

An adjourned meeting of the Board of Supervisors of Albemarle County, Virginia, was held on February 8, 2017, at 2:00 p.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia. This meeting was adjourned from February 6, 2017. The regular night meeting was held at 6:00 p.m.

PRESENT: Mr. Norman G. Dill, Ms. Ann Mallek, Ms. Diantha H. McKeel, Ms. Liz A. Palmer (arrived during Closed Meeting portion), Mr. Rick Randolph, and Mr. Brad Sheffield.

ABSENT: None.

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

Agenda Item No. 1. Call to Order. The meeting was called to order at 2:03 p.m. by the Chair, Ms. McKeel.

Agenda Item No. 2. **Work Session:** Albemarle County Public Transit Presentation.

The Executive Summary presented to the Board states that the Board of Supervisors, at their January 4th meeting, requested staff organize a presentation of information related to public transit in Albemarle County in preparation for the discussion with the City of Charlottesville at their joint meeting on February 14th. The goal of this presentation is to provide the Board with a background on previous studies, current and future funding scenarios, organizational options, and the vision, goals, and objectives for transit service in the County. This information will assist in developing a frame of reference with which the Board can enter discussions on transit with the City.

Albemarle County is in the process of reevaluating its public transit service and delivery in an attempt to insure that the current system is serving the public's needs in the most fiscally prudent and effective manner. This evaluation stems from many interests but they are primarily rooted in the documented benefits of a quality public transit system. These benefits include increased mobility and accessibility, congestion relief, economic development, community growth and revitalization, environmental sustainability, and community health.

The Albemarle County Comprehensive Plan, Master Plans, and other guiding documents contain both explicit and implicit vision, goals, objectives, and strategies that relate to public transit service. A quality public transit system moves the County towards the principles of a healthy ecosystem, active and vibrant development areas, a physical environment that supports healthy lifestyles, and a thriving economy reflected in its Vision. Specifically, the Comprehensive Plan contains the following Goal: "Albemarle's transportation network will be increasingly multimodal, environmentally sound, well maintained, safe, and reliable."

Currently the County has three service providers that operate within its jurisdiction. These are: University Transit Service (UTS), which primarily serves University of Virginia students in the immediate area surrounding the University; Charlottesville Area Transit (CAT), which is operated under the Public Works Department of the City of Charlottesville and provides bus service to the greater Charlottesville area including Albemarle County; and JAUNT, which is a public transit organization providing rural, commuter, and paratransit services within Albemarle County. UTS operates entirely on student fees with no local, state, or federal transit subsidies.

CAT can be considered the primary deliverer of service in the County with ten of the thirteen CAT transit routes providing service across the City line into the County Development Areas. The County, in return, provides over \$1 million to the City for this service. Overall, the CAT operating budget is approximately \$7.6 million with \$1.6 coming from federal sources, \$1.7 million from State sources, and \$3.5 million coming from local sources including the County, UVA, and the City budget. The remainder is made up from fares, advertising, and other revenues.

Outside of the areas served by CAT, JAUNT delivers services through a rural program which provides approximately 4,000 hours of door-to-door service annually on a call and schedule basis and the 29 Express commuter route. Within the areas served by CAT, JAUNT also provides ADA compatible door-to-door service in a similar manner. JAUNT services in Albemarle County operate on a budget of \$3.1 million with the County providing \$1.5 million, \$776,000 from federal sources, and \$488,000 of state funds.

A number of factors should be considered regarding these budgets. Most importantly that these numbers reflect operating costs only but capital costs are another important budget consideration. These vary depending on the needs and include buses, shelters, facility development, support vehicles, etc. The state and federal sources tend to cover a high percentage of these costs but they do require a local match that can be significant. Another consideration is that within the urban area, which roughly aligns with the Development Areas, the federal funding source is the 5307 program. This program funds all of the ADA program and CAT federal source. What comes to the service provider in the Charlottesville-Albemarle area under this program is a set amount determined generally by the population of the Urbanized Area. State funds are intended to offset the local match but can fluctuate depending on the State budget.

As the County continues to grow, so to do our public transit needs. The implementation plans

contained within the various Master Plans and the County transportation priorities identify many of these needs to address both in the near- and long-term. These improvements will require a financial commitment from the county, which is why this transit discussion is necessary. The most recent approved County priority list includes a significant expansion of transit including the following:

- Regular service to the Avon Street Extended/Mill Creek Drive area,
- Regular service to the Hollymead Area,
- Commuter service to Crozet,
- Increased service to the Pantops area, and
- BRT or Express service running in the 29 North Corridor.

These transit projects should be a consideration of the Board as it continues to evaluate the organizational, operational, and financial future of transit in Albemarle County.

There is no budgetary impact related to this presentation.

Staff recommends the Board receive this presentation and use the information to engage in a conversation regarding the County's role in the provision of public transit.

Ms. McKeel noted that this was a work session requested by the Board to discuss transit.

Mr. Sheffield stated that when the Board talks about transit, especially when it includes JAUNT, there is a conflict of interest act requiring that he read a transaction disclosure statement. He disclosed that he is Executive Director of JAUNT, a regional public transportation system owned by the City of Charlottesville and the counties of Albemarle, Fluvanna, Louisa and Nelson. Mr. Sheffield said that his interest in JAUNT exceeds the \$5,000 threshold, and because of the nature of the discussion and fact there are three or more Supervisors who manage transit in this area, he can participate in the conversation fairly, objectively, and in the public's interest. He noted that the statement would be on file with the County Attorney's Office.

Mr. Kevin McDermott, Transportation Planner, addressed the Board and stated that he is the County's principal planner for transportation, and said that he would also be joined by Karen Davis, JAUNT's Assistant Executive Director, and John Jones, the City of Charlottesville's Transit Director. Mr. McDermott stated that staff is just presenting information to the Board and does not expect any kind of decision, noting that the following week a joint City Council/Board of Supervisors meeting will be held, in which transit will be discussed by Chip Boyles of the Thomas Jefferson Planning District Commission, who will discuss a project that the MPO has been working on.

Mr. McDermott reported that in August 2008, the Charlottesville-Albemarle Regional Transit Authority Plan was completed, which evaluated the possibility of forming a regional transit authority and included a lot of good information about planning for transit into the future and how different formations of an authority could work. He stated that in early 2009, the state legislature granted approval for the City and the County to form an RTA, but did not approve taxing authority, which negated the RTA's purpose of generating revenue to achieve transit goals. Mr. McDermott said that following that decision, the idea of an RTA fell by the wayside, but in November 2015, the PACC asked the MPO to review the operations and services of the organizations that provide transit in the area to evaluate how communications and coordination could be improved. He stated that in January 2017, the Board requested that staff present information related to transit in the County so they could prepare for the February 14 meeting.

Ms. McKeel noted that PACC is the Planning and Coordinating Council, which includes the University of Virginia, City of Charlottesville, and Albemarle County. Mr. McDermott added that the CA MPO is the Charlottesville/Albemarle Metropolitan Planning Organization.

Mr. Sheffield noted that the CA MPO is starting their long-range transportation planning effort, and he encouraged anyone interested in transportation to start getting involved now in community meetings.

Mr. McDermott stated that the purpose of the discussion at this meeting is to evaluate the transit service to make sure it is functioning as desired, with information requested by the Board, and the goal is to provide the background on the previous studies and the vision, goals and objectives for transit in the County. He noted that he has listed the well-known benefits of the public transit system: community growth and revitalization, environmental sustainability, increased mobility and accessibility, congestion relief, transportation options, community health, and economic development. Mr. McDermott commented that he wants to make sure they tackle the transit issues, as there are a lot of transit needs in the County. He referenced an additional slide about the benefits of public transit and other results of a good transit system, and said that Planning Director, Andrew Gast-Bray, will address the Board in the future on a broad, visionary level.

Mr. Sheffield asked if he could elaborate on the bike box initiative from UVA, as it is an urbanizing issue that will be of interest to the public. Mr. McDermott responded that he will, stating that transit and biking are part of multi-modal efforts that many cities are working towards. He stated that a transportation goal within the Comp Plan plan is for Albemarle County's transportation network to be increasingly multi-modal, environmentally sound, well-maintained, safe and reliable.

Mr. McDermott stated that there are a number of documents in existence pertaining to transit

planning and funding, and the transit development plan is required by the Department of Rail and Public Transit to get any funding that comes to the area, and it is a six-year plan that looks at all the developments within that timeframe. He noted that it lays out a funding formula for that and must be updated every six years, with the previous plan completed in 2011 and focusing primarily on CAT services, and there has been discussion of expanding that to include CAT and JAUNT services to the entire urbanized area overall. Mr. McDermott stated that the Charlottesville-Albemarle MPO Long-Range Transportation Plan covers transit and looks out 20 years in the future, with the process of updating the plan starting now. He said the transportation improvement plan (TIP) shows the federal funding that would go to transit in the next four years, and the plan is approved by the MPO. He emphasized that Albemarle County is an MPO member and thus has some decision capabilities in terms of how transit already moves into the area, because all federal funding must be approved by the MPO Board on an annual basis. Mr. McDermott stated that the County's master plan and implementation strategies have numerous recommendations for transit, and that information, including transit improvements, is included in the back of every master plan.

Mr. McDermott stated that the Charlottesville Transit Study was done in 2012 and is very similar to the transit development plan, with that plan not accomplishing exactly what the City was looking for in their planning, so they undertook the larger transit study. He said there are many different sources of funding, with federal sources identified by Section 5307 funding any transit within the urban area, operations or capital. He stated the City gets that allocation from the feds every year and it is their main source of funding, with JAUNT also getting some of that for their ADA service.

Mr. Randolph asked him what defines "urban" under the 5307 program and what tool is used to evaluate it, as the surrounding County has as much intensive urbanization as the City. Mr. McDermott responded that the best way to look at it is that the census designates "urbanized areas," and the boundaries roughly align to the development areas, including Crozet, and those are defined by the census based on population density and numbers and how they all connect. He said there is some leeway in that because if the County is providing transit service but not regular service in some areas, those could still be considered "rural areas" for transit funding, with those allocations falling under 5311 funds.

Ms. McKeel asked for clarification that federal funding was based on population, driven by Albemarle and Charlottesville together as one community. Mr. McDermott replied that the urban funding is a set amount that comes to the area, and it is based on the population and population density, with the feds allocating it to the state, which in turn allocates it to localities based on population. He pointed out that it is a set amount, so the only way it increases is if the population increases relative to other urban areas.

Mr. Sheffield noted that if Albemarle's population increases, so does the entire country, so it is a matter of rising tides lifting all boats. Mr. McDermott stated that 5311 funding has a set amount given to states, which is divided up by the services being offered in rural areas, so CAT does not get those funds but JAUNT does, including funding for the 29 Express and door-to-door rural services in the County. He said that state sources supplement federal sources to reduce the local match, which is comprised of what the City and County pay in from their general funds, and other funds coming from advertising and fares.

Mr. Sheffield pointed out that federal and state funds are susceptible to the whims of an administration.

Mr. McDermott noted that this was more the case with state funding, and federal funding has been fairly consistent but could change. He reported that currently there are three providers: Charlottesville Area Transit (CAT), which is a fixed service in the County, with 13 routes, 10 of which cross the City line into the County; JAUNT, a public transit organization providing rural commuter and paratransit services, including the 29 Express, rural demand response, ADA-compatible service, and regular routes from rural locations that come into Charlottesville; and University transit, which serves UVA students in the immediate area surrounding the University, with 6 regular service routes operating entirely out of the UVA budget.

Mr. Sheffield asked how UVA divides up their transit, as they have shuttles as well as regular service. Mr. McDermott responded that their regular service routes do not include the shuttles, but it is all under the same organization at UTS, which also includes parking.

Mr. Sheffield noted that some people who handle the national transit database management believe that if UTS would count their passenger miles, it would allow the County to get more STIC funding, which is another federal funding source. He mentioned that this would be another \$180,000-\$190,000 extra this year. Mr. Sheffield said that they may not want UVA as part of a system, and their data seems to be more valuable as their participation because their passenger miles could mean more money for the County. Mr. McDermott responded that the feds do look at the national transit database for how they are dispersing the funds, and they currently collect ridership information from any transit organization funded through federal dollars, and since UTS does not get federal dollars, they do not report their data. He added that counting UVA's numbers would make the local transit system look a lot more robust.

Ms. McKeel stated that UVA constantly runs shuttles because that is how employees get to and from parking areas, particularly during shift changes. Mr. McDermott noted that the six regular UVA routes are open to the public and free, although he is not sure if the shuttles are, so it is an advantage for the region.

Mr. Sheffield stated that this is key for the passenger account.

Mr. John Jones of CAT addressed the Board, referencing a slide showing CAT's revenue sources for FY17, including advertising; state flex/STP, including STIC funding of \$1.383 million; federal 5307 operating funds, with Charlottesville/Albemarle designated as an urban area under 200,000 and thus getting only operating funding for 5307, not capital. He noted that this is the formula based on population of the service area and population density in the service area. Mr. Jones said the federal government uses the census block data for the City of Charlottesville and the blocks around the urban ring include about 92,400, with a density of 26,073, and that includes the Hollymead area.

Ms. McKeel noted that once the combined population reaches 200,000, things can change. Mr. Jones responded that once it reaches that level, the 5307 becomes capital dollars and there would be no operating from that section of the federal code.

Mr. Sheffield mentioned that the current count is about 95,000, and only half the County is being counted as urbanized, so it would be a while before they broke the threshold. He asked Mr. Jones to talk about the JARC money that was lost. Mr. Jones explained that JARC stood for "Job Access Reverse Commute" and was money used to fund night services within the service area, and Section 5316 is no longer funded, with the last funding under the program available in 2013, but some surplus funding through state programs that was turned back over and split between Charlottesville, Blacksburg and Lynchburg. He noted that the last payment CAT received out of that was \$175,000, made in 2016, and that funding was no longer available.

Ms. McKeel asked him to explain the state flex funds/STP and STIC. Mr. Jones responded that STP stands for "State Transportation Program" funding and was actually highway funds flexed to be used for transit funds, with Virginia being one of the only states in the union to take the flex option for transit. He stated that STIC stands for "Small Transit Intensive City," with five of those in Virginia, Charlottesville, Blacksburg, Lynchburg, Williamsburg and Harrisonburg. Mr. Jones noted that the funding is based on a formula that includes six performance factors reported to the National Transit Database every year, with each of those factors worth \$107,439 for a total of about \$642,000. He stated that CAT meets three of the factors and receives about \$322,000.

Mr. Sheffield noted that this is where the UTS data could be helpful. Mr. Jones agreed, explaining that there are two University transit routes that operate outside the grounds within the City – U Loops and North Line – and if they could count the ridership, revenue hours, miles, and get cost data for the two routes, they could turn it in and claim the ridership for up to \$214,000 in STIC funding. He stated that the federal government sets the thresholds based on all small transit-intensive cities, with about 600 of them in the nation, and he confirmed that there was about \$300,000 of this included in the \$1.383 million.

Mr. Randolph asked how comfortable Mr. Jones feels that the state flex/STP funding will still be there. Mr. Jones responded that CAT has been told it will be there in FY18 and will go up, although he does not know how much.

Mr. Sheffield pointed out that the state funding for capital was hitting a cliff, and the City and County may have to advocate at some point to renew the bond effort for capital. Mr. Jones said the cliff begins to happen in FY19, and CAT is fairly lucky in that its fleet and facilities are relatively new, so they are hoping to miss the cliff and have the state refund the bond so they do not have to worry about the cliff.

Ms. Mallek asked if the original pot of money came from the highway bill, with borrowing authorized through that. Mr. Sheffield responded that it is a state bond that pays for it, and the bonds are running out so they have to reestablish the programs.

Mr. Randolph asked if the 5307 money heading to FY18 was uncertain. Mr. Jones responded that it was flat, as it has been for the last three years, but CAT is lobbying the USDOT under the new administration to put more money into bus-only programs. He stated that they have migrated to giving most of the capital to rail programs, which are very capital intensive, so the larger cities and areas with those programs in their transit are getting much more money. Mr. Jones said that Charlottesville would remain a bus-only program for years to come, and he does not see rail in their future anytime soon.

Mr. Randolph commented that light rail did not work out well in Arlington.

Mr. Sheffield said that bus rapid transit seems to be the trend.

Mr. Jones reported that UVA contributes \$241,000, with fares and pass sales totaling \$585,000 per year on average. He said the City general fund for FY17 is \$2,268,830, with some income from the Charlottesville-Albemarle Convention and Visitors Bureau's rent of the top floor of the downtown transit station. Mr. Jones stated that they are meeting most of the federal indicators, so the federal funding will stay where it is, and if there is some bump, it will be at the federal legislative level, and if the formula is changed that would likely increase. He said the other capital program for which they receive funding is Section 5309 – Transit Capital and Investment Grants, and Section 5339 – Bus and Bus Facilities Grants. Mr. Jones stated that the bus program is funded 80% by the federal government, and the 20% match is funded with 16% from the state and 4% from localities, except on hybrid vehicles, which are funded at 10%, and the trolley vehicle requiring the entire 20% from the City.

Mr. Sheffield commented that they were lucky in Virginia to have the 16%, as some other states get 0%, and funding busses at 20% can be challenging.

Mr. Jones stated that CAT is considering changing Route 9, which starts at UVA and goes up to Fashion Square, to serve the new YMCA that opens in June. He said that Route 9 has not been performing very well, so CAT put together some scenarios to do some comparisons to realign the route, through a planning tool called "Remix," which provides demographic data and necessary information to help guide decisions for route realignments. He noted that the program was purchased in partnership with JAUNT, the TJPDC, and DRPT, and said it is a map-based, GIS-based software that connects to the census database and allows them to do transit planning and change variables with routes or entire routes. Mr. Jones added that the software provides good demographic data, allows CAT to do all the Title VI reporting and all the transit equity analyses. He stated that beyond that particular tool, the planning efforts are fairly elemental, looking at population densities, traffic generators, congestion patterns, and using those tools that the profession has used for many years to plan transit. Mr. Jones said they enlist consultants to work on the transit development plan about every five years, and this work would be advertised in late August, with the RFP issued in early fall. He stated that CAT would involve the Board of Supervisors and populations in the urban ring in the public involvement efforts around redesigning the plan and looking at what they need to do with service design for the upcoming six years. Mr. Jones noted that the plan would be presented to City Council and the Board for their input, prior to moving into the planning period of 2019-2025.

Mr. Sheffield asked how they do adjustments to their routes. Mr. Jones responded that it depends on what they see as needed with routes and where there may be particular congestion points, so travel paths may need to be changed to avoid a certain street or an unsafe stop location. He stated that this was most of the tweaking they did within any service year, and anything major, such as adjusting an entire route, would involve public meetings with those living in the service routes. Mr. Jones said that with Route 9, there would be a loss of service to some areas in Greenbrier, and the route to Fashion Square would be changed because there are already two County routes and one City route going there. He added that they propose pulling out the run of Route 9 to Fashion Square so they can add the YMCA.

Mr. Sheffield stated that going to the YMCA would be a time killer. Mr. Jones agreed, stating that anytime they have to go down a side street, through a parking lot, or into a cul-de-sac would affect the time.

Ms. Mallek said the YMCA stop should only be a few minutes, hopefully with people jumping on and off. Mr. Jones stated that the YMCA has said they want "fairly robust service" into the facility, which would mean a cost increase to the City, because currently Route 9 runs between 6:45 a.m. and 6:45 p.m., and when the YMCA is added it will run from 6-11 p.m., six days a week. He noted that they are also asking for Sunday service, which currently only includes two routes, the 5th Street Station route and the free trolley route, and will soon have Route 12 added, which serves Wal-Mart and Sam's Club.

Ms. Mallek asked what the western loop on the map represents. Mr. Jones responded that it is the UVA hospital and the route currently serves that, with the hospital being the primary ridership points and Greenbrier area residents riding in the morning and evening to and from work.

Mr. Sheffield pointed out that the Remix tool can bring up in real time what is feasible or not on routes.

Mr. Jones added that it also shows all the cost and demographic indicators for routes and potential routes.

Mr. Randolph asked if he would be coming back with information as to how the 5th Street Station ridership has been this year. Mr. Jones responded that he is waiting for the annual report, which CAT will put together after the federal government certifies the data, and he will be back before the Board on May 3rd to talk about that. He said at that time, he would have the performance through the first two quarters of FY17 and would be talking about a route tweak needed for Route 11 to serve the Senior Center after they get established on Belvedere.

Ms. McKeel asked what CAT's goals are, as it seems at some times the goal is to get people to shopping areas. Mr. Jones replied that CAT's overall goal is to move as many people to as many places they want to go as possible, and that is primarily jobs. He stated that they look at jobs as one of the primary indicators of where people need to go, and while they try not to prioritize because of rules at the federal level, but if they do prioritize, jobs are first and congestion management is second.

Ms. McKeel asked if there is a way to determine how many times a rider would have to take a transfer to get to a certain place. Mr. Jones responded that they can determine that through use of the fare box, and can see what day passes look like, where the pass came on, and how many times it is tapped on the fare box moving through the system. He stated that they have not had to do that but could do it, and if someone has trouble interpreting the system, CAT can tell them which busses they need to take to which locations, and while they try to get people around the City without more than one transfer, sometimes it can take more than that, especially on a weekday. He said if someone needs to get from Woolen Mills or Pantops to Wal-Mart, that would be three transfers because passengers would have to ride Route 10 to downtown, transfer to Route 7 to Fashion Square, and then transfer to Route 5 to get to Wal-Mart. Mr. Jones noted that on Sunday, they would have walk from Pantops but could take Route 12 to get to Wal-Mart.

Ms. McKeel said she has constituents who have to transfer seven times to get to a job. Mr. Jones expressed surprise that this would all be with the CAT system.

Ms. McKeel asked if all routes are run on Saturdays and Sundays, or just specific routes. Mr. Jones responded that on Saturdays, the three B-side routes – 3B, 4B, and 8B – do not run, but regular 3, 4 and 8 do. He said that all other routes run Monday through Saturday except Route 1, and the free trolley runs on Sunday, with Route 12 running from downtown to Wal-Mart and Sam's Club; Route 2 runs to 5th Street Station. He noted that all routes run between 7:45 a.m. and 6:00 p.m. on Sundays, and clarified that the trolley is City and University only.

Ms. McKeel asked how late the busses run for people who may have to work late. Mr. Jones responded that the last run into downtown from outlying areas is 11 p.m., with Route 1 to PVCC taking one last run there at 10 p.m. He stated that there is no service on Christmas day, with Thanksgiving, Memorial Day, and Independence Day having Sunday service, and all other days having full service.

Mr. Dill asked if there is any way to tell how many people in the City use the busses on a regular basis. Mr. Jones responded that it is very difficult on a fixed-route system to get an unduplicated rider count.

Mr. Sheffield said they would have to use the pass system. Mr. Jones stated that he could determine how many pass users there are, and they are the primary users, with most regular users buying a monthly pass, but it would not give a full picture of unduplicated riders. He noted that on a system like JAUNT, they can do that, but not on a fixed-route system.

Mr. Dill asked if CAT separates County passes from City passes. Mr. Jones responded that they do not take that information unless people voluntarily offer it, and they can separate by stop level how many boarded in the County, which is provided in the reports.

Mr. Sheffield asked if they would be analyzing origin and destination when they did the transit development plan. Mr. Jones responded that generally when one of the major transit development consulting firms comes in, they can certainly put that into the scope of work and tell them to do it, and he thinks they will include it when they seek a consultant this fall. He stated that CAT uses a professional advisory group that evaluates those proposals, and he would hope that they would have a Supervisor or County staff person on that group.

Ms. Mallek asked if CAT has discussed with Pantops employers the need to have service for hotel and hospital employees, and if the current route is being used on the 11 p.m. pick up as expected, and if they are not helping those who need to get to work on Sunday. Mr. Jones stated that it is being used later in the evening by hospital employees, and they would like to have Sunday service in that area, and a route could be designed for that, which he has discussed with Community Development staff. He said that CAT has always envisioned that Route 10 should be extended into Sunday with the rest of the Sunday schedule, and that would provide fairly comprehensive transit service around the area, including both hospitals and all of the major merchant locations. Mr. Jones said he does not think it would have to go to all the places that a weekday Route 10 goes, and they could modify it and provide a Sunday service at a relatively reasonable cost to the County.

Ms. Mallek stated that she would like to see what the options are, and said that at least three senior residential units have employees who need to be there on Sundays.

Mr. Randolph asked if they have not received input from Sentara/Martha Jefferson or Westminster Canterbury requesting that. Mr. Jones responded that he had received a few letters about it, but not a great outcry, although he has always thought it was an issue since he moved to the area and started managing the transit system.

Ms. McKeel asked what their current fare rate is. Mr. Jones replied that they have not increased fares since 1990, although they proposed it in the FY18 budget and have proposed it twice because they are very low priced, the second lowest fare in the state, and one of the lowest in the nation at .75 cents one way and \$1.50 per day. He noted that Radford is the only one lower at .50 cents.

Mr. Dill asked if there is a charge for transfers. Mr. Jones responded that most systems have gone to a daily pass system, and in Cleveland, Ohio, a one-way ride is \$2.00, but an all-day pass for 24 hours is \$4.00, and that includes trains.

Mr. Jones encouraged Board members to call him or stop by his office on Avon Street.

Ms. Karen Davis, Assistant Executive Director at JAUNT, addressed the Board. Ms. Davis stated that she would review the organization's governance and funding, noting that JAUNT is a public regional transportation system and a public corporation, so they can provide transportation to the regional area and receive state and federal funds. She stated that half of JAUNT's service in Albemarle County is ADA, and the rest of it is rural and contract services. Ms. Davis presented JAUNT's budget and stated that 57% of the budget is public operations, with public administration, agency operations, and capital outlay comprising the rest. She stated that 40% of JAUNT's revenue is federal subsidy, 15% is state revenue, 8% is contract revenue for agencies, 11% is Charlottesville, Albemarle is 16%, there is a small amount of fare box revenue, and the rest is the other localities served.

Ms. Davis reported that JAUNT is governed by a board of directors that provides direct policy,

finance and operation direction, and stated that the board is very active and meets monthly. She stated that JAUNT reports to three different oversight entities: CAT, because JAUNT is a sub-recipient of federal funds for ADA; the FTA; and DRPT, because they are a sub-recipient of state funds. She stated that the 5307 funding is urban money that comes through CAT and is a sub-allocation with a formula that has already been established, and JAUNT gets approximately 25% of the urban funds for the area. Ms. Davis noted that urban funds that come through CAT require that JAUNT adheres to a compliance review by CAT and provides them with monthly data. She said that JAUNT receives state funding through DRPT, and the pass-through funding from the FTA.

Ms. Davis reported that Albemarle and Charlottesville appoint four members for the board of directors, and they are active participants and part of the decision makers on policy, finance and governance. She said that Charlottesville contributes local funds to operate ADA services, which has an application process to serve individuals with disabilities, including many seniors. Ms. Davis said that rural services in Albemarle provide flexibility to serve those who live outside of the urbanized area served by CAT, and make possible routes such as the one being considered for Crozet, as well as other services. She stated that other rural localities provide two board members each, pertaining to JAUNT's funding of rural service. Ms. Davis stated that the cost of service to all localities is based on its proportionate share of the total service hours.

Ms. Mallek said what she hears at budget time is the absolute essential nature of the rural service for people who cannot drive but can work, and they want to stay in the rural homes but cannot get themselves to work without it. Ms. Davis responded that several service areas were not originally designed as commuter routes, Earlysville and Scottsville, are actually used by people in those localities to make sure they are even more comprehensive as they start expanding commuter route service, such as Crozet and 29 Express.

Ms. Mallek said they also benefit from the rural County's busses when they are on the way to Charlottesville, which Albemarle commuters can jump on in Scottsville and along the way when there is room on the busses from Buckingham and other routes. Ms. Davis noted that the Buckingham commuter routes stop in Scottsville on the way in.

Mr. Dill asked if the outlying counties generate significantly more cost, such as going to Buckingham for just a few people versus servicing riders from Earlysville. Ms. Davis responded that JAUNT looks at all of that and budgets accordingly with the respective counties' boards of supervisors, noting that the ridership on the rural routes is actually robust. She stated that several years ago, they added 28-passenger busses for the Buckingham route because there were not enough seats on the bus, but it has since moderated.

Mr. Randolph asked if there is any desire to have bus transportation to 5th Street Station out of Buckingham. Ms. Davis responded not that she is aware of, but JAUNT is looking at the Buckingham service in terms of the times and stop locations. She said that JAUNT did a survey, but that was not one of the questions on it, and most of the riders on that route were going to UVA for employment.

Ms. McKeel asked Ms. Davis to discuss the ADA services and what ADA means. Ms. Davis explained that ADA is the Americans with Disabilities Act, which says that if you have a fixed-route service, such as CAT, there must be a parallel service that provides door-to-door transportation for people with disabilities. She said that anytime a route is moved, there is a corresponding impact on ADA, with a minimum requirement of three-quarters of a mile on either side of the fixed route to provide service. Ms. Davis stated that those rides are provided by reservation, and the cost for paratransit can never be more than double the cost of the regular route. She said that as a route is changed substantially in one direction, those served by ADA would no longer be served by ADA. Ms. Davis noted that the 5311 funds and 1:1 matching are more extensive, and changing rural to urban has a corresponding impact, with no additional funding for fixed routes.

Ms. Mallek commented that this affects the amount of money the City and County put in to cover the costs. Ms. Davis responded that something moving from rural to urban has a corresponding impact.

Mr. Dill asked if there is any overlap between CAT and JAUNT if a rider buys a day pass. Ms. Davis replied that there is not, because the service provided for ADA is an application-only service, and passengers must apply and be approved to use it.

Mr. Dill said that he was referring more to passengers who were riding from a place like Buckingham who may want to go shopping after work. Ms. Davis responded that at one point, there was a free transfer for commuter routes coming into the City, but they do not have that anymore, and it is something to consider reinstating.

Mr. Randolph stated that this would be one of the value adds of having an RTA. Ms. Davis said that anyone qualifying for the ADA services has the opportunity to ride CAT for free, which works well for many individuals who might one day feel too physically challenged to use a CAT bus.

Mr. McDermott stated that within the Comp Plan, the County has the objective of continuing to improve public transit service and has the currently approved public transportation priorities, and he would be coming back in a few months to reevaluate those with the Board. He said the priorities are also called for in the transit development plans and would likely continue to be priorities for transit service, which is regular service to Avon Street Extended, Mill Creek Drive area, Hollymead, the commuter service to Crozet, increasing the service to the Pantops area, and potential for express bus service running in the

29 North corridor. Mr. McDermott said that these are a few factors to be considered in discussing transit, related to funding, planning and service. He stated that in looking at improving service, they would need to think about operating and capital expenses, with operational coming every year, but capital coming and going and varying depending on needs. Mr. McDermott noted that state and federal funding covers a percentage of the capital costs, but there is a significant local match, and new service would only change when the population changes, with state funds offsetting that. He said that any expansion of fixed-route service also requires the expansion of ADA, so it is not just the additional bus line cost. Mr. McDermott said there would be opportunities for the Board to consider, coming out of the MPO's study, including improving communication with the City, County, JAUNT, and UTS. He stated that they would like to coordinate on planning for future services, and the new transit development plan and MPO long-range plan provide an opportunity to envision what the service would be for the entire region. He noted that the future formation of a regional transit authority has been on the table and is something the County would be asked to consider at the upcoming meeting, adding that there is financial savings in reducing duplicative services and increasing competitiveness.

Ms. Mallek encouraged keeping the Board in the loop as the planning continues, so they are not surprised when there is a change.

Mr. Sheffield said that one large disconnect has been coordinating transit planning and carpooling as it relates to park and rides, which he sees as an opportunity that would slip by fairly quickly. He stated that the excess land related to the Berkmar Extended project could have a potential park and ride, and when they push for a potential connector from Meeting Street through to Airport Road all the way to the research park, something could be incorporated there. Mr. Sheffield said the planning effort for service to Staunton would likely bypass Crozet because there is not a reasonable park and ride aspect.

Ms. Mallek stated that they are working on finding a location in Crozet.

Mr. Sheffield said the TJPDC would probably address this, but it may be too late when they are talking about a Smart Scale project, with park and ride projects ranking highly. Mr. McDermott responded that there were not any park and ride projects in the approved transportation priority list, but there has been a lot of conversation about this as every major gateway into town, Crozet, Route 29 South and North, and even on 250 east of town, has been discussed for a potential park and ride project. He agreed that these projects do tend to score well through the Smart Scale program, and there are a lot of opportunities to work with CAT and move these forward.

Mr. Sheffield stated that downtown parking would become more of a premium for customers accessing retail versus employees, so this was a perfect marriage of opportunities, and the faster they move on this, the better.

Ms. Mallek noted that the investment in time for outreach is also important, as a lot of places, such as church parking lots, sit empty, and there is an opportunity at Exit 107 with a large parking lot with the church, another at Hillsboro, and another in the rural area.

Mr. McDermott stated that he would make sure it is a topic they review and discuss.

Ms. McKeel said that Mac Lafferty of the Planning Commission often points out that by 2030, all of the entrances into Charlottesville will be failing, so they really want to be thinking about these issues and planning ahead in terms of getting people out of cars.

Ms. Mallek pointed out that the parking lot south of town is always full by 7 a.m. every morning, and on the way to D.C., there are many lots along Route 29 that are full.

Ms. McKeel commented that as she has been dealing with transit, particularly those in the urban ring who are in poverty, she has heard from constituents that the bus service does not work for them because there are too many transfers and too few bus stops. She stated that she would continue to bring this up and anticipates very vigorous discussions about how transit is working in the urban ring, to get people where they need to be, to encourage healthy family lifestyles.

Ms. Mallek stated that Chip Boyles of the TJPDC is present, and they would soon be starting the long-range transportation plan, and during the public process is an important time to be doing outreach and getting places identified of where people live and where they need to get to. She emphasized that finding the people to provide that information has been the challenge.

Ms. McKeel responded that she is compiling it now from social services organizations and other entities, and it has been opening her eyes as to the transit service for urban ring residents.

Ms. Mallek said those people should participate in the public meetings scheduled by CTAC during the LRTP process.

Mr. Sheffield stated that there is nothing to stop a Supervisor from holding their own transportation town hall meeting, and they may draw a larger crowd by hosting the discussion.

Ms. McKeel emphasized that it is really important to have participation from the people who are working with these families, many of which do not attend the meetings and are hesitant to speak out.

Mr. McDermott said that he is working with JAUNT and CAT and would make sure they keep the

dialogue happening.

Ms. McKeel thanked all of the speakers in the work session.

Recess. The Board took a recess at 3:22 p.m. and reconvened at 3:33 p.m.

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

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

School Board Members Absent: Mr. Jason Buyaki and Mr. David Oberg.

School Staff Present: Dr. Pam Moran, Superintendent, Mr. Dean Tistadt, Chief Operating Officer, Dr. Matt Hass, Deputy Superintendent, Mr. John Blair, Senior Assistant County Attorney, and Mrs. Jennifer Johnston, Clerk.

At, 3:33 p.m., Ms. Acuff convened the meeting of the School Board.

Item No. 2a. Health Insurance.

Ms. McKeel announced that the first topic would be health insurance, then a discussion of the Human Resources annual report.

Ms. Lorna Gerome, Director of Human Resources, addressed the Board and stated that staff will provide information on health insurance and a follow-up to the annual report focusing on the exit survey information. Ms. Gerome stated that this is an informational meeting and staff would not be coming forward with a recommendation, but wants to provide an overview of both of these topics. She said that with them today is Ms. Claudine Cloutier, the County's Program Manager for Benefits, who will be doing an overview of the health plan and sharing steps taken to manage the plan, as well as ideas for the future. Ms. Gerome stated that the focus of their presentation would be changing how they allocate their rates, and the implications for certain groups of employees that occur as a result of that. She said after the health insurance discussion, they will do an overview of the exit survey information, noting that Human Resources publishes two reports: one for local government, which is on the fiscal year; and one for the school division, which is on the school year. Ms. Gerome stated that these reports provide a lot of demographic information on employees, as well as initiatives that HR is working on, and staff presented both of those reports in the fall but was asked to come back to provide a follow-up discussion on the exit survey analyses. She said that Mr. John Gray, the school's Assistant Human Resources Director, and Ms. Kimberly Shigeoka, Human Resources Generalist for Local Government, will lead that discussion.

Ms. Gerome reported that the intended outcomes of this meeting are to provide both Boards with an understanding of why the health insurance rates need to be reallocated, and the awareness of the challenges in doing that on certain employee groups, retirees, part-time employees, and County employees married to other County employees. She said that Ms. Cloutier is leading teams related to each of those three groups, with stakeholders on the teams, and staff wants to check in with the Boards on the principles used with these groups in developing recommendations, to ensure that they are on track. Ms. Gerome stated that the intended outcome on the exit survey is to share information as it is collected, which is done separately for teachers, school classified employees, and local government employees. She said they will share the top reasons why employees identified they left, and there are many reasons so staff is also going to share the ongoing work to retain employees and address some of the reasons employees left over the past year.

Ms. Gerome stated that beginning with health insurance, the County's goals are to provide a quality benefit to employees that is affordable and to offer choice, so the plan meets the needs of individuals and families. She said they do have a goal to meet the adopted target, which is slightly above market, and the traditional plan still meets that, based on the plan design and the premiums, and that plan is still slightly above market. Ms. Gerome stated that when having the new employee orientations, the new employees feel that it is a good plan, but those who have been with the County a while have seen the changes and feel differently. She said that other goals are to remain compliant and to have a sustainable plan, which is necessary because the County is self-insured, and that means that employer and employee contributions go into a fund that is used to pay claims, administrative fees, and stop-loss.

Ms. Gerome stated that there is a lot of work with a self-insured plan, but the reasons for having it are choice, control, and cost. She explained that this type of plan allows the County choice in plan design and eligibility; control exists because they are not in a risk pool with other agencies and organizations; and cost estimates generally show that self-insured plans have lower claims, ranging from 3-5%. Ms. Gerome said the County has done many things to keep its plan solvent over the past few years: set premiums to accurately reflect claims; implemented deductibles; increased out-of-pocket maximums; and changed spousal eligibility criteria. She stated that all of those things have really impacted employees, so there has been cost-shifting onto employees. Ms. Gerome noted that they have also instituted many proactive wellness programs, including onsite mobile mammography, onsite flu clinics, and a consumer-driven high deductible plan, which has experienced participation rates three times higher than predicted, with 14% of the workforce currently enrolled in the plan. She said that there is a medical plan evaluation

ongoing, with consideration as to whether the County should remain self-insured, and they are looking at a plan offered by the state for localities to join called Local Choice, and some of the wellness program items include a Fit Bit subsidy; a weight loss program called Lose Well, which continues to gain participation; ongoing monitoring of claims so they can make decisions about the health plan; and transition to contribution allocation by tier versus flat.

Ms. Claudine Cloutier addressed the Board and stated that one reason the County would want to reallocate its rates is market alignment, with most of the market aligning their employer contributions by tier, with a smaller allocation for employee-based coverage versus family coverage, which would be higher. Ms. Cloutier stated that this makes it easier for them if they transition to a tier-based allocation to compare with the market and see if they are on track with others in the market. She said it is a more actuarial way to base funding rates so they can accurately transition funds higher to family-level coverage and lower to employee-only coverage.

She said another variable is the Affordable Care Act, but as far as staff knows, there will not be a replacement plan rolled out in the immediate future, so they are proceeding as though the requirements under the ACA will continue into the next year. Ms. Cloutier stated that one of the considerations with compliance under the medical plan are affordability, with a requirement under the ACA for employers to offer affordable coverage to full-time employees, which the ACA defines as an employee working on average 30 hours per week or more. She said that because of the way they calculate employee premiums for part-time employees, that provides a bit of an issue with compliance in terms of the affordability of the plan. She stated that the other piece is the Cadillac tax, which would affect the total cost of health insurance at the employee-only or family level.

Ms. Cloutier referenced the current employer contribution of \$776 and added 7% to it, which is the projected number staff has been working with over the last few months, making the total \$831 as a flat contribution. She said that reallocation could make the employee-only rate drop by a few hundred dollars, with employee plus child being a bit lower, and greatly increased employer contributions for more than one child, spouse level, and family level.

Mr. Randolph stated that they need to be aware of the possible disincentive created for employees with a single child, versus other organizations that may offer a more competitive package. Ms. Cloutier agreed that they do not want to create a scenario in which benefits are unaffordable to employees, but noted that her presentation is focusing just on the employer contribution.

Ms. Cloutier presented challenges associated with reallocation, including employees who are married to other employees who both participate on the medical plan, and part-time employees. She said that retirees who meet age and service requirements with the County are eligible for the early retirement incentive program (VRIP), and that benefit consists of an employer contribution towards health insurance, which lasts five years or until the employee reaches 65, whichever comes first. Ms. Cloutier stated that 175 of VRIP recipients have stayed on the medical plan, and 64 of those are taking the payment as a cash payment. She said the challenge here is where to set the employer contribution for this group with reallocation, because there is no one set employer contribution.

Ms. Cloutier said the guiding principles with the workgroup were to create a solution that was simple to communicate, both in terms of people looking to retire and those who are planning to retire, and those who are currently on the plan. She noted that they also did not want to create a system that was overly difficult to manage on the backend, as well as not being a takeaway from current participants. Ms. Cloutier said that staff's recommendations will be for those on the medical plan to pay whatever the employee premium rate is, so the contributions do not factor in at all; for those taking a cash payment, staff is recommending holding it as a fixed amount, so the goal is not to lower it. She stated that if they do that, then it will provide a number to communicate going forward, which helps provide a flat figure for people going into retirement. Ms. Cloutier stated that there would be some language changes retired for the VRIP policy, with the goal of having it in place by July 1, 2017.

Mr. Randolph asked what the anticipated budget impact would be. Ms. Cloutier responded that it will be different every year, and perhaps fiscal staff could provide more answers on that.

Ms. Mallek commented that the early retirement program is about to end. Ms. Cloutier responded that it predated her tenure with the County.

Ms. Mallek said she wants to distinguish between the accelerated program put in after the recession in 2008 and the ongoing program being described.

Ms. Cloutier explained that early on, the benefit consisted of a monthly stipend that lasted for the duration of the benefit, and the employer contribution toward insurance. She said that about eight years ago, the County began to phase out the stipend portion, which no longer exists, so now they just have the employer contribution to health insurance. She mentioned that there was an incentive added two years ago, one was a blanket incentive that enhanced the benefit with an extra cash payment, then the following year there was a more targeted program incentive for employees, but that was one time only. Ms. Cloutier stated that what they are seeing now are mostly people who are just getting Board contributions, and the County is still phasing out people who get stipends.

Mr. Koleszar asked if the amount employees pay as part of their contribution would be changed if they change the system to a tiered structure. Ms. Cloutier responded that they work together in terms of coming up with the 100% that is the funding rate for each tier, and then the County must make the

decision as to where the employer and employee pieces are, but reallocation itself would not necessarily mean that employee contributions had to be skewed one way or the other.

Ms. Cloutier reported that the next group addresses County spouses, those who are married to other employees on the health plan. Per the current policy, each employee is entitled to an employer contribution on their own as individual employees. She said that this basically results in free health insurance for County spouse couples, because the individual employee contribution for a full-time employee is \$776, so two employees would get \$1,562, but the actual cost of family coverage is only \$1,106, so the total contributions are greater than the cost of insurance coverage. Ms. Cloutier stated that the challenge is where to set the contributions for County spouse couples so it does not harm them in a non-arbitrary way to approach this. She clarified that this would apply to any participating members of the health plan: schools, local government, ACRJ, etc.

Ms. Mallek asked if the \$500 difference between the two Board contributions is a cash payment to them. Ms. Cloutier responded that it is not, and confirmed that they would just have their costs offset. She stated that there are 143 spouses on the County's health plan. Ms. Cloutier said that the guiding principles for this effort are that they want it to be simple to communicate to employees and to administer on the back end. She noted that they want a solution to this challenge that still recognizes the employees as individual employees that work for the organizations, so whatever solution they come up with should not result in County spouse couples paying more than non-County spouse couples. Ms. Cloutier stated that contributions for employee only were smaller and family was greater, which creates a problem for part-time employees because of the way they calculate part-time employee premiums. She said that besides making it unaffordable on the family side for part-time employees, it also creates affordability issues for the 30-hour workers that are considered full-time under the ACA.

Ms. Cloutier stated that there are about 619 part-time benefits-eligible employees across the divisions, with the school division needing the labor source more than local government will. She said that of those, less than half of them take County insurance and probably have access to insurance elsewhere, and of those on the health plan, 146 of them pay full-time employee rates because they are either in transportation and get a special benefit if they work at least 4 hours a day, or are Board or Commission members, or are County spouses. Ms. Cloutier stated that 175 people are actually paying premiums as part-time employees and using that calculation to create their rates. She presented an example of a full-time employee who has family coverage, with the employer picking up \$776 of that and the employee paying \$330. Ms. Cloutier noted that a 50% part-time employee with the same coverage only gets \$388, so they must make up the \$388 and pay the \$330 premium.

Mr. Randolph stated that this basically means there is a disincentive for people to work part-time because they incur greater out-of-pocket expenses to maintain medical coverage for themselves and their family. Ms. Cloutier agreed, stating that some people say they work for healthcare, and the County is very mindful of their ability to recruit and retain employees.

Ms. Cloutier reported that the guiding principles for this are also to make the solutions simple to communicate and administer, and neither overly harms nor benefits participants at any given tier, so someone getting \$836 at the flat rate would now have a \$600 contribution, and families would have a \$1,400 contribution. She said the County is coming up with a solution that flattens that out, and it will look very much like it does now with a goal to provide equity for part-time employees.

Mr. Randolph asked what staff's overriding direction was this year in terms of what they are trying to accomplish. Ms. Cloutier responded that one of the things they want to make sure they are doing is to have affordable coverage that meets ACA requirements, and in terms of the way part-time employee premiums are calculated, they have not been talking about the way they calculate, with the exception of creating affordability for the 30-hour employees. She stated that the issues they are focusing on now are those related to reallocation.

Ms. Acuff asked if there were about 450 employees subject to the retirement policy change and the County's plan for spouses. Ms. Cloutier stated that 64 of them are taking a cash payment now, but in theory anyone who is on VRIP could be taking this as a cash payment, and that is about 200 people, with 175 employees who are paying for part-time, and the County spouses are 143 couples.

Ms. Moynihan asked what "slightly above market" used as a benchmark. Ms. Gerome responded that slightly above market is a Board target, and the way it is considered is plan design, deductibles and out of pocket costs, but also premium costs for employees. She said the County weighs all of that, although it is not quite as clean as being at market with compensation.

Ms. Gerome reported that staff will likely be back to the Boards within the next few months with a recommendation to change the policy so retirees who receive the cash payment keep that as a flat payment. She said this does require a policy change, so they will do that in the next few months for a July 1, 2017 effective date. Ms. Gerome stated that the County is closely watching the change for part-time employees because it is affected by the Affordable Care Act, and if nothing changes that will need to be addressed sooner to be effective by October 2017, so staff will likely be back with that information in early summer. She said that with the County spouses and general reallocation, they will also come back in early summer but will have an October 2018 effective date, because they need time to plan for the budget implications of that because there are so many partner agencies on the health plan. Ms. Gerome noted that if a particular group has a lot of families, the budget impact ends up being more significant for them.

Mr. Randolph stated that it would be helpful to know the partner agencies participating in the

program and the number of employees, so they can see the ripple effect from the ACA.

Ms. McKeel agreed that it would be interesting to see that list.

Ms. Acuff stated that the School Board had reached consensus at their meeting the previous night to see whether the Supervisors would agree to a study regarding the impacts of changes to the health plan that have shifted costs from the employer to the employees. She said these changes and others have had a favorable impact on the health plan, with last year's claims about equal to the prior year, and the first four months of claims in the current year appear to be encouraging. Ms. Acuff stated that in light of these facts and the need to maintain a financially sound health plan, the School Board is asking the Board of Supervisors to jointly direct staff to conduct a financial analysis of the health plan and determine if the potential exists to take actions as part of this year's budget to financially offset employee cost increases. She said if the analysis determines that such actions might be possible, the School Board's desire is that staff provide recommendations or options for consideration, and are asking the Board to consider this, keeping budget impacts in mind.

Mr. Koleszar noted that even though there have been 2% pay raises the last two years, employees' net take-home pay has been about the same. He asked if the health plan would support it, if they could reduce the premium so they could put more money in employees' pockets.

Ms. Acuff said that one of the other options the School Board discussed was to offer a "premium holiday," rather than changing the structure of the premiums. She noted that they are doing a larger study of teacher compensation, but that will not be done until spring, and the School Board wanted to raise the premium issue at this meeting.

Mr. Alcarro stated that the conversation started regarding the School Division, but this is designed for the entire system and the School Board wants to expand the discussion and bring it to the Board. He said this would range from \$15 a month for an employee-only 12-month plan, up to \$396 for an employee + family on a 10-month plan, as part of a "smarter not harder" strategy. He reiterated that this is just asking for a study, not a decision.

Mr. Koleszar stated that they would want to do this for all classified employees and teachers.

Mr. Dill said the issue of getting raises is important, but he would be cautious about a holiday on premiums because staff puts a lot of work into actuarial tables of how much money is going in and coming out, and it should be made as a budget decision, not changing the formulas for who is going to get paid.

Mr. Koleszar commented that the School Board is bringing this up now so it can be considered in this budget cycle, as they were voting on their funding request and determined that this was something they would like to do, but feels that it needs further study, so they did not put it in their funding request.

Mr. Alcarro said the more efficiencies put in would be creating a more sound situation for the plan, and just a few months or years does not make a trend, so this would need to come out of efficiencies.

Mr. Dill stated that this should be two separate tracks, and if they are saving money on any program it should be revised to be beneficial, and what he is saying has nothing to do with whether people deserve raises.

Mr. Koleszar said that there are two advantages to decreasing out-of-pocket benefits for employees: that money is pretax, so there is a net financial savings versus putting it more into raises; and it is much more beneficial for lower paid employees than higher paid employees. He stated that this gets more money into employee's pockets through the premium deducted versus increasing pay.

Mr. Dill stated that he thought there were taxes paid on health insurance benefits.

Ms. Mallek said it is deducted first before you get to net pay.

Mr. Randolph suggested that they take it under advisement and move on with their discussion.

Ms. Gerome stated that they could certainly do a study and would probably ask the benefits consultant to help with that so the impact of the reserve and balance would be available with all the work already done taken into consideration, as well as the projections in addition to the four months of claims.

Mr. Sheffield asked what timeframe they are talking about with the study, as the Board's budget cycle starts the following week. Ms. Gerome responded that her understanding is that staff would ask the benefits consultant to tell them what the financial impact would be if they did not increase employee's rates next year and held them harmless for the entire year, and did not factor in the 7% increase.

Mr. Koleszar stated that he was also hoping they could roll back what they did last year.

Mr. Sheffield stated that he did not want to spend a lot of time on this and get near the end of their budget cycle and try to make a decision on this in an eleventh hour situation.

Mr. Walker stated that the County Executive's budget would come forward with a certain set of

assumptions through the two-year plan with regard to the projected increase in healthcare premium costs for the next plan year starting in October. He said through that process, if there is additional information that would cause them to reconsider what the projections are, they could introduce that as part of the budget process and make a reduction or other changes that might be reasonable, before the budget is adopted. Mr. Walker stated that there would be implications in terms of the solvency of the self-funded plan, and they certainly do not want to be charging employees more than what is required to cover costs and maintain a fund balance, so if there is a reason to make adjustments downward to benefit employees and the employer, they would certainly want to do that. He said that they are somewhat limited because the plan year started in October and they have a maximum of five months' experience, and they would have to work with the consultant to see if that is enough information to bring forward to the boards in order to make responsible recommendations on any adjustments. Mr. Walker stated that staff is certainly ready and willing to do that work and come back with information.

Ms. Mallek cautioned that at one point they had taken a lot of money out of healthcare savings because they said they had too much savings, then two years later they were scrambling because they had high costs, so keeping it as level as possible is important.

Mr. Walker reiterated that this pertains to the solvency of their plan, and they are in a somewhat uncertain period at this point.

Ms. Gerome said that staff could probably get a study done within three to four weeks.

Ms. McKeel noted that the presentation from Kathy Train on the United Way Pre-K update would come off the agenda today.

Item No. 2b. Human Resources Annual Report Follow-up.

Ms. Gerome stated that Human Resources produces reports for both local government and the school division, using fiscal and school calendar years, respectively. She said they provide a lot of demographic information about employees, trend data, age distribution, and HR initiatives within each organization and how the work being done supports the mission, vision, and values of the school division. She noted that the information is on the County's website, and encouraged the boards to provide feedback on the content.

Mr. John Gray addressed the boards and stated that he would provide information on trends and turnover, compiled through exit surveys conducted over the past year for both local government and schools.

Ms. McKeel noted that the County employee turnover rate had doubled in some departments, which may help frame this discussion.

Mr. Gray stated that he would go into the reasons why staff believes those turnover spikes occurred, and they do have some information about the specific departments. He presented a chart illustrating turnover for the three categories of school employees over the past 10 years, with support employees having a large uptick in turnover for the last three years. Mr. Gray said that contributing to this year's turnover was a new structure in special education, which resulted in 9.9% of the 24% turnover rate, and the extended day enrichment program also experienced turnover from regulatory changes and the part-time nature of those jobs. He stated that the teacher workforce had 151 employees departing, and that remained relatively flat as their positions are less impacted by an improved economy. Mr. Gray noted that these rates closely mirror national trends over the same period for state and local education, but staff would address why turnover rates had spiked for support staff in particular.

Ms. Kimberly Shigeoka addressed the Board and presented information on the government turnover rate for the last 10 years, noting that there was a spike in 2016 to a rate of 14.67%, and when compared to national trends for state and local governments, excluding education data, there is a spike in 2014, 2015, and 2016. She said that Albemarle's numbers were relatively flat in 2014 and 2015, but caught up in 2016 and overall were fairly in line with national statistics.

Mr. Gray presented a graph including private and public sectors, illustrating a 10-year history of unemployment rates for Virginia. He said that as the economy became worse, the unemployment rate rose over the late 2000s, and the state's unemployment rate in December was 4.1%, with the *Daily Progress* reporting December's rate for Charlottesville and Albemarle at 3.3%, which further contributes to turnover. Mr. Gray stated that turnover in County employees has increased as the employment rate has decreased. He said that local government and schools share a close parallel regarding exiting employees years of service, and the increments used by both are closely aligned and demonstrate similarities between turnover by years of service. Mr. Gray said that highest turnover was during the first five years of employment, with more than half of exiting employees leaving during this period, with 63% of exiting local government employees and 71% of exiting school employees leaving in the first five years.

Mr. Gray stated that there are many factors as to why this particular group is leaving in higher numbers than tenured employees, with reasons including the more flexible movement of people across the nation; the changing definition of a "career," especially among millennials; the near full employment economy, which has led to more plentiful job opportunities, particularly at the entry level; and new employees trying to find a fit for themselves. He said the County is concerned and is continuing to explore specific reasons and actual remedies to address turnover. He presented a slide showing the 151 teachers

who departed, noting that they had a 28% response rate for both surveys, and this year they changed the survey format mid-year in an effort to gain better data than on the original survey. Mr. Gray stated that local government and schools would continue to revise the survey in tandem for better data, and he referenced a slide showing the survey with the most responses, with both surveys highlighting relocation as a top reason that teachers leave Albemarle County's public schools. He said that reasons for relocation include moving closer to family and following a spouse or significant other to a new job, with a wave of employees getting older and baby boomers beginning to retire. Mr. Gray stated that in looking through previous years' annual reports, this has grown every year, and there was a bigger year about a year or so ago, but beyond that it continues to be one of the prime reasons for turnover, especially among teachers.

Mr. Gray presented a slide highlighting the 269 employees that separated from the school classified administrators category, and the bulk of employees responded to the hold survey for this slide, with this group containing many of the system's part-time employees. He said that steps taken to address the issues include partnering with schools and departments to address the top reasons for leaving, and one of the things that is a trend for HR now is to do "stay" interviews, rather than just exit interviews, with the idea that a supervisor will sit down with an employee early on in employment instead of waiting until they leave to find out why. Mr. Gray stated that they have initiated this in the transportation department and feel it is a positive step. He said they are also soliciting current employee feedback to determine key areas that are issues, identifying specific trainings that will pinpoint what will help improve the situation. Mr. Gray added that HR staff hopes the 2% increase will stay in the budget.

Ms. Acuff commented that she is concerned about the low response rates of 20% and 28% and asked if they were mail surveys or exit interviews, noting that it is hard to reach a conclusion with a low response rate. Mr. Gray responded that this is one of the lowest years for response rates.

Ms. Acuff said that with exit interviews, you can actually ask employees. Mr. Gray stated that a lot of employees who leave are part time and are sometimes gone before HR knows it, so it is difficult to contact them, especially if they have moved out of the area. He said they make three attempts to contact departing employees, either through email or telephone calls, and there is dedicated staff time to do that. Mr. Gray said they have revamped the system by using Survey Monkey, which they feel will help in enhancing the response rate.

Ms. Acuff said they are still chasing them after they are gone, as opposed to when they give their notice. Mr. Gray agreed that was a good point, and said the new system would allow the survey request to be sent by email prior to the employee's departure, adding that the typical response rate is 30-35%.

Ms. Acuff commented that this was still on the low end.

Mr. Dill mentioned that it is hard to balance the confidentiality aspects, as people are less likely to tell the truth if they are talking face-to-face with someone they know in the system, or they may emphasize things like family issues rather than issues with a boss.

Mr. Gray noted that HR does all the exit surveys.

Ms. Shigeoka reported that there were 100 employees who left local government last year and a 40% response rate for the exit survey, with the top reason for departure being better opportunities. She noted that staff is still working on the surveys to get better data and definition of terms such as "better opportunity" and what that means to employees. She said the second most common reason is retirement, which is expected to become the primary reason for departure as the workforce ages. Ms. Shigeoka stated that the third reason was "unsatisfactory work environment" or "poor supervision or management," and HR is finding through numerous sources such as one-on-one interviews or conversations that these categories refer to a heavy workload, desire for flexible schedules, and other factors related to a desirable work/life balance. She stated that HR has implemented the stay interviews for local government as well, focusing on the departments with the highest turnover, and this effort also includes work with the police department to have them conduct interviews with officers prior to their departure. Ms. Shigeoka said that they are also working with outside consultants to establish why Community Development and Finance have had high turnover, as well as talking to existing employees to see what the concerns might be. She stated that HR is also talking to departments about training or specific issues that may be leading to turnover, and they are trying to tailor their work with specific departments, such as ECC, which rolled out a new CA system that required a different way to do work, to understand the departmental culture.

Ms. Shigeoka said that HR is working on general training, with a new series for middle management to ensure that supervisors are properly trained, with both government and school exit surveys showing that conflict with supervision and management is high and cited as a reason for leaving, so they want to make sure they are addressing that. She stated that they are also working on training to include more inclusive and diverse environments, to empower employees in giving them the tools they need to bring up concerns before they leave, and to make sure the work environment is conducive to that.

Ms. Shigeoka presented a summary of next steps, stating that staff would continue to evaluate data to ensure they have the best data to get the best possible solutions for those things causing turnover. She said they have updated the exit survey for the current year to better understand what it means when someone says "reasons external to the system" or "better opportunities." She stated that HR is working with schools and departments to address their specific issues, working on organization-wide trainings, such as the supervisor training series, and working to create diverse and inclusive work environments in which employees feel empowered to come forward with concerns and supervisors feel

well-trained and have the tools to address concerns. Ms. Shigeoka stated that while turnover in both divisions is concerning, staff also wants to point out that this is consistent with state and national trends.

Mr. Paige asked if the reasons for leaving were also similar nationwide, in addition to the data being similar. Ms. Shigeoka responded that those reasons can be very complicated, even within the local system, but the changing nature of employment seems to be the trend nationally.

Mr. Randolph stated that the patterns may be typical between university communities.

Mr. Koleszar encouraged them not to look at the whole package together, but instead looking at individual workers, such as cafeteria workers, police officers, or secretaries, and to find out what the issues are, they need to get down to the department level. He said that once this is established, HR can target some strategies to help reduce the turnover rates in those departments and work with supervisors in those departments to see what needs to be changed. Mr. Gray responded that the good thing about the stay interviews is that they proactively address the issues as they are occurring, especially early on in employment, so they can begin to understand what needs to be tweaked in order for employees to stay. He stated that direct supervisors are involved with that, so there is no delay as it is an actionable item.

Mr. Dill asked how many people were terminated during that time period, and whether it had changed significantly. Ms. Shigeoka responded that HR does not track the data for terminations but could probably get it, and for local government data they do have probationary numbers, which addresses it somewhat, with 19 of 100 employees leaving during the probationary period, which is just the first six months an employee works, versus 11 last year.

Mr. Dill pointed out that if people are leaving, it may not be a problem with them but may instead be that they have a bad boss, and many people he has spoken with have said they left a job because their boss has been there for 20 years and still does things the old way, with no opportunity for advancement. He said that while it is hard to fit all the variables into the equation, it may be helpful to look at that factor.

Ms. Shigeoka stated that any employee is following policies and processes, regardless of whether they are supervisors, and one of the trainings this year is the new supervisor training for managers, in an effort to focus on the top reasons why people are leaving.

Ms. Mallek said that she is interested in knowing where the department clusters happen, as turnover is very expensive regardless of where it occurs. She stated that she had heard something on the radio about people not moving to take new jobs, and it could actually be viewed as a good thing, so it is important to consider how the issue is framed.

Mr. Gray stated that the County has done two "360" sessions with employees to garner feedback, and that information has been used with supervisors so they can improve.

Ms. McKeel noted that some of the larger businesses are doing away with that type of evaluation and moving towards one-on-one discussions between supervisors and employees.

Mr. Gray said the stay interviews would provide a lot more of that type of communication.

Ms. Acuff stated that the schools have had chronic shortages of bus drivers and have had informal surveys by having them show up at School Board meetings asking for more income. She said the schools are even losing employees to places like Wegman's, where they get higher pay and better benefits. Ms. Acuff said that compression is addressed in the budget this year, and HR is doing some reclassification in the lower levels that will positively impact these employees. She stated that they have been 10 bus drivers short this year, as well as 6 who are on long-term medical leave, and people have been called out of retirement to have enough drivers. Ms. Acuff stated that the key is finding out what other issues there are and how to get people to stay.

Mr. Gray added that they have moved up the classification review for transportation and will look at anything they can do to improve the situation.

Ms. Gerome commented that their discussion shows the complexity if this, because what is happening in food service or transportation is very different than what is happening in Community Development or the police department. She said there is a lot of work to do, but they feel it is very important in order to retain employees.

Ms. McKeel stated that it is often about personal relationships, and the culture happening in the U.S. currently has made recruitment and retention harder for the police department, and she feels the dialogue that bashes the government has not helped in the situation.

Ms. Gerome stated that staff would be coming back in a few months with more information, and thanked the boards for their input.

Note: At 4:50 p.m., Ms. Acuff adjourned the School Board

This item was removed from the agenda.

Agenda Item No. 5. Closed Meeting.

(Note: Mr. Sheffield 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 and Buckingham 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. The subject matter in the closed meeting pertains to litigation on public transportation provided by JAUNT, so JAUNT could realize a reasonably foreseeable direct or indirect benefit or detriment as a result of any decision related to that closed meeting. He then disqualified himself from participating in the closed meeting.)

At 4:52 p.m., Mr. Randolph **moved** that the Board go into a closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (1), to consider appointments to boards, committees, and commissions in which there are pending vacancies or requests for reappointments; under Subsection (3), to discuss the disposition of an interest in the County Office Building property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Board; and under Subsection (7), to consult with and be briefed by legal counsel and staff regarding: 1) specific legal matters requiring legal advice relating to ZMA 2016-00015, and 2) litigation in the case of Route 29 LLC v. County of Albemarle because a public discussion would adversely affect the negotiating or litigating posture of the County. Ms. McKeel **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

ABSENT: Ms. Palmer.

(Note: Ms. Palmer arrived at the meeting during the closed meeting.)

Agenda Item No. 6. Certify Closed Meeting.

At 6:00 p.m., Mr. Randolph **moved** that the Board certify by a recorded vote that to the best of each Board member’s knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed, or considered in the closed meeting. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

Agenda Item No. 7a. Boards and Commissions: Vacancies and Appointments.

MOTION: Mr. Dill **moved** the following appointments:

- **appoint** Mr. Michael Guthrie to the Places 29 (Rio) Community Advisory Committee to fill an unexpired term ending September 30, 2017.
- **appoint** Mr. Doug Walker to the Rivanna Solid Waste Authority with said term to expire April 1, 2021.
- **appoint** Mr. Doug Walker to the Rivanna Water and Sewer Authority with said term to expire April 1, 2021.

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

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

NAYS: None.

Agenda Item No. 8. Call back to Order.

At 6:03 p.m., Ms. McKeel called the meeting back to order.

Ms. McKeel introduced the presiding officer, Officer Garnett Riley, and County staff on the dais.

Agenda Item No. 9. Pledge of Allegiance.

Agenda Item No. 10. Moment of Silence.

Agenda Item No. 11. Adoption of Final Agenda.

Mr. Dill **moved** to adopt the final agenda as presented. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

Agenda Item No. 12. Brief Announcements by Board Members.

Mr. Sheffield stated that as he had responded to a constituent, Mr. Joe Thomas, he would not be running for reelection, and said that he had other competing priorities that would take him away from public service, but he would work hard for the next 11 months.

Ms. Mallek stated that Shenandoah National Park has 25 unfilled positions that are currently frozen by the federal government and are anticipating approximately 1.5 million visitors in 2017, but do not have decent bathroom facilities because there are not enough wastewater operators. She asked constituents to write to Congressman Tom Garrett and encourage him to support positions for the park.

Ms. Mallek stated that there are information sheets and registration forms for the 2017 Drinking Water Clinic, hosted by Virginia Cooperative Extension and Virginia Tech, and said that it is the best \$55 a person can spend to get a \$250 assessment of well water. She said the meetings are April 17 and 19, with a recap on May 18. She said that she has participated every couple of years for the last 10 and has found this to be a very good program.

Ms. Mallek reported that there had been a recruitment meeting for the Monticello Artisan Trail held the previous evening in Crozet, and they would be printing 45,000 copies of a new map to help visitors get to the artisans, farmers, crafters and others who join the trail. She encouraged anyone wanting more information to contact her, as she is the self-appointed ambassador for the program. Ms. Mallek mentioned that a consultant had done a statewide study on artisan impact, which showed there was \$500 million of positive impact in 2015.

Ms. Mallek announced that salamander migration season takes place in February, at which time the salamanders that live on the Brookhill property to the north of Polo Grounds Road and the Hall property to the north of Rio Mills Road cross the road to the vernal pools, where they spend two weeks for breeding season before crossing back over the road to go back into the forest. She stated that Bess and Jim Murray discovered this population of migrating salamanders back in the 1970s, and had a cohort of residents on Polo Grounds Road who would help escort the salamanders across the road. She mentioned that in 2015, members of the Natural Heritage Committee discovered that there were two viable populations of the salamanders, one on each side of 29, and have thus reactivated the rescue cohorts. Ms. Mallek stated that her reason for mentioning this is to tell people to slow down, and she noted that the salamanders are between 4 and 10 inches long, black with yellow spots, and are visible in headlights. She said that people must stop to let them cross, as this population is trying hard to survive after being feared extinct in the area. Ms. Mallek noted that Allen Taylor and his partnership would be constructing some carefully designed pathways for the salamanders, and Natural Heritage has been working with them to try to find a solution. She clarified that the crossing road to the west is Rio Mills, and the road to the east is Polo Grounds, just north of the river.

Mr. Dill announced that Sol Smart has announced full-time local program ambassadors to help communities go solar, part of the "sun shot" initiative of the U.S. Department of Energy to try to cut red tape, drive greater solar deployment, and make it possible for more American homes and businesses to access solar energy. He stated that out of 100 communities that applied for this designation, which comes with a six-month consultant, Charlottesville/Albemarle was picked, and the only other area close to this size were the Chapel Hill/Carrboro NC area and Oklahoma City. Mr. Dill explained that the idea of this effort is to lower the soft costs of solar energy, stating that the hardware has gone down in price and is very competitive now, but it costs more to get zoning approvals and permits, and to find out what is allowed in the community, all of which discourages expansion of solar. He stated that he met the woman who is leading the effort locally, with Greg Harper and Andy Lowe working on it on the County side, and Kathy Galvin participating from the City. He said that LEAP will also be involved, and mentioned that Ms. Mallek serves on their board.

Ms. McKeel announced that she and Mr. Sheffield had hosted a community forum on February 6, 2017 pertaining to economic development, offering a basic primer on economic development, and 60 people attended, not including staff or Supervisors, or Planning Commission or EDA members. She said that she hopes they will be able to give this presentation to other groups in the community and have other discussions related to community development.

Ms. McKeel reported that there is a Virginia Green Travel Alliance that supports green tourism and travel in the state, and they will be meeting at UVA's Darden School of Business on February 16 and 17. She said that on the afternoon of the 17th, the alliance will partner with UVA for a tour featuring green grounds and sustainability efforts. Ms. McKeel stated that they could also ask UVA to provide some information on this just for the Board.

Agenda Item No. 13. Proclamations and Recognitions.

Ms. McKeel congratulated Mr. Randolph for his five years of service to the County, four years on the Planning Commission and one year on the Board of Supervisors. She then presented him with a pin for service.

Agenda Item No. 14. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Mr. Steve Koleszar said that he is a resident of the Scottsville District and is addressing the Board because he wants to start a dialogue about merging the City and the County. He stated that it has been 20 years since they talked about it, at which time there was a lot of animosity, but much of that has dissipated and there are strong reasons to consider it as it would greatly strengthen the combined bodies. Mr. Koleszar said the rationale for the merger is that there is so much redundancy of government, with a combined school system of 17,000 being much more efficient, easier to run, and better for kids. He said that if they only had one police department and one fire department, there would be tremendous operational savings, and the next most powerful argument for consolidation is the amount of effort, energy and waste there is with City/County disputes and fights. Mr. Koleszar stated that there is plenty of goodwill, but something like relocating the courts, there is different fiduciary responsibilities, and so what is right for the County may not be right for the City, and they end up fighting about it. He said that they want to put the courts as what is best for the County, but they should really think about putting the courts as what is best for the region. Mr. Koleszar stated that he knows this would be a long, painful and challenging process, but he wants to get people thinking about it to see if it is worth doing. He emphasized that a merger would greatly strengthen them as a region and enable them to do what is best for the whole community.

Mr. Ralph Feil addressed the Board and stated that he is thankful to them, especially Ms. Palmer, and to County staff. Mr. Feil said that residents of Bellaire, where he lives, were propositioned with the idea of renumbering all of the residences in the Bellaire neighborhood due to a house being built on a new lot that needs a number. He stated that there has been a series of meetings with residents, with lots of involvement from Ms. Palmer, and it occurred to them that it would be very disruptive to renumber 90+ houses. Mr. Feil explained that the net result is that there is one lot on Canterbury Road that would be renumbered from #1 to #2 because it is on the right-hand side of the road, and the new house would be getting a fractional suffix, 16 1/2 Deerpath, and the County found one other lot that has two living units that would also get suffixes of 1/2 so they each have a number. He stated that they think this has been solved in a way that appeases Planning staff and Emergency Services, and he thanked the County for working with residents.

Agenda Item No. 15. Consent Agenda.

Mr. Sheffield **moved** to approve Items 15.1 through 15.4 on the consent agenda. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Item No. 15.1. First Amendment to the Promissory Note for the Lewis & Clark Exploratory Center.

The Executive Summary forwarded to the Board states that on April 3, 2013, the Board of Supervisors approved an appropriation of \$130,000.00 in CIP fund balance to the Economic Development Authority (EDA) for the purpose of funding a loan for the Lewis and Clark Exploratory Center (LCEC), subject to conditions. A complete explanation of the loan, its conditions, and the repayment history is provided in the attached July 6, 2016 executive summary (Attachment A).

On July 6, 2016, the Board approved the First Amendment to the Promissory Note, which extended LCEC's repayment of the loan until December 31, 2016.

The County-EDA agreement pertaining to the LCEC loan allows its repayment to be extended on approval by the Board and the EDA. The EDA-LCEC promissory note also allows for extensions. Although the July 6, 2016 executive summary recommended that the Board extend repayment of the loan to December 31, 2016, which the Board approved, the draft amendment to the promissory note attached to the executive summary was an early draft that had a December 31, 2017 repayment date. The error was compounded when staff circulated that same version of the amendment for signature to LCEC. When the amendment was presented to the County Attorney's Office for review, the error was identified and the amendment was not approved as to form by the County Attorney or executed by the EDA. In communications between County staff and LCEC representatives this fall, and from statements LCEC representatives made when they updated the Board on LCEC's activities on December 7, 2016, it was evident that it was their understanding that their repayment deadline had been extended to December 31, 2017, not December 31, 2016.

At its January 17, 2017 meeting, the EDA approved extending the repayment deadline to

December 31, 2017.

Two versions of a new draft of the First Amendment to the Promissory Note, with a repayment deadline of December 31, 2017, are attached. Attachment B identifies the changes made to the text in the original Promissory Note, and Attachment C is a clean version for the Board's approval. The LCEC has made the quarterly payments required to date under Section 1(A) of the First Amendment to the Promissory Note.

The extension of the loan payment deadline further delays the return of the funding to the County's Capital Improvement Program.

Staff recommends that the Board approve the attached First Amendment to the Note of the Lewis & Clark Exploratory Center of Virginia, Inc. (Attachment C) to extend the repayment of the loan to December 31, 2017.

By the above-recorded vote, the Board approved the following First Amendment to the Note of the Lewis & Clark Exploratory Center of Virginia, Inc. to extend the repayment of the loan to December 31, 2017:

**FIRST AMENDMENT TO THE NOTE
OF THE LEWIS & CLARK EXPLORATORY CENTER OF VIRGINIA, INC.
TO THE ECONOMIC DEVELOPMENT AUTHORITY OF ALBEMARLE COUNTY, VIRGINIA**

THIS FIRST AMENDMENT TO THE NOTE of the Lewis & Clark Exploratory Center of Virginia, Inc., a Virginia Corporation (hereinafter, the "Borrower"), dated April 17, 2013, in which it promised to pay to the Economic Development Authority of Albemarle County Virginia (hereinafter, the "Noteholder"), 401 McIntire Road, Charlottesville, Virginia, 22902, the sum of one hundred thirty thousand dollars (US \$130,000.00) (hereinafter, the "Principal Amount Outstanding" and the "Note") in full satisfaction of a loan from the Noteholder to the Borrower, is hereby entered into on February ____ 2017.

WITNESSETH:

WHEREAS, the Borrower executed the Note on April 17, 2013; and

WHEREAS, the Borrower and the Noteholder desire to amend the Note to provide for the Borrower to make quarterly payments in a specified sum, which shall be applied to the Principal Amount Outstanding, and to extend the date by which the Principal Amount Outstanding is due and payable.

NOW, THEREFORE, in consideration of the premises and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is hereby agreed by the Borrower and Noteholder as follows:

1. Section 1 is amended to read as follows:

1. Term; extension; right to prepay. If not sooner paid, the entire Principal Amount Outstanding shall be due and payable on December 31, 2017, provided that:

A. Quarterly payments. The Borrower shall make quarterly principal payments, each in the amount of six hundred twenty-five dollars and no cents (\$625.00) until December 31, 2017. The quarterly payments shall be received by the Noteholder by not later than June 30, 2016 for the quarter ending on that date, September 30, 2016 for the quarter ending on that date, December 31, 2016 for the quarter ending on that date, March 31, 2017 for the quarter ending on that date, June 30, 2017 for the quarter ending on that date, and September 30, 2017 for the quarter ending on that date, respectively. These payments shall be applied to the Principal Amount Outstanding owed to the Noteholder under this Note.

B. Acknowledgement of January 2016 payment. The Noteholder acknowledges receipt of a check issued by the Borrower in the amount of six hundred twenty-five dollars and no cents (\$625.00). If a bank does not honor the check because of the passage of time between the date of its issuance by the Borrower and the attempted deposit by the Noteholder, the Borrower shall promptly reissue a check in the same amount and present it to the Noteholder. This payment shall be applied to the Principal Amount Outstanding owed to the Noteholder under this Note.

C. Extension. Upon receipt of a written request from the Borrower before December 31, 2017, the Noteholder, in its sole discretion, and with the approval of the Albemarle County Board of Supervisors, may extend the date by which the Principal Amount Outstanding shall be due and payable. The Borrower may pay some or all of the Principal Amount Outstanding at any time before the due date.

2. Section 9 is added to read as follows:

9. Amendments to the Note. Any amendment to the Note shall be deemed to be part of the Note, including as it is referenced in and attached to the Loan Commitment letter dated April 17, 2013.

3. Section 10 is added to read as follows:

10. The Note continues in full force and effect except as amended herein. Except as expressly amended by this Amendment, the Note is and shall continue to be in full force and effect in accordance with the terms thereof.

BORROWER
THE LEWIS & CLARK EXPLORATORY CENTER OF VIRGINIA, INC., A VIRGINIA CORPORATION

By: _____
Heather M. Riser, President

NOTEHOLDER
ECONOMIC DEVELOPMENT AUTHORITY OF THE COUNTY OF ALBEMARLE, VIRGINIA

By: W. Rod Gentry, Chairman
Date: _____

Item No. 15.2. Albemarle County Board of Supervisors Rules of Procedure and Policies.

The Executive Summary forwarded to the Board states that on February 1, 2017, the Board gave notice of its intent to amend its Rules of Procedure and Policies on February 8, 2017. See Attachment A for the February 1 executive summary.

Clean versions of the revised Rules of Procedure and Policies are attached (Attachments B and C).

There is no budget impact.

If the Board wishes to amend its Rules of Procedure and Policies, staff recommends that the Board adopt the attached Amended Rules of Procedure (Attachment B) and the attached Amended Policies (Attachment C).

By the above-recorded vote, the Board adopted the following Amended Rules of Procedure and Amended Policies:

**Albemarle County
Board of Supervisors**

Rules of Procedure

Adopted February 8, 2017

**Rules of Procedure
of the
Albemarle County Board of Supervisors**

1. Purpose

- A. General.** The purpose of these Rules of Procedure (the Rules) is to facilitate the timely, efficient, and orderly conduct of public meetings and decision-making, and they are designed and adopted for the benefit and convenience of the Albemarle County Board of Supervisors (the Board).
- B. Rules Do Not Create Substantive Rights in Others.** The Rules do not create substantive rights in third parties or participants in matters before the Board.
- C. Compliance with These Rules.** The Rules that are parliamentary in nature are procedural, and not jurisdictional, and the failure of the Board to strictly comply with the procedural rules shall not invalidate any action of the Board. The Rules that implement the requirements of State law are jurisdictional only to the extent that Virginia law makes them so.

2. Board Members

- A. Equal Status.** Except for the additional responsibilities of the Chair provided in Rule 3(A), all Board members have equal rights, responsibilities, and authority.
- B. Decorum.** Members will act in a collegial manner and will cooperate and assist in preserving the decorum and order of the meetings.

3. Officers and Their Terms of Office

- A. Chair.** When present, the Chair shall preside at all Board meetings during the year for which elected. The Chair shall have a vote but no veto. (Virginia Code §§ 15.2-1422 and

15.2-1423) The Chair shall also be the head official for all of the Board's official functions and for ceremonial purposes.

- B. Vice-Chair.** If the Chair is absent from a Board meeting, the Vice-Chair, if present, shall preside at the meeting. The Vice-Chair shall also discharge the duties of the Chair during the Chair's absence or disability. (Virginia Code § 15.2-1422)
- C. Acting Chair in Absence of Chair and Vice-Chair.** If the Chair and Vice Chair are absent from any meeting, a present Board member shall be chosen to act as Chair.
- D. Term of Office.** The Chair and Vice-Chair shall be elected for one-year terms, but either or both may be re-elected for one or more additional terms. (Virginia Code § 15.2-1422)
- E. References to the Chair.** All references in these Rules to the *Chair* include the Vice-Chair or any other Board member when the Vice-Chair or the other member is acting as the Chair.

4. Meetings

- A. Annual Meeting.** The *Annual Meeting* is the first meeting in January held after the newly elected members of the Board qualify for the office by taking the oath and meeting any other requirements of State law, and the first meeting held in January of each succeeding year. At the Annual Meeting, the Board shall:
 - 1. Elect Officers.** Elect a Chair and a Vice-Chair.
 - 2. Designate Clerks.** Designate a Clerk and one or more Deputy Clerks who shall serve at the pleasure of the Board, who shall have the duties stated in Virginia Code § 15.2-1539 and any additional duties set forth in resolutions of the Board as adopted from time to time. (Virginia Code § 15.2-1416)
 - 3. Establish Schedule for Regular Meetings.** Establish the days, times, and places for regular meetings of the Board for that year. (Virginia Code § 15.2-1416)
 - 4. Establish Dates for Hearings on Zoning Text Amendments.** Establish the days on which public hearings may be held on citizen-initiated zoning text amendments.
 - 5. Adopt Rules and Policies.** Adopt Rules of Procedure and Board Policies that will apply in the calendar year, subject to amendment under Rule 12.
- B. Regular Meetings.** *Regular Meetings* are those established at the Annual Meeting to occur at specified days, times, and places.
 - 1. Regular Meeting Falling on a Holiday.** If any day established as a Regular Meeting day falls on a legal holiday, the meeting scheduled for that day shall be held on the next regular business day without action of any kind by the Board. (Virginia Code § 15.2-1416)
 - 2. Adjourning a Regular Meeting.** A regular meeting, without further public notice, may be adjourned from day to day or from time to time or from place to place, not beyond the time fixed for the next regular meeting, until the business of the Board is complete. (Virginia Code § 15.2-1416). If a quorum was not established or was lost during the meeting, the Board members present may only adjourn the meeting (See also Rules 7(B), (C), and (D)).
 - 3. Continuing a Regular Meeting When Weather and Other Conditions Create Hazard.** If the Chair finds and declares that weather or other conditions are hazardous for Board members to attend a regular meeting, the meeting shall be continued to the next regular meeting date. The Chair's finding shall be communicated to the other Board members and to the general news media as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement shall be required. (Virginia Code § 15.2-1416)
 - 4. Establishing Different Day, Time, and Place of Regular Meeting.** After the Annual Meeting, the Board may establish different days, times, or places for Regular Meetings by passing a resolution to that effect in accord with Virginia Code § 15.2-1416.
- C. Special Meetings.** The Board may hold special meetings as it deems necessary at times and places that it deems convenient.
 - 1. Calling and Requesting a Special Meeting.** A special meeting shall be held when called by the Chair or requested by two or more Board members. The call or request shall be made to the Clerk and shall specify the matters to be

considered at the meeting.

2. **Duty of Clerk to Provide Notice.** Upon receipt of a call or request, the Clerk, after consultation with the Chair, shall immediately notify each Board member, the County Executive, and the County Attorney. The notice shall be in writing and delivered to the person or to his place of residence or business, or if requested by a Board member, by email or facsimile. The notice shall state the time and place of the meeting and shall specify the matters to be considered. The notice may be waived if all members are present at the special meeting or if all members sign a waiver for the notice. (Virginia Code § 15.2-1418) The Clerk shall also notify the general news media of the time and place of the special meeting and the matters to be considered.
3. **Matters That May Be Considered.** Only those matters specified in the notice shall be considered at a special meeting unless all Board members are present.
4. **Adjourning a Special Meeting.** A special meeting may be adjourned from time to time as the Board finds necessary and convenient. (Virginia Code § 15.2-1417) If a quorum was not established or was lost during the meeting, the Board members present may only adjourn the meeting (See also Rules 7(B), (C), and (D)).

5. **Order of Business for Regular Meetings**

- A. **Establishing the Agenda.** The Clerk of the Board shall establish the agenda for all meetings in consultation with the County Executive and the Chair. The County Executive and Clerk shall review the agenda with the Chair and Vice Chair prior to the meeting. The Clerk shall set the order of business as provided in Rule 6(B), provided that the Clerk may modify the order of business to facilitate the business of the Board. The draft agenda shall be provided to the Board 6 days prior to the regular meeting date.
 1. **Resolutions Proposed by Board Members.** Resolutions may be proposed by a Board member requesting the Board to take a position on an issue of importance to the Board. A Board member requesting the Board to adopt a resolution should give notice of the intent to request action on the resolution on a specified meeting date and submit a draft of the proposed resolution. The Clerk will distribute the draft resolution with background information, if available, to all Board members. Board members may submit proposed changes to the proposed resolution to the Clerk in a redline format. The Clerk shall forward all comments received from Board members to the Board. The Board member requesting the resolution will then coordinate with the Clerk to prepare a resolution for consideration by the Board. The Clerk shall poll the Board members to determine if a majority of the Board members support adding the resolution to the agenda for consideration. If a majority of the Board members indicate support for considering the resolution, the resolution will be added to the proposed final agenda. If all Board members indicate support for the resolution, the resolution may be placed on the proposed consent agenda unless any member requests otherwise.
 2. **Other Items Proposed To Be Added to the Clerk's Draft Agenda by Board Members.** Any Board member may propose to add items, other than Resolutions subject to Rule 5(A)(1), to the Clerk's draft agenda for action if notice of that item has been given in writing or by email to all Board members, the Clerk, and the County Executive by 5:00 p.m. 2 days before the date of the meeting or upon the unanimous consent of all Board members present. Any item that has been timely proposed and properly noticed shall be added to the end of the agenda for discussion or action unless a majority of the Board members present agree to consider the item earlier on the agenda.
 3. **Proclamations and Recognitions Proposed by Citizens.** A request by a citizen to place a proclamation or recognition on the agenda must be made at least 4 weeks in advance of the meeting date. The request to advance a proclamation or recognition shall be submitted to the Clerk. If the request is made to a Board member, the person making the request will be directed to make the request to the Clerk. The Clerk will advise the person making the request of the process and submittal requirements. Upon submittal of the request, the Clerk will review the submittal for completeness and forward it to Board members for review. The Clerk shall poll Board members to determine if a majority of the Board supports adding the proclamation or recognition to the agenda. The Clerk will advise the person requesting the proclamation or recognition whether the proclamation or recognition will be considered by the Board.
 4. **Public Hearings for Zoning Map Amendments; Prerequisites.** Public hearings for zoning map amendments are subject to the following rules in order for the item to be placed on the agenda and heard by the Board:
 - a. **Public Hearing Should Not Be Advertised Until Final Documents**

Received. The Board's preference is that a public hearing for a zoning map amendment should not be advertised until all of the final documents for a zoning application have been received by the County and are available for public review. To satisfy this preference, applicants should provide final plans, final codes of development, final proffers, and any other documents deemed necessary by the Director of Community Development, to the County no later than 2 business days prior to the County's deadline for submitting the public hearing advertisement to the newspaper. Staff will advise applicants of this date by including it in annual schedules for applications and by providing each applicant a minimum of two weeks' advance notice of the deadline.

b. Effect of Failure to Timely Receive Final Documents. If the County does not timely receive the required final documents, the public hearing shall not be advertised and the matter shall not be placed on the agenda unless the applicant demonstrates to the satisfaction of the Director of Community Development that good cause exists for the public hearing to be advertised. If the matter is not advertised, a new public hearing date will be scheduled.

c. Receipt of Final Signed Proffers. Final signed proffers shall be submitted to the County no later than 9 calendar days prior to the date of the advertised public hearing. This policy is not intended to prevent changes from being made to proffers resulting from comments received from the public or from Board members at the public hearing.

5. Public Hearings; Zoning Map Amendments; Deferral at Applicant's Request. Zoning map amendments advertised for public hearing shall be on the agenda for public hearing on the advertised date, provided that an applicant may request a deferral as follows:

a. First Request Received Prior to Noon on the Wednesday of the Week Before the Public Hearing; Approval by Clerk; Matter Removed from Agenda. If an applicant submits its first signed written deferral request and it is received by the Clerk no later than noon on the Wednesday of the week prior to the scheduled public hearing, the Clerk will administratively grant the request and remove the matter from the Agenda. The Board will be notified of the deferral in the next Board package and the deferral will be announced at the earliest possible Board meeting to alert the public of the deferral. The staff also will make every effort to alert the public when a deferral is granted.

b. Subsequent Request or Request Received Later Than Noon on the Wednesday of the Week Before the Public Hearing; Matter Remains on Agenda. Any subsequent request for deferral for the same application previously deferred, or any request received by the Clerk later than noon on the Wednesday of the week prior to the scheduled public hearing, will be granted only at the discretion of the Board by a majority vote of those Board members present and voting. In considering whether to grant the deferral, the Board shall consider whether the reason for the deferral justifies the likely inconvenience to the public caused by the deferral. The staff also will make every effort to alert the public when a deferral is granted.

B. Order of Business at Regular Meetings. At regular meetings of the Board, the order of business shall generally be as follows:

1. Call to Order.
2. Pledge of Allegiance.
3. Moment of Silence.
4. Adoption of the Final Agenda.
5. Brief Announcements by Board Members.
6. Proclamations and Recognitions.
7. From the Public: Matters Not Listed for Public Hearing on the Agenda.
8. Consent Agenda.
9. General Business.
10. From the Board: Committee Reports and Matters Not Listed on the Agenda.
11. From the County Executive: Report on Matters Not Listed on the Agenda.
12. Adjourn.

C. Closed Meetings. A closed meeting may be held at any point on the agenda, as necessary. Generally, a closed meeting will be scheduled either at the midpoint of the agenda or at the end of the agenda prior to adjournment.

6. Rules Applicable to the Items of Business on the Agenda

- A. **Adoption of the Final Agenda.** *Adoption of the Final Agenda* is the first order of business for a regular meeting of the Board. The Board may modify the order of business as part of its adoption of the final agenda. The final agenda shall be adopted by a majority vote of the Board members present and voting. No matter for action not included on the final agenda shall be considered at that meeting.
- B. **Brief Announcements by Board Members.** *Brief Announcements by Board Members* are announcements of special events or other items of interest that are not considered committee reports and are not otherwise on the meeting agenda.
- C. **Proclamations and Recognitions.** *Proclamations* are ceremonial documents or recognitions adopted by the Board to draw public awareness to a day, week, or month to recognize events, arts and cultural celebrations, or special occasions. *Recognitions* are ceremonial acknowledgements by the Board of a person for service or achievement.
- D. **From the Public: Matters Not Listed for Public Hearing on the Agenda.** *From the Public: Matters Not Listed for Public Hearing on the Agenda* allows any member of the public to speak on any topic of public interest that is not on the agenda for a public hearing at that meeting.

The following rules apply:

- 1. **Time.** Each speaker may speak for up to 3 minutes, provided that if the anticipated number of speakers may exceed 10, or for other reasons related to the Board efficiently conducting its business, the Chair may reduce the amount of time allowed for each speaker to speak to 2 minutes.
 - 2. **Place.** Each speaker shall speak from the podium.
 - 3. **Manner.** In order to allow the Board to efficiently and effectively conduct its business, each speaker shall comply with Rules 6(D)(1) and 6(D)(2), shall address the Board and not the audience, and shall not engage in speech or other behavior that actually disrupts the meeting. The speaker may include a visual or audio presentation.
- E. **Consent Agenda.** The *Consent Agenda* shall be used for matters that do not require discussion or comment and are anticipated to have the unanimous approval of the Board.
- 1. **Questions to Staff.** Board members should ask the County Executive or the staff member identified in the executive summary any questions regarding a Consent Agenda item prior to the Board meeting.
 - 2. **Discussion and Comment.** There shall be no discussion or comment on Consent Agenda items at the Board meeting.
 - 3. **Removing Item from Consent Agenda.** Any Board member may remove an item from the Consent Agenda. Any item removed from the Consent Agenda shall be moved to a specific time or to the end of the meeting agenda for further discussion or action. An item requiring only brief comment or discussion may be considered immediately after the approval of the Consent Agenda.
 - 4. **Effect of Approval of Consent Agenda.** A motion to approve the Consent Agenda shall approve Consent Agenda items identified for action and accept Consent Agenda items identified for information.
- F. **General Business.** *General Business* includes public hearings, work sessions, appointments, and other actions, discussions, and presentations.
- 1. **Public Hearings.** The Board shall not decide any matter before the Board requiring a public hearing until the public hearing has been held. The Board may, however, at its discretion, defer or continue the holding of a public hearing or consideration of the matter. The procedures for receiving a presentation from the applicant and comments from members of the public shall be at the discretion of the Board. However, unless otherwise decided, the following rules apply:
 - a. **Time.** The applicant shall be permitted up to 10 minutes to present its application. Following the applicant's presentation, any member of the public shall be permitted to make 1 appearance for that public hearing and speak for up to 3 minutes on the matter, provided that if the anticipated number of speakers may exceed 10, the Chair may reduce the amount of time allowed for each speaker to speak to 2 minutes. Following comments by members of the public, the applicant shall be permitted up to 5 minutes for a rebuttal presentation.

- b. **Place.** The applicant and each member of the public presenting and speaking shall do so from the podium.
- c. **Manner.** In order to allow the Board to efficiently and effectively conduct its business, each speaker shall comply with Rules 6(F)(1)(a) and 6(F)(1)(b), shall address the Board, speak to issues that are relevant to the matter for which the public hearing is being held, and shall not engage in speech or other behavior that actually disrupts the meeting. The speaker may include a visual or audio presentation.

- 2. **Public Hearings; Zoning Map Amendments; Applicant's Documents Not Available During Advertisement Period.** If the public hearing is held without the applicant's final documents being available for review throughout the advertisement period due to the late submittal of documents, or because substantial revisions or amendments are made to the submitted documents after the public hearing has been advertised, it is the policy of the Board to either defer action and schedule a second public hearing that provides this opportunity to the public or to deny the application. In deciding whether to defer action or to deny the application, the Board shall consider whether deferral or denial would be in the public interest or would forward the purposes of this policy.

- G. **From the Board: Committee Reports and Matters Not Listed on the Agenda.** *From the Board: Committee Reports and Matters Not Listed on the Agenda* shall be limited to matters that are not substantial enough to be considered as agenda items to be added to the final agenda. Reports include routine committee reports and information updates by Board members. Any *matters* discussed are not matters to be acted upon by the Board at that meeting.

- H. **Report from the County Executive.** The *Report from the County Executive* is a report on matters that the County Executive deems should be brought to the Board's attention and provide updates, if necessary, to the monthly County Executive's Report.

7. Quorum

- A. **Establishing a Quorum.** A majority of all of the members of the Board that is physically assembled shall constitute a quorum for any meeting of the Board, except as provided in Rule 8(B)(2). (Virginia Code § 15.2-1415)
- B. **Quorum Required to Act; Exceptions.** The Board may take valid actions only if a quorum is present. (Virginia Code § 15.2-1415) There are 2 exceptions:
 - 1. **Quorum Not Established; Adjournment.** If a quorum is not established, the only action the Board members present may take is to adjourn the meeting.
 - 2. **Quorum Not Established or Lost Because of Conflict of Interest.** If a quorum cannot be established or is lost because one or more Board members are disqualified because of a conflict of interest under the State and Local Government Conflict of Interests Act (Virginia Code § 2.2-3700 *et seq.*), the remaining members constitute a quorum for the conduct of business and have the authority to act for the Board.
- C. **Loss of Quorum During Meeting.** If a quorum was established but during a meeting the quorum is lost, the only action the Board members present may take is to adjourn the meeting. If prior to adjournment the quorum is again established, the meeting shall continue. (Virginia Code § 15.2-1415)
- D. **Quorum Required to Adjourn Meeting to Future Day and Time.** A majority of the Board members present at the time and place established for any regular or special meeting shall constitute a quorum for the purpose of adjourning the meeting from day to day or from time to time, but not beyond the time fixed for the next regular meeting.

8. Remote Electronic Participation

The Board will permit a Board member to participate in a Board meeting electronically from a remote location, provided that:

- A. **Notification to Clerk of Inability to Attend Because of Emergency, Personal Matter, Disability, or Medical Condition.** On or before the day of the meeting, the Board member shall notify the Chair that the member is unable to attend the meeting due to an emergency or a personal matter or that the member is unable to attend the meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance. The member must identify with specificity the nature of the emergency or personal matter.
- B. **Quorum Physically Assembled; Approval of Remote Electronic Participation.** A quorum of the Board must be physically assembled at the primary or central meeting

location. The Board members present must approve the participation; however, the decision shall be based solely on the criteria in Rule 8(A), without regard to the identity of the member or matters that will be considered or voted on during the meeting.

- C. Duty of Clerk to Record Action.** The Clerk shall record in the Board's minutes the specific nature of the emergency, personal matter, disability, or medical condition, and the remote location from which the absent Board member participated. If the absent member's remote participation is disapproved because participation would violate this policy, the disapproval shall be recorded in the Board's minutes.
- D. Audibility of Absent Member.** The Clerk shall make arrangements for the voice of the absent Board member to be heard by all persons in attendance at the meeting location. If, for any reason, the voice of the absent member cannot reasonably be heard, the meeting may continue without the participation of the absent member.
- E. Limitation on Remote Electronic Participation in Calendar Year.** Electronic participation by the absent member as provided in this Rule shall not exceed 2 Board meetings in each calendar year.

(Virginia Code § 2.2-3708.1)

9. Conducting the Business of the Board

- A. Enable Efficient and Effective Conduct of Business.** Meetings shall be conducted in a manner that allows the Board to efficiently and effectively conduct its business, without actual disruptions.
- B. Minimizing Disruptions.** To minimize actual disruptions at meetings:
 - 1. Speakers.** Members of the public who are speaking to the Board shall comply with Rules 6(D) and 6(F)(1), as applicable. Members of the public invited to speak to the Board during any agenda item other than From the Public: Matters Not Listed for Public Hearing on the Agenda or during a public hearing shall comply with Rule 6(D).
 - 2. Persons Attending the Meeting.** Any person attending a Board meeting shall comply with the following:
 - a. Sounds.** Persons may not clap or make sounds in support of or in opposition to any matter during the meeting, except to applaud during the Proclamations and Recognitions portion of the meeting. Instead of making sounds, persons who are not speaking at the podium are encouraged to raise their hands to indicate their support or opposition to any item during the meeting. Cell phones and other electronic devices shall be muted.
 - b. Other Behavior.** Persons may not act, make sounds, or both, that actually disrupt the Board meeting.
 - c. Signs.** Signs are permitted in the meeting room so long as they are not attached to any stick or pole and do not obstruct the view of persons attending the meeting.

Comment: The subject matter of this rule is addressed in Section I(1) of the current Rules.

- C. Chair May Maintain Order.** The Chair may ask any person whose behavior is so disruptive as to prevent the orderly conduct of the meeting to cease the conduct. If the conduct continues, the Chair may order the removal of that person from the meeting.

10. Voting Procedures

- A. Action by Motion.** Unless otherwise provided (See Rule 12(D)), any action by the Board shall be initiated by a motion properly made by a Board member and followed by a vote, as provided below:
 - 1. Motion Must Be Seconded; Exception.** Each action by the Board shall be initiated by a motion that is seconded; provided that a second shall not be required if debate immediately follows the motion. Any motion that is neither seconded nor immediately followed by debate shall not be further considered.
 - 2. Voting and Recording the Vote.** The vote on any motion shall be by a voice vote. The Clerk shall record the name of each Board member voting and how he voted on the motion.
 - 3. Required Vote, Generally Required Vote for Specific Matters.** Each action by

the Board shall be made by the affirmative vote of a *majority of the members present and voting* on the motion; provided that an affirmative vote of a *majority of all elected members* of the Board shall be required to approve an ordinance or resolution: (1) appropriating money exceeding the sum of \$500; (2) imposing taxes; or (3) authorizing the borrowing of money. (Article VII, § 7, Virginia Constitution; Virginia Code §§ 15.2-1420, 15.2-1427, 15.2-1428)

4. **Tie Vote.** A tie vote shall defeat the motion voted upon. A tie vote on a motion to approve shall be deemed a denial of the matter being proposed for approval. A tie vote on a motion to deny shall not be deemed an approval of the matter being proposed for denial.
5. **Abstention.** If any Board member abstains from voting on any motion, he shall state his abstention. The abstention will be announced by the Chair and recorded by the Clerk.
- B. **Motion to Amend.** A *motion to amend* a motion properly pending before the Board may be made by any Board member. Upon a proper second, the motion to amend shall be discussed and voted on by the Board before any vote is taken on the original motion unless the motion to amend is accepted by both Board members making and seconding the original motion. If the motion to amend is approved, the amended motion is then before the Board for its consideration. If the motion to amend is not approved, the original motion is again before the Board for its consideration.
- C. **Motion to Call the Question.** The discussion of any motion may be terminated by any Board member making a *motion to call the question*. Upon a proper second, the Chair shall call for a vote on the motion to call the question without debate on the motion itself, and the motion shall take precedence over any other matter. If the motion is approved, the Chair shall immediately call for a vote on the original motion under consideration.
- D. **Motion to Reconsider.** Any decision made by the Board may be reconsidered if a motion to reconsider is made at the same meeting or an adjourned meeting held on the same day at which the item was decided. The motion to reconsider may be made by any member of the Board. Upon a proper second, the motion may be discussed and voted. The effect of the motion to reconsider, if approved, shall be to place the item for discussion in the exact position it occupied before it was voted upon.
- E. **Motion to Rescind.** Any decision made by the Board, except for decisions on zoning map amendments, special use permits, special exceptions, and ordinances, may be rescinded by a majority vote of all elected members of the Board. The motion to rescind may be made by any Board member. Upon a proper second, the motion may be discussed and voted on. The effect of the motion to rescind, if approved, is to nullify the previous decision of the Board. Decisions on zoning map amendments, special use permits, special exceptions, and ordinances may be rescinded or repealed only upon meeting all the legal requirements necessary for taking action on the items as if it was a new item before the Board for consideration; otherwise, decisions on zoning map amendments, special use permits, special exceptions, and ordinances shall only be eligible for reconsideration as provided in Rule 10(D).

11. **Other Rules: Robert's Rules of Order Procedure in Small Boards**

Procedural rules that are not addressed by these Rules shall be governed by *Robert's Rules of Order Procedure in Small Boards*, which provide:

- A. **Not Required to Obtain the Floor.** Board members are not required to obtain the floor before making motions or speaking, which they can do while seated.
- B. **No Limitation on Number of Times a Member May Speak.** There is no limitation on the number of times a Board member may speak to a question, and motions to call the question or to limit debate generally should not be entertained.
- C. **Informal Discussion.** Informal discussion of a subject is permitted while no motion is pending.
- D. **When Vote Without Motion Not Required.** Sometimes, when a matter is perfectly clear to all present and if agreed to by unanimous consent of all Board members present and voting, a vote can be taken without a motion having been introduced. Unless agreed to by unanimous consent, however, all proposed actions of the Board must be approved by vote under the same rules as in other assemblies, except that a vote can be taken initially by a show of hands, which is often a better method.
- E. **Chair; Putting Question to Vote.** The Chair need not rise while putting questions to vote.
- F. **Chair; Speaking During Discussion.** The Chair can speak in discussion without rising or leaving the chair, and, subject to rule or custom within the particular board (which

should be uniformly followed regardless of how many members are present), the Chair usually can make motions and usually votes on all questions.

12. Amendment of Rules of Procedure

These Rules of Procedure may be amended only as follows:

- A. Rules Eligible for Amendment.** Any Rule may be amended.
- B. Procedure to Amend.** Any Rule eligible for amendment may be amended only by a majority vote of the Board members present and voting at the next regular meeting following a regular meeting at which notice of the motion to amend is given. Notice of the motion to amend a rule may be made by any Board member. The motion to amend a rule may be made by any Board member. Upon a proper second, the motion shall be discussed and voted on. In deciding whether and how to amend a Rule, the Board shall consider that Rules 3, 4, 6(D), 6(F)(1)(a) through (c), 7, 8, 9(B), and 10(A)(3) address statutory or constitutional requirements.
- C. Limitation on Effect of Amendment.** The Board's approval of a motion to amend one or more Rules shall not permit the Board to act in violation of a requirement mandated by the Code of Virginia, the Constitution of Virginia, or any other applicable law.

13. Suspension of Rules of Procedure

These Rules of Procedure may be suspended only as follows:

- A. Rules Eligible for Suspension.** Rules 1, 2, 5, 6, 9(A), 10 (except for Rule 10(A)(3)), 11, and 12 may be suspended.
- B. Procedure to Suspend, Generally.** Any Rule eligible for suspension may be suspended by a majority plus 1 vote of the Board members present and voting. The motion to suspend a rule may be made by any Board member. Upon a proper second, the motion may be discussed and voted on. The effect of the motion to suspend a rule, if approved, is to make that rule inapplicable to the matter before the Board.
- C. Suspension of Rules Pertaining to Motions When Uncertainty as to Status or Effect.** If one or more motions have been made on a matter, and there is uncertainty as to the status or effect of any pending motions or how the Board is to proceed at that point, the Board may, by a majority vote of the Board members present and voting, suspend the rules in Rule 6 for the sole purpose of canceling any pending motions and to permit a new motion to be made. The motion to suspend a rule pertaining to any pending motions may be made by any Board member. Upon a proper second, the motion may be discussed and voted on.
- D. Limitation on Effect of Suspension.** The Board's approval of a motion to suspend one or more Rules shall not permit the Board to act in violation of a requirement mandated by the Code of Virginia, the Constitution of Virginia, or any other applicable law.

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(Adopted 2-15-73; Amended and/or Readopted 9-5-74, 9-18-75; 2-19-76; 1-3-77; 1-4-78; 1-3-79; 1-2-80; 1-7-81; 1-6-82; 1-5-83; 1-3-84; 1-2-85; 1-3-86; 1-7-87; 1-6-88; 1-4-89; 1-2-90; 1-2-91; 1-2-92; 1-6-93; 1-5-94; 1-4-95; 1-3-96; 1-2-97; 1-7-98; 1-6-99; 1-5-2000; 1-3-2001; 1-9-2002; 1-8-2003; 1-7-2004; 1-5-2005; 1-4-2006; 1-3-2007; 1-9-2008; 1-7-2009; 1-6-2010; 1-5-2011; 1-4-2012; 1-09-2013; 1-8-2014; 7-9-2014; 1-7-2015; 1-6-2016; 1-4-2017; and 2-8-2017).

Albemarle County Board of Supervisors

Policies

Adopted February 8, 2017

Policies of the Albemarle County Board of Supervisors

1. Travel Reimbursement

Board members will be reimbursed travel expenses pursuant to uniform standards and procedures that will allow Board members to travel for official County business purposes consistent with the prudent use of County funds as follows:

- A. Routine Travel Expenses.** Board members may be reimbursed for the following routine travel expenses at the County's authorized car mileage reimbursement rate, provided there are available funds:

1. **Mileage for Board and Committee Meetings.** Mileage for travel by personal vehicle or other travel costs to scheduled Board meetings and Board committee meetings for committees to which a Board member is appointed, from home or work, if a work day, which is not part of routine personal travel.
 2. **Mileage to Prepare for Matters to be Considered by the Board.** Mileage for travel by personal vehicle or other travel costs to events reasonably necessary to prepare for matters scheduled for consideration on the Board's agenda which is not part of routine personal travel (*i.e.*, site visits, informational meetings).
 3. **Parades and Other Community Gatherings.** Parades and other community gatherings not advertised as Supervisor's town hall meetings to discuss County business. Travel to use the COB office between other personal travel or meetings, shall not be covered.
- B. **Educational Conference Travel Expenses.** Board members may be reimbursed for the following educational conference travel expenses, provided there are available funds:
 1. **Regional, Statewide, National Meetings.** All necessary, actual and reasonable meal, travel and lodging costs (including gratuity and excluding alcohol) of attending regional, statewide or national meetings at which the Board member represents the County, as approved by the Board; and
 2. **Legislative or Congressional Hearings.** All necessary, actual and reasonable meal, and travel (including gratuity and excluding alcohol) of attending legislative or congressional hearings relating to official County business.
- C. **Matters for Which Board Members will not be Reimbursed.** Board members will not be reimbursed for the following travel expenses:
 1. **Political Events.** Travel to events which are political in nature (*i.e.*, campaigning or partisan events).
 2. **Personal Expenses.** Personal expenses incurred during travel; or
 3. **Travel Not Part of Duties.** Other travel which is not part of the statutory governmental duties of the Board of Supervisors that are not provided for in Subsections (C)(1) or (C)(2).
- D. **Implementation.** This policy will be applied and overseen in the following manner:
 1. **Reimbursement Requests.** Reimbursement requests shall be made in writing on forms provided by the Clerk of the Board and shall itemize the date, number of miles of travel expenses and purpose of the meeting. Mileage for use of a personal vehicle shall be reimbursed at the County's authorized car mileage reimbursement rate. Other reimbursements shall be for the amount of costs expended and shall be documented by receipts for actual amounts paid.
 2. **Clerk Review.** The Clerk, or his/her designee, will review all travel reimbursement requests and the Director of Finance will approve all travel reimbursement requests prior to reimbursement. No payment will be made for incomplete submissions or information.
 3. **Exhaustion of Unexpended Funds.** When all allocated funds for Board reimbursements have been expended, there will be no further reimbursement for that fiscal year unless the Board appropriates additional funding.
2. **Board Members Appointed to Boards, Committees, and Commissions**

The Board appoints its members to a variety of boards, committees, and commissions to represent the interests of the Board on those entities. It is important that the Board have confidence that its policies and positions are being reflected in that representation.

 - A. **Voting Representatives.** The Board members who are appointed to boards, committees, and commissions are required to vote on matters that come before those entities in a manner which is consistent with the policies and positions of the Board as reflected in previously adopted resolutions or official actions of the Board on those matters.
 - B. **Liaison Representatives.** The Board members who are appointed to boards, committees, and commissions as liaisons are to act as a resource for the board, committee, and/or commission and are to report to the Board on the activities of the board, committee, and/or commission.
3. **Boards and Commissions**

A. Review and Creation of Boards and Commissions Shall be as Follows:

1. **Annual Report.** By October 1 of each year, all boards and commissions shall submit a report to the Board to include key activities that support their mission and a summary of their activities and attendance.
2. **Annual Evaluation.** On an annual basis, the list of active boards and commissions will be evaluated and purged of all bodies not required by Federal, State, County or other regulations, which have not met at least once during the prior twelve-month period.
3. **Combining Functions and Activities.** Whenever possible and appropriate, the functions and activities of boards and commissions will be combined, rather than encouraging the creation of new bodies.
4. **Short-Term Task Forces and Ad Hoc Committees.** Any newly created task force or ad hoc committee which is intended to serve for a limited time period may be comprised of magisterial or at-large members at the discretion of the Board. The appointment process shall follow that adopted in Section B for other magisterial and/or at-large positions.

B. Appointments to Boards and Commissions Shall be as Follows:

1. **Appointments, Generally.** All appointments to boards and commissions based upon magisterial district boundaries will be made by the Board. The Board will consider and/or interview candidates recommended by the supervisor of that district.
2. **Compilation of List of Expired Terms and Vacancies.** Prior to each day Board meeting, the Clerk will provide the Board a list of expired terms and vacancies that will occur within the next 60 days. The Board will then advise the Clerk which vacancies to advertise.
3. **Advertising Positions.** In an effort to reach as many citizens as possible, notice of boards and commissions with appointment positions available may be published through available venues, such as, but not limited to, the County's website, A-mail, public service announcements, and local newspapers. Interested citizens will be provided a brief description of the duties and functions of each board, length of term of the appointment, frequency of meetings, and qualifications necessary to fill the position. An explanation of the appointment process for both magisterial and at-large appointments will also be sent to all applicants.
4. **Application Period.** All interested applicants will have a minimum of 30 days from the date of the first notice to complete and return to the Clerk a detailed application, with the understanding that the application may be released to the public, if requested. No applications will be accepted if they are postmarked after the advertised deadline, however, the Board, at its discretion, may extend the deadline.
5. **Distribution of Applications.** Once the deadline for accepting applications is reached, the Clerk will distribute all applications received to the members of the Board prior to the day meeting for their review. For magisterial appointments, the Clerk will forward applications as they are received to the supervisor of that district who will then recommend his/her appointment.
6. **Interviews; Appointments Without Interviews.** From the pool of qualified candidates, the Board, at its discretion, may make an appointment without conducting an interview, or may select applicants to interview for the vacant positions. The Clerk will then schedule interviews with applicants to be held during the next day meeting.
7. **Appointments Within 90 Days.** All efforts will be made to interview selected applicants and make appointments within 90 days after the application deadline. For designated agency appointments to boards and commissions, the agency will be asked to recommend a person for appointment by the Board.
8. **Vacancies Filled as They Occur; Exception.** All vacancies will be filled as they occur, except that vacancies occurring in Community Advisory Councils will be filled on an annual basis at the time regular terms expire unless there are more than three vacancies on any Council at the same time with more than three months remaining from the annual appointment date.

9. **Appointees Required to File Real Estate Disclosure Form.** As a condition of assuming office, all citizen members of boards and commissions shall file a real estate disclosure form as set forth in the State and Local Government Conflict of Interests Act and thereafter shall file the form annually on or before January 15.
10. **Termination of Appointment for Excessive Absences.** If a member of a board or commission does not participate in at least fifty percent of a board's or commission's meetings, the Chair of the body may request the Board terminate the appointment, if permitted by applicable law, and refill it during the next scheduled advertising period.

Item No. 15.3. Road Naming and Property Numbering Manual.

The Executive Summary forwarded to the Board states that the County adopted the Road Naming and Property Numbering Ordinance and Manual in 1992 in order to improve delivery of emergency services and assure consistent addressing and road naming. County Code § 7-202 incorporates the procedures and standards set forth in the Manual by reference. One of the Manual's addressing standards provides spacing between house numbers with future development in mind. Some older subdivisions with no spacing in the numbering retained their addresses rather than conform to this standard because there was no pressing need to change. When additional addresses are needed in those subdivisions, the practice has been to renumber the entire street for consistency with the addressing standards set forth in the Manual. This can result in many existing homes needing to change their addresses, and some homeowners consider this a significant inconvenience and expense.

Section 5 of Part II of the Manual establishes general guidelines for house numbering. Current Section 5(d) (Attachment A, page 2) prohibits using half-numbers. For situations when an address is needed that is otherwise not available for a new detached addressable structure that shares its primary access with an existing addressed structure, allowing a half-number address is recommended (Example: 123 1/2 Sample Street for a new detached structure sharing an access with 123 Sample Street). This would avoid the need to readdress existing homes in some circumstances.

Staff received confirmation from public safety personnel and the US Postal Service that using half-number addresses is a viable option. The Fire Marshal indicated that additional signage would be necessary for addressable structures at the location where the primary access diverges to prevent delays in response time. While small, this change does introduce some risk. Failure to provide proper signage and human error could cause delays in response time that may result in the loss of life or property.

The attached Resolution (Attachment B) sets forth staff's proposed changes to Part II, Section 5(d) the Manual.

There is no anticipated budgetary impact associated with this change.

Staff recommends that the Board adopt the attached Resolution to amend the County's Road Naming and Property Numbering Manual (Attachment B).

By the above-recorded vote, the Board adopted the following Resolution to amend the County's Road Naming and Property Numbering Manual:

RESOLUTION

WHEREAS, the Albemarle County Road Naming and Property Numbering Manual has been adopted by the Board of Supervisors; and

WHEREAS, the Board desires to amend the Manual.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of Albemarle County, Virginia, hereby amends Part II, Numbering, of the Albemarle County Road Naming and Property Numbering Manual, as follows:

PART II. NUMBERING

1. **Assignment of Numbers by Agent**
 - a. All numbers for properties and addressable structures shall be assigned by the agent following the procedures and guidelines contained in this manual. Numbers assigned by any other person or entity shall not be recognized.
 - b. Numbers shall be assigned to any new addressable structure shown on a site development plan or lot created by subdivision. Numbers shall not be officially assigned until the final site development plan or subdivision plat has been approved. Numbers shall also be assigned when requested by individuals for new structures that do not require site development plan or subdivision approval.
2. **Uniform Numbering System Established**

All numbers shall be determined by the uniform numbering system hereby established. This uniform system shall utilize a grid system combined with an equal-interval numbering system.

3. Albemarle County Numbering Grid Defined

- a. The Albemarle County Numbering Grid shall be based on the grid superimposed over the State having lines at 10,000 foot intervals oriented north-south and eastwest. The Numbering Grid shall have lines every 1000 feet interpolated between the 10,000 foot grid lines. The Numbering Grid thereby establishes a series of 10,000 square foot cells or blocks covering the entire County.
- b. The axes or baselines of the Numbering Grid shall have their origin at the intersection of the 1000 foot gridlines nearest to the actual intersection of Wertland Street and 15th Street NW in the City of Charlottesville.
- c. Numbering along the axes of the grid begins with zero at the origin and increases outward from that point with 100 numbers allotted per 1000 feet (thus resulting in a pair of numbers every twenty feet). This grid shall be used to determine the direction and address range of a given road segment.

4. Numbering Procedures

- a. Direction of Road Determined
 - (1) Before numbering along a named road may proceed, the direction of the road must be determined (east-west or north-south). Generally, a road's direction shall be determined as that of the Numbering Grid baseline the road in question most closely parallels.
 - (2) Consideration may also be given to the type of development involved, the relationship of the road in question to other roads around it, and the pattern of address numbers that result.
- b. Number Range of Road Established
 - (1) The number range along a named road shall be established by the Numbering Grid baseline which has the same direction as the named road.
 - (2) In the event that a named road crosses one of the baselines of the Numbering Grid, the number range of that named road shall be adjusted so that no number occurs twice along the named road.
- c. Numbers Assigned

Once the direction and number range of a particular road segment has been determined, the numbering of the addressable structures and properties along the road segment shall be done utilizing an equal-interval methodology. The numbers shall be assigned beginning at the end of the road segment nearest the origin of the Numbering Grid. The numbers shall then be evenly distributed within established number range.

5. General Numbering Guidelines

- a. Even numbers shall occur on the right hand side of the road in the direction of increasing range. Odd numbers shall occur on the opposite sides.
- b. All addressable structures and properties shall be on the named road which a structure's or properties primary access intersects. The specific number shall be determined by the point at which the access meets the named road.
- c. The number sequence for addressable structures or properties on opposite sides of a road should conform to each other as nearly as possible.
- d. Half numbers may be used when there is no available address to assign under the General Numbering Guidelines to a detached structure requiring an address that shares its primary access with an existing structure with a primary address. The Agent may assign a new address using a half number with the existing primary address of the adjacent existing structure as a base. Alphabetical suffixes are acceptable when a secondary address designation is necessary within an existing addressable structure.
- e. Reverse frontage or through lots shall be numbered along the local road which provides access to the lot.
- f. Corner lots shall be numbered on the road which provides access. Where the driveway for a corner lot intersects more than one street, the agent shall make the final determination as to which road to base the number, with consideration to such factors as the driveway's length, orientation of the structure and other relevant factors.

- g. When two (2) addressable structures share an access, they shall be numbered consecutively with adequate consideration given to possible future development between the structures.
 - h. Temporary numbers shall not be issued. A number may be issued to a structure that is intended to be temporary (such as a construction site trailer office), and upon removal of the temporary structure, the number shall be retired.
-

Item No. 15.4. Acquisition of Conservation Easements (ACE) Appraisals and Purchases for FY 2016 Applicant Class.

The Executive Summary forwarded to the Board states that under County Code § A.1-111(A), the Board determines which open-space easements to purchase under the County's Acquisition of Conservation Easements (ACE) program: "From the list of applications received under section A.1-110(D), the board of supervisors shall designate the initial pool of parcels identified for conservation easements to be purchased. The size of the pool shall be based upon the funds available for easement purchases in the current fiscal year and the purchase price of each conservation easement in the pool established under section A.1-111(B)." If any applicants withdraw from consideration, other applicants may be substituted until the eligible applicants or available funding is exhausted.

On May 4, 2016, the Board adopted the ACE Committee's recommendation to appraise all five eligible properties from the FY 2016 applicant pool: Brigish, Moon, Evans, Gladys Clarke and Paul Clarke. (See Attachment A for ranking evaluations and ranking criteria). Easements on the top two ranked properties, Brigish and Moon, were acquired on December 19, 2016.

After acquiring the Brigish and Moon easements, the County has now acquired easements on 48 properties and protected open-space resources on 9,284 acres. These easements cost approximately 80% of appraised easement value due to the use of grants and donations, and adjustments to price based on owner income.

The owner of the third-ranked easement (Evans) from the FY 2016 applicant pool withdrew her property from consideration, leaving enough funding to acquire one or both of the two remaining Clarke easements. On January 8, the ACE Committee approved the two Clarke appraisals and recommended inviting Gladys Clarke and Paul Clarke to make written offers to sell conservation easements to the County.

After closing on the Brigish and Moon easements in December, the total funding now available for other FY 2016 easement acquisitions is \$664,686 plus an additional \$86,950 from a recently awarded Virginia Farmland Preservation grant (See Attachment B - "ACE Budget for FY 2016"). These unused grant funds are held by the state Office of Farmland Preservation (OFP) in a restricted account for up to two years, until the County submits a Reimbursement Claim Form for 50% of the total acquisition costs.

Because Gladys Clarke's property is the higher ranked of the two remaining properties, Ms. Clarke would be the first to receive a full price offer of \$555,000. Any remaining funds after that (approximately \$196,636) could be used to acquire the Paul Clarke easement, though for less than the full appraised value of \$357,000.

Funding for the purchase of these conservation easements would be paid for from existing funds in the CIP-Planning-Conservation budget (line-item 9010-81010-580409) and grants from the Virginia Office of Farmland Preservation (OFP).

The ACE Committee and staff recommend that the Board:

- 1) Authorize staff to invite Gladys Clarke and Paul Clarke to make written offers to sell conservation easements to the County for no more than: * \$555,000 for the Gladys Clarke easement * any remaining funds for the Paul Clarke easement, not to exceed the appraised value of \$357,000;
- 2) Accept offers from either or both of these owners to sell conservation easements for no more than the above amounts; and
- 3) Authorize the County Executive to sign on behalf of the County the Deeds of Easement and related forms for either or both of these two easements once such documents are approved by the County Attorney.

By the above-recorded vote, the Board:

- 1) **authorized staff to invite Gladys Clarke and Paul Clarke to make written offers to sell conservation easements to the County for no more than: * \$555,000 for the Gladys Clarke easement * any remaining funds for the Paul Clarke easement, not to exceed the appraised value of \$357,000;**
 - 2) **accepted offers from either or both of these owners to sell conservation easements for no more than the above amounts; and**
 - 3) **authorized the County Executive to sign on behalf of the County the Deeds of Easement and related forms for either or both of these two easements once such documents are approved by the County Attorney.**
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Item No. 15.5. Blue Ridge Juvenile Detention Commission Charlottesville, VA Financial Report Year Ended June 30, 2016, **was received for information.**

Item No. 15.6. Albemarle-Charlottesville Regional Jail Authority Financial Report Year Ended June 30, 2016, **was received for information.**

Item No. 15.7. Albemarle-Charlottesville Emergency Communications Center Financial Report Year Ended June 30, 2016, **was received for information.**

Item No. 15.8. Charlottesville-Albemarle Joint Health Center Building Fund Modified Cash Basis Financial Report Year Ended June 30, 2016, **was received for information.**

Item No. 15.9. Darden Towe Memorial Park Financial Report Year Ended June 30, 2016, **was received for information.**

Agenda Item No. 16. ZMA-2016-00005. Foothills Daily Property (**Deferred from February 1, 2017**).

The Executive Summary presented to the Board states that at its meeting on September 13, 2016, the Planning Commission voted 5:1 (Firehock nay; Laferty absent) to recommend approval of ZMA201600005 conditioned on the applicant making the revisions noted in the staff report (Attachment C).

The applicant has made all revisions to the concept plan and to the proffers that were recommended by the Planning Commission. In addition, staff recently developed updated cash proffer amounts using the FY16-17 CIP. Using this information, the applicant provided an analysis of impacts from the development showing how impacts are being mitigated. The applicant has demonstrated to staff's satisfaction that the credits far exceed the anticipated updated cash proffer amounts.

Attachments B, C and D are the Planning Commission's action letter, staff report, and minutes from the September 13, 2016 meeting. The County Attorney has prepared the attached Ordinance (Attachment A) reflecting the recommendation of the Planning Commission.

Staff recommends that the Board adopt the attached Ordinance (Attachment A) to approve ZMA201600005 Foothills Daily Property.

Ms. Elaine Echols, Principal Planner, addressed the Board and stated that this item was deferred from the previous week to resolve issues related to the valuation of in-kind contributions, and the proffers they had reviewed in their staff report showed a value of proffers of \$4.3 million, and that has been revised to \$1.2 million. She stated that this does not materially affect the rezoning because even if all of the units were single-family detached, the amount they would have to pay in cash proffers is less than \$1.2 million. Ms. Echols noted that staff wanted to make sure they had appropriately captured what the public improvements were, which is why they asked for a deferral, and the applicant worked with staff to come up with this particular number. She said the rezoning application plan is proffered R-6, and Mr. Kamptner has distributed the updated proffers and the ordinance to allow the Board to approve the rezoning.

Mr. Kamptner stated that if there is a motion to adopt the ordinance, it should be the one that was just distributed to the Board that includes updated information.

Ms. Mallek **moved** to adopt the proposed ordinance to approve ZMA-2016-0005 Foothills Daily Property. Mr. Dill **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

ORDINANCE NO. 17-A(3)
ZMA 2016-00005 FOOTHILLS DAILY PROPERTY

AN ORDINANCE TO REZONE 32.54 ACRES FROM R1-RESIDENTIAL, 2.13 ACRES FROM R2-RESIDENTIAL, AND 3.24 ACRES FROM LI-LIGHT INDUSTRY, TO R6-RESIDENTIAL FOR TAX MAP PARCEL NUMBERS 05600-00-00-057C0, 05600-00-00-057B2, 056K0-00-00-000A2, 056A2-01-00-06200, AND 056A2-01-00-06100

WHEREAS, the application to rezone 32.54 acres from R1-Residential, 2.13 acres from R2-Residential, and 3.24 acres from LI-Light Industry, to R6-Residential for Tax Map Parcel Numbers 05600-00-00-057C0, 05600-00-00-057B2, 056K0-00-00-000A2, 056A2-01-00-06200, and 056A2-01-00-06100 is identified as ZMA 2016-00005 Foothills Daily Property ("ZMA 2016-05"); and

WHEREAS, staff recommended approval of ZMA 2016-05 provided that revisions were made to the proffers and the rezoning application plan; and

WHEREAS, the Planning Commission held a duly noticed public hearing on ZMA 2016-05 on September 13, 2016, and recommended approval, conditioned on the applicant making the staff-recommended revisions, and those revisions have since been made; and

WHEREAS, on February 1, 2017, the Albemarle County Board of Supervisors held a duly noticed public hearing on ZMA 2016-05; and

WHEREAS, on February 8, 2017, the Albemarle County Board of Supervisors considered ZMA 2016-05 for action that included an amendment to Proffer 8 that did not materially affect the overall proposal.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the staff report prepared for ZMA 2016-05 and its attachments, including the proffers dated January 3, 2017 and the rezoning application plan entitled "Foothills Crossing Zoning Map Amendment Application Plan" dated February 16, 2016 and last revised on January 3, 2017, the information presented at the public hearing, the material and relevant factors in Virginia Code § 15.2-2284, the intent of the R6-Residential district stated in County Code § 18-16.1, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2016-05 with the proffers dated February 6, 2017 and the concept plan dated February 16, 2016 and last revised on January 3, 2017.

PROFFER STATEMENT

FOOTHILLS CROSSING

Date: February 6, 2017

ZMA #: 2016-05

Tax Map Parcel #: 056A2-01-00-06200, 05600-00-00-057C0, 05600-00-00-057B2, 056A2-01-00-06100, and 056K0-00-00-000A2 (the "Property")

Owner(s) of Record: Route 240 Holdings, LLC; Edmund J. Daily, Christopher Daily & Cynthia Daily DiCanio; Route 240, LLC; and Foothills Crossing, INC.

Rezone parcel 056A2-01-00-06200 totaling approximately 2.13 acres from R2 Residential (R2) to R6 Residential (R6), and rezone three parcels (05600-00-00-57C0, 05600-00-00-057B2, and 056K0-00-00-000A2) totaling approximately 32.56 acres from R1 Residential (R1) to R6, and a portion of parcel 056A2-01-00-6100, containing 3.24 acres from Light Industrial (LI) to R6.

Total Land Area: 37.93 acres

Pursuant to Sections 33.4 and 33.7 of the Albemarle County Zoning Ordinance, the Owner hereby voluntarily proffers the conditions listed herein below which shall be applied to Foothills Crossing (hereinafter the "Property") if the Zoning Map Amendment (hereinafter the "ZMA") is approved by the County of Albemarle (the "County"). These conditions are proffered as a part of the requested ZMA and it is agreed that: (1) the ZMA itself gives rise to the need for the conditions, and (2) such conditions have a reasonable relation to the rezoning requested.

The term "Owner" as referenced herein shall mean the owner(s) of record and successors in interest of parcels 056A2-01-00-06200, 05600-00-00-057C0, 05600-00-00-057B2, 056K0-00-00-000A2, and a portion of 056A2-01-00-06100.

The Application Plan shall refer to that certain Application Plan prepared by Collins Engineering February 16, 2016 last revised January 3, 2017 (the "Application Plan"). Future development of the Property shall be in general accord with the Application Plan. To be in general accord with the Application Plan, the development and use shall reflect the major elements shown on the Application Plan and listed below, as determined the Director of Planning or his designee:

- a) Streets shall be interconnected, except where described in Note 13 of the Application Plan.
- b) There shall be a mixture of housing types and maximum number of units as described in building type and density in the General Notes section of the Application Plan.
- c) Buildings shall be oriented towards public streets as described in Note 9 of the Application Plan. A strip of open space shall be provided along the Eastern Avenue Connector Road and Park Ridge Street, where necessary, to provide additional landscape buffering of any rear yards abutting the open space where backs of buildings are visible from the street.

- d) The Greenway trail system shall include a connection to this phase of the Foothill Crossings Neighborhood and a connection to Crozet Park.

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

1. Park Ridge Street Road Construction and Dedication.

The Owner shall cause to be constructed a two lane road in the general location of the road identified as Park Ridge Street ("Park Ridge") on the Application Plan. Park Ridge will be an "avenue section" in design, with bike lanes, parking, sidewalks, street trees, and curb and gutter. Park Ridge shall be constructed, bonded and ready to be recommended by the Albemarle County Board of Supervisors for acceptance into the public system, and the County Engineer shall have determined that the roadway is safe and convenient for traffic (hereinafter, "completed") prior to issuance of the tenth (10th) certificate of occupancy (herein after "CO") within the Property. Once the Owner completes Park Ridge and within sixty (60) days after the written request of the County, the Owner shall dedicate Park Ridge as a public road.

2. Eastern Avenue Connector Road Construction and Dedication.

The Owner shall cause to be constructed a two lane road in the general location of the road identified as Eastern Avenue Connector Roadway ("Eastern Avenue") on the Application Plan. Eastern Avenue will be an "avenue section" in design, with bike lanes, parking, sidewalks, street trees, and curb and gutter. Eastern Avenue shall be constructed, bonded and ready to be recommended by the Albemarle County Board of Supervisors for acceptance into the public system, and the County Engineer shall have determined that the roadway is safe and convenient for traffic (hereinafter, "completed") prior to issuance of the fiftieth (50th) CO within the Property. Once the Owner completes Eastern Avenue and within sixty (60) days after the written request of the County, the Owner shall dedicate Eastern Avenue as a public road.

3. Greenway Trails.

A. Construction and Dedication of Greenway Trails.

A primitive trail network, consistent with the County's design standards for a Class B-type 1 primitive nature trail, shall be established within the Greenway. The installation of the trail shall not preclude the future conversion, by others, of the trail to Class A-paved trail standards. The general location of the trail network is shown on the Application Plan, however exact trail locations shall be determined based on site conditions. Installation of the trail network shall be completed prior to issuance of approval of the tenth (10th) CO for a single family dwelling within the Project.

Upon the request of the County, but not prior to the issuance of the tenth (10th) CO within the Project, the Owner shall dedicate to the County an easement for public use over the Greenway area, as shown on the Application Plan. Prior to the County's request to dedicate such easement, the Owner may dedicate portions of the Greenway by easement concurrently with one or more subdivision plats for areas lying adjacent to the Greenway; provided however, that Owner may reserve in such easements, rights of

access for utilities and maintenance. Each subdivision plat shall depict the Greenway area to be dedicated and shall bear a notation that the Greenway area is dedicated for public use. If, at the time the County requests dedication of the Greenway, any part of the Greenway that has not been dedicated by subdivision plat, shall be (within six (6) months of such request) at Owner's cost, surveyed, platted and recorded with one or more deeds of easement dedication.

B. Bike and Pedestrian Tunnel

Pursuant to approval by VDOT and the County, the Owner shall construct a bike and pedestrian tunnel (herein after the "Pedestrian Tunnel") along the trail network as it passes underneath Eastern Avenue. The Tunnel design shall be submitted for review with the roadway plans for Eastern Avenue. Installation of the Tunnel shall be completed prior to issuance of approval of the tenth (10th) CO for a single family dwelling within the Project.

4. Community Civic Space.

The Owner shall provide not less than 20,000 square feet of land within the Project for a Civic Space in the general location identified on the Application Plan. The Civic Space shall be substantially completed prior to the issuance of approval of the tenth (10th) CO within the Project. Parks and Civic Spaces shall be conveyed to, and maintained by the Owner's Association. The Owner shall pay the cost of subdividing and conveying the Parks and Civic Spaces to the Owner's Association.

5. Cash Proffer for Capital Improvements Projects.

The Owner shall contribute cash on a per "market-rate" dwelling unit basis in excess of the number of units that are allowed by right under the zoning in existence at the time of this zoning amendment for the purposes of addressing the fiscal impacts of development on the County's public facilities and infrastructure, i.e., schools, public safety, libraries, parks and transportation. For the purposes of this Proffer 5, the number of units allowed by right under the R-1 Residential zoning is thirty five (35) single-family detached units. A "market rate" unit is any single-family detached unit in the Project that is not either a For-Sale Affordable Housing Unit or For -Rent Affordable Unit as described in Proffer 6. The cash contributions shall be Seven Thousand Three Hundred Thirty Three Dollars and Eighteen Cents (\$7,333.18) for each single family detached dwelling unit, other than a constructed For-Sale Affordable Dwelling Unit within the Project qualifying as such under Proffer 6. In other words, the cash contribution for market rate single family units shall begin after a building permit for the 35th market rate single family unit is issued and prior to the Owner obtaining a building permit for the 36th market rate single family unit. The cash contributions shall be Five Thousand Four Hundred Forty Seven Dollars and Fifty Seven Cents (\$5,447.57) for each single family attached dwelling unit, other than a constructed For-Sale Affordable Housing Unit or a For Rent Affordable Housing Unit within the Project qualifying as such under Proffer 6. The cash contributions shall be Seven Thousand Four Hundred Nineteen Dollars and Ninety One Cents (\$7,419.91) for each multifamily dwelling unit, other than a constructed For Sale Affordable Housing Unit or For Rent Affordable Housing Unit within the Project qualifying as such under Proffer 6.

6. Affordable Housing.

The Owner shall provide affordable housing equal to fifteen percent (15%) of the total number residential units constructed on the Property. For example, if one hundred (100) total units are constructed in the Project, fifteen (15) units, or their equivalent, are required to satisfy this Proffer 6. The Owner or its successors in interest reserve the right to meet the affordable housing objective through a variety of housing types, or through cash contributions, as more particularly described in sections 6A, 6B and 6C below.

A. For-Sale Affordable Housing Units. All purchasers of the For-Sale Affordable Housing Units, (defined below) shall be approved by the Albemarle County Housing Office or its designee. "For-Sale Affordable Housing Units" shall be dwelling units offered for sale at no more than sixty five percent (65%) of Virginia Housing and Development Authority's ("VHDA") maximum sales price for first time home-buyer program. The Owner shall provide the County or its designee a period of one hundred twenty (120) days to identify and prequalify an eligible purchaser For-Sale Affordable housing Units. The one hundred twenty (120) day period shall commence upon written notice from the Owner that the unit(s) shall be available for sale. This notice shall not be given more than ninety (90) days prior to receipt of the Certificate of Occupancy for the applicable For-Sale Affordable Housing Unit; the County or its designee may then have thirty (30) days within which to provide a qualified purchaser for such For-Sale Affordable Housing Unit. If the County or its designee does not provide a qualified purchaser during the one hundred twenty (120) day period, the Owner shall have the right to sell the unit(s) without any restriction on sales price or income of the purchaser(s).

B. For-Rent Affordable Housing Units.

(1) Rental Rates. The initial net rent for each rental housing unit for which Owner seeks qualification for the purposes of this proffer 6, ("For-Rent Affordable Housing Unit") shall not exceed the then-current and applicable maximum net rent rate approved by the Albemarle County Housing Office. In each subsequent calendar year, the monthly net rent for each For-Rent Affordable Housing Unit may be increased up to three percent (3%). For purpose of this proffer 6B, the term "net rent" means that the rent does not include tenant-paid utilities. The requirement that the rents for such for-rents for such For-Rent Affordable Housing Units may not exceed the maximum rents established in this paragraph 6B shall apply for a period of ten (10) years following the date the certificate of occupancy is issued by the County for each For-Rent Affordable Housing Unit, or until the units are sold as low or moderate cost units qualifying as such under either the Virginia Housing Development Authority, Farmers Home Administration, or Housing and Urban Development, Section 8, whichever comes first (the "Affordable Term").

(2) Conveyance of Interest. All deeds conveying any interest in the For-Rent Affordable Housing Units during the Affordable Term shall contain language reciting that such unit is subject to the terms of this subparagraph (2). In addition, all contracts pertaining to a conveyance of any For-Rent Affordable Housing Unit, or any part thereof, during the Affordable Term shall contain a complete and full disclosure of the restrictions and

controls established by this paragraph 6B. At least thirty (30) days prior to the conveyance of any interest in any For-Rent Affordable Housing Unit during the Affordable Term, the then-current Owner shall notify the County in writing of the conveyance and provide the name, address and telephone number of the potential grantee, and state that the requirements of this paragraph 6B(2) have been satisfied.

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

C. Cash in lieu of Constructing Affordable Dwelling Units. In lieu of constructing For-Sale, or For-Rent Affordable Dwelling Units for fifteen percent (15%) of the total number of Units, the Owner has the option to make a cash contribution to Albemarle County for the affordable housing program in the amount of Twenty-Four Thousand and Three Hundred Seventy Five Dollars (\$24,375.00) (the "Affordable Housing Cash Proffer") for each such unit. The total cash contribution due to Albemarle County as noted above shall be based on the total number of affordable units built in the Project.

7. Cost Index.

Beginning January 1 of each year following the approval of this rezoning, the amount of each cash contribution required by Proffers 5 and 6 shall be adjusted annually until paid, to reflect any increase or decrease for the proceeding calendar year in the Marshall and Swift Building Cost Index ("MSI") for masonry walls in the Mid-Atlantic. The annual adjustment shall be made by multiplying the proffered cash contribution amount due for the preceding year by a fraction, the numerator of which shall be the MSI as of December 1 in the preceding calendar year, the denominator of which shall be the MSI as of December 1 in the year preceding the calendar year most recently ended (the "Annual Percentage Change"). By way of example, the first annual adjustment shall be Seven Thousand Three Hundred and Thirty Three Dollars and Eighteen Cents (\$7,333.18) x 2018 MSI/2017 MSI. Each annual adjustment shall be based on the amount of the proffered cash contribution due for the immediately preceding year based on the formula contained in this Proffer 7 (the amount derived from such formula shall be referred to hereinafter as the "Cash Contribution Due"), provided, however, in no event shall the cash contribution amount paid by the Owner be less than Seven Thousand Three Hundred and Thirty Three Dollars and Eighteen Cents (\$7,333.18) per single family detached dwelling unit and Five Thousand Four Hundred and Forty Seven Dollars and Fifty Seven Cents (\$5,447.57) per single family attached dwelling unit and Seven Thousand Four Hundred and Nineteen Dollars and Ninety One Cents (\$7,419.91) per multifamily dwelling unit under Proffer 5 or Twenty-Four Thousand and Three Hundred Seventy Five Dollars (\$24,375.00) per affordable dwelling unit under Proffer 6 (the "Minimum Cash Contribution"). The Annual Percentage Change shall be calculated each year using the Cash Contribution Due, even though it may be less than the Minimum Cash Contribution, HOWEVER, the amount paid by the Owner shall not be less than the Minimum Cash Contribution. For each cash contribution that is being paid in increments, the unpaid incremental payments shall be correspondingly adjusted each year.

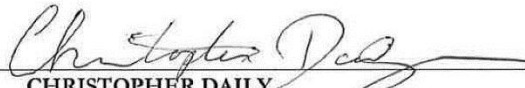
8. Credit For In-Kind Contributions.

Notwithstanding the provisions of these Proffers to the contrary, the Owner's obligation to pay Cash Contributions shall not commence until the number of units, to which such Cash Contributions apply have been completed that results in what would have been a total Cash Contribution equal to the value of: i) Eastern Avenue, and related improvements to be completed by Owner, ii) the Pedestrian Tunnel and iii) the Greenway Trail improvements, (collectively referred to as the "In-kind Contribution"). The In-Kind Contribution shall be One Million Two Hundred Thousand Dollars (\$1,200,000.00). The In-kind Contribution reflects the value of the improvements that the Owner has committed to make pursuant to these proffers that are for the benefit of the public. The Owner shall not be required to pay any per unit Cash Contributions until the time of the issuance of the building permit for a new unit completed after applying the aforementioned credits for the In-kind Contribution. In the event that the Project is completed prior to the balance of the In-kind Contribution being exhausted, any remaining balance of the In-kind Contribution may not be applied for any other project or development.

The undersigned Owner(s) hereby proffer that the use and development of the Property shall be in conformance with the proffers and conditions herein above, and these proffers shall supersede all other proffers and conditions made prior hereto. 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 signature:

OWNERS of Tax Map Parcel 05600-00-00-057B2:

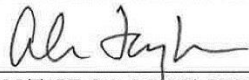
By: 
CHRISTOPHER DAILY

By: 
EDMUND J. DAILY

By: 
CYNTHIA L. DAILY DICANIO

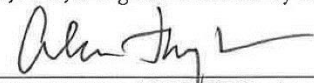
Date: Feb 6 2017

OWNER of Tax Map Parcel 05600-00-00-057C0 & 056A2-01-00-06200:
ROUTE 240 HOLDINGS, LLC, a Virginia limited liability company

By: 
ALAN TAYLOR, ~~MANAGER~~ AUTHORIZED OFFICER

Date: Feb 8, 2017

OWNER of Tax Map Parcel 056A2-01-00-06100:
ROUTE 240, LLC, a Virginia limited liability company

By: 
ALAN TAYLOR, ~~MANAGER~~ AUTHORIZED OFFICER

Date: Feb 8, 2017

OWNER of Tax Map Parcel 056K0-00-00-0000A2:
FOOTHILLS CROSSING, INC., a Virginia corporation

By: 
ALAN TAYLOR, ~~MANAGER~~ AUTHORIZED OFFICER

Date: Feb 8, 2017

Agenda Item No. 17. **Public Hearing: SP201600019. Planned Parenthood South Atlantic (Sign #29).**

MAGISTERIAL DISTRICT: Rio.

TAX MAP/PARCEL: 061000000013A0.

LOCATION: 2964 Hydraulic Road.

PROPOSAL: Revise condition one (1) to impact a 15 foot buffer to allow a walkway and enhanced landscaping from previously approved special use permit (SP2000-035).

PETITION: Professional offices under Section 17.2.2(11) of the Zoning Ordinance.

ZONING: R-10- Residential- 10 units/acre; professional offices by special use permit

OVERLAYS: Entrance Corridor, Managed Steep Slopes, Airport Impact Area.

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 1 of Places29 Master Plan.

(Advertised in the Daily Progress on January 23 and January 30, 2017.)

The Executive Summary presented to the Board states that at its meeting on November 22, 2016, the Planning Commission voted 6:0 to recommend approval of SP201600019.

The Planning Commission's Action letter, Staff Report and minutes from the November 22nd meeting are also attached. The County Attorney has prepared the attached Resolution (Attachment D)

reflecting the recommendation of the Planning Commission. Please note that some non-substantive modifications have been made to the language of the conditions contained in the Resolution.

Staff recommends that the Board adopt the attached Resolution (Attachment D) to approve SP201600019, subject to the conditions attached thereto.

Ms. Elaine Echols, Principal Planner, noted that Ms. Meghan Yaniglos was the project lead on this but was unable to attend the meeting, so she would be making the presentation on staff's behalf. Ms. Echols stated that this is a request to revise a single condition from an old special use permit, and the existing condition requires non-disturbance of a 15-foot buffer, with staff feeling there is a good reason to modify this particular condition. She said this went through the Planning Commission for a recommendation to the Board, and noted that this is the Planned Parenthood office on Hydraulic Road, across the street from the Roslyn Ridge area near the high school. Ms. Echols referenced the property on a map provided, stating that it is located adjacent to the Townwood townhome development and the Garden Court townhome development. She stated that the proposal is to remove dead and dying vegetation and enhance landscaping on the perimeter and to replace an aging fence, as well as to remove three parking spaces and create a patio area, but those changes do not require changes to the special use permit conditions.

Ms. Echols stated that the applicant has proposed to remove 11 existing trees, most of which are covered in English or poison ivy, and they need to be removed due to safety concerns. She said the applicant has provided an arborist's report that indicates which trees need to be removed, and some, but not all of them, would be removed and replaced. Ms. Echols presented some site photos, including views looking from Garden Court, and she noted parking spaces and fencing that would be removed, as well as the location of the dumpster area. She stated that the Planning Commission found no significant impacts that would be created from the enhanced landscaping and staff found no unfavorable factors, so the Commission and staff recommended approval of the SP and changes to conditions, with the two areas of changed conditions highlighted. Ms. Echols stated that one changed condition is general accord with an updated plan, and one is a change from undisturbed buffer to a buffer strip, with the width staying at 15 feet; additional language indicates that the agent may authorize the removal of vegetation in the buffer if deemed by the agent to impose a clearly demonstrable damage to buildings or other structures, or to public safety.

Ms. Echols said the motion for the Board to approve would be to adopt the resolution provided.

Ms. Mallek stated that she understood the concerns of neighbors that putting in a 4-foot bush is not the same as a 30-foot tree that has been removed, and she hopes there is a substantial effort to put in more than just starter plants, because this would be a radical change.

Ms. Palmer said her understanding is that if the applicant has a tree that is dying, they do not have to come back before the Board, and asked if there was any requirement for them to replace it with a large tree. Ms. Echols responded that there are size requirements, but the current thinking is that planting them smaller at the beginning allows them to establish themselves and grow faster. She said that Planning staff balances those things and tries to get something in that is viable, but that grows as quickly as possible.

Ms. McKeel opened the public hearing.

Ms. Suzanna Ponsa addressed the Board and stated that she works with the landscape architects who prepared the plan for the applicant, and said they would be taking out 11 trees that are compromised, and would be planting 30 small to medium trees that would be less of a danger in the future, but would still provide screening.

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

Mr. Sheffield moved to adopt the proposed resolution to approve SP-2016-00019, with recommended conditions. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

RESOLUTION TO APPROVE SP 2016-19 PLANNED PARENTHOOD

WHEREAS, the Owners of Tax Map Parcel 06100-00-00-013A0 (the "Property") filed an application for a special use permit to revise a condition of a previously-approved special use permit (Special Use Permit 200000035) in order to impact a 15-foot buffer to allow a walkway and enhanced landscaping, and the application is identified as Special Use Permit 2016-00019 Planned Parenthood (SP 2016-19"); and

WHEREAS, on November 22, 2016, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2016-19 with staff-recommended conditions; and

WHEREAS, on February 8, 2017, the Albemarle County Board of Supervisors held a duly noticed

public hearing on SP 2016-19.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2016-19 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code § 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2016-19, subject to the conditions attached hereto.

* * * * *

SP-2016-00019 Planned Parenthood Conditions

1. Development and use shall be in general accord with the conceptual plan titled "Planned Parenthood" prepared by Nelson Byrd Woltz Landscape Architects and dated September 16, 2016 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, as shown on the Conceptual Plan:
 - a. *location of buildings and structures*
 - b. *location of parking areas*
 - c. *location of buffer*
- Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.
2. A buffer strip of a minimum of fifteen (15) feet in width shall be maintained along the northeast (Townwood) and southwest (Garden Court) abutting property lines with landscaping and screening to be approved in accordance with Section 32.7.9. The agent may authorize the removal of vegetation within the buffer if deemed by the agent to pose a clearly demonstrable danger to buildings or other structures, or to public safety. A six-foot-high opaque fence shall be placed between the parking lot and the Townwood units.
3. All outdoor lighting shall be arranged or shielded to reflect light away from adjoining residential districts and away from adjacent streets.
4. The building shall be no more than three stories in height and designed in keeping with the character of the area, and shall be consistent with the sketch plan titled "Roslyn Ridge Offices" dated July 11, 2000 that was approved with SP2000-035.
5. The building shall not exceed eight thousand (8,000) square feet.

Agenda Item No. 18. **Public Hearing: SP201600021. Shull's Wrecker and Repair (Sign #22).**
MAGISTERIAL DISTRICT: Scottsville.

TAX MAP/PARCEL: 09000-00-00-035Q0.

LOCATION: 1815 Avon Street.

PROPOSAL: To permit automotive repair in conjunction with existing towing and body shop uses

PETITION: General commercial use under Section 26.2(a) of the Zoning Ordinance (via Section 24.2.1(2) "Automobile, truck repair shops").

ZONING: LI – Light Industry – industrial, office, and limited commercial uses (no residential use).

OVERLAYS: Entrance Corridor, Steep Slopes (Managed).

COMPREHENSIVE PLAN: Office/R&D/Flex/Light Industrial – professional office, commercial; research and development, design, development of prototypes, engineering; light manufacturing, fabrication, distribution if with a non-industrial use in Neighborhood 4 of the Southern and Western Neighborhoods Master Plan.

(Advertised in the Daily Progress on January 23 and January 30, 2017.)

The Executive Summary presented to the Board states that at its meeting on December 13, 2016, the Planning Commission voted 7:0 to recommend approval of SP201600021.

The Planning Commission's action letter, staff report and minutes from the December 13 meeting are attached (Attachments A, B, and C). The County Attorney has prepared the attached Resolution (Attachment D) reflecting the recommendation of the Planning Commission.

Staff recommends that the Board adopt the attached Resolution (Attachment D) to approve SP201600021, subject to the conditions attached thereto.

Mr. J.T. Newberry, Senior Planner, addressed the Board and stated that there is a typographical error on Page 5, Letter F, as the response should read this is not applicable because there are "no expansion plans associated with this proposal." Mr. Newberry stated that the property is located on Avon Street Extended just past the Avinity subdivision, and the zoning is Light Industrial, with the Comp Plan calling for Office R&D Flex/Light Industrial. He said the request is to permit an automobile and truck repair shop in conjunction with the existing by-right uses on the site, a body shop and towing and temporary storage. Mr. Newberry stated that the conceptual plan submitted by the applicant shows the existing structure on site for which there are no expansion plans, and the parking areas are delineated for

customers, employees, and towed vehicles.

Mr. Newberry reported that staff found four favorable factors for the special use permit: consistency with the Comp Plan, utilizing an existing building, supporting an existing industrial use, and approval of the SP helping to mitigate an existing zoning violation. He said the recommended conditions are in general accord with the concept plan, with specific hours of operation from 7 a.m. to 6 p.m. Monday through Friday.

Ms. Mallek said she would be concerned about not allowing emergency tows in on the weekends, but perhaps the applicant could address that. Mr. Newberry stated that the hours of operation were meant to restrict only the auto repair use.

Mr. Kamptner said that the SP condition would apply only to the special use.

Ms. Palmer stated that she recalled the closing hour of 5:00 p.m. and wonder if that had changed. Mr. Newberry responded that the Planning Commission had felt the hours were too restrictive and recommended that they be extended to 6 p.m.

The Chair opened the public hearing.

Mr. Clint Shifflett, Engineer with the Timmons Group, addressed the Board and offered to answer questions.

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

Mr. Randolph moved to adopt the proposed resolution to approve SP-2016-00021 subject to the recommended conditions. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

RESOLUTION TO APPROVE SP 2016-21 TOMMY SHULL'S WRECKER AND REPAIR

WHEREAS, Tommy Shull's Wrecker and Repair submitted an application for a special use permit to establish an automobile and truck repair shop on Tax Map Parcel Number 09000-00-00-035Q0, and the application is identified as SP201600021 Shull's Wrecker and Repair ("SP 2016-21"); and

WHEREAS, on December 13, 2016, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2016-21; and

WHEREAS, on February 8, 2017, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2016-21.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2016-21 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code § 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2016-21, subject to the applicable performance standards for the automobile, truck repair shop use in Albemarle County Code § 18-5.1.31, and the conditions attached hereto.

SP 2016-21 Tommy Shull's Wrecker and Repair Special Use Permit Conditions

1. Use of site shall be in general accord with the concept plan "Tommy Shull's Wreck and Repair – Concept Plan" dated 9/15/16, last revised 11/4/16, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with this plan, development and use of the site shall reflect the general size, arrangement and location of the parking areas for customers, employees (including the service vehicle space), towed vehicles and vehicles awaiting service. Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance;
2. The hours of operation for the auto repair use shall begin no earlier than 7:00 AM and end no later than 6:00 PM, Monday through Friday.

Agenda Item No. 19. **Public Hearing: ZMA201600015. Oakleigh (Sign #83).**

MAGISTERIAL DISTRICT: Rio.

TAX MAP/PARCEL: 045000000026A0.

LOCATION: Located on the south side of Rio Road West across from its intersection with Woodburn Road.

PROPOSAL: Amend previously approved Proffers, Code of Development and Application Plan to allow a 140-bed assisted living facility on the rear half of the site. The amended plan also seeks to allow the site to develop according to the existing approved Application Plan with a revised Code of Development and Proffers.

PETITION: Rezone 8.82 acres from Neighborhood Model district which allows residential uses mixed with commercial, service and industrial uses at a density of 3-34 units per acre to Neighborhood Model district which allows residential uses mixed with commercial, service and industrial uses at a density of 3-34 units per acre. This request seeks to amend the Code of Development to add a 140-bed assisted living facility in Blocks III, IV or V of a revised Application Plan, which would reduce the total maximum dwelling units from 109 units at a density of 12.3 units per acre to 36 units at a density of 4.0 units per acre. This request also seeks to preserve the ability to develop the existing approved Application Plan that proposes a maximum of 109 dwelling units at 12.3 units per acre. Under either Application Plan, the request seeks to amend Proffers #1, 2, 4 and 6 as follows: amend Proffer #1 to provide \$19,100 cash per required affordable housing unit to meet the 15% Affordable Requirement after the certificate of occupancy is issued for the 52nd dwelling unit (the existing proffer requires constructing 7.5% of total required affordable housing units and providing \$19,100 cash in lieu of 7.5% remaining required affordable housing units); amend Proffer #2 to reduce cash proffers from \$17,500 to \$7,333.18 for each single-family detached dwelling, from \$11,900 to \$5,447.57 for each single-family attached dwelling that is not an affordable dwelling unit, and from \$12,400 to \$7,419.91 for each multi-family dwelling unit that is not an affordable unit; amend Proffer #4 to reduce the number of trees preserved under the plan with an assisted living facility from 39 trees to 13 trees and reduce the required bonding from \$29,000 to \$10,000; eliminate Proffer #6 which required additional erosion and sediment controls to achieve a sediment removal rate of 80% for the property. OVERLAYS: Entrance Corridor (EC), Steep Slopes (Managed) and Airport Impact Area (AIA). PROFFERS: Yes COMPREHENSIVE PLAN: Urban Density Residential – residential (6.01 – 34 units/ acre); supporting uses such as religious institutions, schools, commercial, office and service uses and Urban Mixed Use (in Centers); supporting uses such as retail, residential, commercial, employment, office, institutional, and open space in Neighborhood 1 of the Places29 Master Plan.
(Advertised in the Daily Progress on January 23 and January 30, 2017.)

The Executive Summary presented to the Board states that at its meeting on December 6, 2016, the Planning Commission voted 7:0 to recommend approval of ZMA201600015 subject to revisions requested by both staff and the Commission.

Following the Commission meeting, the applicant made the revisions recommended by staff and the Commission with two exceptions, which are described below.

The existing (2007) affordable housing proffer provided for 15% affordable housing in the form of cash and units with at least half of those units to be constructed. The proposed (2017) proffers continue to provide for 15% affordable housing, but the owner could satisfy the proffer by providing cash-in-lieu of all affordable units. While this scenario was recommended by the Housing Director, the Planning Commission disagreed and recommended retaining the proffer for half of the units to be constructed. The applicant opted to follow the recommendation of the Housing Director.

Pursuant to the 2016-2017 proposed changes to cash proffers for impacts to public facilities, the applicant is also seeking credit for the number of by-right lots that could have been constructed under the R-6 zoning which existed prior to approval of ZMA200700004. At the time of that rezoning, the cash proffer policy would have allowed credit for only a minimal increase in density. The applicant notes that since 2011 the Board has allowed credit for all units that could have been constructed under existing zoning. However, staff believes there is a distinction between this request and the other projects approved since 2011 because those examples were credited anywhere from 12%-26% of the project's full potential. This proposal would be asking for credit for just under half of the total units possible under the new zoning.

The Planning Commission's action letter, staff report and minutes from the December 6 meeting are attached.

Attachment D summarizes the changes made by the applicant and provides a justification for submitting a revised proffer statement that does not align with the recommendation from the Planning Commission. The revised application plan/code of development and proffers are attached (Attachments E and F). The attached proffers dated January 30, 2017 include an additional revision to delete an outdated reference to "carriage units".

Staff and the Planning Commission recommend that the Board deny ZMA201600015. However, if the Board wishes to approve ZMA201600015, staff recommends that the Board adopt the attached Ordinance (Attachment G) approving ZMA201600015.

Mr. J. T. Newberry, Senior Planner, reported that this property is located just west of Route 29 along Rio Road, and the Comprehensive Plan designates the property for urban density residential, with a small portion for a neighborhood service center. He stated that in 2007, a rezoning was approved for up to 109 dwelling units and 28,800 square feet of commercial space; the applicants then received approval for a site plan for 108 dwelling units and 14,400 square feet of commercial space. Mr. Newberry said the current request is to have the ability to construct a 56,000 square foot, 140-bed assisted living facility, with a minimum of 14 dwelling units and up to 28,800 square feet of commercial space with a revised code of development and revised proffers,

or the ability to develop under the same application plan that was previously approved with a revised development code and proffers.

Mr. Newberry presented a plan showing Scenario A, which would hold the assisted living facility, identified as Building D, at the rear of the site; and Scenario B, which is the existing plan, containing a variety of housing types where the assisted living facility would be. He noted some of the proffered trees and put the plans side by side to highlight their similarities and differences. Mr. Newberry said that Building A and B under both scenarios are essentially identical, with perimeter landscaping for either scenario being substantially the same, and the revised code of development being the same for either scenario, with both permitting some non-residential uses throughout the development. He noted the differences as Scenario A having less greenspace and proffered trees because of the larger assisted living facility at the rear, and this scenario could provide an emergency access connection to the adjacent property. Mr. Newberry mentioned that Scenario A would likely generate less traffic and school-age children than Scenario B, with the second scenario possibly resulting in more constructed affordable housing.

Mr. Newberry presented an overview of the proffers for both Scenario A and B, and said that staff found that the applicant had submitted sufficient justification to revise the cash proffers under Scenario A, but the Planning Commission recommended keeping the existing proffer amounts for both scenarios. He noted that staff and the Commission did not find sufficient justification to provide a by-right credit for the previous existing zoning, which was R-6, or to revise the cash proffer amounts under Scenario B. Mr. Newberry stated that the Commission recommended retaining the existing proffers to construct 7.5% of the proffered affordable dwelling units instead of accepting cash in lieu.

Mr. Newberry stated that some of the factors for consideration were that Scenario A is consistent with the Comp Plan, and an assisted living facility would provide a needed housing type for the community, which is a targeted industry under the economic development policy. He said the required emergency access may provide a benefit to both this site and the adjoining site, and the assisted living facility and commercial uses under Scenario A would provide a higher tax revenue base than Scenario B. He said that unfavorable factors were that the proposed cash proffers were not in keeping with the cash proffer policy when it was originally approved, and Scenario A has less greenspace and preserved trees; and the minimum number of required dwelling units may not be consistent with the designation of the property for urban density residential. He presented a slide that updated the recommendations and changes requested by staff between the Commission and Board of Supervisors meetings, with a "yes" or "no" statement as to whether the changes were made. Mr. Newberry noted that the cash proffers and affordable housing proffers were not revised to be consistent with a recommendation from the Planning Commission, but the code of development was revised to require a minimum of 53 dwelling units for Scenario B. He said that Scenario A is only available now if an assisted living use is established, and there were also some small technical changes that the applicant worked with staff on to clarify. Mr. Newberry pointed out that the applicant would further address the emergency access, as there are still some questions, with the owner of that property being out of reach in Antarctica. He added that the applicants have worked with Fire and Rescue to try to identify a different alternative, and staff received an exhibit after the staff report went to the Board, and the applicant would be able to elaborate on a fire code modification, and that would be for Plan A.

Mr. Newberry stated that staff's recommendation is not to recommend approval without resolution to the items listed on the slide and recommended by the Planning Commission.

Ms. Elaine Echols added that staff has not had an opportunity to review the emergency access change, as they have just received it in the last few days, so they cannot make a comment or recommendation on it.

Ms. Palmer asked for an explanation of why there is a Scenario A and a Scenario B, as she finds it perplexing and does not feel particularly comfortable with it. Mr. Newberry responded that it was an attempt to fulfill some of the goals of the flexibility of a neighborhood model development, with the initial approval being for mainly residential units that were condominiums, and the applicant could address why it was difficult to develop and sell those units. He said the plan meets a lot of the County's goals, and perhaps if the market rebounds this could still be something the applicant was interested in pursuing. He stated that the applicant has opted to retain the right to develop that, as well as obtaining approval for the assisted living facility, which is what they hope to do as it is the most profitable way to develop, and they have a purchaser lined up for that.

Ms. Palmer asked if the reason there is a lack of greenspace is because the developer wants to put a particular model for assisted living on the site that does not lend itself to changing that model. Mr. Newberry responded that this was part of it, but the other part is that the economics of assisted living facilities demands a larger footprint because of the number of staff members required to supervise the tenants, and it is a proven model to be successful.

Ms. Palmer commented that it seems the residents of the assisted living facilities might like to walk around outside a bit. Ms. Echols stated that in terms of having an A and B scenario, it is unusual and is not something that would typically be done, but in this particular case the applicant asked if there was a way to preserve the existing plan in the event the assisted living facility did not materialize. She said staff has determined that it is legal to have two scenarios, although it complicates things and makes it more difficult to understand which conditions apply to which scenario. Ms. Echols stated that the plan previously approved, which was viewed as appropriate and good, could be the fallback plan if the assisted living scenario does not pan out.

Ms. Palmer expressed concern that the County would end up looking at multiple scenarios for all properties. Ms. Echols responded that this was not something they would be promoting.

Mr. Newberry emphasized that unless an assisted living facility is developed under Scenario A in Block 5, that is the only thing that would make the footprint eligible for development.

Mr. Kamptner explained that he envisions this as a single application plan with two possible forms of development, and the applicant would pull the trigger as to whether they would proceed with A or B, and the proffers are broad enough that they address both scenarios, so either way the impacts are being addressed.

At this time, the Chair opened the public hearing.

Ms. Valerie Long of Williams Mullen Law Firm addressed the Board, stating that she is representing the applicants, and she introduced George Ray, developer of the project and the owner of the property, along with Suzanne Jessup Brooks; Steve Edwards, landscape architect; Dave Rozine, the project arborist, retired from Van Yahres Tree Company; Andy Yarborough of the Blake Company, the company proposing to develop the assisted living facility; and Nicole Scrow, an attorney with Williams Mullen.

Ms. Long stated that the applicant's intent was not to make this confusing or complicated, and she apologized for that, adding that the Commission saw it as confusing and complicated and tried to make it clearer by going through it one item at a time. Ms. Long said the applicant hopes that Plan B never happens, as they are happy with Scenario A, and the Blake Company has plans for an assisted living facility under contract. She stated that the owners do not want to have to come back again to amend the plans and proffers in the event it does not happen because the market changes, and Mr. Ray and his partners would seek a replacement assisted living facility. Ms. Long said they are trying to avoid having to come back to the Board and ask for Scenario A again, adding that they feel it is less flexible than a typical neighborhood model plan that might have reserved those options, but did not elaborate a specific Scenario A and B. She said the applicant is proffering a much higher level of detail than most neighborhood model plans require these days, and they wanted the Scenario A plan to have the same level of detail as Scenario B. Ms. Long noted that Scenario A was approved in 2008, when that level of detail was much more typical.

Mr. Randolph said that he finds the explanation helpful, but it would have been helpful for the Board to have known that up front and to have the applicant's intention identified.

Ms. Long stated that in terms of the footprint for the assisted living facility, it is somewhat of a standard design for the company, because of the need to provide those healthcare services with an appropriate amount of staffing. She said it is also because the facility will include memory care units, and the Blake Company has a standard design for those who are in different levels of care and require different amenities. Ms. Long stated that the space is designed to have two interior courtyards and the rest of the rooms on the outside, with lots of natural light and adequate space for staff. She presented a video showing the plans for the property, stating that the project has preliminary approval from the ARB, and the buildings are largely unchanged from the original 2008 approval. Ms. Long noted that having commercial property will generate more tax revenue than a strictly residential development, and Mr. Ray provided tax data from Glenwood Station to provide estimates for this development.

Ms. Long reported that when the project was rezoned in 2008, the property went from R-6, which provided 52 units by-right, but Mr. Ray wanted to do something more interesting and preserve as many trees as possible, so they brought forward the neighborhood model zoning. She said this increased the density and was consistent with the Comp Plan, which designated the entire area for high-density residential. Ms. Long said the project was approved for 109 dwelling units and two commercial buildings, and they asked for the by-right lot yield credit at the time. She stated that the Board did not grant that credit to anyone at the time, but that changed in 2013, which developers think was a fair and rational decision. Ms. Long said that the point of all proffers is to mitigate the impacts of development, so the fundamental basis for cash proffers is that residential developments create impacts on the County, and in order to mitigate them, developers pay cash proffers toward the CIP. She stated that in 2008, they had the right to build 52 dwelling units by-right, but no credit was given for those, and since then the policy has changed and the credit has been granted to a number of projects. Ms. Long said there has not been discussion as to whether there was a particular threshold as to adequate by-right credit.

Ms. Long stated the applicant is asking for that by-right credit now and feels that it is fair, and the credit does not have anything to do with whether it is a large percentage. Staff has indicated that they did not think it was appropriate to give the credit to Oakleigh because it would result in nearly a 50% credit against the number of units. Ms. Long said the applicant's position is that the size of the credit is irrelevant, and if it is fair to grant a credit for rights they had before the rezoning, it should not matter if it is 10 units, 20 units, or 52 units. She noted that the percentage was not an issue in other projects where credit was granted, but recently there has been credit given to Brookhill for 269 dwelling units.

Mr. Sheffield stated that it is an important issue, but is something they can discuss if there are questions about it when they get to that point.

Mr. George Ray addressed the Board, stating that he is a developer and owner of the property, and noting that they are providing a connection between this project and Berkmar Crossing, an adjacent

project developed several years ago.

Mr. Andy Yarborough of Blake Management Group, the developer and operator of the assisted living facility, addressed the Board and offered to answer any questions pertaining to their use.

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

Mr. Sheffield mentioned that he recalled the credit discussion with the loss of by-right units at Meadowcreek, and at some point they need to codify it so they do not have the issue multiple times. Ms. Mallek responded that it is already codified.

Mr. Kamptner clarified that it is not codified, but has become standard.

Ms. Mallek stated that she appreciates the effort made by Mr. Ray and others in 2008 to preserve the forest on this site, and a number of those trees have died since then, which has left some big gaps in the place where the building will go. She said the video is wonderful and shows a lot of greenery, more than what she was expecting, and she does feel that the lot yield credit should be applied here and is appropriate considering the other decisions made in the last few years, which was contemplated even before then. Ms. Mallek stated that she is not worried about the Scenario A and Scenario B situation because it actually provides less uncertainty than if it had come in as a project with a more concept-based rezoning without all the code of development aspects spelled out. She commented that this plan provides more specifics and will evolve from there, which is more sensible and feasible for developers taking the risk and trying to build these projects now.

Mr. Randolph said that he sees the blueprint provided by the Planning Commission to be a very reasonable way to proceed, with both Scenario A and Scenario B. He stated that he agrees with providing the lot yield credit and had advocated for that when he was on the Planning Commission, and he is happy to see the Board following that consistent policy, with clear guidelines laid out that should be followed. Mr. Randolph said he is delighted to know that the goal is to achieve Scenario A, as there is serious need in the community for another assisted living facility, and this would begin to address that. He stated that he would like to go through the proposal section by section to make sure the Board is in agreement with all aspects.

Mr. Kamptner stated that he reviewed this with Mr. Newberry to ensure there was nothing missed in all the pages and attachments.

Mr. Newberry said he feels it is complete.

Ms. Palmer asked if everyone understands what the recommendations are from the Planning Commission.

Mr. Randolph noted that Attachment A contains a letter dated January 27, 2017 from Mr. Newberry to Edwards Design Studio, which elaborates section by section on what the Planning Commission recommended.

Ms. McKeel commented that they are not voting separately on all of this.

Mr. Kamptner clarified that if the Board wants to approve everything as submitted, they can take action tonight. If they do not and the proffers need to be amended, staff will need to come back.

Ms. Palmer noted that staff has said they cannot comment on the emergency access because they have just seen it.

Mr. Sheffield asked if there was an image of that, and whether the applicant could comment. Ms. Long asked Mr. Newberry to point out the location of the emergency access and its relationship to the adjacent property, noting that Medical Facilities of America, formerly Heritage Hall, owns that property. She said it is a medical rehabilitation facility.

Mr. Sheffield noted that it is Charlottesville Health and Rehab.

Ms. Long said the applicant has reached out to the owners, who granted a stormwater drainage easement during the initial rezoning, and the applicant has proposed an emergency access easement. She explained that with the original rezoning, they did not need a second emergency access, as they have one on the other side, but this is now required by Fire and Rescue in the event of an accident along the main entrance or along Rio Road that could prevent emergency vehicles from entering or exiting the property. Ms. Long said they have one through the back parking lot, but with the change to the assisted living facility, that triggers a different code requirement from Fire and Rescue, so they wanted a third entrance immediately adjacent to the assisted living facility. She stated that the best location is in the upper right of the property, and the applicant continues to communicate with the property owners but they are not currently available. Ms. Long noted that Mr. Ray has been working closely with Robbie Gilmer of ACFR, and they came up with an option of using the existing farm driveway to the property which exists now but was not considered for use as part of the project, particularly because of trees in the area the applicant would like to save. She said that as a worst case scenario, they can use that as a third emergency access, but it would interfere with the path of two very small trees that the applicant has wanted to retain.

Ms. Long stated that Mr. Ray worked with the landscape architect and planner, Steve Edwards, and they came up with a slight jog in the route to route it around the trees, and the only impact is that it requires them to relocate a dumpster and lose a handful of parking spaces. She said the great benefit is that it demonstrates there is an option for emergency access, and Robbie Gilmer has signed off on this, as well as Fire and Rescue and Planning staff. Ms. Long stated that hopefully they will not need this and can work out something better with Medical Facilities of America, which apparently does not have a secondary access from their property, so this would provide it for them, if necessary. She added that the applicant hopes that by the time the MFA representatives get back in the country and the project is at site plan stage, it will be worked out, but if it does not then this provides another option.

Ms. Palmer noted that Ms. Long characterized Planning staff as being "on board," but they are not on board as they have not had time to review it. Ms. Echols agreed, stating that they have not had an opportunity to see what trees would be affected and have not gone out in the field, as they just got this information a few days ago. She stated that the coordination is actually with Fire and Rescue, and they have particular items that they consider. Ms. Echols emphasized that if the proffered trees are important, they need to be able to establish that what is being shown on the plan can actually be accommodated.

Mr. Sheffield asked if something like this gets reviewed during site plan. Ms. Echols responded that if there are proffered trees and the site plan shows the applicant is taking them out for the emergency access, it becomes difficult to meet the proffers and they would have to come back and get the proffers changed or ends up struggling to figure out how to make it work. She said if the trees proffered are important to the development, staff feels obligated to make sure they are protected, and they are trying to keep from having to come back again if the trees are affected.

Mr. Sheffield stated that if the developer cannot get the emergency access path to work without disrupting any proffered aspect, he basically hits a brick wall, as it has to be satisfied in the site plan review process and he has to satisfy his obligations to proffers, so he has no way not to provide this, and it is in his own interest to figure out the best solution. He added that he wants to make sure the site plan process will get this figured out, without violating the proffers, and it sounds as though this is what staff is saying.

Ms. Echols clarified that she does not know that for certain at this point.

Ms. Mallek said the applicant would have to come back to amend the proffers.

Ms. Palmer asked if this could go on a future consent agenda after staff has had the opportunity to look at this, to make the process less complicated. Ms. Echols confirmed that it could.

Mr. Kamptner stated that if proffers are amended in a way that is substantial, they will have to have another public hearing, and it could come back next month.

Mr. Sheffield said that he is pretty certain the applicant would have to address fire access in the site plan review, and would have to adhere to the proffers, so if he is not able to provide fire access in the site plan review, he is not able to move forward until he comes back and amends whatever the Board approves. He stated that the applicant has a potential barrier to overcome, or he works out a solution with an adjacent property, but either way it falls on the applicant before it gets to site plan.

Ms. Mallek asked why the Berkmar Crossing connection cannot be used as fire access if the other one fails. Mr. Kamptner responded that it may just be too close to the main entrance.

Ms. Long said that it has to do with the desire of Fire and Rescue to have direct access to the pad site where the assisted living facility will be located, and the benefit of this proposed alternative is they can cut up the existing driveway over the curb onto the assisted living site. She stated that the odds are slim to none that an accident would block the accesses at the same time, but they still have to provide it. Ms. Long said there will be an emergency access at the top of the site, as proposed, and there is also an inter-parcel connection in the far left that will connect directly to Berkmar Crossing Shopping Center that will allow for regular vehicular access, but neither of those go directly to the assisted living pad site.

Ms. Mallek stated that the Lodge at Old Trail and Westminster Canterbury do not have a direct line from the road to the building for the fire engines, so the rules are evolving without the Board having any control over it, which she finds frustrating.

Mr. Randolph said that if you come in the northern entrance, a 24-foot fire vehicle may not be able to make a left-hand turn, so it is probably the road configuration that is Fire and Rescue's concern.

Ms. Mallek stated that the trucks are only 10 feet wide, and asked how wide the driveway is.

Mr. Ray said that he does not have any objection to the fire department requirements, and it makes sense to him because of the number of people who will be in the assisted living facility. He stated that because they are not able to confirm this with MFA, he did not feel it was a tenable position and thus wanted to have a backup. Mr. Ray stated that he met with Captain Gilmer and visited the site on more than one occasion, and he was happy with the solution of having the road come in via the old farm driveway along the property line with the Garden Spot, then cross over the street that comes off the main entrance to the townhomes, across the area in between a few of the proffered trees directly onto the road that goes around the Blake facility. He said he had received a phone call the previous day indicating that it might interfere with a few of the less magnificent proffered trees close to Rio Road. Mr. Ray stated that

he was not concerned about that when they drew the gravel road in, because he thought it would happen at the site plan stage, but he went back on the site and determined that there was a way for the road to weave among the proffered trees so there is no disturbance. He said that Captain Gilmer has indicated that the road only has to be eight inches of gravel and does not have to have elaborate sub-grading or anything that might damage the tree roots, and the chances of ever having a firetruck on it are extremely slim. Mr. Ray said he was not able to connect with Dave Rozine, the arborist working on the project from the beginning, but he is present at the meeting. He stated that staff has procedures it needs to follow to verify that but there has not been time to confirm it, although he is confident that it would be feasible and acceptable to staff. Mr. Ray said they designed the second access over the stormwater easement purchased six or seven years ago as a way to keep from having a lot of additional land for the second access agreement. He stated that he has let MFA know that if they cooperate with the plan, they can swap easements and provide access for their property as well, but the decision-maker has been in Antarctica doing research. Mr. Ray reiterated that they do have a backup plan that will work.

Mr. Randolph stated that the County just needs time to go through the checklist, and staff needs to have a chance to look at the emergency exit and determine that it satisfies all the Fire Marshal requirements and other stipulations.

Ms. Mallek said she would still like to ask what trees #3 and #4 are on the map, as they seem to be the ones in jeopardy, and if they are small poplars or similar, she does not really mind if they are compromised.

Ms. McKeel reviewed the plan for Scenario A, a 140-bed assisted living facility, reduced residential from 109 to 36 units, and some office included.

Ms. Mallek stated that the reason the numbers are dramatically lower is because the assisted living facility units do not count as individual residences, and there is a formula used to establish that number. She said they do not all count as individual apartments.

Ms. McKeel asked if there were any objections to the Scenario A and Scenario B application plan. There were none offered.

Ms. McKeel asked if there were comments regarding credit for former R-6 by-right units. Board members said they have covered that.

Ms. McKeel asked if there were comments regarding replacing the 7.5% affordable units and 7.5% cash with 15% cash, at the option of the owner.

Ms. Mallek said that she supports that.

Mr. Randolph noted that the Planning Commission recommended that those units be built, not cash in lieu.

Ms. Mallek stated that she does not concur with that assessment.

Ms. Palmer said the Housing representative for County staff felt that it was acceptable to do the cash. Mr. Kamptner confirmed this.

Ms. McKeel asked for input on the applicant's proposal to reduce the proffer amount to the FY17 proffer amount. Mr. Kamptner said that the amount is \$7,400 for a single-family unit.

Ms. Mallek said that was consistent with other projects they have been doing.

Ms. McKeel asked for input on credit on the FY17 proffer amount for Scenario A only.

Ms. Mallek said there was no reason to do that individually.

Ms. Palmer asked why they were reducing it to the FY17 amount. Ms. Mallek responded that all of the new projects have come through on the new amount, and none of them are at the \$19,000 level anymore.

Mr. Kamptner clarified that this project is different than Out of Bounds and some of the projects where the applicants came in and asked only to reduce the cash proffer amount without changing the project. He said the reason for the option is because Scenario A is clearly a new project, and that is the one that would likely be developed, and the question is only dealing with the portion pertaining to assisted living. Mr. Kamptner clarified that reducing the amount of Scenario A would be consistent with new projects, and retaining it for Scenario B would be consistent with projects, such as Out of Bounds, where the applicant was asking only to reduce the per-unit cash proffer.

Ms. Mallek mentioned Springhill as one such project.

Board members stated that they would not agree to the reduction in the cash proffer amount for FY17.

Ms. McKeel asked for the Board's input on the tree preservation plan for 13 trees if developed under Scenario A, and 39 trees under Scenario B, with corresponding reduction in bond.

Board members agreed to that plan.

Ms. Mallek said she would propose including a provision for the applicant to remove a few trees to get fire access without them having to come back.

Mr. Kamptner stated that the applicant would need to come back with respect to cash proffer reduction applying only to Scenario A, and that would be a revision of proffer #2.

Mr. Sheffield asked Mr. Ray and Ms. Long to comment on the reduced proffer amount. Ms. Long stated that Mr. Kamptner is correct, and regardless of Scenario A or B, the per-unit proffer amount for residential units is the new FY17 proffer amount, and the applicant feels that is fair and appropriate because no construction has started onsite. She said if the Board's decision is that the new FY17 numbers are acceptable if Scenario A is developed with the assisted living facility, the proffers would have to be changed to provide that; if the property were developed under Scenario B, the proffers go back to the \$17,500 per detached unit and \$14,000 for multi-family. Ms. Long emphasized that this is a big difference, and under Scenario B there are far more units and far greater impact on the County, and with Scenario A there are only 22 units.

Ms. Palmer responded that the Board's desire is to be consistent with past policies, and they are planning to build Scenario A anyway.

Ms. Long noted that they would have to come back to amend the proffers.

Mr. Sheffield said there is nothing to stop the applicant from coming back to the Board and ask for the proffers to be reduced, should they end up developing Scenario B. He said if they are confident they are leaning towards Scenario A, there is no real loss here, and it is possible that policy and precedent may change in the future for Scenario B.

Mr. Ray emphasized that time is very important to them at this point, and they hope to get approval of the rezoning tonight because Mr. Yarborough's construction loan is contingent upon all the entitlements being in place, and having to come back to amend the proffer would mean the rezoning would not be formalized until they return.

Mr. Sheffield noted that the applicant would have to come back with their amended proffer under Item 4B.

Ms. Mallek stated that if the Board approves it tonight, it would not be an issue.

Ms. Echols pointed out that this was not consistent with previous decisions.

Mr. Kamptner stated that it could come back as early as March 1.

Ms. Palmer noted that there was a meeting on February 17.

Mr. Kamptner said the amendment to the proffer triggers the requirement for two published advertisements in the paper, which is what applies to every rezoning, as required by state law.

Ms. Mallek mentioned that the applicant would make it more restrictive by deleting line B in their submitted proffer.

Mr. Sheffield stated that he thought they could reject an aspect of proffers.

Mr. Kamptner said that the tree proffer does not distinguish between Scenario A and B. He clarified that the advertisements would run February 13 and 20 to be heard on March 1.

Mr. Sheffield stated that they are voting on something that could be interpreted differently, even though the applicant is leaning toward Scenario A, and he deferred to Mr. Kamptner's legal opinion on their decision and its impact, particularly in terms of precedent for other developers requesting proffers to be reduced because they have not started construction. Mr. Kamptner pointed out that the amendment is different than the project the Board had considered earlier, Foothills Daily, because there is a material effect on how impacts are being addressed.

Mr. Sheffield asked if this was different than the developer of Hollymead coming to the Board to reduce their cash proffer. Mr. Kamptner confirmed that it was, stating that it went through the public hearing process and if a middle ground had been reached, it would have needed to come back to a later meeting that was advertised.

Mr. Sheffield asked if agreeing to this, trusting that the applicant would not be going to Scenario B, would not set enough precedent for other developers to request proffers to be reduced. Mr. Kamptner said they are essentially saying no to Scenario B but yes to Scenario A, which is really the new use.

Mr. Sheffield pointed out that saying no to Scenario B means the applicant has to wait until March 1, which may affect his timing.

Mr. Kamptner said that saying yes to Scenario B is arguably precedent setting, although it is likely

not too distinguishable from Springhill, speaking only if the project develops with 109 residential units with the office space.

Ms. Palmer asked if the applicant could go ahead with Scenario A, including the proffer, if the Board denied Scenario B altogether. Mr. Kamptner responded that this might be a workaround because Scenario B is shown in the application plan, and although the proffer does refer to that scenario, it would just become annulled if Scenario A alone is approved.

Ms. McKeel said that if it did not work, the applicant could come back again.

Ms. Long stated that the applicant is grateful for the time the Board is spending on this issue, and said that the option is probably workable, but she feels this is the same idea as the Foothills, because the change in proffers made was to reduce the credit from \$4 million to \$1.2 million, which was a cost to the developer. She said that similarly with this application, amending the proffers to say that under Scenario B the applicant would pay the higher proffers, they would also be giving up something. Ms. Long emphasized that it is not a more intensive use, but is a change in how impacts are mitigated, and she wonders if it is any different from how the Foothills project changed the way its impacts were mitigated.

Mr. Kamptner stated the distinction is that with Foothills, even though the number was changed in proffer #8, there was no material change in how impacts were being addressed because the in-kind contribution was so significant in that case. He said in this case, there is a pretty significant difference in how impacts are being addressed if Scenario B is being developed.

Mr. Sheffield said he is comfortable that approving Scenario A would nullify Scenario B and the associated proffer causing concern, leaving just the emergency access location to be addressed.

Ms. Long stated that the applicant would be amenable to this.

Ms. Mallek said there is essentially a double process to preserve some legitimacy to Scenario B in its entirety, not modified, and asked if that could be reverted to, as the applicant has already spent the application fee twice on this and stayed with it through the recession.

Mr. Kamptner said that holding onto Scenario B puts them right back where they were, and explained that tonight they can approve it as submitted, approve it with the reduced cash proffers as proposed, or approve just Scenario A so the portions of the proffer statement pertaining to Scenario B become null.

Mr. Dave Rozine addressed the Board and said the two trees proffered that are impacted by the road not making the curve are an 18-inch walnut and a 14-inch cedar, and the other trees in that area include a 12-inch American holly, a 20-inch red oak, a 14-inch red oak, an 18-inch white oak, and a 33-inch red oak, all of which are far superior trees.

Ms. Palmer stated that she understands the importance of following the standard process, and the applicant would only have to come back for a public hearing if there is a major change in the proffer. Mr. Kamptner responded that if it materially alters the project, they would need to come back, and the trees are in the proffers.

Mr. Sheffield said if the Board approves this tonight, the applicant still has to submit a site plan, staff and the fire department still have to sign off on the access road, and if it violates the proffers, the applicant has no choice but to come back to the Board, there are no exceptions.

Mr. Kamptner stated that he would be comfortable in saying that striking the trees would not materially affect the overall project, and said he would give Mr. Ray the proffers so he could strike through the trees.

Mr. Newberry asked if there was a way to provide some additional flexibility, because no one on County staff, including Fire and Rescue, have looked at this, so they are not sure what change may be necessary. He emphasized that there would be tremendous pressure on staff to figure out a way to make things work, when the only alternative is to come back for a proffer amendment.

Ms. Mallek stated that there is no equivalency between a 20-inch white oak and the trees as described, so if Captain Gilmer was onsite and approved this, then that should be enough to make sure it was going to work.

Ms. Palmer said that is not what she heard in the staff report.

Mr. Rozine clarified that it started out with 3 and 4 A being in the way, so Mr. Ray went out and worked around those.

Mr. Sheffield said that the dashed line is what Mr. Ray measured, and the hatched line is what the fire department signed off on.

Mr. Rozine added that the fire department actually likes for those two trees to be gone.

Mr. Sheffield noted that this falls on the applicant, and it may require him coming back if he cannot make it work.

Ms. Palmer stated that staff is indicating there is pressure on them to make it work.

Mr. Sheffield said the pressure is really on Mr. Ray to make it work, and he has the option to allow the Board to defer it, which would be March 1, or they move forward now and the pressure is on him to make it work. He added that if it does not work, he comes back.

Mr. Ray stated that he paid the fee for a code modification request through fire services, and that was after he visited the site with Captain Gilmer, and the original site was the one staff was concerned would affect the two trees, and Captain Gilmer signed the code modification request and accepted the fee based on the original drawing, which they can now go back to.

Ms. Echols stated that Captain Gilmer is only one of the reviewers, and there is other engineering staff that needs to look at this, and she is not comfortable saying that because Captain Gilmer feels this is good, the engineers would concur.

Mr. Ray clarified that he is not suggesting that the rest of staff look at it and approve it, he is suggesting that he has gone through the formal process with the fire department.

Ms. Palmer asked what would happen if they got a chance to look at this and passed it on February 14 instead of tonight. Mr. Ray responded that he would like to avoid that, if possible, as the timeline is extremely important, primarily because of the assisted living facility.

Ms. McKeel stated that they would amend the code of development to allow flexibility as to where various uses may be located.

Mr. Randolph said this was consistent with code.

Mr. Newberry noted that under the existing zoning approval, there is a code of development.

Ms. McKeel asked about the exclusion of department stores, fast food restaurants, indoor theaters, and outdoor amphitheaters. Mr. Newberry said that those particular uses were felt to be out of character with the development.

Ms. Mallek stated that she did not know why the Planning Commission was going out of its way to ban specific uses, and anything happening within the interior of the assisted living development should be up to the facility.

Mr. Sheffield then **moved** to adopt the proposed ordinance to approve ZMA-2016-00015 as presented, with the proffers as modified. Ms. Mallek **seconded** the motion.

Mr. Ray thanked the Board for their time and effort.

Mr. Yarborough also thanked the Board.

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

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

NAYS: None.

ORDINANCE NO. 17-A(4)
ZMA 2016-00015 OAKLEIGH

**AN ORDINANCE TO AMEND THE APPLICATION PLAN,
CODE OF DEVELOPMENT, AND PROFFERS APPROVED WITH
ZMA 2016-00015 FOR TAX MAP PARCEL NUMBER 04500-00-00-026A0**

WHEREAS, the application to amend the application plan, code of development, and proffers that were approved with ZMA 2007-00004 for Tax Map Parcel Number 04500-00-00-026A0 (the "Property") is identified as ZMA 2016-00015, Oakleigh ("ZMA 2016-15"); and

WHEREAS, ZMA 2016-15 proposes to amend the application plan, code of development, and proffers that were approved with ZMA 2007-00004 to permit the construction of a 140-bed assisted living facility on the rear half of the site and to revise the uses permitted on the Property, or to develop according to the existing application plan with a revised code of development to revise the uses permitted on the Property; and

WHEREAS, staff recommended approval of ZMA 2016-15 provided that revisions were made to the application plan and the proffers; and

WHEREAS, the Planning Commission held a duly noticed public hearing on ZMA 2016-15 on December 6, 2016, and recommended approval, conditioned on the applicant making the staff-recommended revisions; and

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

proffers, and provided written justification for those two unrevised items on December 19, 2016; and

WHEREAS, on February 8, 2017, the Albemarle County Board of Supervisors held a duly noticed public hearing on ZMA 2016-15.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the staff report prepared for ZMA 2016-15 and its attachments, including the application plan and code of development dated June 30, 2016 and last revised on December 16, 2016, and the proffers dated January 30, 2017, the information presented at the public hearing, the material and relevant factors in County Code § 18-33.6, Virginia Code § 15.2-2284, and for the purposes of public necessity, convenience, general welfare and good zoning practices, the Board hereby approves ZMA 2016-15, with the application plan and code of development dated June 30, 2016 and last revised on December 16, 2016, both as amended February 8, 2017 to approve only Scenario A, and the proffers dated January 30, 2017, with amendments to Proffer 3 as stated in the Proffer Statement.

**PROFFER STATEMENT
OAKLEIGH AMENDMENT**

Date: January 30, 2017
ZMA#: 2016-00015 Oakleigh Amendment #1
Tax Map Parcel #: 04500-00-00-026A0

**8.8 acres to be rezoned from Neighborhood Model Development (“NMD”)
to NMD to amend proffers**

Oakleigh Albemarle LLC, a Virginia limited liability company, is the fee simple owner (the “Owner”) of Tax Map 45, Parcel 26A (the “Property”) which is the subject of the zoning map amendment application #ZMA-2016-00015 known as “Oakleigh.” The Applicant for Oakleigh is Oakleigh Albemarle LLC, a Virginia limited liability company. The Oakleigh community is herein referred to as the “Project.”

Pursuant to Section 33.3 of the Albemarle County Zoning Ordinance, Owner hereby voluntarily proffers the conditions listed in this Proffer Statement, which shall be applied to the Property if the rezoning is approved by Albemarle County. These conditions are proffered as part of the rezoning and it is agreed that the conditions are reasonable. This proffer statement shall supersede and replace in all respects the proffer statement approved by the Board of Supervisors in connection with ZMA-2007-00004.

1. Affordable Housing.

A. 15% Affordable Requirement. The Owner shall provide Affordable Dwelling Units (as defined herein) equal to fifteen percent (15%) of the total residential dwelling units within the Project that is in excess of the number of units that were allowed by right under the zoning that was in existence prior to the approval of ZMA 2007-0004, an equivalent cash in lieu payment, or a combination thereof (the “15% Affordable Housing Requirement”), as more particularly described in paragraphs 1B and 1C below. Prior to the approval of ZMA 200700004, the property was zoned R-6 Residential, and thus had by-right development yield of 52 dwelling units. Therefore, the cash contribution for compliance with the 15% Affordable Housing Requirement shall begin after a certificate of occupancy for the 52nd dwelling unit within the Project is issued and prior to the Owner obtaining a certificate of occupancy for the 53rd dwelling unit within the Project.

B. Construction of Affordable Dwelling Units. If there are more than 52 dwelling units within the Project such that the 15% Affordable Housing Requirement is applicable, the Owner or its successors in interest reserves the right to meet the affordable housing objective through a variety of housing types, including but not limited to, for-sale units, rental units, and accessory units (“Affordable Dwelling Units” or “Affordable Units”).

i. For-Sale Affordable Dwelling Units. All purchasers of the For-Sale Affordable Dwelling Units (as defined below), shall be approved by the Albemarle County Housing Office or its designee. “For-Sale Affordable Dwelling Units” shall be dwelling units offered for sale at prices for which households with incomes less than eighty percent (80%) of the area median income may qualify, and shall not exceed sixty-five percent (65%) of VHDA’s Maximum Sales Price for first-time homebuyers. The Owners shall provide the County or its designee a period of one hundred twenty (120) days to identify and prequalify eligible purchaser(s) of For-Sale Affordable Dwelling Units. The one hundred and twenty (120) day period shall commence upon written notice from the Owner that the unit(s) shall be available for sale. This notice shall not be given more than ninety (90) days prior to receipt of the Certificate of Occupancy for the applicable For-Sale Affordable Dwelling Units; the County or its designee may then have thirty (30) days within which to provide qualified purchaser(s) for such For-Sale Affordable Housing Units. If the County or its designee does not provide qualified purchaser(s) during the one hundred twenty (120) day period, the Owner shall have the right to sell the unit(s) without any restriction on sales price or income of the purchaser(s).

ii. For-Rent Affordable Dwelling Units.

(1) Rental Rates. The initial net rent for each rental housing unit for which Owner seeks qualification for the purposes of this Proffer 1, (“For-Rent Affordable

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

- (2) Conveyance of Interest. All deeds conveying any interest in the For-Rent Affordable Dwelling Units during the Affordable Term shall contain language reciting that such unit is subject to the terms of paragraph 1B. In addition, all contracts pertaining to a conveyance of any For-Rent Affordable Dwelling Unit, or any part thereof, during the Affordable Term shall contain a complete and full disclosure of the restrictions and controls established by this paragraph 1B. At least thirty (30) days prior to the conveyance of any interest in any For-Rent Affordable Dwelling Unit during the Affordable Term, the then-current Owner shall notify the County in writing of the conveyance and provide the name, address and telephone number of the potential grantee, and state that the requirements of this paragraph 1B(ii)(2) have been satisfied.
- (3) Reporting Rental Rates. During the Affordable Term, within thirty (30) days of each rental or lease term for each For-Rent Affordable Dwelling Unit, the then-current Owner shall provide to the Albemarle County Housing Office a copy of the rental or lease agreement for each such unit rented that shows the rental rate for such unit and the term of the rental or lease agreement. In addition, during the Affordable Term, the then-current Owner shall provide to the County, if requested, any reports, copies of rental or lease agreements, or other data pertaining to rental rates as the County may reasonably require.

C. Cash Proffer For Affordable Housing Requirement. If there are more than 52 dwelling units within the Project such that the 15% Affordable Housing Requirement is applicable, then the Owner may elect to make a cash contribution to Albemarle County for all or a portion of the 15% Affordable Housing Requirement in the amount of Twenty-three Thousand, Eight Hundred and Five Dollars and 30/Cents (\$23,805.30) for each such unit(s) (the “Affordable Housing Cash Proffer”) in lieu of constructing Affordable Dwelling Units as detailed in paragraph 1B. Any unit for which the Affordable Housing Cash Proffer is contributed as provided herein shall count as an Affordable Dwelling Unit for purposes of this Paragraph 1 and 2 below.

2. Cash Proffer.

A. The Owner shall contribute cash to the County in the following amounts for each dwelling unit constructed within the Property that is not an Affordable Dwelling Unit (a “Market Rate Unit”), and that is in excess of the number of units that were allowed by right under the zoning that was in existence prior to the approval of ZMA 2007-0004. Prior to the approval of ZMA 2007-0004, the property was zoned R-6 Residential, and thus had by-right development yield of 52 dwelling units. Therefore, the cash contribution for Market Rate Units shall begin after a certificate of occupancy for the 52nd dwelling unit within the Project is issued and prior to the Owner obtaining a certificate of occupancy for the 53rd dwelling unit within the Project. The cash contributions shall be used to address the fiscal impacts of development on the County’s public facilities and infrastructure (i.e., schools, public safety, libraries, parks and transportation) identified in the County’s Capital Improvements Program. The cash contributions shall be paid in the following amounts:

- (i). Seven Thousand Three Hundred and Thirty-Three and 18/100s Dollars (\$7,333.18) for each single-family detached dwelling unit that is not an Affordable Dwelling Unit.
- (ii). Five Thousand Four Hundred and Forty-Seven and 57/100s Dollars (\$5,447.57) for each single family attached dwelling unit that is not an Affordable Dwelling Unit.
- (iii). Seven Thousand Four Hundred and Nineteen and 91/100s Dollars (\$7,419.91) for each multifamily dwelling unit that is not an Affordable Dwelling Unit.
- (iv). Zero Dollars (\$0.00) for each Affordable Dwelling Unit.

B. Annual Adjustment of Cash Proffers. Beginning January 1 of each year following the approval of this rezoning, the amount of each cash contribution required herein shall be adjusted annually until paid, to reflect any increase or decrease for the preceding calendar year in the Comparative Cost Multiplier, Regional City Average, Southeast Average, Category C: Masonry Bearing Walls issued by Marshall Valuation Service (a/k/a Marshall & Swift) (the “Index”) or the most applicable Marshall & Swift index determined by the County if publication of the specific index referenced herein is discontinued. In no event shall any cash contribution amount be adjusted to a sum less than the amount initially

established by these proffers. The annual adjustment shall be made by multiplying the proffered cash contribution amount for the preceding year by a fraction, the numerator of which shall be the Index as of December 1 in the proceeding calendar year, and the denominator of which shall be the Index as of December 1 in the year preceding the calendar year most recently ended (the "Annual Percentage Change").

3. **Tree Preservation.**

A. If the Project is to be developed as per Scenario A of the Application Plan, as part of the final site plan for the Project, the Owner will submit a tree preservation plan (the "Scenario A Tree Plan") for thirteen (13) trees within the Project, as shown on the Application Plan, which specifies tree protection methods and procedures, including fertilizing, tree protection fencing, mulching, and site construction activities which shall be complied with during and after development of the Project. Prior to the final site plan approval, the Owner shall submit a bond or other form of surety in the total amount of Thirteen Thousand Dollars and No/Cents (\$13,000.00). The bond or surety shall be submitted to guaranty the replacement of those trees which are numbered 1, 1A, 2, 3, 4, 4A, 5, 7, 8, 9, 30, 31, and 32 on the Application Plan (the "Scenario A Bonded Trees") in the event that any of the Scenario A Bonded Trees die within a period of five (5) years after issuance of the last Certificate of Occupancy within the Project. The bond or other surety shall be in a form acceptable to the County Attorney.

B. If the Project is to be developed as per Scenario B of the Application Plan, the Owner will submit as part of the Code of Development for Oakleigh Farm a tree protection plan (the "Scenario B Tree Plan") for thirty-nine (39) trees within the Project, as shown on the Application Plan, which specifies tree protection methods and procedures, including fertilizing, tree protection fencing and mulching which shall be complied with during and after development of the Project. Prior to the final site plan approval, the Owner shall submit a bond or other form of surety in the total amount of Twenty-Nine Thousand Dollars (\$29,000). The bond or surety shall be submitted to guaranty the replacement of those trees which are numbered 1, 1A, 2, 3, 4, 4A, 5, 6, 7, 8, 9, 10, 14, 16, 17, 19, 20, 21, 22, 24, 25, 27A, 30, 31, 32, 35, 38, 38A, and 44D on the Application Plan (the "Scenario B Bonded Trees") in the event that any of the Scenario B Bonded Trees die within a period of five (5) years after issuance of the last residential Certificate of Occupancy within the Project. The bond or other surety shall be in a form acceptable to the County Engineer and the County Attorney.

4. **Pedestrian Easement.** The Declaration of Covenants and Restrictions for the Project shall contain a provision which grants a public right of pedestrian access over all sidewalks within the Project. This right shall be in perpetuity and the Declaration shall name the County of Albemarle, Virginia as a third-party beneficiary with the express right to enforce the provisions of such public right of access.

5. **Erosion and Sediment Control.** The Owner shall, to the maximum extent practicable as determined by the County's Program Authority, provide additional erosion and sediment controls to achieve a sediment removal rate of eighty percent (80%) for the Property. (As a reference, current regulatory structural measures achieve a 60% optimal removal rate.)

WITNESS the following duly authorized signature:

Owner:
OAKLEIGH ALBEMARLE LLC,
A Virginia Limited Liability Company
By _____
Printed Name _____
Title _____

Agenda Item No. 20. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. Mallek said that she and a Planning Commissioner had met with a constituent who was very interested in the idea of small houses with small lots in walkable neighborhoods, and asked if people were interested in having him come and share the idea with the Board, as it would require changes in bulk regulations for minimum lot size.

Board members agreed to get more information, but not to invest staff time at this point, and agreed that a joint work session with the Commission was the best approach.

Agenda Item No. 21. From the County Executive: Report on Matters Not Listed on the Agenda.

There was none.

Agenda Item No. 22. Adjourn to February 14, 2017, 10:00 a.m., TJPDC Water Street.

At 8:09 p.m., Ms. McKeel **moved** to adjourn to February 14, 2017 at 10:00 a.m. at the TJPDC office on Water Street for the "Share the Love" event. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

Chairman

Approved by Board
Date 07/12/2017
Initials CKB