and C4-02, attached hereto, provided that the final plans shall be subject to approval by the County Engineer before starting construction of the system.

2. The sewerage facility shall be either bonded with the County or its construction shall be completed prior to issuance of any building permits for dwelling units to be served by this sewerage facility.

3. The operation and maintenance of the sewerage system shall be the responsibility of the Owner of tax map and parcel number 05600-00-00-067A0.

4. The Owner shall provide the County Engineer annual documentation of maintenance that demonstrates compliance with all State operation and maintenance requirements.

5. In conjunction with the sale of each condominium unit, the Emerson Commons Condominium Unit Owners' Association (hereinafter, the "Association," and which includes any successor) shall disclose to the buyer in writing that the condominium unit is served by a central sewerage system and that the Association is obligated to operate, maintain, and replace the central sewerage system at its sole expense. In addition, in January of each calendar year, the Association shall provide written notice to each condominium unit owner that the condominium unit is served by a central sewerage system and that the Association is obligated to operate, maintain, and replace the central sewerage system at its sole expense. The form and substance of the disclosure statement and notice shall be subject to the prior approval of the County Attorney. Copies of the written disclosure at the time of sale and the annual notice and a certification that the disclosure has been properly delivered shall be provided to the Director of the Department of Community Development, 401 McIntire Road, Charlottesville, Virginia, 22902 within thirty (30) days after the sale of the condominium unit or the annual notice.

Agenda Item No. 10. **Work Session:** Five Year Financial Plan.

The Executive Summary, as presented by staff, states that on September 9, 2015, the Board of Supervisors and the School Board received initial information on the County's FY 17 - FY 21 Financial Plan. On November 11, the Boards received updates to the Plan, which included information on major expenditure and revenue assumptions, and they further discussed Compensation and Benefits information, as well as initial information pertaining to the FY 17 – FY 21 Capital Improvement Program. The Boards also began a discussion around the recommendations set forth in Citizens Resource Advisory Committee Report. See Attachment A for November 11th Work Session Executive Summary and attachments.

Long-range financial planning is an important component of the County's fiscal processes as it 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. The focus of the December 2, 2015 work session is to further discuss the policy recommendations provided by the Citizen's Resource Advisory Committee discussion and to review and discuss the Joint General Government and School Division's Efficiency Team's recommendations.

There is no direct budget impact; however, the results of this work session could positively impact the County's long-range financial outlook.

Staff recommends that the Board and staff utilize this work session to continue to discuss recommendations, options and approaches that could positively impact the County's long-range financial future.

Mr. Foley stated this is a continuation of the process of looking at the five-year financial plan, with the primary purpose of receiving direction from the Board on their priorities and policy issues. He said it is not really a discussion about solving the gap, which is a challenge that continues to be addressed through lots of different methods, with the last year spent getting input from committees and doing other research. Mr. Foley stated that today staff wants to get feedback from the Board as to some of the proposed solutions that provide new direction, such as referendums and service districts. He said they will focus on the recommendations from the Citizens Resource Advisory Committee (CRAC), the school division, and general government efficiency report, with a look at the potential solutions to be pursued as priorities as well as any new direction the Board feels should be considered. Mr. Foley said the last of their five-year plan work sessions will be held the following week and will focus on the capital program, and they will talk at that time about bond referendums and what a schedule for that might look like. He noted they have also arranged for the School Board to come to the meeting and talk about the capacity of the school system and how redistricting will fit into that, as well as where it will not fit as well. Mr. Foley emphasized this is not about the school CIP, it is about the challenges in the school system and the capital program overall. He mentioned they had also talked with the Board at the last meeting with the School Board about benefits and compensation and asked that staff bring additional information back, which they will do in January. Mr. Foley reiterated that staff is looking to the greatest extent possible for direction from the Board and priorities as staff puts the annual budget together after the following week.

Ms. Lee Catlin, Assistant County Executive, addressed the Board and stated that she will focus on solutions brought forth in the Citizens Resource Advisory Committee report, noting the Board had held a long joint work session with the School Board on November 11 in which they touched on this briefly. Ms. Catlin stated it was a very quick conversation and she wanted to make sure staff brought back to them what they thought they had heard during the meeting, to ensure that it reflected the Board's guidance and priorities moving forward, as staff is eager to start incorporating these strategies into the annual budget and implement them in other ways. Ms. Catlin stated the recommendations from the advisory committee were presented in three tiers, with the first being strategies for immediate implementation. She said there were three categories within that tier including those that were revenue-generating general kinds of strategies, and staff took away from the Board work session that economic development, motor vehicle registrations and taxes from short-term rentals should be pursued energetically right now, with any related budget matters to be brought back to the Board. Ms. Catlin stated that staff had heard that several strategies, cigarette tax, meals tax and transient occupancy tax, still need legislative approval, but the instruction heard from the Board was that the County should continue to pursue those. She said there was also strategy related to land banked properties, but she did not remember hearing much about it and the Board can discuss it further at this meeting, if desired.

Ms. Catlin stated there was another category related to revenue-generation, and these were more specific type strategies that would be appropriate in certain circumstances versus the more general things she had mentioned: voluntary contributions, civic crowd funding, grants, corporate sponsorships and advertising. She said it was a quick conversation and staff did not hear any concerns about them, so staff would consider them to be tools in the toolbox, to be researched and applied to specific circumstances, programs or activities as appropriate.

Ms. Palmer said at the CIP meeting the previous day, they had talked about identifying those projects that would lend themselves to crowd funding and had asked Mr. Trevor Henry to provide a list of projects. Ms. Catlin stated that staff can look at the appropriate platforms for crowd funding of civic projects and lay the foundation.

Ms. Palmer said they can also look at fundraising for specific parts, perhaps working with UVA on those initiatives.

Ms. Mallek said those would need to be citizen-driven, and she did not expect staff to be responsible for launching and implementing fundraising campaigns.

Ms. Palmer stated that her point is that staff can identify the projects that will lend themselves to fundraising. Ms. Catlin said that staff can look at the foundational things to be put in place so that citizen groups wanting to do this would have some structure and support.

Ms. Catlin stated the last tier of strategies involved process tools rather than revenue generation, and in that category they had service districts, general obligation bonds, efficiency studies for local government and schools, tied together with a citizen committee on expenditures. Ms. Catlin said what staff thought they had heard from the Board was that those were tools considered to be of interest, and they would like to see how they might be brought forward either in this budget or in the next several years if staff saw usage for them.

Ms. Palmer said she would like to see their efficiency committee get going early in the new year, as recommended by the CRAC committee, and she would like for the efficiency committee to take a look at the CRAC committee's other recommendation to have an independent efficiency study.

Ms. Mallek asked staff if they already have a group of business people that look at the budget. Mr. Foley responded that he was intending to put something in the budget related to an efficiency review, and rather than laying out all the specifics for the process, staff is trying to look at other models that worked well in other localities. He stated if they do spend some money on a consultant, it can come to the citizen committee so they have some work to look at in forming their recommendations.

Ms. Palmer asked for clarification that he is suggesting they not implement the recommendation of the CRAC committee to establish a separate citizen committee to look at the expenditure side. Mr. Foley stated he is not suggesting that, and it is just a matter of how to approach the efficiency study with citizen involvement.

Mr. Sheffield asked if they had come up with the citizen academy approach and asked where things stand with that. Ms. Catlin responded that the focus has been to get the citizen advisory committees up and running, and are also trying to make learning opportunities available through a neighborhood learning series, with the first one done in the fall on transportation and another scheduled for January related to budget and finances.

Mr. Sheffield suggested that a citizen academy approach would be a better forum for those who are interested in understanding how the County runs, so the view is more expanded with participants becoming more informed instead of just providing a critical review.

Mr. Foley said the staff report references "efficiency and effectiveness," which are two different things, so they would need to be clear about the charge for the group so they do not come back with recommendations that are in conflict with Board priorities.

Mr. Sheffield stated that a committee would be Board-appointed, with a citizens academy having people applying to learn more about the County, and in that process they could provide objective feedback. He said he feels that citizens' academy members will be more engaged and involved than a group appointed to look just at efficiency and effectiveness.

Mr. Foley said that staff can take that feedback and come back to the Board with some options.

Ms. McKeel stated it can be a combination of elements.

Ms. Catlin commented that they can come at it from several different directions, and as staff makes the budget proposal they can provide several options for the Board.

Ms. McKeel said she wants to make sure that the schools are involved, as they will be interested in the discussion. Mr. Foley responded that the CRAC committee had specifically recommended the schools be part of the discussion.

Ms. Catlin stated the idea of joint purchasing agreements had emerged but they have not spent much time on that topic, but it can be moved up on the list if the Board feels it should be looked at for immediate implementation.

Ms. Palmer said the CRAC committee had recommended they talk to UVA about it, and asked if they have ever checked with the City about joint purchasing.

Ms. McKeel responded they had on the school division side, and in talking about joint purchasing agreements they may want to look at neighboring localities and look at it regionally.

Ms. Palmer commented that VACO does a lot of that.

Ms. McKeel stated that perhaps the Board just needs a better understanding of how that is happening.

Mr. Davis pointed out that a lot of this already happens at the state level with contracts for cooperative purchasing, and there is already a joint system with schools as well as piggyback contracts with other localities. He said that looking at this is a really good idea, but it is not something that has been disregarded in the past.

Ms. Catlin stated the action follow-up can be to provide the Board with an overview of what is in place for those partnerships, with information provided on any new possibilities.

Ms. McKeel said that at the legislative forum the night before, the "GO Virginia" presentation specifically mentioned joint purchasing.

Ms. Mallek clarified it was related to large construction projects, not joint purchasing of smaller items, and they do not want to get into a situation of having to store a large quantity of items with staff running around to retrieve them.

Mr. Davis commented that Albemarle does this a lot more than most jurisdictions, with many of them operating in silos with their own purchasing departments and not even sharing with their schools, and the County has been ahead of the curve for a long time.

Mr. Foley said that one of the questions is whether they can do more with the City's school purchasing department, so staff will continue to pursue it, as there are some incentives coming from "Go Virginia" and new pending state legislation to support those collaborations.

Mr. Bill Letteri, Deputy County Executive, said that staff is looking at this as opportunities expand what the County is already doing in this area.

Ms. Catlin stated there are some tier two strategies for further study, with the Board indicating they were interested in receiving information back on payment in lieu of taxes and admissions tax, and staff will bring back what the CRAC committee had found with those options, which were not as promising as initially expected.

Ms. Mallek said she would propose they set aside the discussion of the sale of County property because it had already been reviewed several years ago, and there were very good reasons why they were holding onto the pieces they have.

Mr. Foley said staff had told the CRAC committee that and even gave a detailed presentation on it, but they felt it should be revisited since it had been five years since it was last evaluated. He added that this step would just involve a quick staff-level summary of what had been discussed and should not take much time.

Ms. Mallek asked what is meant by "advertising." Ms. Catlin explained that in other communities, businesses advertise on the sides of busses, park benches, etc.

Ms. Dittmar noted that naming rooms within public buildings is also a possibility, such as rooms within the Northside Library, and said the naming could be done at any time and could also be double-named.

Joint School-General Government Efficiency Committee.

Mr. Bill Letteri stated that he will present the formal report of the joint General Government/ School Division Efficiency Committee, appointed by the Board in the fall as one of the strategies in looking at a five-year plan and challenges with the funding gap. Mr. Letteri provided the names of the committee members, in addition to himself: Dean Tistadt, Chief Operations Officer for the Schools; Betty Burrell, Finance Director; Matt Haas, Assistant Superintendent for Organizational and Human Resources; Lori Allshouse, Office on Management and Budget Director; Lorna Gerome, Human Resources Director; Jim Foley of the school transportation division; Jackson Zimmerman of fiscal services; George Shadman; Vince Shivert of the school IT department; Mike Culp of IT; Kristy Shifflett of grants and budget; Andy Bowman from OMB; and Blake Aplanapb from Facilities Development. Mr. Letteri commented that the group brought a breadth of experience and enthusiasm to the committee, and recognized Kristy Shifflett for her work in organizing the process and Dean Tistadt as being a strong partner in the County's five-year planning.

Mr. Letteri said the Board formally appointed this committee in the fall, with 14 total members, and the level of cooperation between local government and schools was unprecedented in the state, with joint operations already in place in finance, human resources, legal and facilities development. He stated the committee was tasked with looking at those areas to see if they were maximizing those collaborations and to look for additional efficient and effective means of operation. Mr. Letteri said the group identified three tiers, with tier one including the initiatives that should proceed immediately; tier two including those times needing a two or three-year look; and tier three including items that should possibly be pursued but would require a lot more study.

Mr. Letteri stated that he would walk through the suggestions that emerged in each of the tiers, stating the first area of note was records management. He said this covers a number of different areas including storage, the ability to access and process information, and the security of information. Mr. Letteri noted that records management is a program piloted in Community Development, and staff hopes it will be expanded to other departments, most notably HR, and would also like to see how this structure can work in partnership with the schools. He stated that records management also impacts the physical space needs, and at one point the County had 30,000 square feet of storage on Route 29 North that had been condensed to 20,000 square feet in the bottom of the Northside Library.

Ms. McKeel commented that at one point there were two classrooms at Albemarle High School that were full of file cabinets containing records that the schools were required to keep by law. Mr. Letteri responded there are all kinds of requirements related to records retention and those for the schools are a bit different, but the goal is to utilize scanning equipment to help digitize records and free up space.

Mr. Letteri stated that buildings and ground maintenance is another immediate area that has potential, and the committee talked about a "geo-maintenance" concept in which crews working on a specific site in one region of the County would be tasked with working on another site in that area, rather than hauling different personnel and equipment to that location. Mr. Letteri said that they also talked about the existing duplication of equipment purchases and the possibility of consolidation to leverage the use of the equipment across both organizations. He stated the County is challenged with having to provide language assistance services for an increasingly diverse community, and the committee discussed the possibility of using contracted services instead, with a long-term goal of possibly hiring a full-time person.

Ms. Mallek asked if this personnel is needed to do translation services or management of translators. Mr. Letteri responded that the idea was to do translation and have someone on staff to provide those services across the organization, with that person managing any contract for hiring additional resources.

Ms. Dittmar stated the courts are using a subscription service for translators, with the capacity for about 50 languages, and that might be an option to provide more capacity for less cost.

Mr. Letteri said that healthcare represents a huge expenditure for both schools and local government, and anything they can do to reduce claims by even 1-2% will make a major difference. He stated the committee feels this is a priority area and wants to get underway immediately with wellness type programs, which have been proven to have a dramatic and direct impact on claims, and programs and incentives for smoking cessation and other health issues can offer real returns in terms of reduced claims. Mr. Letteri said the committee had discussed bulk purchasing and had hired a warehouse manager, which enabled the County to better utilize the warehouse space in terms of surplus storage and moving items in and out quickly, as well as providing the opportunity for bulk purchasing. He stated there can be opportunities in teaming with the City and possibly the University can provide some great returns in terms of volume and similarity with the kinds of things purchased.

Mr. Letteri said that with tier two items, the committee had talked about healthcare initiatives, such as an in-house or contracted pharmacy, or a collaborative pharmacy; the use of onsite clinics, which are gaining popularity nationally; and fiscal incentives for health screening, as prevention is a major factor in lowering claims. He stated that grants administration is another area of focus as grants are becoming increasingly important in the funding stream, with opportunity for schools and local government to collaborate, and there is a desire to make that a more robust program, with the County pursuing the possibility of a joint grant position with the schools. Mr. Letteri stated that if they expand record management across the two organizations, there may be a need in the future for a full-time records manager to do this in a more effective way. He said that budgetary management and appropriation issues related to effective streamlining of processes for appropriations, which is done already but can be reviewed for the possibility of further efficiencies.

Mr. Letteri reported there had been a good deal of discussion related to the capital program strategies, to ensure that strategic decisions are made in terms of investment in capital programs and buildings, such as installing floor material in schools that do not require constant stripping and waxing. He stated the committee discussed the need to reduce paper usage, with an enhanced records management system providing the opportunity to go paperless. He said there are a number of similar services for both schools and local government, and while they are different in the nature of operations they should be pursued for possible collaboration. Mr. Letteri said the last tier two item from the committee was related to fleet management, as large organizations tend to consolidate fleet management operations at certain thresholds, and the County is near that threshold.

Mr. Letteri stated the committee wants to continue their work and will continue to report quarterly to the Board, and will also report annually on their progress.

Ms. Palmer commented that she feels this is a wonderful effort, and thanked staff for doing it.

Ms. McKeel said this is great work, and while it may involve some compromise there are likely opportunities to realize cost savings for the entire organization by working together.

Ms. Mallek stated that one of the bigger items always in the CIP is multi-millions for software, and she asked that they keep a side column as to the costs, because she wants to make sure they will actually save money by investing in technology. Mr. Letteri responded that software and technology do not always save money, but enable them to handle a lot more data without having to hire a lot more staff, so it is more cost avoidance than direct savings.

Ms. Dittmar thanked Mr. Letteri and said this is a wonderful group with many excellent recommendations.

Mr. Foley commented that this work and the list before them looks a lot like what came out of the formal efficiency study from a few years ago, which staff had to follow up on for implementation. He said it is important to have an outside look at things, but there is a lot from this committee that will be on the staff work plan anyway.

Ms. Palmer said this is wonderful, but she is just following up on the recommendations from the CRAC committee to have an outside committee looking at the expenditure side.

Ms. Mallek noted they were not aware of what had already been done.

Ms. McKeel said she agrees with Ms. Palmer to follow up on the committee's suggestion to discuss the possibility of an external review.

Mr. Foley added that his comment was not meant to take that off the table.

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(Note: At this time the Board decided to take up Agenda Item Nos. 12 and 13.)

Agenda Item No. 12. **Presentation:** FY15 Comprehensive Annual Financial Report (CAFR), David Hughes, Robinson, Farmer, Cox Associates.

Mr. David Hughes of Robinson, Farmer and Cox addressed the Board to present the annual financial report. He recognized Betty Burrell and her staff for helping to produce the document and said they had done a very good job. Mr. Hughes stated they had met twice with the Audit Committee and reviewed the report in detail, noting there were a lot of obstacles to be overcome. He said there are three opinions in the financial statements, the auditor's report on the basic statements, an opinion on internal controls with government auditing standards, and OMB Circular-A133. Mr. Hughes stated that all three reports are unmodified, which is the cleanest report that can be provided.

Mr. Hughes stated there is a transmittal letter in the introductory section, and said there is a change in the accounting principle in relation to adoption of new principles per Governmental Accounting Standards Board (GASBE) Statement 68, pertaining to VRS pension liabilities for County employees. He noted the change did not have any impact on the County's fund balance, and said the management analysis and discussion is on pages 5-16, including changes in net position. Mr. Hughes said the general fund balance is discussed on page 11, with a balance sheet on page 25, and a revenues and expenditures statement, with changes in fund balance, on page 27. He stated the general fund is the County's chief operating fund, with an increase of $3,234,636, and there is a budget comparison schedule on pages 104 and 105. Mr. Hughes said the schools also have similar financial statements, and on page 32 is the combining balance sheet for the School Board, the school operating fund, the school food service fund, and the school capital projects fund. He stated the school operating fund had an increase in fund balance of $1,734,759, so overall the County had a very good year. Mr. Hughes also referenced statistical tables related to changes in fund balance over the last 10 years, with Table 9, property tax, levies and collections, includes percentages on tax collection, which are very good.

Ms. Dittmar thanked him for his presentation and noted that she and Ms. Palmer are the Audit Committee liaisons from the Board, with Steve Koleszar as the School Board representative, and said they met in May to discuss things they may want to add or review in addition to what is normally performed, and then a second meeting in which the audit is presented. She stated they did come up with some recommendations, and said that she and Ms. Palmer had asked for a second meeting so they would have time to process what they had reviewed.

Ms. Palmer stated the timing was such that they received the audit the day before they needed to review it, so that was very challenging.

Ms. Dittmar commented that the County had received a clean management letter, and there would be no corrective actions recommended. She stated the County is looking to implement a federal government policy that allows businesses to expense anything $2,500 or less in one year rather than depreciate it, and the schools had recommended the auditors look at some of the larger procurement projects to ensure that the process is good, particularly with big buildings. Ms. Dittmar said they also discussed fund balances being kept by outside groups, which are not audited, and how they are tracked, which is not a function of the auditors. She indicated that Mr. Foley had suggested the information be included in a memo or report attached to the budget. Ms. Dittmar said there is also no place where proffers are being captured for easy review, so the recommendation is to establish a review of them with proffers added as they are secured.

Ms. Palmer said that she and Ms. Dittmar had asked a lot of questions about how much detail the auditors get into, and found that they do not get into a micro level of detail.

Mr. Boyd said he noticed the change in color of the report cover. He asked about the GASBE change and whether it will impact the County's bond ratings, as taking that liability on their balance sheet is concerning to him. Mr. Hughes responded that what he has heard is the County already has its retirement plan in place, but the information simply has not been recorded in their statements, and recording of the pension liability does not have any impact on their operating results. He added that he is not the County's financial advisor, and said he would probably be the best person to ask.

Mr. Boyd said this is what the County had been told, but they were also asked about the impact on financial reporting.

Ms. Palmer asked Mr. Hughes to point out the pages on which the school system and general government are with respect to the GASBE-68. Mr. Hughes responded that on page 62 is the adoption of accounting principles including GASBE-68.

Mr. Davis noted the action of the Board would be to accept the FY15 Comprehensive Annual Financial Report.

Motion was offered by Ms. Mallek to accept the FY15 Comprehensive Annual Financial Report. Ms. Palmer **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

(Note: At 3:50 p.m., the Board recessed and then reconvened at 4:05 p.m.)

Agenda Item No. 13. **Presentation:** Board-to-Board, December 2015, *A Monthly Report from the Albemarle County School Board to the Albemarle County Board of Supervisors*.

Mr. Ned Gallaway addressed the Board, stating that Graham Paige, John Alcarro and Dave Oberg are new School Board members. Mr. Gallaway said the Governor will be presenting his budget on December 17 and it is hoped this will help close the forecasted County school budget gap, as the Governor has prioritized K-12 education as his main budget priority. He added the state may increase the funding of the VRS piece, so that action will be watched closely.

Mr. Gallaway stated that a decision has been made regarding redistricting for Greer Elementary and Albemarle High School, but that will be discussed in more detail the following week. He reported the state Standards of Learning Innovation Committee is coming out with new accountability and assessment measures related to the ongoing reform of SOLs and SOQs in Virginia, so that is also being watched closely.

Mr. Gallaway stated that Mr. Chad Ratliff, Director of Instructional Programs for Albemarle County Schools, was appointed by the Governor to his Council on Youth Entrepreneurship. He also reported that there are visitors from Hungary observing the maker curriculum going on through the schools, and stated that Brownsville Elementary Principal, India Hahn, has been named Director of Accountability and Research, and former Broadus Wood Principal, Barbara Edwards, will be serving as interim principal until the search process is complete.

Mr. Gallaway stated that in November, the School Board passed an anti-discrimination policy for both employees and students, adding protections for sexual orientation and gender identity. He noted there will be several student musical performances during the holiday season, including the Burley Bearettes appearance at the lighting of the Christmas tree on the Downtown Mall.

Mr. Gallaway recognized the service of Barbara Massie-Mouly, who has served many years on the School Board and is stepping down. He stated the School Board also wishes to acknowledge Mr. Boyd for his service on that Board as well as the Board of Supervisors.

Ms. Dittmar also recognized Mr. Gallaway for his service to the School Board.

Agenda Item No. 11. **Work Session:** Economic Development Work Plan and Strategic Plan.

The Executive Summary, as presented by staff, states that when the Economic Development Office was created and funded by the Board of Supervisors in October 2014 (See Attachment B, October 8, 2014 Executive Summary), the Board outlined the areas on which the Department would primarily focus as the County's Economic Development program was established. Specifically, the Board defined the priority program components as follows:

Existing Business Retention and Expansion: 50%
New Business Start-Ups: 25%
Workforce Development: 10%
Real Estate Development/Redevelopment: 10%
Business Attraction: 5%

Since joining the County in April 2015, much of the Director's time has been devoted to an active recruitment project that commenced in 2014, including initial research on some of the County's key economic indicators. Fortunately, a significant portion of that project work can be incorporated into the development of the Economic Development Strategic Plan (outlined in Attachment A) over the next several months.

The development of the strategic plan for economic development will be based on a comprehensive, best practices approach (Attachment A) that seeks to, first, develop a "portrait" of Albemarle County that is then compared to other Virginia localities with whom Albemarle typically competes for economic development opportunities. This approach is heavily data-driven and includes the evaluation of a number of critical factors on which site location decisions are made, including decisions to expand existing facilities or to relocate operations to another area; however, subjective factors derived from customer experiences and key stakeholders will also be considered.

As with any guiding document, the Economic Development Strategic Plan will serve as a "roadmap" for defining ways the County can arrive at its goals of economic prosperity and employment diversification, consistent with the overall Comprehensive Plan and in consideration of other relevant County policies and programs. The Plan will identify ways in which the County can strengthen its business tax base and employment opportunities through consideration of new programs, potential revisions to policies and regulations, and/or through other means. Furthermore, by establishing key goals, objectives, strategies, and associated metrics, County leaders can better define their priorities, as well as monitor the effectiveness and success of economic development initiatives. Likewise, measurable goals and objectives will help to assess where program modifications or enhancements to strategies are needed, particularly in light of continual market changes.

The methodology used in the formulation of the Economic Development Strategic Plan (Attachment A) will include objective and subjective evaluation, with data analysis being used to determine the current "starting point" for the County. The more subjective assessment will rely heavily on a SWOT (Strengths, Weaknesses, Opportunities and Threats) Analysis that will include extensive input from stakeholders through interviews, focus groups and public input meetings and will also include a thorough vetting of community and stakeholder input through a staff team consisting of community development and economic development staff. The objective analysis will incorporate a thorough review of all properties currently available for development or redevelopment in the County's Development Areas; thus, engineering assistance will likely be required to provide technical evaluation of current infrastructure availability and capacity within the County, as well as the viability of potential sites in light of development costs and environmental constraints. Both of these efforts will result in a set of findings that will be reviewed with the Board of Supervisors for consideration and direction prior to the actual development of the plan.

Staff estimates that up to $5,000 in contractual services will be needed to assist with the Comparative Analysis component of the Work Plan, along with approximately $20,000 in professional services for technical, engineering assistance in completing the Infrastructure Inventory and Site Assessments. Funding is available in the Reserve for Contingencies to cover this estimated $25,000 expenditure. After the approval of Appropriation #2016041 and #2016048, which are being presented to the Board for its consideration on December 2 as part of the FY 16 Appropriations Executive Summary, the FY16 Reserve for Contingencies balance will be $130,603.00, of which $50,000 has been reserved for a potential FY16 primary election. If the Board approves the approach for the development of the County's Economic Development Strategic Plan as set forth in Attachment A, staff recommends that the Board approve an appropriation for $25,000 to be used for the professional services needed to complete the Economic Development Strategic Plan.

Staff recommends that the Board: 1) approve the attached comprehensive approach needed to develop an Economic Development Strategic Plan for the County (Attachment A); and 2) adopt the attached Resolution (Attachment E) to approve Appropriation #2016049 (Attachment D) to appropriate $25,000 to be used for the professional services needed to complete the County's Economic Development Strategic Plan.

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Mr. Boyd brought out his stuffed "groundhog" in light of the fact that the County had held stakeholders meetings, brought in community experts and real estate people, and had been talking about economic development since 2010. He stated this is not something new, but they probably have not gotten into the level of detail that Ms. McClintic will get into.

Ms. Faith McClintic, Director of Economic Development, addressed the Board and stated that she will try not to repeat everything that had been done previously, and said that she does not know everything about the community but assured the Board that there would be a very comprehensive evaluation with a lot of teamwork involved in the process. Ms. McClintic stated that a strategic plan is about defining a road map, and although the County had gone through similar processes in the past, it is important as they define their strategies to really know their starting point, with the ultimate goal of getting to the employment diversification and economic prosperity as defined in the strategic plan.

Ms. McClintic reported that some of the initiatives are already underway, and staff is looking at current programs and services, with business startup focusing on connecting businesses with resources such as the Small Business Development Center (SBDC) for things like business plans. She stated that existing business retention and expansion support services will be a key focus of the Economic Development Office, and because the majority of investment and new job creation occurs from existing business, the County needs to make sure they are able to be successful and thriving. Ms. McClinitic said they will be looking at the Economic Development Opportunity Fund and defining whether it should be amended in any way to be more nimble and flexible. She stated the County has a great group on the Economic Development Authority, so staff also wants to make sure their structure and governance allows them to be responsive and nimble especially with prospect activity.

Ms. McClintic stated the second aspect of her office's work will be a Strengths, Weaknesses, Opportunities, Threats (SWOT) analysis, and she will be asking Board members a series of questions to try to garner their perspectives. She noted the County has already held a number of focus groups with the real estate and development community, but they will be having more with targeted industry sectors, and some general focus groups with the business community, residents, etc. Ms. McClintic stated that she needs to understand what the real appetite is for economic development and what that means, as each person can define that differently, and said that environmental and academic partners will be integral to that process.

Ms. McClintic reported they will also be looking at a very comprehensive list of business locations and expansion factors, so workforce availability, skill sets, education levels, wage levels, income levels, etc. are the same criteria looked at in other localities when helping businesses determine where to go. She emphasized they need to be sure they can be profitable here with taxation structures, permitting processes and so forth, and that impacts existing businesses just as much as those they want to attract in the future. Ms. McClintic stated that as a component of the community assessment they will be getting into the site inventory, and everything is on the table in terms of what they will look at in the development areas, so zoning and Comp Plan designation will not be focused on initially. She said they will be looking at vacant property with potential areas that can be defined for specific business uses, such as mixed use or residential that might afford opportunities for some of the acreage to be used for businesses. Ms. McClintic noted that she will be working closely with Community Development and Elaine Echols to ensure they are balancing the need for other uses such as residential. She said they will also be looking at utilities, services such as broadband, transportation routes, and other key factors. Ms. McClintic stated that she will be looking for some additional funding in this area as they look at the viability of sites with respect to ordinances and constraints that impact the cost of development.

Ms. McClintic reported that doing a comparative analysis is also important, with peer communities in Virginia considered, particularly those that are targeting the same industry sectors. She stated they will be looking at local assets and strengths, community size, academic offerings, and looking for peers that are most comparable in that process.

Ms. Palmer asked if she would be looking at a sample of the communities that own their own land versus the County's situation. Ms. McClintic responded that it is a differentiator but not a factor, and what they will be looking at will be specific sectors such as life sciences that are built around university environments that will rise to the top of the list of communities that will most likely meet the needs of that sector. She stated that Chesterfield and Henrico both own their own land, and her office's review will be differentiating those specifics along the way, focusing on the assets of each community to try to align as closely as possible with Albemarle's profile.

Ms. McClintic stated that after going through the subjective and objective analyses, especially with the data points, staff from the County Executive's office, OMB and Finance, and the Albemarle County Service Authority will meet with her office to discuss the specifics of what will weed a community out. She added that the goal for economic development will be to stay in the mix as long as possible, even where existing businesses are concerned, because as they grow and expand the County wants to keep them here. Ms. McClintic stated that staff will categorize their findings and identify which things can be fixed fairly simply and quickly, acknowledging that there may be process improvements and policy and ordinance amendments required. She said at that point they would like to have a joint meeting with the Planning Commission, Economic Development Authority and Board of Supervisors.

Mr. Boyd commented that he feels it is a great plan and he wished they had started it a few years ago, adding that it will be valuable to have Ms. McClintic's expertise this time around and he hopes they will keep records of the meetings. He noted that his only concern is whether some business and development people will feel like they have already been through this.

Ms. McClintic responded that they have had three separate focus groups thus far, with about 50 attendees total.

Ms. Palmer asked if they are considering involving business people, who are not in the development community, and regular citizens. Ms. McClintic replied they will be holding separate focus groups, with one large constituent meeting for those who have an interest in this but perhaps not a direct business connection.

Ms. Mallek commented that those people are customers, and it is important to find out what they need that is not already here. She asked if there are situations where property is being underutilized or mismatched, and asked if that will be evaluated in the second round, after vacant properties. Ms. McClintic responded that she has contacted the real estate assessor's office, which has provided a report of potential redevelopment properties, so those will be coming back to the Board as well.

Ms. Palmer said that those will be more expensive to develop, which is why they have not been developed to their fullest capacity.

Ms. Dittmar stated there are ways that government can provide an environment to make it more attractive. She stated that although it might be perceived as baby steps, this feels like forward momentum to her, particularly in terms of how they are looking at infrastructure.

Mr. Foley stated that he and Ms. McClintic have talked about the EDA and the new appointees, and in a number of localities it is customary to have a quarterly meeting between their EDAs and their Board of Supervisors. He said that Chris Lloyd of McGuire Woods has spoken at several meetings, and it was helpful to have his input as part of an educational process regarding what businesses look at when they relocate.

Board members agreed that it would be a good idea to check in quarterly.

Mr. Boyd commented that this momentum is exciting and the first hint of regret he feels for leaving the Board.

Ms. Mallek stated that telling the story of the County is something that Albemarle is still playing catch-up on, which was echoed at the most recent Rivanna Station meeting, as was the feeling of disconnect that some of the transferred personnel and their trailing spouses are experiencing here. She said that when personnel finish their billets at Rivanna Station, some of them will stay and start businesses, so it is important to keep that constituency in mind.

Ms. Palmer said that Ms. McClintic's approach sounds wonderful and she just wants to make sure they are emphasizing existing businesses so they are not compounding the problem of additional population impacting schools and infrastructure. Ms. McClintic responded that Ms. Catlin and Ms. Stimart had started "Business First," and she hopes to expand on that by formalizing it beyond an informal check-in, with a questionnaire to help establish data points, and partnership with Chamber of Commerce to help with business visitation efforts so there can be a peer to peer dialogue rather than a government staff person. She added that these are some of the immediate quick fixes that can be enacted more strongly.

Ms. Dittmar stated one of the points that Chris Lloyd had made was that the County typically attracts small manufacturing facilities such as GE that ends up expanding and growing.

Mr. Foley said that staff is looking for approval of the approach and the resolution in the Board's packet for funding.

Ms. Palmer stated she has some questions about the funding when they are ready to discuss it.

Mr. Foley suggested they take action on both items separately.

Motion was then offered by Mr. Boyd to approve the proposed comprehensive approach needed to develop an Economic Development Strategic Plan for the County. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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Mr. Foley explained that staff had presented an appropriation from the reserve for contingencies, and Ms. Palmer had asked about other sources for it.

Ms. Palmer stated that she had circulated an email about it but would review it, stating that last budget season the Board had reduced its contingency fund, with about $55,000 after this appropriation, or three-quarters of the way through at the six-month year point. She said the Board had appropriated some money for the Economic Development department when they voted to approve it, and asked staff to review how it is allocated.

Mr. Foley said there is a salaries and benefits cost in the budget, as well as operating expenses for things like office supplies, dues payments, and utilities, costing about $70,000 out of $160,000 total.

Ms. Palmer stated that what caught her attention was the $52,000 allotment to the Central Virginia Partnership for Economic Development, and that chunk is the reason there is nothing left for what they now want to fund. She said Lori Allshouse had indicated to her in an email that $37,000 of the amount is planned to be reimbursed back to the County by the EDA, and she wonders when that is expected to come back, as it would cover the $25,000 request.

Mr. Foley explained the EDA has money because of its fees on bonds, which was only approved a few years earlier, and staff viewed that as a good way to move some of those economic development expenses toward those revenues. He stated the dues are based on a per-capita amount with all localities paying based on the same formula, and staff is looking at it as non-general fund revenues offsetting the cost of that money, but it still has to be paid.

Ms. Palmer asked if the $37,000 can be put back in the contingency fund in case they need it for the remainder of the six months next year. Ms. McClintic responded she would be happy to look into that with the Office of Management and Budget, and she had only recently learned that the EDA has an operating budget within the County system.

Mr. Foley asked Ms. Lori Allshouse to clarify the $37,000 is needed to offset the expense, which otherwise would have to come out of the General Fund balance.

Ms. Lori Allshouse, Director of the Office of Management and Budget, explained that the $37,000 is a revenue to the County as a reimbursement, so they cannot spend it again, and it is already counted as a General Fund revenue.

Ms. Palmer asked if the Economic Development Department gets that back to use for operating funds. Ms. Allshouse replied that it is an offset, so they do not get it back.

Mr. Foley stated that he appreciates Ms. Palmer's concern about the contingency, and at one point the Board had a reserve and a contingency, but those were eventually combined because of concerns that the Board reserve was a fund to go to when something came up that was not planned and budgeted. He said this is not something that is currently set up and is really just for priority issues they want to address, so having conversations about the right approach for this in the future is a good idea.

Ms. Palmer said one of her concerns is that they knew they were going to have an economic development plan all along, so it was not necessarily an unexpected expense, which is why she focused on the contingency fund and the budget.

Mr. Foley stated that staff was not aware they would need $25,000 to hire an engineer to do a site analysis, as there was no Economic Development Director at the time, who has since been hired and recommended the analysis. He said the level of community scrutiny is also fueling this, and the comprehensive and complex nature of the County's development ordinances is another reason to move forward in this way.

Ms. Dittmar commented that Ms. McClintic just came on in June and would only now be building her first budget for the next fiscal year.

Motion was then offered by Mr. Boyd to adopt the proposed Resolution to approve Appropriation #2016049 to appropriate $25,000 to be used for the professional services needed to complete the County's Economic Development Strategic Plan. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

RESOLUTION TO APPROVE
ADDITIONAL FY 16 APPROPRIATION

BE IT RESOLVED by the Albemarle County Board of Supervisors:

1) That Appropriation #2016049 is approved; and

2) That the appropriation referenced in Paragraph #1, above, is subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2016.

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

Mr. Mark Graham reported that the advisory panel only held one meeting this month and reported that the pile-driving on Route 29 seems to be nearly complete, with ongoing work for the retaining walls and utility relocation. He stated they will begin discussing the Berkmar Bridge, as there are a lot of questions by the panel regarding the possibility of bridge construction that will accommodate future expansion to four lanes if warranted, which will be discussed at their meeting the following week. Mr. Graham said there will also be a review of the bicycle and pedestrian crossings for the intersection at Rio as well as the future intersections at Ashwood and Hollymead, and a review of the lighting plans for the Rio/29 area to ensure it will be safe for pedestrians at night as well as in the daytime. He stated the hardscape plan for the features associated with the bridge and the architectural appearances should be completed by the end of the month. Mr. Graham reported the Route 29/250 interchange project is running ahead of schedule, and reported that the construction at Rio should not impact the toy lift at Fashion Square scheduled for December 4.

Mr. Boyd stated he had heard comments that tow truck companies are getting a lot of business because the metal plates with the Rio project are tearing up tires, and said he has heard them buckle up as he drove over them, and some of them are apparently catching tires. Mr. Graham responded he had not heard about any issues with tires but will bring it up at the advisory panel, and said the plates have been notched into the pavement.

Mr. Sheffield said he is not clear on how this is happening.

Mr. Boyd said a tow truck person had told him the plates were raising up and puncturing tires. Mr. Graham reiterated that he will ask about it.

Mr. Sheffield stated there is a 24/7 camera at the project site, so they can check and see.

Ms. Mallek said she had asked about a month earlier for detailed plans for the north side of the river on Berkmar, and asked if that is part of the hardscape plan coming forward. Mr. Graham responded the drainage plans are being reviewed to be converted into a final plan, and asked Ms. Mallek about her concerns regarding wetlands impact.

Ms. Mallek said that when they are collecting all of the water off of the bridge and high branch and directing it to one swale, it will come down like a flood instead of being absorbed in a biofilter at the top. Mr. Graham stated that most of the water is being run through stormwater facilities, and they have to plan for overflows as well so there will be some downstream channels, and he will try to send her those details.

Ms. Palmer said that going from Barracks Road traveling east on the Route 250 Bypass, the stop sign angle is very confusing, because it looks as though you are supposed to stop as you are heading east on the bypass. Mr. Graham stated he has raised this issue with VDOT and is very nervous about it, and also tried to ask them about the fact that daylight savings time has caused rush hour traffic to be at night, and the traffic measures for daytime may not be working.

Ms. McKeel said she has received numerous complaints from residents using Barracks Road at the bypass ramp and are questioning whether the timing has not been changed on the traffic lights to accommodate traffic, because people are sitting for a long time at signals. She stated people are waiting to go for the signal to go all the way through, and she has heard numerous complaints from people on Barracks Road, as well as people using the ramp coming down from the construction, and the belief is that the signal has somehow been adjusted. Mr. Graham said the signal may be a City light.

Ms. McKeel clarified it is the signal before the underpass on Barracks Road, on the County side. Mr. Graham stated he will let her know what he finds out.

Agenda Item No. 15. Closed Meeting.

There was no need for a Closed Meeting, so it was not held.

Agenda Item No. 16. Certify Closed Meeting.

This was not necessary since no Closed Meeting was held.

(**Note:** The Board recessed at 4:46 p.m., for a dinner break and reconvened at 6:00 p.m.)

Agenda Item No. 17. Recognitions:

Item No. 17a. Citizen Resource Advisory Committee.

Ms. Dittmar stated the Board wants to recognize three groups that worked to help the Board and the County understand three major challenges, including the Citizens Resource Advisory Committee. Ms. Dittmar stated this committee was created in June 2015 with eight appointed community volunteer members with experience in business, finance, government, economics and management. She said their charge was to understand current and future funding challenges and service demands, and to develop a prioritized set of strategies to help the County meet future resource needs. Ms. Dittmar said the Board had received reports and presentations, reviewed earlier at this meeting in conjunction with the five-year plan. She noted the committee met seven times and reported to the Board in November 2015 with three tiers of recommendations. Ms. Dittmar recognized committee members Cole Hendrix, Mark Roberts, Dennis Rooker, Steve Runkle, Leonard Sandridge, J. Thomas Weaver, Roxanne White, and Bernard Whitsett.

Mr. Dennis Rooker addressed the Board and stated he had spoken to them before and had delivered the report, adding that it was a pleasure to serve on the committee with such a smart group of people. Mr. Rooker stated the County faces significant financial challenges and does not have adequate tools legislatively to deal with its problems. He said that everyone on the committee provided input and everyone took their job seriously, and despite the fact that the topic is difficult and there are not that many solutions identified to solve financial problems, the committee hopes the Board will find some help from the recommendations.

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Item No. 17b. Long Range Solid Waste Solutions Advisory Committee.

Ms. Palmer stated the Long-Range Solutions Solid Waste Advisory Committee was created by the Board in April 2014, and the committee was charged with studying solid waste management as a public policy issue and identifying best practices for current and future solid waste management, including possible regional cooperation. Ms. Palmer said the committee was comprised of 10 members appointed by the Board of Supervisors, as well as liaisons from the Planning Commission, the Board of Supervisors, TJPDC, and the City's Public Works Department. She stated that over the course of more than a year, the committee conducted approximately 40 formal meetings and work sessions, including numerous site visits, panel discussions and special presentations. Ms. Palmer said the committee and assigned staff also managed an extensive outreach and public engagement process, and she recognized Doug Walker, Matt Regis and Emily Kilroy. She stated the committee's final report, including a full set of recommendations, was presented to the Board in October 2015 for the Board's assessment of implementation priorities. Ms. Palmer recognized committee members Leo Mallek, Teri Kent, Leslie Hamilton, Randy Layman, Jeffrey Stitler, Jesse Warren, Anne Bedarf, Peggy Gilges, Steve Janes, Rick Randolph and Wood Hudson, and mentioned that she had also served on the committee.

Mr. Leo Mallek stated that Maya Kumazowa was the City's representative, and said this was a hardworking committee addressing a problem that had bedeviled the County for decades. Mr. Mallek said now that the committee's report had been accepted there will be some forward progress to make some changes.

Board members and attendees applauded.

Ms. Palmer thanked them for their work.

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Item No. 17c. Water Resources Funding Advisory Committee.

Ms. Mallek acknowledged and thanked the members of the Water Resources Funding Advisory Committee, stating that the committee was appointed in August 2014 with the charge of exploring the advisability of a dedicated funding mechanism separate from the General Fund to support the new requirements for the stormwater and MS4 program, consulting with the community and providing recommendations to the Board during October 2015. Ms. Mallek stated the committee had 16 members representing a broad range of experience related to water protection and the natural resources industry. She said the committee met monthly from September 2014 to August 2015 to review information and formulate recommendations, and planned and executed sustained community education and engagement processes involving surveys, open houses, and other engagement tools. Ms. Mallek stated their final report was presented in October and would form the basis of a lot more community work and stakeholder sessions in the winter to refine how this challenging topic can be approached. She also recognized members Jeffrey Sitler, Charlie Armstrong, Robbie Savage, George Goodwin, Charles Ward, Allison Sappington, Joe Jones, Rob Neal, Leslie Middleton, Kim Swanson, Paul Haynie, Karen Firehock, as well as staff members Greg Harper, Doug Walker and Greg Kamptner.

Board members and attendees applauded the committee members.

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

There were none.

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Agenda Item No. 19. **<u>PUBLIC HEARING</u>: <u>ZMA-2015-0004. Commonwealth Senior Living.</u>**
MAGISTERIAL DISTRICT: Rivanna.
TAX MAP/PARCEL: 07800-00-00-055A1.
LOCATION: 1550 Pantops Mountain Place.
PROPOSAL: Request to amend proffers associated with ZMA99-01 and ZMA01-011 and application plan. The proposal is to include assisted living and independent units with an increase

of units from 100 up to 140 units within the existing building on 3.85 acres.
PETITION: Request to amend proffers and application plan on property zoned PRD (Planned Residential Development) which allows residential uses at a density of 3 – 34 units/acre with limited commercial uses. Proposed density up to 36 units/acre. No change to the building footprint is proposed.
ENTRANCE CORRIDOR: Yes.
PROFFERS: Yes.
STEEP SLOPES MANAGED: Yes.
COMPREHENSIVE PLAN: Urban Density Residential – residential (6.01-34 units/acre); supporting uses such as religious institutions, schools, commercial, office and service uses in Neighborhood 3 – Pantops Comp Plan Area.
(Advertised in the Daily Progress on November 16 and November 23, 2015)

The Transmittal Summary, as presented by staff, states that on October 20, 2015, the Planning Commission held a public hearing on the application and recommended approval of this request to increase the number of units permitted within the existing building from 100 to 140 units, with the condition that technical revisions to the proffers are completed.

The staff report for the October 20, 2015 Planning Commission public hearing (Attachment D) provides a complete analysis of the application and substantial and technical changes to the proffers. The Commission recommended that the proffers be revised to retain those existing proffers related to providing access through the applicant's parcel to an abutting parcel, maintaining a 15-foot wide landscaped buffer and screening along the common boundary with Glenorchy subdivision, and ensuring that an existing fieldstone wall remains. All of the changes to the proffers recommended by staff and the Commission have been made. The technical revisions focused on updating proffer language to be consistent with current conditions and eliminating proffers that have been completed or that are no longer necessary because the subject matter is addressed in the County Code.

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

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Mr. David Benish, Acting Director of Planning, addressed the Board, stating this is a proposal to amend the proffers for the Commonwealth Senior Living facility to increase the number of units from 100 to 140, and some associated technical clean-ups to the proffers. Mr. Benish reported the applicant's intent is to convert 86 existing units into no more than 70 independent living units, with the balance in assisted living or memory care units. He stated there is no change in the size of the building proposed, and the location of the site is adjacent to Westminster Canterbury at Pantops Place about 430 feet from the intersection of Pantops Mountain Road and Route 250.

Mr. Benish noted the property is zoned Planned Residential Development, as are the immediate surrounding areas to the north, south and west, and the Comprehensive Plan designation is urban density residential. He referenced a map showing the property that is subject to the original rezoning and pointed out the property that is subject to this request.

Mr. Benish presented the application plan and stated there are no changes proposed to building size, but the plan does have a modification reflecting small change to the amenity area that has already been approved. He stated the rezoning request remains consistent with the Comp Plan and the intent of the original rezoning, with the increase in units providing service to larger segments of the senior population with no additional impacts to surrounding properties or public infrastructure. He added all factors for the proposal are favorable, with technical changes addressed during the Planning Commission review, and staff is recommending approval as cited in the resolution.

The Chair asked the applicant for comments.

Mr. Steve Blaine addressed the Board, representing Commonwealth Assisted Living, and stated the company is based in Charlottesville and operates more than 20 facilities throughout Virginia, serving about 1,300 residents with affordable care options. He stated this is Commonwealth's first facility located in Charlottesville, and it will provide much needed Alzheimer's and dementia services.

The Chair then opened the public hearing. There being no comments from the public, the Chair closed the public hearing and the matter was placed before the Board.

Motion was then offered by Mr. Boyd to adopt the proposed ordinance approving ZMA-2015-00004 Commonwealth Senior Living. Mr. Sheffield **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

ORDINANCE NO. 15-A(6)
ZMA 2015-00004 COMMONWEALTH SENIOR LIVING

AN ORDINANCE TO AMEND THE ZONING MAP
FOR TAX MAP AND PARCEL NUMBER 07800-00-00-055A1

WHEREAS, the application to amend the zoning map for Tax Map and Parcel Number 07800-00-00-055A1, (the "Property"), is identified as ZMA 2015-00004, Commonwealth Senior Living ("ZMA 2015-04"); and

WHEREAS, the zoning of the Property, together with Tax Map and Parcel Number 07800-00-00-055A5 ("TMP 78-55A5"), was amended by ZMA 1999-01 on January 12, 2000, to rezone the Property from R-10 to PRD to allow assisted living and independent living uses; and

WHEREAS, the zoning of the Property, together with TMP 78-55A5, was again amended by ZMA 2001-11 on October 3, 2001 with revised Proffers to allow road access; and

WHEREAS, ZMA 2015-04 proposes to amend the Proffers and the Application Plan applicable to the Property in order to increase the number of allowable assisted living and independent living units from 100 to up to 140; and

WHEREAS, on October 20, 2015, after a duly noticed public hearing, the Planning Commission recommended approval of ZMA 2015-04, provided that technical revisions were made to the proffers, and such revisions have since been made.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the staff report prepared for ZMA 2015-04 and its attachments, including the proffers revised after the Planning Commission public hearing, the information presented at the public hearing, the material and relevant factors in Virginia Code § 15.2-2284, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2015-04 with the Proffers dated November 23, 2015, and the Application Plan dated July 6, 2015, with sheets 1 and 3 of 3 last revised September 25, 2015 and sheet 2 revised August 17, 2015, and the zoning map for Tax Map and Parcel Number 07800-00-00-055A1 is amended accordingly.

Original Proffers _______
Amendment ___X___

PROFFER STATEMENT

ZMA No. 2015-00004 Commonwealth Senior Living Proffer Amendment

Tax Map and Parcel Number(s): **07800-00-00-055A1**

Owner(s) of Record: **Osprey/Pantops Place LLC**

Date of Proffer Signature: November 23, 2015, last revised November 5, 2015

3.851 acres zoned **PRD**

Osprey/Pantops Place LLC is the owner ("Owner") of Tax Map and Parcel Number **07800-00-00-055A1** which is subject to this zoning map amendment (the "Property"). The Property is a portion of the property that was the subject of rezoning applications ZMA 1999-001 and ZMA 2001-011, for a project then known as "Pantops Place," (the "Pantops Place Rezonings"). The portion of the overall Pantops Place Rezonings property affected by these Proffers consists of an existing building of approximately 110,000 square feet that will be internally reconfigured to convert various independent living units into assisted living units to result in a greater number of assisted living units than that which was envisioned in ZMA 2001-011 and will now be referred to as "Commonwealth Senior Living" (the "Project").

ZMA 1999-001 and ZMA 2001-011 also pertained to Tax Map and Parcel Number 07800-00-00-055A5. Pantops Place Limited Partnership is the owner of Tax Map and Parcel Number 07800-00-00-055A5 which consists principally as open space (the "Open Space"). The Property and the Open Space were subject to Proffers dated January 5, 2000 and August 28, 2001 (the "Previous Proffers) as part of the actions approving rezoning applications ZMA 1999-001 and ZMA 2001-011. These Proffers are intended to amend the Previous Proffers as they relate to the ***Property*** only; the Open Space therefore will still be subject to the Previous Proffers, to the extent applicable, unless or until the Previous Proffers are amended with respect to the Open Space.

Pursuant to Section 33 of the Albemarle County Zoning Ordinance, the Owner hereby voluntarily proffers the conditions listed below which shall be applied to the Property if it is rezoned to the zoning district identified above. These conditions are proffered as a part of the proposed rezoning, and the Owner acknowledges that the conditions are reasonable.

1. Residential density limits shall be as follows:

The building containing the Assisted Living units and the Independent Living units will be no greater than 110,000 square feet. The total number of Assisted Living units and Independent Living units together shall not exceed **140**. The Owner reserves the right to adjust the ratio of Assisted Living to Independent Living units for this site based on the parking requirements as described on sheet 3 of the Application Plan.

2.

a) Vehicular access to the Property from Route 250 East shall be limited to a single location via Pantops Mountain Place, as shown on the Application Plan.

b) The Owner shall provide for access to the adjoining property described as Albemarle County Tax Map 78, parcel 55A7 in the general location shown on that certain Application Plan for Peter Jefferson Overlook, dated October 18, 2010, attached.

c) The Owner shall provide shuttle service at a minimum of three (3) times a week to convey residents to appointments, shopping, and other destinations.

3. The Owner shall maintain a 15 foot wide buffer on the property along its entire common boundary with the Glenorchy subdivision as shown on the Application Plan prepared by McKee Carson, entitled Pantops Place, sheet 2 of 3, dated October 18, 1999. The 15 foot buffer shall be shown on any approved site plan for the Property. The purpose of this buffer is to ensure the preservation of an existing fieldstone wall and a mature hedgerow along this common boundary line. The existing fieldstone wall shall not be removed or modified. No plant removal, other than dead, diseased or noxious vegetation shall take place in this area. Only limited grading as shown on the approved site plans shall be permitted, and new beneficial plant material may be sensitively introduced to augment the efficacy of the hedgerow as a screening element. Pedestrian access to this area shall not be restricted.

4. The Owner shall not disturb the existing natural and landscaped screening along or adjacent to the Glenorchy subdivision, to ensure that the service areas for existing or future buildings will be properly screened from the Glenorchy subdivision.

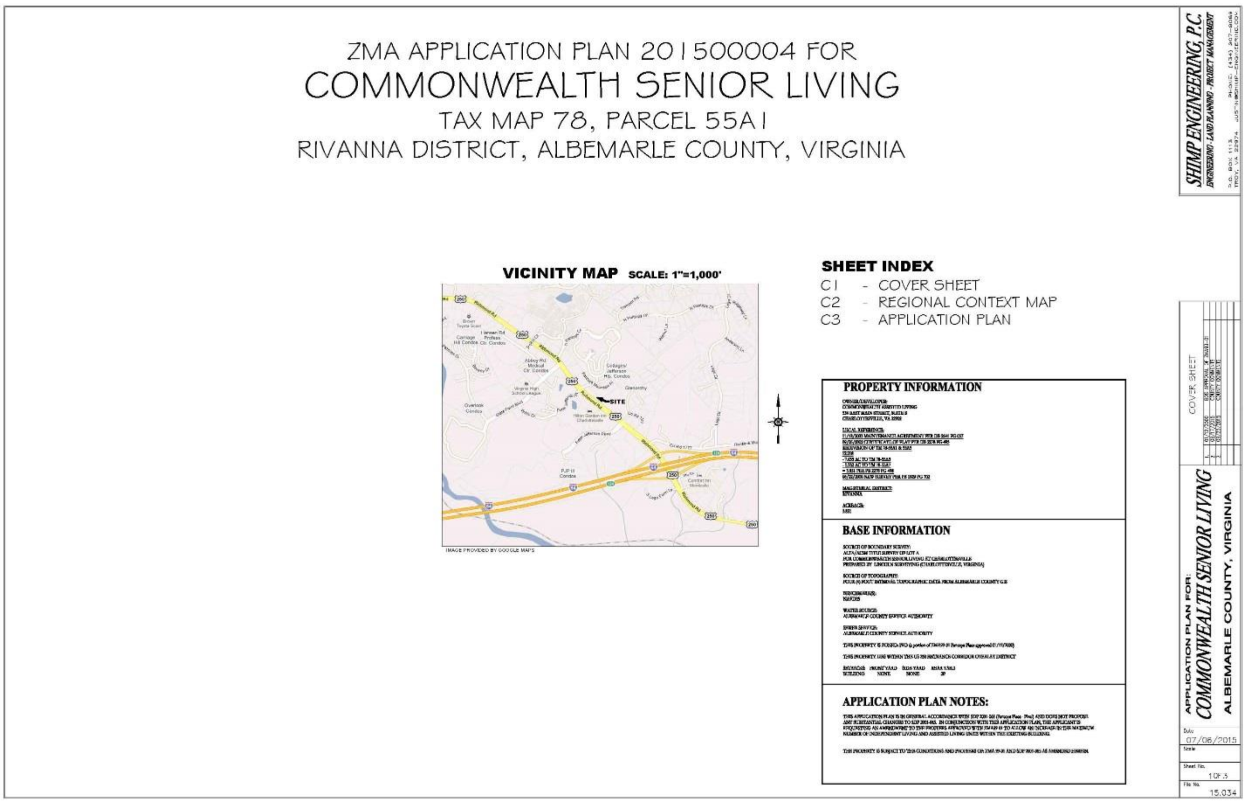
This Proffer Statement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same instrument.

WITNESS the following signatures:

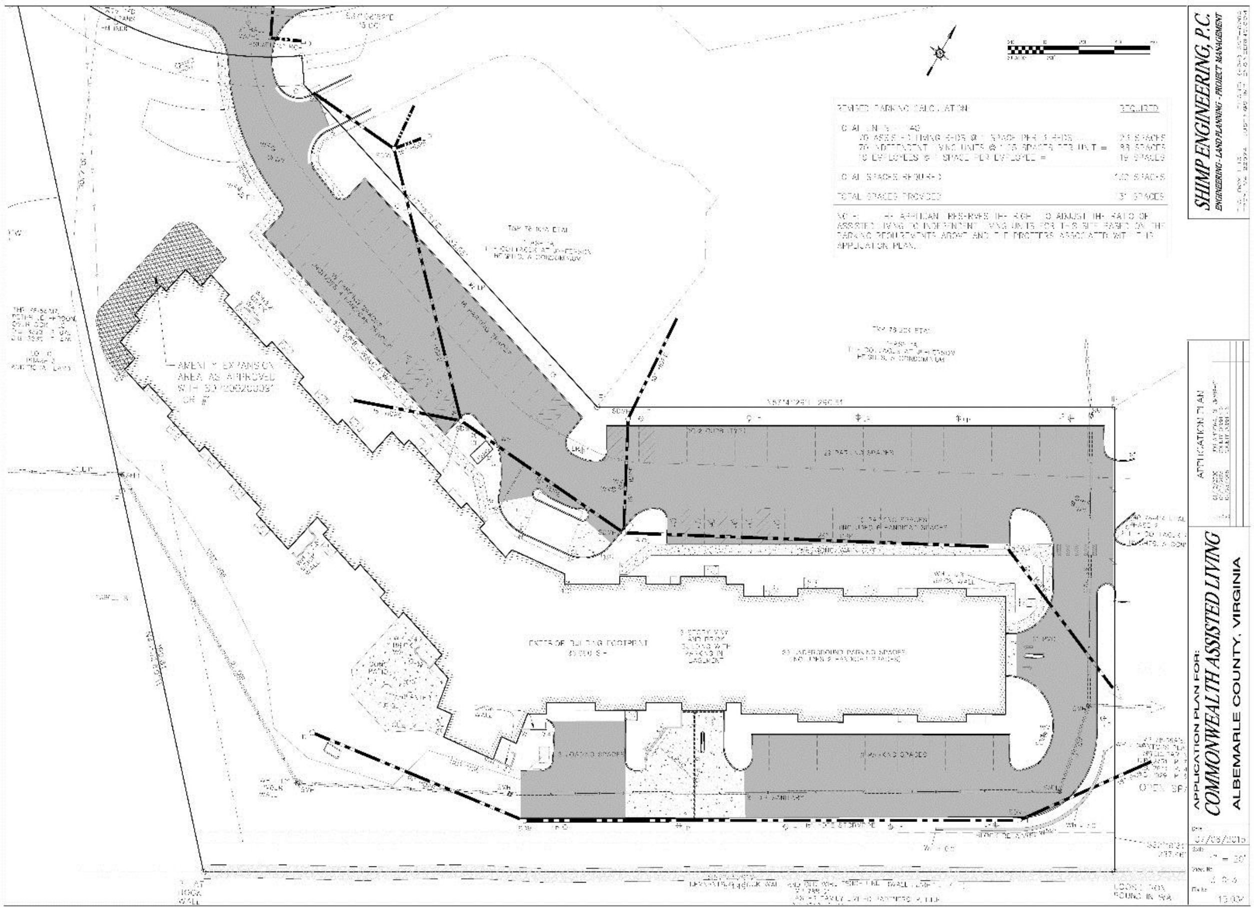
OWNER:

Osprey/Pantops Place LLC, a Delaware limited liability company

By: ______________________________
Richard G. Corey, President


ZMA APPLICATION PLAN 201500004 FOR
COMMONWEALTH SENIOR LIVING
TAX MAP 78, PARCEL 55A1
RIVANNA DISTRICT, ALBEMARLE COUNTY, VIRGINIA
VICINITY MAP SCALE: 1"=1,000'
SITE
SHEET INDEX
C1 - COVER SHEET
C2 - REGIONAL CONTEXT MAP
C3 - APPLICATION PLAN
PROPERTY INFORMATION
BASE INFORMATION
APPLICATION PLAN NOTES:
SHIMP ENGINEERING, P.C.
APPLICATION PLAN FOR:
COMMONWEALTH SENIOR LIVING
ALBEMARLE COUNTY, VIRGINIA
COVER SHEET
07/06/2015
1 OF 3
15.034


LIMITS OF ORIGINAL PRD DISTRICT (ZMA99-01)
THE COTTAGES AT JEFFERSON HEIGHTS (ZMA200400009)
PANTOPS PLACE PRD OPEN SPACE (ZMA99-01)
SITE
PETER JEFFERSON OVERLOOK (ZMA201000010)
SHIMP ENGINEERING, P.C.
REGIONAL CONTEXT MAP
APPLICATION PLAN FOR:
COMMONWEALTH SENIOR LIVING
ALBEMARLE COUNTY, VIRGINIA
15.034



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Agenda Item No. 20. **PUBLIC HEARING: Agricultural and Forestal Districts**. Ordinance to amend Division 2, Districts, of Article II, Districts of Statewide Significance, of Chapter 3, Agricultural and Forestal Districts, of the Albemarle County Code, to add lands to certain districts, and to create certain districts, as specified below:

a) **AFD201500001 Moorman's River Addition – Rinehart.** The proposed ordinance would add the following parcels to the Moorman's River Agricultural and Forestal District (Albemarle County Code § 3-222). The parcels proposed for addition (Tax map 58, parcels 65A4, 65E, and 65I) total approximately 27.37 acres in size and are located at 1283 Tilman Road. The Albemarle County Agricultural and Forestal Districts Advisory Committee has recommended approval of this addition. *(Samuel Miller Magisterial District)*

b) **AFD201500002 Jacob's Run Addition – Dick.** The proposed ordinance would add the following parcel to the Jacob's Run Agricultural and Forestal District (Albemarle County Code § 3-218). The parcel proposed for addition (Tax map 19A, parcel 9) is approximately 21.19 acres in size and is located at 1775 Double Eagle Trace. The Albemarle County Agricultural and Forestal Districts Advisory Committee has recommended approval of this addition. *(White Hall Magisterial District)*

c) **AFD201500003 Blue Run Addition – Carpenter.** The proposed ordinance would add the following parcel to the Blue Run Agricultural and Forestal District (Albemarle County Code § 3-208). The parcel proposed for addition (Tax map 35, parcel 37A1) is approximately 25.1 acres in size and is located approximately 1,330 feet northwest of Virginia Route 20 from a point approximately 1,650 feet north of the intersection of Route 20 and Burnley Station Road (Route 641). The Albemarle County Agricultural and Forestal Districts Advisory Committee has recommended approval of this addition. *(Rivanna Magisterial District)*

d) **AFD-2015-00004. Green Mountain District Creation.** The proposed ordinance would create the Green Mountain Agricultural and Forestal District. The parcels that would compose the proposed District are Tax Map 120, Parcels, 15A, 15B, 16C, 18A, 18A1; and Tax Map 121 Parcel 2. The proposed District would be approximately 1,248 acres in size and located near Keene and Alberene. The Albemarle County Agricultural and Forestal Advisory Committee has recommended approval of this district. *(Samuel Miller Magisterial District)*

e) **AFD-2015-00005. Eastham Addition – Henry.** The proposed ordinance would add the following parcel to the Eastham Agricultural and Forestal District (Albemarle County Code § 3-212). The parcel proposed for addition (Tax map 47, parcel 17B) totals approximately 27.8 acres in size and is located at 2989 Stony Point Road. The Albemarle County Agricultural and Forestal Districts Advisory Committee has recommended approval of this addition. *(Rivanna Magisterial District)*

f) **AFD-2015-00006. Carter's Bridge Addition – Frank.** The proposed ordinance would add the following parcel to the Carter's Bridge Agricultural and Forestal District (Albemarle County Code § 3-210). The parcel proposed for addition (Tax map 122, parcel 18D) totals approximately 28.8 acres in size and is located at 6200 Blenheim

Road. The Albemarle County Agricultural and Forestal Districts Advisory Committee has recommended approval of this addition. *(Scottsville Magisterial District)*

g) **AFD-2015-00007. Hardware Addition – Keeling.** The proposed ordinance would add the following parcel to the Hardware Agricultural and Forestal District (Albemarle County Code § 3-214. The parcel proposed for addition (Tax map 88, parcel 3M) totals approximately 21 acres in size and is located approximately 980 feet northeast of the end of Waldemar Drive. The Albemarle County Agricultural and Forestal Districts Advisory Committee has recommended approval of this addition. *(Samuel Miller Magisterial District)*

h) **AFD-2015-00008. Lanark Addition – Vernon.** The proposed ordinance would add the following parcel to the Lanark Agricultural and Forestal District (Albemarle County Code § 3-221). The parcel proposed for addition (Tax map 103, parcel 2E) totals approximately 20.7 acres in size and is located at 3856 Presidents Road. The Albemarle County Agricultural and Forestal Districts Advisory Committee has recommended approval of this addition. *(Scottsville Magisterial District)*

i) **AFD-2015-00009. Keswick Addition – Aiello.** The proposed ordinance would add the following parcel to the Keswick Agricultural and Forestal District (Albemarle County Code § 3-219). The parcel proposed for addition (Tax map 81, parcel 11H) totals approximately 48.41 acres in size and is located at 4775 Woodbound Road. The Albemarle County Agricultural and Forestal Districts Advisory Committee has recommended approval of this addition. *(Rivanna Magisterial District)*

j) **AFD-2015-00010. Jacobs Run Addition – Collins.** The proposed ordinance would add the following parcels to the Jacob's Run Agricultural and Forestal District (Albemarle County Code § 3-218). The parcel proposed for addition (Tax map 20, parcel 6S) totals approximately 21.01 acres in size and is located at 675 Frays Ridge Road. The Albemarle County Agricultural and Forestal Districts Advisory Committee has recommended approval of this addition. *(White Hall Magisterial District)*

k) **AFD-2015-00011. Keswick Addition – Traylor.** The proposed ordinance would add the following parcels to the Keswick Agricultural and Forestal District (Albemarle County Code § 3-219). The parcels proposed for addition (Tax map 48, parcels 45 and 46) total approximately 40.03 acres in size and are located at 2153 Hawkshill Lane. The Albemarle County Agricultural and Forestal Districts Advisory Committee has recommended approval of this addition. *(Rivanna Magisterial District)*

l) **AFD-2015-00012. Moorman's River Addition – McMurdo.** The proposed ordinance would add the following parcels to the Moorman's River Agricultural and Forestal District (Albemarle County Code § 3-222). The parcel proposed for addition (Tax map 30, parcel 12) totals approximately 254.24 acres in size and is located at 1113 Locust Grove Lane. The Albemarle County Agricultural and Forestal Districts Advisory Committee has recommended approval of this addition. *(Jack Jouett Magisterial District)*

(Advertised in the Daily Progress on November 16 and November 23, 2015)

The Executive Summary, as presented by staff, states that localities are enabled to establish agricultural and forestal districts (AFD's) under the Agricultural and Forestal Districts Act (Virginia Code § 15.2-4300). AFD's serve two primary purposes: (1) to conserve and protect agricultural and forestal lands; and (2) to develop and improve agricultural and forestall lands. Land within an AFD is prohibited from being developed to a more intensive use, other than a use resulting in more intensive agricultural or forestal production, without prior Board approval. The County is prohibited from exercising its zoning power in a way that would unreasonably restrict or regulate farm structures or farming and forestry practices in contravention of the Agricultural and Forestal Districts Act unless those restrictions or regulations bear a direct relationship to public health and safety (Virginia Code § 15.2-4312).

Additions. A landowner may petition to add its land to an AFD at any time (Virginia Code § 15.2-4310). Virginia Code §§ 15.2-4307 and 15.2-4309 require that the Board conduct a public hearing on proposed additions to AFDs, and that these actions be reviewed by both the Agricultural and Forestal District Advisory Committee and the Planning Commission for their recommendations. The Advisory Committee and the Planning Commission reviewed the following requests and recommend approval of the proposed actions. The October 20, 2015 and November 10, 2015 AFD staff reports to the Planning Commission are attached (Attachments B and C).

Blue Run AFD. The Blue Run AFD is located in the northeastern portion of the County, and contains 4,219 acres. One landowner submitted a request to add one parcel (TMP 35-37A1) consisting of 25.1 acres to the District.

Carter's Bridge AFD. The Carter's Bridge AFD is located in the southeastern portion of the County, in the area of Carter's Bridge, Blenheim, and Woodbridge, and contains 8,895 acres. One landowner submitted a request to add one parcel (TMP 122-18D) consisting of 28.78 acres to the District.

Eastham AFD. The Eastham AFD is located in the vicinity of Hammocks Gap Road and Route 20, and contains 1,002 acres. One landowner submitted a request to add one parcel (TMP 47-17B) consisting of 27.818 acres to the District.

Hardware AFD. The Hardware AFD is located on either side of US 29 South, in the vicinity of Crossroads and Red Hill, and contains 3,362 acres. One landowner submitted a request to add one parcel (TMP 88-3M) consisting of 21 acres to the District.

Jacobs Run AFD. The Jacob's Run AFD is located in the vicinity of Earlysville, and contains 973 acres. One landowner submitted a request to add one parcel (TMP 19A-9) consisting of 21.19 acres to the District, and another landowner submitted a request to add one parcel (TMP 20-6S) consisting of 21.01 acres to the District.

Keswick AFD. The Keswick AFD is located in the vicinity of Keswick, and contains 6,913 acres. One landowner submitted a request to add one parcel (TMP 81-11H) consisting of 48.41 acres to the District, and another landowner submitted a request to add two parcels (TMP's 48-45 and 48-46) consisting of 40.03 acres to the District.

Lanark AFD. The Lanark AFD is located north of Overton and south of Ash Lawn-Highland, and contains 5,957 acres. One landowner submitted a request to add one parcel (TMP 103-2E) consisting of 20.7 acres to the District.

Moormans River AFD. The Moormans River AFD is located in the vicinity of White Hall, Millington, Free Union, and Owensville, and contains 10,601 acres. One landowner submitted a request to add three parcels (TMP's 58-65A4, 58-65E, and 58-65I) consisting of 27.37 acres to the District, and another landowner submitted a request to add one parcel (TMP 30-12) consisting of 254.24 acres to the District.

Creation of District. On or before November 1 of each year or any other annual date selected by the locality, any landowner or landowners may submit an application to the locality for the creation of a district (Virginia Code § 15.2-4305). Virginia Code §§ 15.2-4307 and 15.2-4309 require that the Board conduct a public hearing on proposed additions to AFDs, and that these actions be reviewed by both the Agricultural and Forestal District Advisory Committee and the Planning Commission for their recommendations. The Advisory Committee and the Planning Commission reviewed the following request and recommend approval of the proposed actions. The November 10, 2015 AFD staff report to the Planning Commission is attached (Attachment C).

Green Mountain AFD. Five landowners have submitted an application requesting to create the Green Mountain AFD. The proposed district would include six parcels (TMP's 120-15A, 120-15B, 120-16C, 120-18A, 120-18A1, and 121-2) and 1,248.47 acres, and is located north of Esmont and West of Keene.

Blue Run AFD. The Blue Run AFD contains 4,219 acres and primarily consists of forested parcels and farm parcels. The parcel under consideration for addition, TMP 35-37A1, has no dwellings and no street address. The proposed addition of the parcel, consisting of 25.1 acres, would increase the total number of acres in the Blue Run District to 4,244. Adding this parcel, which is approximately 2/3 wooded and 1/3 open, will help protect forest and rich farm land, and will help maintain the environmental integrity of the County and aid in the protection of ground and surface water, agricultural soils, and wildlife habitat. The District is divided among the watersheds of the North Fork Rivanna, Rivanna, Rapidan, and South Anna Rivers. The Blue Run AFD is scheduled for review in 2022.

Carter's Bridge AFD. The Carters Bridge AFD contains 8,895 acres and primarily consists of forested land and pasture. The parcel under consideration for addition, TMP 122-18D, is located at 6200 Blenheim Road. There is one dwelling on the parcel. The proposed addition of the parcel, consisting of 28.78 acres, would increase the total number of acres in the Carter's Bridge District to 8,924. Adding this parcel, which is largely wooded, will help protect forest and rich farm land, and will help maintain the environmental integrity of the County and aid in the protection of ground and surface water, agricultural soils, and wildlife habitat. The Carter's Bridge AFD is scheduled for review in 2018.

Eastham AFD. The Eastham AFD contains 1,002 acres and primarily consists of pasture and forest land. The parcel under consideration for addition, TMP 47-17B, is located at 2989 Stony Point Road. There is one dwelling on the parcel. The proposed addition of the parcel, consisting of 27.818 acres, would increase the total number of acres in the Eastham District to 1,030. Adding this parcel, which is largely open land with approximately 9 acres of wooded cover, will help protect forest and rich farm land, and will help maintain the environmental integrity of the County and aid in the protection of ground and surface water, agricultural soils, and wildlife habitat. The Eastham AFD is scheduled for review in 2024.

Green Mountain AFD. Five landowners have submitted an application requesting to create the Green Mountain AFD. The proposed district would consist of six parcels (TMP's 120-15A, 120-15B, 120-16C, 120- 8A, 120-18A1, and 121-2) and would contain 1,248.47 acres, and is located north of Esmont and West of Keene. The proposed district is characterized by open pasture, hardwood forest, and pine forest, and there are three dwellings in the District. The surrounding area is made up of large farm and forest parcels, with some smaller residential lots along the roads. Two parcels in the proposed district are under conservation easements, as are adjacent parcels to the northeast and south. The proposed district is entirely designated as Rural Areas in the Comprehensive Plan, and the parcels included in the district and those adjacent to the parcels in the district are zoned Rural Areas with agricultural, forestal, and fishery uses as the preferred land use and a residential density of 0.5 units per acre. Protecting and reserving these properties in an Agricultural and Forestal District will help protect forest and productive farmland, and conservation of these areas will help maintain the environmental integrity of the County and aid in the protection of ground and surface water, agricultural soils, and wildlife habitat.

The proposed District would be under a 10-year review cycle, and would next be reviewed in 2025.

Hardware AFD. The Hardware AFD contains 3,362 acres and primarily consists of large forested parcels and large farm parcels. The parcel under consideration for addition, TMP 88-3M, has no dwelling and no street address. The proposed addition of the parcel, consisting of 21 acres, would increase the total number of acres in the Hardware District to 3,383. Adding this parcel, which is largely open and includes several acres of pond, will help protect forest and rich farm land, and will help maintain the environmental integrity of the County and aid in the protection of ground and surface water, agricultural soils, and wildlife habitat. The Hardware AFD is scheduled for review in 2017.

Jacobs Run AFD. The Jacobs Run AFD contains 973 acres and primarily consists of large forested parcels and large farm parcels. The parcels under consideration for addition are TMP 19A-9, which is located at 1775 Double Eagle Trace and has one dwelling, and TMP 20-6S, which is located at 675 Fray's Ridge Road and has one dwelling. The proposed addition of these parcels, consisting of 21.19 and 21.01 acres respectively, would increase the total number of acres in the Jacobs Run District to 1,014. Adding these parcels, which are both partly wooded and partly open, will help protect forest and rich farm land, and will help maintain the environmental integrity of the County and aid in the protection of ground and surface water, agricultural soils, and wildlife habitat. The District is located in the watersheds of the South Fork Rivanna Reservoir, Chris Greene Lake, and the North Fork Rivanna water intake, and so helps to protect the public water supply. The Jacobs Run AFD is scheduled for review in 2019.

Keswick AFD. The Keswick AFD includes 6,913 acres and primarily consists of pasture and hardwood forest. The parcels under consideration for addition are TMP 81-11H, which is located at 4775 Woodbound Road and has one dwelling; and TMPs 48-45 and 48-46, which are located at 2153 Hawkshill Lane and have one dwelling. The proposed addition of these parcels, consisting of 48.41, 14.57, and 25.46 acres respectively, would increase the total number of acres in the Keswick District to 7,001. Adding these parcels, which are wooded except for the dwellings, will help protect forest and rich farm land, and will help maintain the environmental integrity of the County and aid in the protection of ground and surface water, agricultural soils, and wildlife habitat. The Keswick AFD is scheduled for review in 2024.

Lanark AFD. The Lanark AFD contains 5,957 acres and primarily consists of evergreen and deciduous forest, open pasture, agricultural fields, and hedgerows, as well as occasional residential and agricultural buildings. The parcel under consideration for addition, TMP 103-2E, is located at 3856 Presidents Road. There is one dwelling on the parcel. The proposed addition of the parcel, consisting of 20.7 acres, would increase the total number of acres in the Lanark District to 5,978. Adding this parcel, which is almost entirely wooded, except for the area around the dwelling, will help protect forest and rich farm land, and will help maintain the environmental integrity of the County and aid in the protection of ground and surface water, agricultural soils, and wildlife habitat. The Lanark AFD is scheduled for review in 2018.

Moormans River AFD. The Moormans River AFD contains 10,601 acres and primarily consists of large forested parcels and large farm parcels, but includes a range of parcel sizes. The parcels under consideration for addition are TMP's 58-65A4, 58-65E, and 58-65I, which are located at 1283 Tilman Road and have two dwellings; and TMP 30-12, which is located at 1113 Locust Grove Lane and has four dwellings. The proposed addition of these parcels, consisting of 5.0, 13.91, 8.46, and 254.24 acres, respectively, would increase the total number of acres in the Moormans River District to 10,883. Adding these parcels, the first three of which are largely open land, and the last of which is primarily open with some wooded areas and hedgerows, will help protect forest and rich farm land, and will help maintain the environmental integrity of the County and aid in the protection of ground and surface water, agricultural soils, and wildlife habitat. The District is located mostly in the South Fork Rivanna River watershed and thus helps to protect the largest public water supply for the County and the City of Charlottesville. The Moormans River AFD is scheduled for review in 2024.

There is no budget impact.

After conducting public hearings on the proposed AFD additions and the creation of the AFD, which may be held together as one public hearing, staff recommends that the Board adopt the attached ordinance to approve the additions to the Blue Run AF District, the Carter's Bridge AF District, the Eastham AF District, the Hardware AF District, the Jacob's Run AF District, the Keswick AF District, the Lanark AF District, and the Moormans River AF District; and the creation of the Green Mountain AF District.

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Mr. Scott Clark, Senior Planner, addressed the Board and stated they are considering 12 Ag/Forestal Districts, 11 additions to existing districts and 1 new district.

Mr. Clark stated the first is an addition to the Moorman's River District, the largest ag/forestal district with 10,000 acres in the northwest portion of the County. He said the property requesting addition is three parcels totaling 26 acres, and the Ag/Forestal Advisory Committee voted to recommend approval.

Mr. Clark said the second proposal is for expansion to the Jacob's Run District, which is one parcel with 21 acres and having no further development potential; the third proposal is an addition to the Blue Run District/Carpenter property, located on the Orange County line, with 25 acres having two development rights. He stated that AFD-1504 is the new district creation as mentioned for the Green Mountain District, located west of Keene and southeast of Alberene, totaling 1,200 acres and several properties that will be added as a brand new district, with about 85% of the area having important soils as recognized in the Comp Plan. Mr. Clark noted there is a lot of development potential for the property in this district, and the Ag/Forestal Committee recommended approval of the addition. He stated the AFD-1505 is a proposed addition to the Eastham District, a 27-acre parcel with one dwelling located on Stony Point Road and no further development potential; AFD-1506 is a proposed addition to the Carter's Bridge District, located near Carter's Bridge and Keene, with a 21-acre parcel, all of which have important soils, with one existing dwelling and rights for two development rights lots and one 21-acre lot.

Mr. Clark stated that AFD-1507 is an addition for the Hardware District, with the adjacent property added last year by the owner, and is a 21-acre parcel with no further development potential; the property has almost 21 acres of important soils, but a fair amount of the parcel is underwater. He noted that it can have one dwelling, but cannot be further subdivided. Mr. Clark said that AFD-1508 is an addition to the Lenarc District and is a 20.7-acre property, mostly wooded, with one dwelling and five development rights. He reported there are two additions to the Keswick District: the Trailer property to the north end, and the Aiello property at the south, which has 48 acres, 44 acres of important soils and the potential to be divided into two 21-acre or larger lots. He noted the Trailer property is in two parcels with about 40 acres, 32 of which have important soils, and 10 total development rights on the property.

Mr. Clark reported the Jacob's Run District addition near Earlysville has 21 acres with one dwelling on it with no further development potential, and in this particular case the committee recommended approval, but expressed concern about the lack of development potential on the property. He said the landowners talked to staff about their intentions, and one property owner told him their intention is to go into the district to qualify for the open space tax category because they are worried about being required to harvest trees if they stay in the forest tax category.

Mr. Clark stated that AFD-1512 is the McMurdo addition to the Moorman's River District and is a much larger addition than the others at 254 acres, with seven 21-acre lots and potential for one more development right.

Mr. Clark stated the committee recommends approval for all proposed additions, and offered to answer questions for the Board.

Ms. Palmer asked him to review the benefits to landowners for adding their land to an Ag/Forestal District, particularly tax benefits. Mr. Clark responded that the Ag/Forestal Districts are not tax programs in themselves, they are conservation programs, and people have the choice after they are in a district to apply for the open space tax rate rather than the Ag/Forestal rate under the land use value program by being in the district, or an open space agreement or conservation easement, as long as they have at least 20 acres to dedicate to that conservation use. He stated there is no automatic benefit with taxation by being in that district, but you can take the next step and use your participation in an Ag/Forestal District and go to the assessor's office to qualify for an open space tax rate.

Ms. Palmer asked for clarification that you cannot qualify for the open space tax credit unless you are in an Ag/Forestal District. Mr. Clark explained there are three ways to qualify for the open space tax rate: an Ag/Forestal District, an open space agreement, or a conservation easement.

Ms. Palmer asked what a landowner gets from joining an Ag/Forestal District. Mr. Clark responded that the main benefit he has heard from people is a community benefit because people are ensuring each other that they will not be turning their land into a development, which is a similar assurance as provided with conservation easements.

Mr. Benish added the Code stipulates that the County should pay particular attention to avoiding public projects within Ag/Forestal Districts, and it creates a criteria for an additional layer of review that must be considered for bypasses, public facilities, firing ranges, and other projects.

Ms. Mallek stated the daycare center at Glendower is completely surrounded by Ag/ Forestal Districts, and the applicant has reduced the size of that project considerably in light of concerns about the impact of traffic on farming.

Ms. Palmer commented that they are not really getting rid of development potential if a person can build a house if they are in an Ag/Forestal District.

Mr. Clark explained the districts do not prevent someone from building a house on a property in the Ag/Forestal District, and most of the restriction is related to subdivision, but these parcels cannot be subdivided anyway.

The Chair opened the public hearing.

Mr. Tony Aiello addressed the Board and stated he is one of the landowners seeking admission into the Keswick Ag/Forest District and encouraged them to approve the proposal. Mr. Aiello said that acceptance at this time is important because the guidance on implementation and the forestry/land use requirements changed, and that change has been rather sudden. He stated he has heard that at least one landowner feels that change pushes him toward joining an Ag/Forestal District as a way of protecting their property.

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

Motion was then offered by Ms. Mallek to adopt ordinance dated November 9, 2015 amending Chapter 3 of the Albemarle County Code approving the additions to the Blue Run, Carter's Bridge, Eastham, Hardware, Jacob's Run, Keswick, Lanark and Moormans River Agricultural and Forestal Districts, and the creation of the Green Mountain Agricultural and Forestal District. Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

ORDINANCE NO. 15-3(1)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 3, AGRICULTURAL AND FORESTAL DISTRICTS, ARTICLE II, DISTRICTS OF STATEWIDE SIGNIFICANCE, DIVISION 2, DISTRICTS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 3, Agricultural and Forestal Districts, Article II, Districts of Statewide Significance, Division 2, Districts, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained as follows:

By Amending:
Sec. 3-208 Blue Run Agricultural and Forestal District
Sec. 3-210 Carter's Bridge Agricultural and Forestal District
Sec. 3-212 Eastham Agricultural and Forestal District
Sec. 3-214 Hardware Agricultural and Forestal District
Sec. 3-218 Jacob's Run Agricultural and Forestal District
Sec. 3-219 Keswick Agricultural and Forestal District
Sec. 3-221 Lanark Agricultural and Forestal District
Sec. 3-222 Moorman's River Agricultural and Forestal District

By Adding:
Sec. 3-213.6 Green Mountain Agricultural and Forestal District

CHAPTER 3. AGRICULTURAL AND FORESTAL DISTRICTS
ARTICLE II. DISTRICTS OF STATEWIDE SIGNIFICANCE
DIVISION 2. DISTRICTS

Sec. 3-208 Blue Run Agricultural and Forestal District.

The district known as the "Blue Run Agricultural and Forestal District" consists of the following described properties: Tax map 22, parcel 10; tax map 35, parcels 22, 23, 24A, 26, 26B, 26B1, 26C, 26D, 28A, 29, 31, 32A, 37A1, 41A, 41A1, 41E, 43; tax map 36, parcels 6A, 9, 20; tax map 49, parcels 4A1, 4A5, 24, 24A, 24B; tax map 50, parcels 5, 5B, 32A, 41A, 41Q, 42A, 42A1, 43, 45B, 47, 47A, 47B; tax map 51, parcels 13, 14. This district, created on June 18, 1986 for not more than 8 years, since amended at its last review on December 5, 2012 to continue for not more than 10 years, shall next be reviewed prior to December 5, 2022.

(5-11-94; 7-13-94; 4-12-95; Code 1988, § 2.1-4(d); Ord. 98-A(1), 8-5-98; Ord. 01-3(3), 8-8-01; Ord. 02-3(3), 7-10-02; Ord. 09-3(4), 12-2-09; Ord. 10-3(3), 12-1-10; Ord. 11-3(2), 7-6-11; Ord. 11-3(4), 12-7-11; Ord. 12-3(2), 12-5-12)

Sec. 3-210 Carter's Bridge Agricultural and Forestal District.

The district known as the "Carter's Bridge Agricultural and Forestal District" consists of the following described properties: Tax map 101, parcels 55A, 60; tax map 102, parcels 17A, 17B, 17B1, 17C, 17D, 18, 19, 19A, 19C, 20B; tax map 111, parcel 48; tax map 112, parcels 1, 3, 15, 15A, 16E, 16E1, 16E2, 16F2, 16J, 16K, 18H, 19E, 19F, 20, 21, 33A, 37D; tax map 113, parcels 1, 1A, 6A, 11A, 11F, 11F1, 11F2, 11F3, 11G, 11G1, 11G2, 11G3, 11H, 11I, 11J, 11K; tax map 114, parcels 2, 25A, 30, 31B, 31C, 31D, 51, 55, 56, 57, 57C, 57D, 67C, 67D, 67E, 67F, 67G, 67H, 67H1, 17I(part), 68, 69, 70; tax map 115, parcel 10; tax map 122, parcels 4, 4A, 6, 7, 8, 9, 10, 12, 12D, 12E, 12N, 18D, 33, 33A, 36; tax map 123, parcel 13B; tax map 124, parcel 11; tax map 130, parcel 19B. This district, created on April 20, 1988 for not more than 10 years and last reviewed on July 9, 2008, shall next be reviewed prior to July 9, 2018.

(Code 1988, § 2.1-4(j); Ord. 98-A(1), 8-5-98; Ord. 98-3(1), 9-9-98; Ord. 99-3(2), 2-10-99; Ord. 99-3(4), 5-12-99; Ord. 08-3(1), 7-9-08; Ord. 09-3(4), 12-2-09; Ord. 12-3(2), 12-5-12)

Sec. 3-212 Eastham Agricultural and Forestal District.

The district known as the "Eastham Agricultural and Forestal District" consists of the following described properties: Tax map 46, parcels 91B, 91C, 91E; tax map 47, parcel 17B; tax map 63, parcels 1, 1A, 1A1, 2, 4, 14G, 14H, 14I, 26, 26A, 27, 28, 28A, 30F, 30G, 41A, 41A1, 41A2. This district, created on October 2, 1985 for not more than 10 years and last reviewed on August 6, 2014, shall next be reviewed prior to August 6, 2024.

(12-8-93; 5-11-94; Code 1988, § 2.1-4(c); Ord. 98-A(1), 8-5-98; Ord. 04-3(2), 4-14-04; Ord. 09-3(4), 12-2-09; Ord. 14-3(1), 8-6-14)

Sec. 3-213.6 Green Mountain Agricultural and Forestal District.

The district known as the “Green Mountain Agricultural and Forestal District” consists of the following described properties: Tax map 120, parcels 15A, 15B, 16C, 18A, 18A1; tax map 121, parcel 2. This district, created on December 2, 2015 for not more than 10 years, shall next be reviewed prior to December 2, 2025.

(Ord. 15-3(1), 12-2-15)

Sec. 3-214 Hardware Agricultural and Forestal District.

The district known as the "Hardware Agricultural and Forestal District" consists of the following described properties: Tax map 72, parcel 51C; tax map 73, parcels 38, 39C7, 41A, 41B1, 41B2, 42, 42A, 43, 44; tax map 74, parcels 6H, 6N, 26, 28, 28B; tax map 75, parcels 4A, 5; tax map 86, parcels 14, 16, 16A, 16C, 16D, 16E, 16F, 16H, 27, 27A; tax map 87, parcels 10, 13A, 13E (part consisting of 89.186 acres), 16A; tax map 88, parcels 2A, 3M, 3R, 3T, 3U, 3V, 6A, 20A, 20B, 20C, 20D, 20F, 23, 23E, 23F, 24, 24A, 24B, 26B, 29, 40, 42; tax map 99, parcels 10(part), 29, 52, 52B. This district, created on November 4, 1987 for not more than 10 years and last reviewed on September 12, 2007, shall next be reviewed prior to September 12, 2017.

(Code 1988, § 2.1-4(h); Ord. No. 98-A(1), 8-5-98; Ord. 00-3(2), 7-12-00; Ord. 07-3(2), 9-12-07; Ord. 09-3(4), 12-2-09; Ord. 10-3(2), 7-7-10; Ord. 10-3(3), 12-1-10; Ord. 12-3(1), 7-11-12; Ord. 13-3(1), 12-4-13; Ord. 14-13(2), 11-12-14)

Sec. 3-218 Jacobs Run Agricultural and Forestal District.

The district known as the "Jacobs Run Agricultural and Forestal District" consists of the following described properties: Tax map 19, parcels 25, 25A; tax map 19A, parcels 9, 22, 31; tax map 20, parcels 6J, 6S; tax map 30, parcel 32B; tax map 31, parcels 1, 1B, 4K, 8, 8E, 16, 16B, 44C, 45, 45B. This district, created on January 6, 1988 for not more than 6 years, since amended to continue for not more than 10 years and last reviewed on December 2, 2009, shall next be reviewed prior to December 2, 2019.

(3-2-94; Code 1988, § 2.1-4(i); Ord. 98-A(1), 8-5-98; Ord. 00-3(1), 4-19-00; Ord. 09-3(4), 12-2-09; Ord. 10-3(2), 7-7-10; Ord. 11-3(2), 7-6-11; Ord. 13-3(1), 12-4-13)

Sec. 3-219 Keswick Agricultural and Forestal District.

The district known as the "Keswick Agricultural and Forestal District" consists of the following described properties: Tax map 48, parcels 30, 30A, 30B, 30C, 30D, 30E, 45, 46; tax map 63, parcels 39, 39A, 40, 42A; tax map 64, parcels 5, 7, 7A, 8A, 9, 10 10A, 10B, 10C, 10D, 11, 12, 13, 13A, 14; tax map 65, parcels 13, 14A, 14A1, 31C1, 31C3, 31D, 32; tax map 79, parcel 46; tax map 80, parcels 1, 2, 2A, 2C, 3A, 3A1, 3G, 3H, 3I, 4, 61D, 88, 114A, 115, 164, 169, 169A, 169C, 169C1, 174, 176, 176A, 182, 183A, 190, 192, 194; tax map 81, parcels 1, 8A, 11H, 15A6, 15B, 63, 69, 72, 73, 74, 79. This district, created on September 3, 1986 for not more than 10 years and last reviewed on November 12, 2014, shall next be reviewed prior to November 12, 2024.

(10-12-94; 4-12-95; 8-13-97; Code 1988, § 2.1-4(e); Ord. 98-A(1), 8-5-98; Ord. 04-3(3), 11-3-04; Ord. 09-3(4), 12-2-09; Ord. 10-3(3), 12-1-10; Ord. 11-3(4), 12-7-11; Ord. 12-3(1), 7-11-12; Ord. 13-3(1), 12-4-13; Ord. 14-3(2), 11-12-14)

Sec. 3-221 Lanark Agricultural and Forestal District.

The district known as the "Lanark Agricultural and Forestal District" consists of the following described properties: Tax map 90, parcels 12, 14A; tax map 90B, parcel A-11; tax map 91, parcels 21, 21A, 31; tax map 92, parcels 64, 64A, 64C; tax map 102, parcels 33, 35, 35A, 35B, 35C, 37, 40, 40B, 40C; tax map 103, parcels 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1H1, 1J, 1K, 1L, 1M, 2A, 2B, 2E, 3, 3A, 3B, 3C, 3G, 5, 9, 10A, 10B, 10D, 43, 43D, 43F, 43J, 43L, 43L1, 43M, 68 (part). This district, created on April 20, 1988 for not more than 10 years and last reviewed on July 9, 2008, shall next be reviewed prior to July 9, 2018.

(Code 1988, § 2.1-4(k); Ord. 98-A(1), 8-5-98; Ord. 98-3(1), 9-9-98; Ord. 99-3(2), 2-10-99; Ord. 99-3(5), 10-6-99; Ord. 08-3(1), 7-9-08; Ord. 09-3(4), 12-2-09)

Sec. 3-222 Moorman's River Agricultural and Forestal District.

The district known as the "Moorman's River Agricultural and Forestal District" consists of the following described properties: Tax map 27, parcels 32, 34, 34A, 40, 40A, 40A1, 42, 42A; tax map 28, parcels 2, 2A, 3, 4, 5, 6, 6A, 6B, 7A, 7A1, 7B, 8, 12, 12A, 12B, 13, 13A, 17A, 17C, 18, 25 (part), 30, 30A, 30A1, 30B, 32B, 32D, 34B, 35, 35B, 37A, 37B, 37C, 38; tax map 29, parcels 2C, 4E, 8, 8B, 8E, 8E1, 8J, 9, 10, 15C, 40B, 40C, 40D, 45, 45H1, 45H2, 49C, 50, 54A, 61, 62, 63, 63A, 63D, 67C, 69F, 70A, 70B, 70C, 70F, 70H1, 70K, 70L, 70M, 71, 71A, 74A, 76, 78, 78A1, 79C, 79E, 79F, 84, 85; tax map 30, parcels 10, 10A, 10C, 12, 12C, 12C1, 12D, 23; tax map 41, parcels 8, 8B, 8C, 8D, 9E, 15, 15A, 17C, 18, 19, 41C, 41H, 44, 50, 50C, 65A1, 67B, 70, 72, 72B, 72C, 72D, 72E, 72F, 89; tax map 42, parcels 5, 6, 6B, 8, 8C, 10, 10A, 10D, 37F, 37J, 38, 40, 40C, 40D, 40D1, 40G, 40H2, 41, 41B, 42B, 42B1, 43, 43A, 44; tax map 43, parcels 1, 1F, 2A1, 2B, 3A, 4D, 5, 5A, 9, 10, 16B2, 16B3, 18E4, 18G, 18J, 19I, 19N, 19P, 20A, 20B, 20C, 2l, 21A, 24, 25A, 25B, 30, 30A, 30B, 30B1, 30B2, 30B3, 30B4, 30G, 30H, 30M, 30N, 32H, 33, 33E, 34D1, 41, 42, 43, 44, 45, 45C, 45D; tax map 44, parcels 1, 2, 24, 26, 26A, 26B, 26C, 27B, 27C, 28, 29, 29A, 29D, 30, 30A, 30B, 31, 31A, 31A1, 31D, 31F, 31G, 31H; tax map 57, parcel 69; tax map 58, parcels 65A4, 65E, 65I; tax map 59, parcels 32, 32A, 34, 35, 82A; tax map 60E3, parcel 1. This district, created on December 17, 1986 for not more than 10 years and last reviewed on November 12, 2014, shall be next reviewed prior to November 12, 2024.

(4-14-93; 12-21-94; 4-12-95; 8-9-95; Code 1988, § 2.1-4(g); Ord. 98-A(1), 8-5-98; Ord. 99-3(4), 5-12-99; Ord. 00-3(1), 4-19-00; Ord. 04-3(4), 12-1-04; Ord. 05-3(2), 7-6-05; Ord. 08-3(2), 8-6-08; Ord. 09-3(4), 12-2-09; Ord. 10-3(2), 7-7-10; Ord. 14-3(2), 11-12-14)

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Note: Citizens Resource Advisory Committee member Bernard Whitsett arrived at the Board meeting, and Ms. Dittmar presented him with a Certificate of Appreciation.

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Ms. Mallek stated this is the second year she is liaison to the Ag/Forestal Committee, but said that she learned there are landowners being told to join a district because they can qualify for open space without having to do a contract. She explained the contract is what protects the County and provides significant gain for open space, whereas there is not similar protection for joining an Ag/Forestal District. Ms. Mallek said there is recognition for revalidation, in which parcels in land use have to prove every two years they are still meeting the land use parameters, and membership in an Ag/Forestal District is a way to revalidate, but not a way to qualify to begin with. She stated she would like for the Board to have a more in-depth conversation about whether they are doing the right thing by allowing an end run around a contract to use participation in a district in that way, and it will be good if they can address this before late March when the next batch of additions come forward.

Ms. Palmer asked staff to explain the “change” as described by Mr. Aiello which has been cited as the catalyst for one landowner to join an Ag/Forestal District. Mr. Clark explained the concern is over the qualification requirements for the forestry tax category, with those standards set by the County Assessor, and applicants have mentioned to him that they felt the category is moving them towards harvesting of trees on their land, which they do not necessarily want to do. He stated this has nothing to do with the Ag/Forestal District program itself, it is a tax concern, and going for the open space tax category would allow them to avoid that production requirement.

Ms. Palmer asked if they have to show they are making money on that land to remain in approved land use. Mr. Davis responded there would have to be an approved forestry plan that may or may not require harvesting and thinning.

Ms. Mallek noted that harvesting and thinning are done in 20-year intervals, and is not frequent like agriculture or horticulture would be. Mr. Benish pointed out that staff are not the experts on that.

Ms. Mallek stated a landowner can achieve the same thing by having a contract, and that option has always existed.

Mr. Davis noted the first time the County started using contracts was after revalidation began, and prior to that there was no focus on the need for contracts, so they have only been used for about four years. He said his staff had put together a white paper for the CRAC committee that can be provided to the Ag/Forestry Advisory Committee and the Board, and found that there are only a handful of properties that took advantage of the situation, although there may be some policy the Board wishes to consider to limit properties that do not have real conservation purposes behind them so they cannot qualify for open space. Mr. Davis stated there is legal authority to put additional criteria on properties for admission into an Ag/Forestal District, but at this point the County does not have that in place.

Ms. Mallek said they can approach it from the other side by allowing them into the Ag/Forestal District, but ensuring the land use qualifications are addressed. Mr. Davis explained they cannot change the qualifications for land use as they are established by state law, but the County can change the criteria for admission into an Ag/Forestal District.

Ms. Mallek said that Bruce Woodzell, former County Real Estate Assessor, had told her that a locality is allowed to have higher standards if they have both an Ag/Forestal program and a land use program, and these improvements need to be made for long-term sustainability.

Ms. McKeel commented that she would like some more information about land use.

Mr. Foley stated that staff will need to do some kind of white paper for the land use program, and the work that Mr. Davis had done for the CRAC committee might address some of their concerns. He said they will also need to get clarification from the County Attorney’s office and the Tax Assessor’s office as to what they are legally allowed to do.

Mr. Davis said the Ag/Forestal Committee is a good place to start on this, and his office will be glad to work with them on the background material.

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

Ms. Palmer stated that she has been thinking about the County's initiative to get equal taxing authority with cities. They are not any closer than they were last year, with no coalition of high-density counties yet established, so for this General Assembly they may want to consider honing in on one thing, such as the meals tax. She stated they already have authority for a meals tax, which was granted in 1997, but they can do another referendum to increase it to be equal to the City's level. Ms. Palmer said if they are to do a referendum that narrows the focus of how the money will be allocated, which will be $1.6 or $1.7 million, it may stand a better chance of success. She suggested that areas of focus can include school improvements that address at-capacity elementary schools, and they can use the money to borrow more.

Mr. Foley said the timing of getting a coalition together for increased taxing authority in the midst of an election, with the General Assembly all up for re-election as well as local boards, is not a great strategy. He stated he has contacted 15 county administrators in localities that have population densities that would qualify them to pursue city status about efforts for additional taxing authority. They are having some informal discussions with their legislators about a possible approach around equal taxing authority. Mr. Foley said the other question is related to the fact the County has a broad position currently and what approach will be most successful. Delegate Steve Landes will need to decide what he is willing to put forward and under what conditions. He stated that Delegate Landes is evaluating that and checking with other legislators, and will likely have something for the County within a week or so. Mr. Foley said that Delegate Landes will be the ideal choice for this, as he is a Republican in a conservative legislator, and he has indicated that single taxes, such as meals and transient occupancy, are more likely to be successful than a broader bill for equal taxing authority. He stated that staff is working with him to create the opportunity for some progress.

Ms. Palmer commented that the County has not dealt with the Air B&B question yet, and if they do go after a transient occupancy tax, they will be potentially disadvantaging people who are doing it the right way. She said her other concern, which she has addressed with Mr. Davis, is whether the state can turn around and refuse to support County initiatives once it secures equal taxing authority.

Mr. Foley stated that because of Albemarle's density, they have already had to add fire stations, police officers, and other services that cities provide. No one is paying for roads and urban services with meals taxes, and it will require significant property tax increases, as was the case with cities.

Ms. Mallek noted that cities are getting urban road allocations far greater than the $1,000 a mile offered to the County.

Mr. Foley said they will not be able to get more than a penny's worth on a meals tax.

Ms. Palmer said the penny will provide them with a lot more borrowing power, and if they have to go out for referendum and attach it to school infrastructure and capacity issues, they will have a better chance.

Mr. Davis emphasized there is no state enabling legislation or current state law that allows a meals tax to be appropriated to a particular expenditure. Both Henrico and Chesterfield sought a referendum from their voters for a meals tax, and in that effort Henrico went for a four-cent meals tax to provide for school infrastructure, with Chesterfield going for a two-cent meals tax for school infrastructure and public safety infrastructure. He said that Henrico's passed and Chesterfield's failed, with Henrico using their four cents for capital programs for schools. Mr. Davis said those are two examples of how localities use the school financing/funding issue as a means to get a referendum passed for a meals tax, and one was successful, one was not.

Ms. McKeel stated the County has a meals tax that is capped, and asked if it can be raised either by referendum or General Assembly approval. Mr. Foley responded it can be done either way, and will depend on how the bill is written, with about six localities in Virginia that got a meals tax without ever having to do a referendum.

Ms. McKeel said her concern is doubling up on citizens with a meals tax and a bond referendum for schools.

Mr. Foley stated they may want to be as flexible as possible, and other localities needing to be involved will probably want more flexibility too. He stated in the next week or so, he and Mr. Davis will be talking with Delegate Landes about an approach.

Ms. Dittmar said all that is required is General Assembly permission to do this, but that continues to be a road block, and the County has calculated that a one-cent increase will generate $1.6 to $1.7 million. She added they will not want to lead with a citizen referendum on this.

Ms. Palmer asked if they need to get the entire coalition of counties to ask for one thing, if they are going to ask for this year. Mr. Davis responded that if Albemarle is going to ask just for itself, it will require a super-majority in both the House and Senate, and given the past track record they will be lucky to even get a majority. He said that unless they create a framework in which it is not viewed as "special legislation," there will be a hurdle with that approach. Individual jurisdictions trying to get individual taxing authority have been unsuccessful in the last several General Assembly sessions.

Mr. Foley stated that one issue, in principle, has always been for localities to ask the state for flexibility and authority to decide how they want to do it. If they can just get extra authority for urban localities, that will give the Board the flexibility to decide how to spend it, but he is not certain how Delegate Landes will move forward with it, although he and Mr. Davis were surprised he even entertained it.

Ms. Palmer asked who will write the legislation. Mr. Davis explained that a locality will often suggest legislation, but Legislative Services actually drafts the bills for the legislators who request legislation to be drafted for them, and often will submit the County's draft.

Ms. Palmer asked what the timeline is and what the deadline is for this session. Ms. Mallek said the filing deadline is December 11.

Mr. Davis said it has to be dealt with the following week.

Ms. Palmer asked if that is impossible. Mr. Foley responded this is what staff has been working towards with Delegate Landes, adding that it will not be difficult to get localities together to address equal taxing authority for urbanizing localities, given the financial stresses they are under, but getting legislators together in support of it is another matter.

Ms. Mallek said if they can get Delegate Landes to agree to carry the bill, then they will have time to round up the support from other localities.

Mr. Foley stated that James City County is putting in for the cigarette tax, and he has been in discussions with several other county administrators as to the possibility of further support.

Ms. Palmer said the cigarette tax is a flat cost, not a percentage, so it will not go up with inflation, and said you can actually purchase a carton of cigarettes online, with some states levying taxes from those online purchases. She commented that she is not sure how they would collect tax at a local level, if it becomes more common to purchase them online.

Mr. Davis explained there is a 30-cent per pack state tax on cigarettes, and it is probably illegal to purchase them online without having the "stamps" on the packs.

Mr. Foley said that Delegate Landes did not indicate that he is supportive or thought there was any chance for a cigarette tax or admissions tax, and feels the meals and transient occupancy taxes are more likely of support.

Ms. McKeel commented that devolution is happening at transportation departments across the country, and she does not want them to do something thinking that they are going to stop it.

Mr. Foley said that VDOT is already changing things in a way that will indicate that.

Ms. Dittmar stated it may be worth a phone call to the James City County Executive, and said she had received an article about it.

Mr. Davis said they proposed a cigarette tax to their legislators and it was not well-received, with the spokesperson for the Republican Senate caucus dismissing the idea as not having any likelihood of success.

Ms. Dittmar asked how they might want to go forward with this.

Ms. Mallek noted their legislative program is well-scripted and laid out by Mr. Davis.

Mr. Davis stated the legislative program is an effort to educate local legislators about the excise taxes that cities have but counties do not have authority for, and to reintroduce the idea of counties having the density to qualify for city status being a potential group, and see if there is any movement by legislators to support a bill, which will need to be drafted within the next week. He added it is a tight schedule and there is no guarantee there will be anyone who will support it, but another jurisdiction can possibly pick it up.

Mr. Foley said the concept put forward has been shared with the counties that can benefit from the new approach, so it can emerge from another legislator, and the County is in the best position they can be in for now.

Ms. Dittmar stated that all legislators will be attending the meeting, except for Senator Reeves, who will send an aide.

Ms. Mallek reported that one of the things happening in Neighborhood Model District zones is that there are now different rules for acceptable street width from when the original plans and roads were designed. This is because the County has adopted the fire code in its entirety rather than just selecting the applicable parts. She said she would like to consider whether they should be getting some allowances from the state and VDOT for these neighborhoods, because people are outraged and she foresees the end of the Neighborhood Model form of development without some provisions.

Mr. Foley said that staff will look into the facts of the matter.

Ms. Mallek stated she also wants them to discuss utility corridors, and the requirement that some other localities, such as Madison, Warrenton and Fauquier, have adopted into their Comp Plans that utilities shall share corridors. She said that some more order in utility corridors would be helpful, and the map of utility lines for the next 20 years across the state indicates there are many that will be going in. Mr. Davis responded that what the County has in place that other localities do not is the requirement for a special use permit for transmission lines so they have great control over where they can go, and this has not been a big problem locally for the last 20 years.

Ms. Mallek asked if the County's special use permit process will have been enough to protect them from something like the Dominion gas lines that are planned for neighboring localities.

Mr. Davis said that some pipelines, such as those gas pipelines, may be exempt because of federal law, but they will not be subject to the County's Comp Plan either, so there will not be protection from any utility corridor, but for those transmission lines they have authority over, the County has the right to require a special use permit which may be approved or turned down.

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

Mr. Foley reported their work session will begin at 3:00 p.m. the following Wednesday prior to their regular meeting, and will be the final five-year plan work session, with the School Board attending. He stated their second meeting in January will also have a 3:00-5:30 p.m. work session, with no night meeting agenda items.

Agenda Item No. 23. Adjourn to December 4, 2015, 12:00 noon, Room 241.

At 9:16 p.m., **motion** was then offered by Ms. Mallek to adjourn to December 4, 2015, 12:00 noon to Room 241. Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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Chairman

Approved by Board
Date: 02/03/2016 Initials: EWJ