

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on September 7, 2005, at 9:00 a.m., Room 241, County Office Building, McIntire Road, Charlottesville, Virginia.

PRESENT: Mr. David P. Bowerman, Mr. Kenneth C. Boyd, Mr. Lindsay G. Dorrier, Jr., Mr. Dennis S. Rooker, Ms. Sally H. Thomas and Mr. David C. Wyant.

ABSENT: None.

OFFICERS PRESENT: County Executive, Robert W. Tucker, Jr., County Attorney, Larry W. Davis, Director of Community Development, Mark Graham; Director of Planning, V. Wayne Cilimberg, and Senior Deputy Clerk, Debi Moyers.

Agenda Item No. 1. The meeting was called to order at 9:00 a.m., by the Chairman, Mr. Rooker.

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

Agenda Item No. 4. Other Matters Not Listed on the Agenda from the Public.

Mr. David Blount, TJPDC Legislative Liaison, addressed the Board, reported on the development of the regional legislative program. He said that staff had already provided input, and asked Board members to get additional comments to him over the next couple weeks. Mr. Blount explained that the program is composed of action priority items for legislative consideration, such as transportation, education, CSA, and land use, as well as areas of ongoing concern and locally requested items. He mentioned that he does not see a lot of changes in the program this year, perhaps just some reprioritization and transportation being the number one priority in the state this year, including its link to land use planning. Mr. Blount noted that it is a "re-benchmarking" year for the state, requiring updating the SOQ at a cost of \$1.2 billion. He pointed out that the CSA was not addressed with any additional dollars last year, although there was a locally initiated effort that helped gain a little bit of lost ground in administrative costs.

Mr. Blount reported that there is contemplation for a new "revenue-raising authority" related to real estate property assessments and the car tax reimbursement issue, as well as opposition of cost-shifting to localities. He stated that he tries to get a draft of the program done by late September, and is planning to present it to the Board in October, with approval sought in November. Mr. Blount concluded by stating that the legislative lunch would be held the Monday before Thanksgiving, and new offices shown at that time.

Ms. Thomas commented that there has not been anything in the legislative packet for Chesapeake Bay cleanup funding, and suggested that Board members discuss how to request this funding.

Mr. Blount acknowledged that environmental issues have always been a "potpourri" on the legislative agenda.

Mr. Charlie Trachta addressed the Board, as a resident of Woodbrook. He said that Albemarle claims it is planning for the future through development, and asked why the development community is not helping with the problems associated with growth, such as police and rescue as well as roads and schools. He noted that Albemarle officials came up with the idea of placing Mallside, Rio Hill, and Squire Hill all in the same area, ignoring citizen anxieties. Mr. Trachta stated that crime is up in Raintree, in Woodbrook, and in Carrsbrook. The residents do not feel safe, adding that some crimes are not being reported because of how people perceive police response.

Mr. Trachta said that there is a "constant path of trash" along Berkmar, between the rear entrance of Mallside/Rio Hill and the 7-11 store at the shopping center. He noted that in his first 10 years as a resident, he had to call the police once to get a teenager to slow down driving; in the last year he has been involved with the police three times – once because of panhandlers, once to get rid of a prostitute, and once because five or six cars on his block were broken into. Their quality of life is under attack. He reported that a 13-year-old girl was terrorized on the Woodbrook schoolyard, with males ranging from age 16 to mid 20's coming to play basketball and leaving cigarette butts and trash behind. Mr. Trachta said that he had to contact the police numerous times to get a response for the 13-year-old girl incident. He added that the county needs to increase its police force.

Agenda Item No. 5. Recognitions:

a. Digital County Survey.

Mr. Rooker recognized the county's web team, noting that Albemarle has been named among the top ten most technologically advanced and cutting edge county governments in the U.S. by the Center for Digital Government and National Association of Counties in their 2005 digital county survey. He said that Albemarle is ranked 8th in the nation in utilizing information technology to deliver high-quality service to its customers and citizens. Mr. Rooker reported that based on a category of populations of 150,000 or less,

Albemarle was one of only six Virginia jurisdictions in the top 10 for various population categories. It is a pleasure to knowledge and showcase our nation's most digitally advanced county governments," said C. Robinette, Executive Director of the Center, in a written statement commending local governments for their efforts to make life easier for citizens. Mr. Rooker noted that the county's website averages over 50,000 visits each month, and 600,000 file downloads each year, and has quickly become a valuable resource for county residents and visitors.

Mr. Rooker noted that the county's web team is comprised of the webmaster, web content editor, and departmental web editors. He commended the team for creating a top 10 website, and said he looked forward to continued growth. Mr. Rooker presented Lee Catlin with a plaque of recognition for their accomplishments.

Ms. Catlin stated that the award recognizes the work of the web team, noting that from 2003 to 2004, the county saw a 24 percent increase in page views per day, a 30 percent increase in visits per day, and a 235 percent increase in file downloads. They expect that to keep growing exponentially. They are bringing on web-enabled GIS, and web-enabled CityView this year, which are going to add tremendously to the ability of the website to be able to do business with customers when and where they would like to do it. She noted that there are people who spend much of their day making sure the website is up to date, accurate, and responsive to users and their requests. Web team members stood up and were acknowledged.

b. Family Support.

Mr. Rooker next recognized the Family Support Program. He stated that the Albemarle County Department of Social Services Family Support Program has been awarded a 2005 achievement award from the Virginia Association of Counties, which recognizes exemplary local government programs. He noted that the VaCo achievement award is a competitive program open to all local government members of the association. Held annually, Mr. Rooker said, it recognizes local government programs in nine categories, with awards criteria including innovation, collaboration, and model practices. He noted that Family Support was one of 10 local programs to receive recognition from VaCo, which received 43 entries from 18 counties. Mr. Rooker mentioned that the program received recognition because of its collaborative nature and its ability to be replicated by other counties. He said that the program focuses on preventive measures that help families succeed so that they do not need mandatory social services such as foster care later on.

Mr. Rooker pointed out that in its entry for the competition, Family Support described itself as "a prevention and early intervention program that supports children's growth and development, strengthens family alliances, and promotes school success through home, school, and community collaboration." He mentioned that four of the program's workers are stationed in 11 of the county's 16 elementary schools, with Walton Middle School added last year, and Burley Middle School added this year. Mr. Rooker said that the Family Support program is a bridge between schools and families, and having consistent and motivated staff members helps foster trust with both groups. He commended the Department of Social Services managers and Family Support staff for creating and running a program with such broad and long-term benefits to families in our community, and congratulated them on the recognition.

Ms. Roxanne White spoke, and thanked Kathy Ralston for her work to bring the program on board. Ms. White said that VaCo recognized the values of innovation and stewardship, which are reflected in Kathy's work and the overall program. She reported that the program has brought in \$4.4 million in outside money to fund the program, with a contribution of almost \$700,000 in local funds, an 84 percent return on investment. Ms. White thanked Family Support workers, noting that they have shown commitment to the families despite pay cuts and job uncertainty. She also thanked the school leadership for fostering this collaborative program, and the Board for their financial support from local funds. Ms. White recognized Charity Haines, Program Director, and John Freeman, Social Services Director.

Mr. Freeman thanked everyone for the recognition, stating that he is very pleased this program can be operated in the county. He said that the prevention and early intervention aspect of the program makes it different from a lot of departments. Ms. Haines thanked the Board for their support, and asked the Family Support program staff to stand. The staff was applauded.

Agenda Item No. 6. Consent Agenda. **Motion** was offered by Ms. Thomas, **seconded** by Mr. Wyant to approve Items 6.1 (as noted) through 6.8 and Item 6.15, and to accept Items 6.9 through 6.16 for information (Item 6.15 was approved as an action item). Roll was called, and the motion carried by the following recorded vote:

AYES: Mr. Dorrier, Mr. Rooker, Ms. Thomas, Mr. Wyant, Mr. Bowerman and Mr. Boyd.
NAYS: None.

Item 6.1. Approval of Minutes: September 1 and October 6, 2004; April 6, April 18(A) and April 21, 2005.

Mr. Rooker had read October 6, 2004, Pages 1-20 (end @ Item #9) and found them to be in order as presented.

Mr. Dorrier had read October 6, 2004, Pages 40 (Item #15) – 60 (end @ Item #26) and found them to be in order as presented.

Ms. Thomas had read October 6, 2004, pages 60 (Item #26) – end and found them to be in order as presented.

Mr. Wyant had read September 1, 2004, Pages 1 – 50, and April 21A, 2005 and found them to be in order with a couple of typographical corrections.

By the recorded vote set out above, the minutes which had been read were approved. The remaining minutes will be placed on the next agenda.

Item 6.2. Adopt Resolution requesting VDOT to designate Route 640 (Gilbert Station Road) from Route 784 to Route 1094 (Ashleigh Way) as Rural Rustic Road.

By the recorded vote set out above, the Board adopted the following resolution:

RESOLUTION

WHEREAS, during the 2002 session of the General Assembly, legislation was passed to revise §33.1-70.1 of the Code of Virginia, to allow for the improvement and hard surfacing of certain unpaved roads deemed to qualify for and be designated a Rural Rustic Road; and

WHEREAS, such roads must be located in a low-density development area and have a minimum of fifty (50) vehicles per day (vpd), and have no more than five hundred (500) vpd; and

WHEREAS, this Board is unaware of pending development that will significantly affect the existing traffic on the road; and

WHEREAS, the citizens that utilize this road have been aware of this road being paved with minimal improvements; and

WHEREAS, this Board believes Route 640 – Gilbert Station Road should be designated a Rural Rustic Road, from Route 784 to Route 1094 (Ashleigh Way) a distance of approximately 0.65 miles owing to its qualifying characteristics; and

WHEREAS, the aforesaid road is in this Board's six-year plan for improvements to its secondary system of state highways:

NOW, THEREFORE, BE IT RESOLVED, this Board hereby designates and requests VDOT's Resident Engineer to concur in the aforesaid road as a Rural Rustic Road; and

BE IT FURTHER RESOLVED, this Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state; and

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

Item 6.3. Revision to Personnel Policy – P-83 "Military Leave".

The Executive Summary states that the Human Resources Department, assisted by the County Attorney's Office, has been reviewing the County's Personnel Policy Manual in order to update existing policies in a number of areas. At this point, staff is proposing revisions to personnel policy P-83, Military Leave.

Staff is proposing several changes to the County's military leave policy and procedures. First, staff is proposing that the Board agree to extend the supplemental pay period from 9 to 24 months. Current policy provides that an employee on active military duty may receive supplemental pay from the County (supplementing the employee's military pay to the amount equal to the County salary in effect at the time the employee begins military service, if the military pay is less) for up to 9 months. The proposed change allows for this pay supplement for up to 24 months of active duty. The purpose behind this proposed change is to ensure that employees called to military service are not penalized in the event that their military pay is less than their County salary. In view of the increased length of military terms of duty related to the Iraqi conflict, a number of localities have adopted similar supplemental pay policies in order to support and assist employees who are called upon to serve in the military. The supplemental pay would be capped at a maximum of two years in duration for each eligible employee.

Staff wishes to emphasize that the County is not required by state or federal law to continue to pay employees called to military service (beyond the initial 15-day statutory period) or to supplement the military pay received by such employees, but believes that in view of the length of service and sacrifices made by members of the military and their families, the proposed policy is worthwhile and recommended. Finally, the supplement would only apply in those situations where the military pay received by the

employee is less than the employee's County salary. If the military pay is equal to or greater than the employee's County salary, no supplement would be paid.

The second proposed change involves the duration of health care coverage for employees who are called to military service. The federal Uniformed Services Employment and Reemployment Act (USERRA), which is the federal law governing employment rights of military service members, was recently amended in important respects governing health care coverage. Under the previous version of the USERRA, employees who were called to active duty had the option to extend coverage from their employer-sponsored health care plan for up to 18 months under COBRA. The USERRA was amended to increase available coverage to 24 months under a COBRA-like option. While federal law does not require an employer to continue to contribute its share of the costs of coverage during this period, the County has elected to do so for the 18 month period, as reflected in current policy. The proposed revision would increase the 18 month period to 24 months of employer contribution. This policy change is motivated by the same principles underlying the proposal to pay supplemental pay to employees serving in the military – i.e., the County should continue to support its employees who are called upon to sacrifice during this period and should ensure that, to the maximum extent possible, such employees and their families do not suffer financially while they are away from County service in the military.

In the case of employees who voluntarily enlist in the armed forces, federal law provides that reemployment rights exist for up to five (5) years while serving in the military. However, once the initial 15-day paid leave period and any other applicable paid leave expire, an employee who has voluntarily enlisted would be placed on unpaid leave and would not be entitled to receive any supplementary paid leave from the County for the duration of military service.

The additional supplemental pay will have minimal fiscal impact for the County. We rarely are required to supplement pay, as most employees on military leave earn more from the military than they do from the County. In addition, the military provides the employees with health care so they rarely choose to stay on the County's health plans during deployment. However, as most reservists are deployed longer than the current 9 months we allow for supplemental pay, we recommend allowing the supplement for their length of duty, up to 2 years, and recommend increasing the health contribution limit up to the same 2 years. Although very few require either the supplemental pay or the health care contribution, when they do need them, it seems appropriate to offer it for the length of duty, up to 2 years.

Staff recommends adoption of the attached Resolution, which will approve the proposed changes to Personnel Policy P-83.

By the recorded vote set out above, the Board adopted the following resolution.

RESOLUTION

WHEREAS, the County of Albemarle Personnel Policy Manual has been adopted by the Board of Supervisors; and

WHEREAS, the Board of Supervisors finds that an amendment to Personnel Policy P-83, Military Leave, is appropriate to address benefits to County employees serving in the military.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of Albemarle County, Virginia, hereby amends the following section of the County of Albemarle Personnel Policy Manual:

By Amending:
Section P-83 Military Leave.

§P-83 **MILITARY LEAVE**

- 1. Military Leave with Pay** - Upon presentation of a copy of final orders or other equivalent notice, regular employee who is a member of an officially-recognized reserve or National Guard unit shall be entitled to 15 work days of military leave for training purposes or active duty per federal fiscal year (October 1 – September 30). During this 15-day period, the employee shall be considered on military leave with pay and shall accordingly be paid his or her full gross salary for regularly scheduled work hours during this period.
- 2. Advance Notice** – An employee who is leaving to perform military service shall provide advance written notice to his immediate supervisor (including the best approximation of the expected dates of the leave), unless it would be unreasonable to provide notice at that time or he is precluded by military necessity from providing notice. When available, employees shall provide a copy of their military orders to their supervisor.
- 3. Military Leave without Pay for Reservist Called to Active Duty** – An employee who is called to active duty may be placed on military leave without pay when paid military leave under section 1 above is exhausted.
- 4. Voluntary Enlistment in the Uniformed Services of the United States** – Employees who voluntarily enlist in the uniformed services shall be placed on leave without pay for up to five (5) years while serving in the uniformed services. The leave without pay shall commence after the 15-day military leave with pay and any other applicable leave has been utilized.

5. **Supplemental Pay** – For all employees involuntary recalled to active military duty, the County, after the expiration of 15 workdays of military leave with pay, shall supplement the employee's pay in an amount necessary to bring the gross monthly salary, inclusive of the base military pay, to the gross salary earned for regularly scheduled work hours at the time of recall to federally funded military duty. An employee is entitled to receive a maximum total of two years of supplemental pay while employed by the County. Employees who are receiving supplemental pay under this provision shall be considered on military leave without pay for purposes of benefits under section 7 of this policy. Upon exhaustion of supplemental pay, however, an employee may utilize accrued annual leave to cover periods of military leave upon the request of the employee.

6. **Reemployment** – Any employee whose absence from employment with the County is necessitated by reason of military service in the uniformed services shall be entitled to all reemployment rights and benefits as set forth in the federal Uniformed Services Employment and Reemployment Rights Act and other applicable federal or state laws.

In accordance with the time frames and requirements established by federal law, employees shall promptly return to employment after military service is completed. The period an individual has to report back to work or notify the employer of his intent to return to work after military service shall be based on time spent on military duty. For service of less than 31 days, the employee/service member must return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an eight-hour rest period. For service of more than 30 days but less than 181 days, the employee/service member must either return to work or submit notice of intent to return to work within 14 days of release from service. For service of more than 180 days, the employee/service member must either return to work or submit notice of intent to return to work within 90 days of release from service.

Returning employees shall be required to provide documentation to the County from their respective military commands that indicate a release from this period of active duty and that the service was performed under honorable conditions.

7. **Benefits** - During military leave with pay, the employee will continue to accrue seniority, annual leave, sick leave, life insurance and VRS contributions that may be applicable during regular employment. Employees who are on military leave without pay (including employees who are receiving supplemental pay under section 5 of this policy) will continue to accrue seniority but not annual leave, sick leave, life insurance or VRS contributions.

During the period of active duty military service, an employee's health insurance coverage may continue with no change in coverage from what the employee has during regular employment for a period of up to 24 months.

An employee who is involuntarily recalled to active military service may request the County to pay the employer portion of the applicable health care premium for the lesser of 24 months or the day after the date on which the person fails to apply for or return to a position of employment with the County as required by federal law. The employee shall continue to pay the remainder of the cost of employee coverage and the cost of any dependent coverage. The County will assist the returning employee with applying to VRS for retirement benefits that may have been earned while on active military duty.

Legal References: Virginia Code § 44-93. Leaves of absence for employees of the Commonwealth and political subdivisions.

38 U.S.C. §§ 4301-4333. Employment and Reemployment Rights of Members of the Uniformed Services.

Amended: August 4, 1993; July 3, 2002; September 7, 2005

Item 6.4. Resolution to Establish Policy for consideration of requests for Tax Exempt Status by Designation.

The executive summary states that on August 3, 2005, the Board of Supervisors considered a request by Martha Jefferson Hospital to designate its property as tax-exempt. In the discussion the Board reaffirmed its policy previously adopted by Resolution on December 6, 1995 that provided that property of qualifying entities should be granted tax-exempt status only if there are compelling circumstances to do so. The Board requested that a Resolution be prepared to update and reaffirm the policy in light of the changes in the law regarding how tax-exempt status can be granted.

On December 6, 1995, the Albemarle County Board of Supervisors adopted a resolution to establish a policy against recommending to the General Assembly future tax exemptions by designation. The rationale was that instead of permanently reducing the tax base by creating tax-exempt property, qualifying nonprofits could participate in the annual budget process and be considered for annual appropriations instead of paying no property taxes. That process provided greater accountability to the County and the public by those nonprofits seeking public support instead of providing them perpetual tax relief.

A state Constitutional amendment, effective January 1, 2003, shifted the authority for granting property tax exemptions from the General Assembly to local governing bodies. On September 1, 2004, pursuant to state law enacted to implement the Constitutional amendment, the Albemarle County Board of Supervisors adopted *Albemarle County Code* § 15-1601 and §15-1602.

Section 15-1601 readopted locally the property tax exemptions by classification that previously existed under state law.

Section 15-1602 established the procedure for the Board to grant tax exemptions by special designation pursuant to the requirements of *Virginia Code* § 58.1-3651, if it chooses to do so. Under current state law and County ordinance, the Board has the discretion as to whether or not to consider a request by a nonprofit to grant its property tax-exempt status by special designation. If the Board chooses to process the request, it can be approved only by adoption of an ordinance. Before adopting the ordinance the Board must hold a public hearing. The notice of the public hearing must include the assessed value of the property subject to the request and the amount of taxes that would be exempted by the request. In addition, the Board is required by state law to consider eight factors set forth in the *Virginia Code* relating to the nonprofit applicant.

The proposed Resolution would reaffirm the Board's policy that property will be granted tax-exempt status by designation only if there are compelling circumstances to do so. An ordinance will not be considered unless the Board found that compelling circumstances exist. The Resolution encourages qualifying entities seeking relief from property taxation to instead request County funding during the County's annual budget process in which the County will consider all factors relating to the request so that a fair and appropriate allocation of County funding, if available, can be determined on an annual basis.

This policy discourages permanently lowering the tax base by granting property perpetual tax-exempt status and encourages qualifying entities to participate in the annual budget process so that county funding can be appropriately allocated.

(Mr. Boyd stated that he is confused about this item. He asked if the Board is trying to reaffirm a prior action. Mr. Tucker replied that the Board decided at their last meeting that staff should bring this back to be reaffirmed.

Mr. Davis explained that in 1995, the Board had adopted a resolution, that basically established the same position, but because the law had changed and the forum for granting tax-exempt status has changed from the General Assembly to the Board of Supervisors, county staff recommended that the Board update the resolution to reaffirm the policy that had previously been established. At that meeting, the Board reaffirmed the policy in its discussion, and this documents that.

Mr. Boyd said it appears this resolution says in lieu of tax abatement for certain charitable organizations, the county contributes to them out of its budget, noting that there must be some organizations that get both.

Mr. Davis acknowledged that this could be the case. He said that the proposed policy states that those who do not qualify by classification (automatic) should be considered in the budget process. There is no prohibition to giving additional funds to someone who does have tax exempt status, but the preferred way for you to be fair in your allocation of funding would be to have everyone participate under the same process to evaluate the needs, evaluate the resources available, and then allocate them accordingly."

Mr. Rooker said that there are certain categories that are automatically exempt, carried over from state law. He stated that he does not know if there are any organizations that are exempt and also receive contributions, but it should be considered when they are making application.

Mr. Boyd expressed concern about how to deal with organizations that operate as both non-profit and for-profit, such as Martha Jefferson Hospital.

Mr. Rooker recalled that Martha Jefferson was brought up because their hospital operations would qualify as tax exempt, but they are not presently operating a hospital in the county even though they moved their facility to a county site with the intent of opening a hospital. He acknowledged that MJH is a non-profit organization, though. Mr. Davis confirmed their non-profit status.

Mr. Rooker emphasized that the distinction before was that the MJH activities were not hospital under the definition, as the hospital operates in the city. He added that if they move the hospital to the county that would change.

Mr. Tucker noted that the outpatient care done at Pantops does not quite meet the hospital definition, and he suggested to the MJH president that they may want to get that definition changed under state code.

Mr. Bowerman emphasized that the definition of hospital contemplates the differences.

Mr. Davis added that the only potential barrier for MJH is that under state law the facility be exclusively used as a hospital, although they could still have a cafeteria or flower shop, etc., but if they have a "substantial for-profit use" that is not a necessary component of the hospital, that could jeopardize at least in part their tax-exempt status. He does not think that will be a problem [for them], but there is that requirement.

Mr. Wyant noted that this is not adopting a policy it is just reaffirming the previously agreed-upon policy. Mr. Davis agreed, adding that the resolution basically captures the Board's previous position.)

By the recorded vote set out above, the Board adopted the following resolution.

**RESOLUTION TO ESTABLISH
POLICY FOR CONSIDERATION OF REQUESTS FOR
TAX-EXEMPT STATUS BY DESIGNATION**

WHEREAS, effective January 1, 2003, the Virginia Constitution provides that only local governments can grant property tax-exempt status by designation; and

WHEREAS, Albemarle County Code § 15-1602 was adopted to establish the procedure for considering requests for tax-exempt status by designation pursuant to Virginia Code § 58.1-3651; and

WHEREAS, Albemarle County Code § 15-1602 and applicable state law establish that the Board of Supervisors has the discretion whether or not to consider and approve a request for it to grant property tax-exempt status by special designation; and

WHEREAS, the number of requests to the Board of Supervisors for tax-exempt status is likely to increase now that the authority to grant such status to qualifying entities is purely a local decision; and

WHEREAS, many of the property owners that might qualify for tax-exempt status are already subsidized by the County through donations granted by the County in its annually adopted budget; and

WHEREAS, to be fair and orderly in its treatment of all property owners that might qualify for tax-exempt status and to fairly allocate limited tax dollars to those entities requesting tax relief or seeking County funding, the Board of Supervisors prefers that such funding decisions be made as part of the budget process rather than by grants of perpetual tax-exempt status.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Albemarle County that the Board shall not consider or adopt ordinances granting tax-exempt status by designation unless there is found to be compelling circumstances to do so.

BE IT FURTHER RESOLVED that the Board encourages all qualifying entities seeking relief from property taxation by requesting tax-exempt status to instead request County funding during the County's annual budget process in which the County will consider all factors relating to the request so that a fair and appropriate allocation of County funding, if available, can be determined on an annual basis.

Item 6.5. Requested 2005 Appropriations.

The executive summary states that the Code of Virginia §15.2-2507 stipulates that any locality may amend its budget to adjust the aggregate amount to be appropriated during the current fiscal year as shown in the currently adopted budget. However, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget or the sum of \$500,000, whichever is lesser, must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The Code section applies to all County funds, i.e., General Fund, Capital Funds, E911, School Self-Sustaining, etc.

Staff recommends approval of the FY 2005 appropriations in the amount of \$31,188.36 after the public hearing, and then approval of Appropriations #2005065, #2005066, and #2005067. A detail description of these appropriations follows.

Appropriation #2005065 \$20,600.00

V.L. Murray Elementary School has received an anonymous donation in the amount of \$600. This donation will be used to support the miscellaneous classroom needs in the school.

Western Albemarle High School received an anonymous donation in the amount of \$20,000. This donation will be used for the WAHS baseball locker room facility.

Appropriation #2005066 \$4,588.36

Each year AP exams are administered and the State reimburses individual schools a specific amount for economically disadvantaged students. These fees have been paid by each school and the State is reimbursing them.

The Albemarle County Public Schools Enhancing Education Through Technology (Ed Tech) Subgrant for FY04/05 has been fully expended. There is a fund balance in the amount of \$2,924.36. This fund balance will be used to cover the additional cost incurred in FY04/05 to improve student academic achievement through the use of technology in schools, providing funds for teacher training and curriculum development.

Appropriation #2005067 \$6,000.00

The Department of Social Services piloted the use of federal Title IV-E Prevention funds to support 100% of the Family Support Program and 60% of the Bright Stars Family Coordinator costs in the fall of 1999. Virginia was one of the few states that had not utilized this funding stream for prevention services and the Commissioner at that time wanted to pursue the opportunity. Albemarle and Hampton were chosen as the pilot sites. While complicated, the funding was steady and the state opened up the opportunity for other local departments (as well as local governments and non-profits) encouraging their participation in using this funding source for local prevention programs. The program began reimbursement to localities for prevention programs for millions of dollars statewide. However in FY 2003 we began to see changes in policy interpretations from the federal Administration for Children and Families (ACF) and we began to restrict eligibility based on these changes.

In May 2005 the state office informed local departments that ACF's official disallowance had grown to \$28.1 million. Virginia finally demanded that ACF either work in good faith toward resolution or allow them to officially appeal their shifting policy interpretations. ACF officially changed their stance from a deferral to a disallowance in May 2005. The Virginia Department of Social Services, with support from the Secretary of HHS and the Governor's Office, officially appealed the ACF rulings and is now in litigation. The Secretary has indicated that the state will do everything possible to support local governments in not having to pay back claims already approved. Unfortunately, these appeals can take up to two years to resolve and the County's outstanding anticipated federal reimbursement of \$334,327.30 is stalled as a result. In a worst case scenario, the final outcome of the appeal could result in disallowances back to the beginning of the program in 1999. However, in February 2005 the state audited a sample set of cases in Albemarle and issued a finding of 100% compliance with the new policies in those cases giving us confidence that we have implemented the new procedures to the best of our ability.

Coupled with the news of the disallowance and appeal, the Family Support Program had an additional shortfall of \$173,703.15. Funds thought to have been budgeted as revenue for the Family Support Program were instead budgeted as revenue in the General Fund.

In addition salaries in the Bright Stars Program were incorrectly budgeted by \$6,000.00 due to a change in the FY05 Teacher Pay Scale.

The recommended strategy for addressing these issues is to use \$179,703.15 (\$173,703.15 for Family Support & \$6,000 for Bright Stars) of the existing DSS local dollar savings from FY 2005 which was \$189,650, as well as \$334,327.30 of the projected FY05 CSA fund balance. The remaining CSA fund balance of approximately \$90,000 will help to offset vendor increases in FY 2006 but could leave the fund short depending on new versus exiting cases. It's important to point out, however, that the efforts of the Family Support Program have been shown in the past to have a relationship with preventing foster care. The recommended use of the CSA fund balance and the remaining local dollars in the social service budget are therefore seen as an investment in that strategy. When and if federal revenues are reimbursed from the FY 2003 and FY 2004 Title IV-E claims, those funds could be used to reimburse the General Fund, the CSA fund or as a continued investment in the Family Support Program.

By the recorded vote set out above, the Board approved FY 2005 Appropriations #2005065, #2005066 and #2005067.

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2005065
DATE _____
BATCH# _____

EXPLANATION: Various education programs and donations

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	9000	18100	181119	Donation	J 2	20,000.00		
2	2000	18100	181109	Donation	J 2	600.00		
1	9000	60302	800654	Locker Room/Shelter	J 1	20,000.00		
1	2215	66101	601300	Ed/Recreation Supplies	J 1	600.00		
	9000		0501	Est. Revenue			20,000.00	
	9000		0701	Appropriation				20,000.00
	2000		0501	Est. Revenue			600.00	
	2000		0701	Appropriation				600.00
TOTAL						41,200.00	20,600.00	20,600.00

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2005066
DATE _____
BATCH# _____

EXPLANATION: Various education programs

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	2000	24000	240285	AP Exams	J 2	1,664.00			
2	3131	51000	510100	Appror. Fund Balance	J 2	2,924.36			
1	2301	24000	580000	Miscellaneous	J 1	572.00			
1	2304	24000	580000	Miscellaneous	J 1	780.00			
1	2303	24000	580000	Miscellaneous	J 1	52.00			
1	2302	24000	580000	Miscellaneous	J 1	260.00			
1	3131	61311	160200	Stipends	J 1	2,700.65			
1	3131	61311	210000	FICA	J 1	223.71			
	2000		0501	Est. Revenue			1,664.00		
	2000		0701	Appropriation				1,664.00	
	3131		0501	Est. Revenue			2,924.36		
	3131		0701	Appropriation				2,924.36	
TOTAL							9,176.72	4,588.36	4,588.36

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2005067
DATE _____
BATCH# _____

EXPLANATION: Family Support Program and Bright Stars Funding

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	1557	33000	330001	Federal Revenue	J 2	(508,030.45)			
2	1557	51000	512004	Trs. Fr. Gen'l Fund	J 2	173,703.15			
2	1557	51000	512050	Trs. Fr. CSA	J 2	334,327.30			
2	1553	51000	512004	Trs. Fr. Gen'l Fund	J 2	6,000.00			
2	1000	51000	510100	Gen'l Fund Balance	J 2	179,703.15			
2	1551	51000	510100	CSA Fund Balance	J 2	334,327.30			
1	1000	53013	930213	Trs. To Family Sup.	J 1	173,703.15			
1	1000	53013	930208	Trs. To Bright Starts	J 1	6,000.00			
1	1551	93010	930213	Trs. To Family Sup.	J 1	334,327.30			
1	1553	61150	112100	Bright Stars-Salaries	J 1	6,000.00			
	1000		0501	Est. Revenue			179,703.15		
	1000		0701	Appropriation				179,703.15	
	1551		0501	Est. Revenue			334,327.30		
	1551		0701	Appropriation				334,327.30	
	1553		0501	Est. Revenue			6,000.00		
	1553		0701	Appropriation				6,000.00	
TOTAL							1,040,060.90	520,030.45	520,030.45

Item 6.6. National Incident Management System (NIMS) Resolution.

The executive summary states that on February 28, 2003, President Bush issued Homeland Security Presidential Directive-5 that directed the Secretary of Homeland Security to develop a National Incident Management System. On March 1, 2004 the Secretary issued The National Incident Management System (NIMS). NIMS is a comprehensive national approach to incident management that provides

all levels of government with standard management processes, protocols and procedures that all emergency personnel will follow in order to work effectively and efficiently together to prepare for, prevent, respond to and recover from domestic incidents regardless of size or cause.

The proposed resolution formally recognizes the NIMS and adopts its principles and policies. The adoption of this resolution is one of five Federal Fiscal Year 2005 compliance requirements we must complete in order to qualify for Federal preparedness assistance in FFY 2006. All local governments and state agencies must comply with these requirements by September 30, 2005. The four additional requirements are:

1. Local governments must identify individuals who will be required to complete the web-based NIMS Awareness Course: "National Incident Management System (NIMS), An introduction" IS-700 and ensure those required complete it by September 30, 2005.
2. Local governments must establish a baseline by determining which NIMS requirements they already meet.
3. Local governments must establish a timeframe and develop a strategy for full NIMS implementation by September 30, 2006.
4. Local governments must institutionalize the use of the Incident Command System (ICS) across the entire response system.

Full compliance is not required to receive FFY 2005 grant funds. However, to receive FFY 2006 preparedness funding, applicants will need to certify as part of their FFY 2006 grant applications that they have met FFY 2005 NIMS requirements. Beginning FFY 2007 (Oct. 1, 2006), federal preparedness assistance will be conditioned on full compliance with the NIMS. Full compliance has not been defined by the NIMS Integration Center as of yet.

Police and Fire Rescue are familiar with this system as they have already received training on and are using the system to a large degree. Additional measures to more fully implement the new requirements will be underway over the coming months. Our Regional Emergency Operations Plan has also been updated to indicate that our region has implemented the use of the NIMS.

There is no budget impact at this time. Training is provided free by the Virginia Department of Emergency Management (VDEM).

Staff recommends that the Board approve the proposed resolution adopting the NIMS for Albemarle County.

By the recorded vote set out above, the Board adopted the following resolution.

**ALBEMARLE COUNTY RESOLUTION
FOR THE ADOPTION OF
THE NATIONAL INCIDENT MANAGEMENT SYSTEM**

AT A MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALBEMARLE,
VIRGINIA, HELD AT 9:00 A.M., ON SEPTEMBER 7, 2005

RESOLUTION ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM IN
ALBEMARLE COUNTY, VIRGINIA

WHEREAS, the Board of Supervisors of the County of Albemarle, Virginia does hereby find as follows:

WHEREAS, the President in Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, and local governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, the collective input and guidance from all Federal, State, and local homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS; and

WHEREAS, it is necessary and desirable that all Federal, State, and local emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

WHEREAS, to facilitate the most efficient and effective incident management it is critical that Federal, State, and local organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; and

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the county's ability to utilize federal funding to enhance local agency readiness, maintain first responder safety, and streamline incident management processes; and

WHEREAS, the Incident Command System components of NIMS are already an integral part of various county incident management activities, including current emergency management training programs; and

WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System;

NOW, THEREFORE, BE IT HEREBY PROCLAIMED by the Board of Supervisors of the County of Albemarle, Virginia that the National Incident Management System (NIMS) is established as the County standard for incident management.

Item 6.7. Resolution to accept road(s) in Fontana Subdivision, Phase 1 and 2 into the Secondary System of State Highways.

By the recorded vote set out above, the Board adopted the following resolution.

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 7th day of September 2005, adopted the following resolution:

RESOLUTION

WHEREAS, the street(s) in **Fontana Subdivision, Phases 1 and 2**, described on the attached Additions Form LA-5(A) dated **September 7, 2005**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Fontana Subdivision , Phases 1 and 2**, as described on the attached Additions Form LA-5(A) dated **September 7, 2005**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

* * * * *

The road(s) described on Additions Form LA-5(A) is:

- 1) **Fontana Drive (State Route 1765)** from Route 20 to .12 mile east of Route 20, as shown on plat recorded 07/28/1998 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 1729, page 315, with a 70-foot variable right-of-way width, for a length of 0.12 miles.
- 2) **Fontana Drive (State Route 1765)** from .12 mile east of Route 20 to the intersection of Merano Lane (Route 1766), as shown on plat recorded 07/28/1998 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 1729, page 315, with a 50-foot variable right-of-way width, for a length of 0.19 miles.
- 3) **Fontana Drive (State Route 1765)** from the intersection of Merano Lane (Route 1766) to the intersection of Appian Way (Route 1769), as shown on plat recorded 07/28/1998 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 1729, page 315, with a 50-foot right-of-way width, for a length of 0.08 miles.
- 4) **Fontana Drive (State Route 1765)** from the intersection of Appian Way (Route 1769) to the intersection of Fontana Court (Route 1767), as shown on plat recorded 07/28/1998 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 1729, page 315, with a 50-foot right-of-way width, for a length of 0.18 miles.
- 5) **Fontana Court (State Route 1767)** from the intersection of Fontana Drive (Route 1765) to the intersection of Capri Way (Route 1768), as shown on plat recorded 04/22/1999 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 1808, page 138, with a 50-foot right-of-way width, for a length of 0.18 miles.
- 6) **Fontana Court (State Route 1767)** from the intersection of Capri Way (Route 1768) to the cul-de-sac, as shown on plat recorded 04/22/1999 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 1808, page 138, with a 50-foot right-of-way width, for a length of 0.13 miles.

7) **Capri Way (State Route 1768)** from the intersection of Fontana Court (Route 1767) to the cul-de-sac, as shown on plat recorded 04/28/1999 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 1809, page 473, with a 50-foot right-of-way width, for a length of 0.06 miles.

8) **Merano Lane (State Route 1766)** from the intersection of Fontana Drive (Route 1765) to the cul-de-sac, as shown on plat recorded 07/28/1999 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 1729, page 315, with a 50-foot right-of-way width, for a length of 0.05 miles.

9) **Appian Way (State Route 1769)** from the intersection of Fontana Drive (Route 1765) to the intersection of Olympia Drive (Route 1770), as shown on plat recorded 04/17/2003 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2455, page 551, with a 50-foot right-of-way width, for a length of 0.17 miles.

10) **Olympia Drive (State Route 1770)** from the intersection of Appian Way (Route 1769) to the east to end of state maintenance, as shown on plat recorded 03/20/2000 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 1902, page 138, with a 50-foot right-of-way width, for a length of 0.09 miles.

11) **Olympia Drive (State Route 1770)** from the intersection of Appian Way (Route 1769) to the west to the cul-de-sac, as shown on plat recorded 03/20/2000 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 1902, page 138, with a 50-foot right-of-way width, for a length of 0.09 miles.

Total Mileage – 1.21 miles

Item 6.8. Resolution to accept Gold Mine Lane (State Route 1808) in The Quarries Subdivision as a Rural Addition into the Secondary System of State Highways.

By the recorded vote set out above, the Board adopted the following resolution.

The Board of County Supervisors of Albemarle County, Virginia, in regular meeting on the 7th day of September 2005, adopted the following:

RESOLUTION

WHEREAS, the Department of Transportation recommends that the road described in the Board's resolution adopted on **September 7, 2005** be added to the secondary system of state highways as a no cost rural addition pursuant to § 33.1-229 and Commonwealth Transportation Board policy, because the road meets current minimum standards, the condition of the existing hard surface is serviceable, the road has provided continuous public service since its establishment in May 2004, and currently serves the public use as a turnaround.

NOW, THEREFORE, BE IT RESOLVED, this Board requests the following street be added to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Rural Addition Policy of the Commonwealth Transportation Board of the Virginia Department of Transportation as a no cost rural addition:

Name of Street: Gold Mine Lane (State Route 1808). Length: 0.12 miles.
From: Nelson County Line (Route 808).
To: cul-de-sac.
Guaranteed Right-of-Way Width: 50 feet.
Plat Recorded, Date: June 26, 2002. Book: 2219. Pages: 463-470.

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

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

* * * * *

The road(s) described on Additions Form LA-5(A) is:

1) **Gold Mine Lane (State Route 1808)** from the Nelson County line (Route 808) to the cul-de-sac, as shown on plat recorded 06/26/2002 in the office the Clerk of Circuit Court of Albemarle County in Deed Book 2219, pages 463-470, with a 50-foot right-of-way width, for a length of 0.12 miles.

Total Mileage - 0.12 miles

Item 6.9. Comprehensive Plan Five Year Work Plan, **received for information**.

Item 6.10. Copy of letter dated August 17, 2005 from Mr. John Shepherd, Manager of Zoning Administration, to Mr. Peter Thomas, re: Official Determination of Development Rights and Parcels – Tax Map 41, Parcel 50 (property of C. W. McNeely, III) - Section 10.3.1., **received for information.**

Item 6.11. Copy of letter dated August 17, 2005 from Mr. John Shepherd, Manager of Zoning Administration, to Mr. Brian S. Ray, re: Official Determination of Development Rights and Parcels – Tax Map 20, Parcel 34 (property of Clara Lindsay Estate and Katherine V. Banks c/o Tyrone Lindsay) - Section 10.3.1., **received for information.**

Item 6.12. Copy of letter dated August 17, 2005 from Mr. John Shepherd, Manager of Zoning Administration, to Mr. Brian S. Ray, re: Official Determination of Development Rights and Parcels – Tax Map 98, Parcels 12, 13 & 14 (property of Norwood H. Davis and Nicol Spain Butters Davis) - Section 10.3.1., **received for information.**

Item 6.13. Copy of letter dated August 18, 2005 from Mr. John Shepherd, Manager of Zoning Administration, to Mr. Richard E. Carter, re: Official Determination of Development Rights and Parcels – Tax Map 105, Parcel 48 (property of Buck Island LLC) - Section 10.3.1., **received for information.**

Item 6.14. VDOT Monthly Report for September, 2005, **received as information.**

Item 6.15. 2005 Second Quarter Building Report as prepared by the Community Development Department, **accepted and received as information.**

During the second quarter of 2005, 187 building permits were issued for 187 dwelling units. In addition, four permits were issued for mobile homes in existing parks at an average exchange value of \$2,500, for a total of \$10,000.

Item 6.16. Copy of draft Planning Commission minutes for July 12 and July 19, 2005, **received for information.**

Agenda Item No. 7. Board to Board Presentation, School Board Chairman.

Mr. Gordon Walker addressed the Board, introducing Dr. Pam Moran, Superintendent designee. He explained that a new Superintendent would be hired by the first of December, and in order to receive public comment on the qualities, characteristics, qualifications, etc., on the new position, the School Board sent out 9,000 surveys through the mail, and 700 were returned from parents. Mr. Walker stated that they also sought input from organizations with an interest in education. The School Board will take a summary at their next meeting and insert those qualifications into the job application that will go out on September 9th. He noted that the deadline for filing applications is October 14th, and then interviews will go forward. Mr. Walker mentioned that they have hired the Virginia School Board Association (VSBA) to work with Albemarle, and a recruitment advertisement is being run nationally even though there are local well-qualified candidates. He emphasized the importance of having someone who can work together well with the County Executive, as Mr. Castner had.

Mr. Walker reported that school opening went off without a hitch, and there are 12,433 students enrolled in Albemarle, coming within .2 percent of projections. The finalized enrollment figures would be available on September 30th. Mr. Walker said that there are 164 buses out on the road each day, covering 11,000 miles, noting the impact of increased gasoline prices. He pointed out that all 25 schools met the SOL standards, and all Albemarle schools have met the adequate yearly progress standard from “No Child Left Behind”. Mr. Walker reported that schools sent out a press release yesterday announcing that in all high schools, the SAT scores are up, and Albemarle continues to exceed state and federal averages in those schools.

Mr. Walker pointed out that there are Superintendent/School Board priorities, which “chart a course” for curriculum and budget development. He noted that there is a yellow card being used throughout schools showing what school priorities are, as derived by the strategic planning process. Mr. Walker stated that schools are trying to provide what help they can to the Greater Charlottesville Katrina Relief Partnership, adding that some students from the gulf area have relocated to the Charlottesville area.

Mr. Boyd asked if the schools were anticipating a large influx of students from Katrina. Mr. Walker replied that he does not know for certain.

Mr. Walker and Ms. Moran noted that the students are classified as homeless, and they would keep the Board informed.

Mr. Walker reported that his division was asked to try to estimate the total cost of NCLB, and for the school year 2002-03 it was \$660,000 in non-reimbursable funds, with that cost rising to \$1.7 million by 2006-07.

Mr. Rooker asked what funds are received from the federal government for NCLB. Mr. Walker responded that the \$1.7 would not be compensated for, as it is over and above what the federal government would provide. He added that a lot of money was being spent already before NCLB to try to close the achievement gap.

Mr. Walker reported that both boards would have a joint meeting on October 19th, and the county school board would also meet with the city school board soon. Mr. Walker noted that the joint school board meeting would focus on improving the health of students in schools and how to meet the governor's goals for nutrition and exercise, as well as how to work better with at-risk students that move between the two districts.

Mr. Dorrier asked for clarification as to what the achievement gap is. Mr. Walker replied that the gap is where any one population – such as white students – is doing better than another group – such as African-American students. He said that the goal is to make sure that all students have the options available for improvement, regardless of their ethnic background and social situation.

Agenda Item No. 8. Transportation Matters:

a. Route 250 West Task Force Request.

Mr. Kirk Train addressed the Board with a PowerPoint presentation.

While Mr. Train was setting up, Ms. Thomas noted that she was glad to see provisions for servicemen including National Guard had been extended for those serving in Iraq.

Mr. Train said that he is an architect, and serves on the Route 250 West task force, as well as the Scenic 250 task force. He reported that the groups sent in a letter recently requesting that the Board of Supervisors take whatever action is necessary to have the Architectural Review Board begin review of subdivision developments for their potential impact on significant landscape types and elements. Mr. Train stated they are requesting this because 250 West and other like-designated roadways are "special environments," scenic highways worth the retention of their inherent rural character. He said that they would like for other scenic byways to be protected because of the requirement that the zoning law be universally applied, but they are focusing specifically on Route 250. Mr. Train added that they would like for a "fundamental loophole" in the ARB review process be closed with this request, with guidelines to be developed for each specific corridor that will protect and enhance them as they continue to develop over time. He said that existing ARB guidelines cover by review all forms of development except residential subdivisions. Mr. Train said that there is no intention to ask for design review of individual homes, as that would be a disaster. He stated that there should be some level of review of plans for their impact.

Mr. Rooker asked if there should be landscaping and setback requirements. Mr. Train responded that the ARB addresses many developments through their visual impact and how that is mediated, noting that a lot of that is landscaping. He added that there are a lot of traditional landscape components, such as rolling terrain, exposed geologic formations, open agricultural fields, open grass and wildflower meadows, hedgerows, groves of trees, forests, woodlands, grid patterns, woodlands, hedges, orchards, fences, and views. These are things that you feel and what makes the road unique in their minds. He presented a series of images that "pick on" a couple of developments that are generally negative in character contrasted with views of routes that are rural. Mr. Train said that the Mechem/Highlands Development on Route 240 is closed off with a wall that blocks the old view, and the backs of homes are so close to the road that you can drive by at night and see what is on television. He showed a house on Route 240 that is appropriate, whereby it is turned to the road as a face to a public right of way and approached in a traditional matter. Mr. Train pointed out that Cory Farm also has backs of houses showing rather than fronts.

Mr. Boyd asked if he was proposing that homes have their driveways leading directly onto Routes 240 and 250. Mr. Train responded that the idea is to have the buildings address the road, as required on all ARB requirements other than houses. He said that the design and planning can accommodate this. In response to Mr. Wyant's question about hedgerows, Mr. Train replied that a row of pines is not a traditional row, and commercial properties are required to have specific landscaping elements whereas homes are not. He emphasized that seeing farms is an important element of the rural visual experience.

Mr. Train showed images of Fox Chase, with street trees, pointing out that all hedgerows that were torn out to do a deceleration lane for this larger development. He said that a suburban landscaping was used instead of the traditional rural landscaping, again with the backs of houses placed toward the road.

Mr. Train said that there was a study done with the Planning Department on Route 250 to understand its characteristics and qualities, and his group is asking for the ARB to develop guidelines so that citizens can at least review what's being planned in the context of rural protection.

Mr. Wyant asked if there is any way to simplify the process so that developers would know what type of planting and landscaping was needed. Mr. Train replied that the guidelines would be published, and a developer would know what the expectations would be.

Mr. Tucker said that Mr. Train is asking staff to take a look at how to move this process forward.

Mr. Rooker noted that there are issues related to size of development, enforcement, the legal issues related to regulations for residential development, and how the Planning Commission would be involved.

Mr. Wyant commented that he loves the country, but wants to make sure this process is simplified. Mr. Train responded that he does not want to complicate the process. He would like the Board to adopt a position to ask staff to study this further and move towards a position of closing the loophole to allow the ARB to continue to review residential plans.

Mr. Boyd asked if it could be done at the staff level, rather than having the ARB have to deal with it. He added that he does not want to add to the burden of a small businessperson to put up a subdivision.

Mr. Bowerman said that defining hedgerows would be helpful.

Ms. Thomas commented that something she read recently established that having a more scenic drive can make people feel better about their commute than congested unattractive roadways. She noted that the county has done a good job with commercial landscaping, so residential would also likely benefit.

Mr. Bowerman suggested moving this to the Planning Commission and getting their reaction, as well as staff's.

Mr. Davis suggested that staff could bring back a Resolution of Intent that would initiate a formal review to amend the entrance corridor regulations in the Zoning Ordinance, or ask staff to do some more work, consult with the Planning Commission and bring back a Resolution of Intent after that to get more definition as to what the Board may want to see happen. He emphasized that there are some important threshold questions to be examined, such as what scale of development would have ARB review, but those details need to be elaborated upon by staff.

Mr. Cilimberg said that the Planning Commission could pass the Resolution of Intent, and staff would probably get some ARB input as well before taking it to the Commission. He added that the Resolution of Intent would come back to the Board as usual.

Mr. Wyant asked if some issues surrounding this are zoning related. Mr. Cilimberg replied that some zoning change would need to occur, and there are guidelines that need to be developed that the Board would actually act on – not binding, but part of what the ARB uses in its review of projects. He confirmed that the ordinance would need to be changed and all property owners along any included corridor would need to be contacted.

Mr. Davis said that under the new advertising requirements, all property owners along the overlay district would need to be contacted in writing.

Ms. Thomas suggested asking staff today to work with the Planning Commission and ARB to develop a Resolution of Intent to move in that direction.

Mr. Boyd said that he would like to see more feedback before adopting a Resolution of Intent.

Ms. Thomas emphasized that she does not want staff to spend time on this unless at least half of the Board members agree that this is something to be supported.

Mr. Dorrier pointed out the comprehensive nature of the details needed to carry this out.

Mr. Tucker said that once the Resolution of Intent starts, the rezoning, etc., starts. He suggested that staff and the Commission and ARB do the groundwork, with the Board making the Resolution of Intent.

Mr. Cilimberg said that staff would work on presenting what would be needed in terms of zoning changes and guidelines and bring it back to the Board.

b. Albemarle County's Priorities for Primary Road System Improvements.

Mr. David Benish, Chief of Community Development, presented the following executive summary:

Albemarle County has the opportunity to provide VDOT with the County's priorities for improvements to the primary road system at an annual public hearing on the Six Year Interstate, Primary and Urban System Plan. Primary roads are those roads with route numbers below 600, including interstate highways (Route 6, 20, 22, 29, 231, 240, 250 and I-64). The County has maintained a priority list of improvements for a number of years, and uses this list as the basis for each year's update. As of the date this report was written, VDOT had not set a date for the public hearing but staff has been informed by VDOT that the hearing will likely take place in late September or October. Last year's tele-conference public hearing was held on September 29th.

Staff has proposed several changes to this year's requested priority list, which can be found as Attachment A. The proposed deletions are identified with a strikethrough and additions are in ***italics and bold***. The major changes proposed include:

Meadow Creek Parkway Phase I – An acknowledgement of the recent infusion of \$27,000,000 for the construction of the interchange has been included.

Crozet- Staff added more specific recommendations from the Crozet Master Plan for improvement which would improve Route 240. The previous priority list only made a general reference that improvements should be made in Crozet that benefit Route 240.

Fontaine Avenue – The prior reference to the recommendations of the Fontaine Avenue Task Force have been deleted and replaced with the Southern Urban Area B Study recommendations. The Southern Urban Area B Study was completed in August 2004. The recommendations of this Study are consistent with City recommendation for Fontaine Avenue.

Route 20- The Town of Scottsville will be making a request to the Commonwealth Transportation Board to improve the intersection of Route 20 with Warren Street and Hardware Street. The Town has also requested that the County provide its support for these improvements. This project was originally planned for development by VDOT in the 1970's, but the improvements were never completed. Improvements within the Town are not required to be part of the County's priority list of projects and the Town has an equal opportunity to make requests to the CTB for roads improvements as any other locality. In this draft, staff has added a statement that recognizes the Town's desire for this improvement, but has not prioritized it relative to other County projects. Adding this note is intended to identify the improvement request for reference/information purposes and is not intended to prioritize the project relative to other County projects.

In addition to the normal narrative description of the County's project priorities (Attachment A), staff has included a more abbreviated list of County priorities (Attachment B). This new list is intended to provide a more user friendly "quick reference" of the County priority projects.

The County is providing its priorities for projects to be funded through the State's interstate, primary and urban system funding. The impact on the budget will be determined after VDOT has identified the projects it will fund in their Six Year Financial Plan.

Staff recommends that the Board of Supervisors approve the attached recommended priorities for primary road system improvements.

Mr. Benish said that the Board will also need to decide how to handle this year's presentation at the State's public hearing. In the past, the Board has sent a representative to the public hearing to make a presentation of the County's requests. Last year, due to time constraints, staff made this presentation.

Mr. Wyant commented that he thought there was enough funding in place for phase one of the sidewalk project in Crozet, noting some inconsistencies in the report.

Mr. Benish replied that the county has funding, but not the full funding requested. He added that the undergrounding of utilities could be at least \$3.0 million, and the county has received two \$150,000 grants towards the project.

Mr. Wyant pointed out the need for mass transit in the area. Ms. Thomas agreed, noting her support for a "shopper's shuttle" when Albemarle Place is complete. Mr. Rooker suggested looking at community shuttles for developing areas like Crozet.

Mr. Dorrier commented that there were plans in the 1970's to improve the intersection of Route 20 and Hardware Street where those roads come into a "v" into town. He has looked into getting safety funds, and the chances of that are improved with revenue-sharing agreements. Mr. Benish responded that this project would likely qualify, but the Town of Scottsville would need to work with VDOT on that.

Mr. Dorrier responded that Albemarle County's support would help. Mr. Rooker said that a specific proposal would need to be brought forward first.

Mr. Cilimberg emphasized that at this point staff is trying to put together the list of projects that the county would like to get funded through whatever sources are available from the state, and the Scottsville example is much more specific. He thinks that is a later step, and he thinks what Mr. Rooker suggested would come at a later point in time. He added that there is a much larger sum of money in the revenue sharing pot, and an even greater amount requested. VDOT is not going to be able to fund all of the requests as-is for the larger localities around the state.

Mr. Rooker stated that the county is looking at about \$1 million, but the Town of Scottsville could apply for revenue-sharing. Mr. Cilimberg said that staff would need to check on that, because they are in the county's secondary system and not a separate entity for funding.

Mr. Rooker asked if that project would meet the requirements for another type of grant application. Ms. Thomas suggested that Scottsville should keep in mind any proffers they can get also.

Mr. Wyant asked if Ivy Road improvements were part of the priority list. Mr. Cilimberg replied that the Ivy Road study was done years ago, and that suggested a streetscaping kind of improvement rather than four-laning, but with attention paid to the travelway to promote better traffic flow. He added that that was done long before the North Grounds connector.

Ms. Thomas commented that using the terms multi-modal and transportation are appreciated by the state, and perhaps staff might like to use those in this document, such as in their narrative on Places 29. She pointed out several places where those words could be used. Ms. Thomas mentioned that the widening of the portion of Route 20 North discussed funding for sidewalks and bike paths, but noted that those have already been built.

Mr. Benish clarified that the lanes and sidewalks have been built on one side, and this is referring to having them put on the other side.

Ms. Thomas asked about the restrictions on through-trucks. Mr. Boyd agreed that it should be included. Mr. Benish agreed to put the request back in.

Mr. Boyd asked why Meadow Creek Parkway was listed after the Hillsdale Drive extension.

Mr. Cilimberg replied that the section on 29 North did not include Meadow Creek because it focuses on Route 29 North itself and the immediate parallel roads, and Meadow Creek is a separate section and is the county's first priority.

Mr. Benish said that the text was the basis for the list, and if it were interpreted literally it does imply the Hillsdale extension is ranked higher than Meadow Creek.

Mr. Rooker suggested just making Meadow Creek Parkway Item "A."

Mr. Boyd asked if staff felt the language regarding federal funding might create problems. Mr. Benish responded that staff would revise the language.

Mr. Rooker pointed out that the roads in the Southern Area B recommendations are not listed, and wondered if that might need to be spelled out.

There being no further discussion, it was the **consensus** of the Board to support the recommended priorities for primary road system improvements, as discussed:

**VIRGINIA DEPARTMENT OF TRANSPORTATION RE-ALLOCATION FOR THE
INTERSTATE, PRIMARY, AND URBAN SYSTEMS, AND FOR MASS TRANSIT**

RECOMMENDED ALBEMARLE COUNTY PRIORITIES SEPTEMBER 7, 2005

The following addresses Albemarle County's priorities for each allocation of TEA-21 and each sub-allocation of the Surface Transportation Program (STP) funds.

I. Surface Transportation Program (STP)

Standard Projects:

The following projects, listed in priority order, are eligible for STP funds. The County supports these projects as referenced.

Undertake those projects in the Charlottesville Albemarle Regional Transportation Study (CHART) – UnJam 2025 (adopted May 3, 2004) eligible for the primary program in the sequence as called for in the February 2, 1992 joint resolution between the City, County and University and agreed to by VDOT. These include:

- A. **Meadow Creek Parkway from the Route 250 Bypass to Rio Road.** The Parkway is the County's highest priority project after Route 29 North, and is of the utmost importance in order to maintain an adequate level of service on Route 29 and to improve the overall roadway system serving the urbanizing area north of the City. This project is being funded in the County's secondary program and has been approved by the Commonwealth Transportation Board (CTB) as a low speed parkway in the City of Charlottesville and the County. The County asks that this section be designed and built in accord with the County's design and alignment recommendations developed with the assistance of an independent consultant and endorsed by resolution of the County Board of Supervisors on June 20, 2001 (Attachment A) and approved by the CTB on December 18, 2001. This endorsed design and alignment emphasizes the parkway corridor's potential as a linear park and its relationship to the development of adjacent urban land. The linear park concept is intended to replace McIntire Park land lost due to the project and, at the same time, link McIntire Park to the Rivanna Trails Foundation trail along Meadow Creek and the County's urbanizing area along Rio Road.

Meadow Creek Parkway/Route 250 Bypass Interchange. The County also supports the construction of the Meadow Creek Parkway interchange at the terminus of the Parkway with Route 250 in the City of Charlottesville. This interchange is essential to the safe and acceptable future traffic operation of this high volume intersection. The County is grateful for the \$27,000,000 earmarked in the latest Federal Transportation Bill for this interchange. It is recognized that this interchange project, and its funding, is a separate but related project from the Meadow Creek Parkway mainline project.

Northern Free State Road (formerly Meadow Creek Parkway Phase II) is being funded in VDOT's Six Year Secondary Road Plan for the county. The County is now studying the concept/alignment of this road as part of the previously noted Places 29 Study.

- B. **Route 29 North.** The U. S. Route 29 North corridor has been the focal point of interest, discussion and debate in the Charlottesville area for many years. Numerous and varied transportation improvements have been proposed and/or funded over the years. This highly urbanized area continues to grow and transportation system improvement needs increase. The County, City, VDOT and the MPO have completed Phase I and Phase II of the 29H250 (US 29 – Hydraulic – 250 Bypass Intersection) Study. The County requests that VDOT plan for the funding of the 29H250 Phase II Option B design recommendations, which emphasizes improving Rt. 29 to serve regional trips and changing the character of Hydraulic Road between Rt. 29 and the Rt. 250 Bypass.

The County appreciates continued VDOT and Commonwealth Transportation Board support of initiatives in the U. S. 29 North corridor. The County, in coordination with the MPO, is currently utilizing VDOT, developer proffered and County general funds to study the concept/alignment of U. S. 29 North as part of a larger transportation network study for the County's Northern Development Areas from the City limits to the Greene County line. This study, a component of the County's Places 29 Study, will include a comprehensive and integrated evaluation of both transportation and land use issues and planning to establish a series of land use recommendations, transportation network improvements and a multi-modal approaches that will support the Northern Development Areas and the Rt. 29 Corridor.

Other projects listed in CHART in the northern study area must be actively pursued and completed. These projects include the Hillsdale Drive Extension Project and Berkmar Drive Extended (recommended in CHART). Also, while funding has previously been dropped for Route 29 improvements north of the South Fork Rivanna River, transportation system improvements as identified by the County in its Comprehensive Plan are imperative to this area. Specifically, the County requests funding for a third lane north and southbound on Rt. 29 from the South Fork Rivanna River to north of its intersection with Hollymead Drive. These improvements would tie into a third lane recently constructed in each direction along Rt. 29 as part of major land development projects at the Hollymead Town Center. There are significant peaks and valleys in Rt. 29 through this area that create an existing dangerous condition and this will only worsen as traffic increases as development occurs in this area in accord with the Comprehensive Plan. This section of road already experiences a high level of vehicle accidents, particularly in the area of Forest Lakes South. This new third lane section, and other road improvements in the area, was funded by the developer through zoning proffers related to the project's approval. Completion of this section would essentially complete the three phases of improvements to Rt. 29 from Hydraulic Road to Airport Road that were originally programmed in the Six-Year Plan in 1988. These and other Comprehensive Plan transportation system recommendations envision future development to be served by a transportation network that ultimately provides a complete system of urban streets and supports walking and biking and comprehensively links all land uses.

- C. Complete preliminary engineering and undertake the widening of Route 20 South from I-64 to Mill Creek Drive. Incorporate sidewalks and bike lane facilities into these improvements. This is a curvy section of road in the County's Urban Area that serves the traffic from Monticello High School and has experienced several accidents with fatalities in recent years.
- D. The County supports the funding of the TransDominion Express and recommends that it be seriously considered as a multi-modal means to address the issues and recommendations identified in the multi-phased Route 29 Corridor Study.
- E. There are three areas of emphasis the County requests be addressed on Route 250:
1. Improve Route 250 west from Emmet Street to the Route 29/250 Bypass. This section is covered by the joint Ivy Road Design Study conducted by the City, County and University of Virginia and originally recognized for improvement in the Lewis Mountain Neighborhood/University Heights (Area B) Study. The University of Virginia is currently constructing a new basketball arena and parking facilities in this area that will likely create additional traffic demands on Ivy Road. Any plans for the improvement of this section of Route 250 West need to be coordinated between the City, County and University.
 2. The remaining portion of Rt. 250 West to Yancey Mills (the I-64/250 interchange) was studied by VDOT with a local advisory committee to determine long term needs for this road. The Board of Supervisors has rejected the study recommendations completed in 2000 and, passed a resolution supporting Route 250 West as a Scenic Virginia Byway with significant historic, natural, and scenic qualities. The County instead recommends maintaining the present two-lane configuration of the corridor with any short term or spot improvements being as non-intrusive and consistent as possible with the special character of this scenic by-way.
 3. VDOT has completed a similar study of Rt. 250 East from Free Bridge to the Fluvanna County line. This study's findings have been presented to the Albemarle County Board of Supervisors. The County will consider the recommendations of this study as part of the Neighborhood Planning process "Pantops Urban Area Neighborhood Master Plan." This study will focus on creating a neighborhood plan that integrates land use and transportation planning to establish land use recommendations, transportation network improvements and multimodal approaches that will support neighborhood development.
- F. Undertake improvements that will benefit/improve Route 240 in Crozet in accord with recommendations from the recently completed Crozet Master Plan.

- Implement sidewalk plan (per Downtown Sidewalk and Parking Study).
 - Create bike lanes to and in downtown.
 - Construct Eastern Avenue, to include the Lickinghole Bridge and a railroad crossing
 - Construction of Main Street east from Crozet Avenue.
- G. Undertake the widening of Route 20 North from north of Route 250 East to the Elks Drive/Fontana Drive intersection. Incorporate sidewalks and bike lane facilities into the west side improvements. The County has also listed these improvements under "Safety" priorities. To date, the County has constructed sidewalks on the east side of Route 20 from Route 250 to Fontana Drive.
- H. Undertake improvements recommended in the Southern Urban Area B Study recently completed in coordination with the City of Charlottesville, County of Albemarle, and the University of Virginia. The Study recommended for a road to be constructed between Fontaine Avenue and Sunset Avenue.
- I. Recognize that mass transit can relieve traffic congestion and is an alternative to road construction, particularly in more densely developed urban areas, and shift funds from road construction into mass transit to accomplish this.

NOTE: The Town of Scottsville has requested that VDOT improve Route 20 (Valley Street) at the intersection of both Warren Street and Hardware Street. VDOT had proposed these improvements in the 1970's, but the improvements were not completed. The improvements will enhance the safety of the traveling public in the Town.

II. Safety Improvements:

Several projects in the County seem to qualify under this 10% set-aside. They are, in priority order:

- J. Construct pedestrian walkways along various primary routes within the County's Urban Neighborhoods. Absent the incorporation of such road walkways into full road widening/improvement projects, the following road sections are priorities for pedestrian walkways: 1) Route 240 in "downtown" Crozet; 2) Route 20 South from the City limits to Mill Creek Drive; 3) along Route 250 East in the Pantops area as an extension to existing sidewalks; and 4) along Route 250 West from the City limits to the Farmington entrance.
- K. The County has placed a high priority on pedestrian improvements in the Crozet area. The County chose Crozet as the first community to be master planned based on the County's adopted Neighborhood Model. The County received TEA 21 funding in July 2004 for Phase I of the Crozet Streetscape Plan and continues to seek additional funding to undertake needed improvements (see Enhancement Project section).
- L. Reconfigure intersection and install traffic signals at the intersection of Routes 22 and 250
- M. Improvements to Route 250 West along the corridor in Ivy to address existing and short-term traffic circulation problems, including access to developed properties in this area. Of particular concern is the Tillman Road intersection (Route 676), which serves school bus traffic and has poor sight distance. These improvements should be undertaken in accordance with recommendations approved by the Board of Supervisors in the Route 250 West Corridor Study.
- N. Improvements to the Route 240 underpass at the CSX Railroad tracks in Crozet.
- O. Functional plans, including an analysis of possible safety improvements, for Routes 22 and 231. The County remains concerned with overall public safety as it relates to traffic created by large trucks along these road segments, and encourages VDOT to consider all appropriate measures to ensure that trucks travel safely along these roadways in the future. The County has repeatedly requested VDOT to restrict through trucks on Route 22 and Route 231.

III. Enhancement Projects:

This is a valuable funding source for which several projects appear to be eligible. Unfortunately funding for new projects is not available this year. The County urges that funds be made available for new pedestrian and bicycling projects. For the County, new projects, in priority order, are:

- P. Pedestrian streetscape improvements in downtown Crozet. These streetscape improvements, which were included in an Enhancement Grant submitted in January 2002, June 2003 and October 2004, include the relocation and burial of overhead utility wires, and construction of historically compatible sidewalks. The County received TEA 21 funding in July 2004 for Phase I and July 2005 for Phase II of the Crozet Streetscape Plan.
- Q. Beautification of entrance corridors (particularly Route 20, 29 and Route 250).
- R. Construction of bikeway, pedestrian, and greenway facilities as prioritized in the Jefferson Area Bicycle, Pedestrian, and Greenways Plan.
- S. Development of portions of the Rivanna River Greenway path system.
- T. Removal of non-conforming billboards.

National Highway System (NHS)

The Charlottesville-Albemarle MPO Policy Board approved the NHS as proposed by VDOT in this area excluding the Route 29 Bypass. The Federal Highway Administration (FHWA) has approved the NHS, which includes the existing Route 29, and the Route 29 Bypass. The County believes any projects that are included in the NHS should reflect the recommendations that result from the previously referenced transportation improvement study of the Route 29 North corridor area.

Congestion Mitigation and Air Quality Improvement Program

This does not apply to Albemarle County. The County is not in an area of non-attainment for ozone or carbon monoxide.

Six Year Primary Plan Priority List By Categories

I STP Projects

Undertake projects in CHART –UNJam 2025 (adopted May 3, 2004)

- A. Construct Meadow Creek Parkway from Route 250 Bypass to Rio Road, including interchange at the Route 250 Bypass.
- B. Improvements to Route 29 North Corridor:
 - 1) Funding of 29H250 Phase II, Option B design recommendations; which emphasizes improving Rt. 29 to serve regional trips and changing the character of Hydraulic Road between Rt. 29 and Rt. 250 Bypass;
 - 2) Berkmar Drive extension;
 - 3) Hillsdale Drive extension;
 - 4) Widening improvements to Route 29 North (3rd lane, from S.F. Rivanna River);
- C. Widening of Route 20 south (from I-64 to Mill Creek Drive), including bike lanes and sidewalks.
- D. Funding of the TransDominion Express.
- E. Improvements to Route 250:
 - 1) Improve Route 250 West from Emmet Street to the Route 29/250 Bypass;
 - 2) Maintain current two-lane road configuration from the Bypass to Yancey Mills, reflective of its character as a Scenic Virginia Byway;
 - 3) Spot improvements to intersections in Ivy at Routes 678 and 637
- F. Improve Route 240 in accord with the recommendations of the Crozet Master Plan.
- G. Widen Route 20 North, from Route 250 to Elks Drive/Fontaine Drive intersection, including bike lanes and sidewalks.
- H. Improve Fontaine Avenue consistent from Jefferson Park Avenue to its terminus consistent with recommendations identified by the Fontaine Avenue Task Force.
The Study recommended for a road to be constructed between Fontaine Avenue and Sunset Avenue.
- I. Recognize mass transit as it can relieve traffic congestion and as an alternative to road construction and shift funds from road construction to mass transit to accomplish this.

Note: The Town of Scottsville has requested that the intersections of Route 20 (Valley Street) with both Warren Street and Hardware Street be improved.

II. Safety Improvements

- J. Construction of pedestrian walkways along various routes in the County Urban Areas
- K. Pedestrian improvements in Crozet
- L. Reconfigure intersection and install traffic signals at intersection of Rt. 22 at Rt. 250
- M. Improvements to Route 250 West in the Ivy area
- N. Improvements to Rt. 240 underpass at CSX RR in Crozet
- O. Functional plan for the Route 22/231 corridor

III. Enhancement Projects

- P. Pedestrian Streetscape improvements in downtown Crozet
- Q. Beautification of entrance corridors
- R. Construction of Bikeway, pedestrian, and greenway improvements as prioritized in the Jefferson Area Bicycle, Pedestrian and Greenways Plan and the County's Comprehensive Plan
- S. Development of portions of the Rivanna River Greenway path system.
- T. Removal of non-conforming billboards.

National Highway System (NHS)

- V. The Charlottesville-Albemarle MPO Policy Board approved the NHS as proposed by VDOT in this area excluding the Route 29 Bypass.

c. Other Transportation Matters.

Mr. Utterback said that there was a request at the last Board meeting to accelerate the Jarman's Gap project, and he has had a number of discussions to try to get this to public hearing. He noted that he would like to get the entire project to public hearing by next spring, and then see where things stand. Mr. Utterback said that the engineers are looking at hydraulics and design aspects, and the plan may be broken into two projects.

He mentioned that he has been trying to move the Georgetown Road project more quickly, and said that the central office VDOT staff would be designing the road, with scoping later in September. In response to Mr. Rooker's question about whom the designer was, Mr. Utterback described him and his staff as "pretty capable." Mr. Utterback agreed to make Mr. Rooker aware of the initial scoping meeting when it is scheduled so that he could attend.

Mr. Utterback mentioned that he has not received any update on the Route 29 South speed limit issue.

He said that the first portion of the rustic road project for Route 640 has been done, and some of the crews are working on the last one-half mile.

Mr. Wyant thanked Mr. Utterback for the recent line-painting in the county.

Mr. Utterback reported that there were "contractual issues" with the line-painter, but those have been resolved and projects are being caught up.

Mr. Wyant commented that the white lines on Garth Road on the edges are helpful. He said that the Millington Bridge in White Hall has a few "bad ruts," and needs some patchwork.

Mr. Wyant also asked about the deer carcass removal process. Mr. Utterback replied that staff responds as people bring them to their attention.

Ms. Thomas said that there should be some discussion in the future about Johnson grass, as she mentioned in her email to Mr. Utterback.

Mr. Rooker said that several people have commented on the poor grounds maintenance on the ramp entrance off the 250 bypass on Ivy Road, noting that that is a major entry into the community. He also suggested that "Children at Play" signs should be put up in the neighborhood on Solomon Road.

Ms. Thomas said that the Board did adopt standards for those signs.

Mr. Rooker suggested getting some written guidelines from staff.

Mr. Tucker said that Juan Wade would look at that and bring it back to the Board in October.

Mr. Rooker said that there are still a lot of sidewalk grass-growth problems on Hydraulic Road, and that can cause sidewalks to break apart. He suggested that the county could do the spraying.

Mr. Utterback said that he asked that they be cut, and once they are cut they have to come up a bit before they are sprayed. He agreed to check with his staff and get back to the county.

Mr. Boyd said that the VDOT monthly report states lower speed limit signs were to be put up on Rocky Hollow Road, and he recalled that that was not going to be done.

Mr. Utterback replied that the lower speed limit applies to the curve.

(Note: At 11:00 a.m., the Board recessed, and reconvened at 11:15 a.m.).

Agenda Item No. 9. Center for Survey Research's "Priority Analysis" of Albemarle County's 2004 Citizen Survey Report, Tom Guterbock.

Mr. Thomas Guterbock, Director the Center for Public Service, addressed the Board. He recognized Peggy Lijuan Wang for her statistical analysis done as part of the report. He said that this presentation is a re-analysis of the data from the 2004 citizen satisfaction survey, and the report is meant to show what the fundamental drivers are that makes people in the county satisfied and dissatisfied with government.

Mr. Guterbock said that the goals of the initial survey were to measure quality of life in Albemarle, ask people if the county was achieving strategic planning goals, measure level satisfaction with a variety of services, and assess perceptions of managing growth. Mr. Guterbock said that the analysis also compared the county's performance to the study done two years ago. He noted that the phone survey was done in June 2004 using random-digit dialing of 707 residents across the county, and the survey had a margin of error of +/- of 3.7 percent.

Mr. Guterbock said that the county did very well in the quality of life rating, with a 7.9 average rating, with the largest number of people giving it an 8 on a 1-10 scale. Regarding meeting strategic planning goals and the county's four strategic directions – educational opportunities, natural and scenic and historic resources, enhancing quality of life, and providing effective and efficient service – citizens were most satisfied in efforts to keep the county safe and learning opportunities, and generally pleased with the responsive and courteous service from county staff. He reported that only 48 percent were satisfied with the county's effort to promote the development of affordable places to live, and protecting the county's rural character and provision of infrastructure needed for quality of life including roads and water also were rated lower. Mr. Guterbock said that 90 percent indicated they were "somewhat satisfied" or "very satisfied" with county services overall. He summarized by saying that items relating to public safety ranked higher, and items related to growth management ranked lower.

Mr. Guterbock explained the clustering of related items in the evaluation process, citing the dependent variables as "rating of the quality of life in Albemarle overall," "satisfaction with services in general," "satisfaction with the value received for tax dollars," and "satisfaction with the county's ability to provide services, for a high quality of life, facilities for a high quality of life, and infrastructure for a high quality of life." He explained that other satisfaction items were grouped into closely related clusters in 12 different areas, with scores given for how the county is doing in each. Mr. Guterbock said that in the handout table, the 12 factors are shown with levels of satisfaction, with learning opportunities, public safety, contact with county employees, and quality of education, and public facilities ranking the highest. In the middle range, he said, were services for elderly and disadvantaged children, information and participation, and growth in urban areas. The lowest rated areas, he noted, were development and resource protection, fairness of property tax assessments, transportation, and housing/job opportunities.

Mr. Guterbock noted that the next step was to determine what the "satisfaction drivers are," understanding that the county already has in place processes for identifying what's important. He said that citizen input at meetings, the election process, the strategic planning process, and existing views all drive satisfaction.

Mr. Guterbock explained that what is most important or predictive of satisfaction is called "leverage analysis."

Mr. Dorrier asked if how the question is asked or worded can impact response. Mr. Guterbock replied that that is true of any survey, as they are "limits of measurement." He stated that grouping multiple items is helpful in resolving that.

He explained that the derived importance calculation makes several items rise to the top – growth and resource protection – the area that is most closely related to how satisfied people are with government overall. He said that safety is a close second, and information and participation are also important in determining satisfaction. Mr. Guterbock said that concern over fair property tax assessments also seems to be very important.

Mr. Rooker asked if that question is really about tax rates, or about the assessment process. Everybody always wants lower taxes. Mr. Guterbock said that this is probably a perception issue, with people getting assessments that surprise them.

Mr. Boyd emphasized that "property taxes" means one thing whereas "real estate assessments" means another.

Mr. Guterbock reiterated that the question was "How satisfied are you with the county's efforts to provide fair property tax assessments." He added that there was a separate question about how satisfied people are with the value you get for your tax dollar.

Mr. Guterbock said that there are four items for ranking in the middle – public facilities, contact with county employees, services for the elderly, and quality of education. He emphasized that many households do not have children, so that influences how important education is to those polled.

Mr. Guterbock said that housing and job opportunities, and transportation do not play in heavily to how satisfied respondents are overall with the government. He explained that the transportation issues are probably perceived as being the fault of the state and not local government.

Mr. Guterbock presented a two-dimensional grid that forms a matrix of opinion with "how important things are" at the top, with things of high importance to the left and things of low importance to the right. He noted that if the dissatisfaction items were brought up, it would have a great impact on the overall score.

Mr. Rooker commented that the items are relative to each other, but are not relative to any norm, and asked if there was any comparison of the satisfaction level in each category with a norm.

Mr. Boyd said that they are using means, though, to determine scores.

Mr. Guterbock emphasized that there are great differences in the level of satisfaction on several items, such as protection of resources, and learning opportunities.

Mr. Bowerman said if you want to influence the way our citizens feel about us, you want to do the thing that is most effective, you deal with growth and resource protection. Mr. Boyd added, "and fair property assessments."

Mr. Dorrier asked if underemployment was brought up under the job opportunities question.

Mr. Guterbock responded that there was one question that asked about high-paying jobs, but that issue was not addressed in detail. He added that that might have played into job satisfaction, and people who are not "well off" in the county are interested in seeing expanding job opportunities.

Mr. Guterbock noted that the multiple regression technique used in the analysis has all the variables "push to see who gets to the front of the line."

Mr. Rooker said that with growth and resource protection lumped together, people want the county to do a better job protecting resources. Mr. Guterbock responded that open space, historic buildings, environment, the rural character, protecting natural resources, and protection of water resources are all in that list.

Mr. Rooker clarified that resource protection is the single category that was the most important to people. He added that it's hard to tell from this survey how people feel about growth because it is lumped in with resource protection.

Mr. Guterbock emphasized that the vast majority of people who expressed dissatisfaction with the growth rate are doing so because they feel the growth rate is too fast, noting that other surveys in the county have indicated this. The results are so one-sided that they just did not take the time to ask it again. There are many things they do not know, but that is one thing he does know.

Mr. Boyd pointed out that it wouldn't be logical for people to answer they want less protection of resources and more growth.

Mr. Guterbock said that in 2002, his team did a survey to ask the county how to rank strategic planning goals. They do not think everything is important. He added that that is only done parallel to the Strategic Plan revisions.

Mr. Dorrier asked for clarification on the growth and resource protection being put in the "hotbox" as something the county can do something about while growth in urban areas are ranked in the low category on the right-hand side.

Mr. Guterbock replied that the growth in urban areas question asks whether citizens favor or oppose the county's policy of directing growth into certain restricted urban areas, or growth areas. He noted that if you ask that of residents in Crozet, they are probably not in favor of that growth.

Mr. Rooker emphasized that most citizens do not want more people coming in, and perhaps the question should be "where would you prefer to see the growth take place."

Mr. Guterbock thanked the Board, and the Board thanked him for his "very informative" presentation.

Agenda Item No. 10. Volunteer Fire Rescue Building Maintenance Funding.

Mr. Dan Eggleston, Director of Fire/Rescue, addressed the Board, presenting a recommended policy for handling building, maintenance, and renovation requests from volunteer fire & rescue stations. He said that staff has been working with the volunteer advisory board to develop a funding mechanism for fire & rescue stations. Mr. Eggleston said that the purpose of this was to help volunteers with funding initiatives so that they can then focus their efforts on training and responding to calls. He stated that the result of that was to fund the basic operating expenses of a volunteer station, and move the replacement of volunteer apparatus to the county CIP. Mr. Eggleston said that this is the first year the county has funded the basic operating costs and apparatus, adding that station members still want to fundraise for renovation and building repairs.

Mr. Eggleston reported that the Stony Point Volunteer Fire Department came forward with a request of \$350,000 in building maintenance, repairs and renovations to their existing building, and request that was brought to the Board. As a result, staff needed to develop a mechanism to deal with situations like this, understanding that there may be situations where a station is unable to meet their maintenance expenses. Mr. Eggleston noted that what is before the Board is the "Volunteer Building and Renovation Policy" that is basically built around that concept, developed with input from the advisory board chairman and Mr. Wyant. He said that this is built on the existing program of the state office of VMS, with grants offered to volunteer stations who are unable to fund their own initiatives, with a requirement of full financial disclosure so that a fair assessment can be made on the station's ability to fund the project jointly or on their own. He said that the county's requirements would be provision of a financial statement as well as a five-year plan of building needs. Mr. Eggleston said that there are situations where a loan is appropriate, and some where an outright grant is needed.

Mr. Rooker noted that the only real change being proposed has to do with buildings, and the recommendation is to provide an alternative to the five to ten year interest free loans for that purpose. He emphasized that the stations could choose to fundraise on their own and not disclose their financial statements or take another approach.

Mr. Boyd pointed out that Stony Point feels they cannot raise enough money to pay off the \$350,000.

Mr. Eggleston said that stations would follow the same procurement process as other county projects.

Mr. Bowerman asked how the stations are titled. Mr. Davis explained that they are generally titled under the volunteer organization, and then in their charters there is a provision that if they ever cease to perform that role as a volunteer fire fighter, it would be transferred either to the county or another entity providing those services. He noted that East Rivanna is jointly titled with the county, and North Garden and Crozet are titled just to the volunteer organizations.

Mr. Tucker said that if the county has made major improvements to the station, a joint title was secured, but the early stations were built much earlier and are titled to the volunteer organization.

Mr. Rooker asked if liens or first deeds of trust would be needed, so that the county could recover its loan. Mr. Davis said that the titling is an "emotional as well as a legal issue." He added that staff has always viewed this as a public safety issue, not an ownership issue.

Mr. Wyant commented that it's not just the building, but the equipment is also to be considered.

Motion was offered by Mr. Wyant to adopt the Volunteer Fire Rescue Building Maintenance Funding Policy. The motion was **seconded** by Mr. Bowerman. Roll was called, and the motion carried by the following recorded vote:

AYES: Mr. Dorrier, Mr. Rooker, Ms. Thomas, Mr. Wyant, Mr. Bowerman and Mr. Boyd.
NAYS: None.

Volunteer Fire Rescue Building Maintenance Funding Policy

1. Purpose

The purpose of this policy is to assist volunteer fire and rescue stations that do not have the financial means to fund building repairs and minor building renovations.

2. Volunteer Station financial assessment

The intent of the policy is to provide financial assistance to volunteer stations that do not have the financial means to fund building repairs and minor building renovation projects. Therefore, a volunteer station requesting assistance will need to show that the station is unable to independently fund the project. Determining financial hardship requires that the station disclose the department's financial statements (balance sheet and income statement – see example at end of document) to help demonstrate the station's financial need.

3. Qualified projects

Building repairs and minor building renovation projects that help maintain the current facility shall be qualified for consideration. Projects beyond this scope will be addressed on a case by case basis through the normal CIP process.

4. Five year building assessment to determine future expenditures

4.1. Stations requesting financial assistance must conduct a five year assessment of their building to determine the long term maintenance needs. The five year assessment should include a projected and prioritized list of building repairs/renovations, a cost estimate per repair/renovation, and a narrative outlining the justification for each repair/renovation.

North River VFD						
Major Building Repairs						
Priority	Project type	FY06/07	FY07/08	FY08/09	FY09/10	FY10/11
High	Roof repair	30,000				
Medium	HVAC replacement			15,000		
Medium	Bunk room renovation					5,000
	Total	30,000	-	15,000	-	5,000

4.2. County staff will work with volunteer staff to assess the projects to help determine needs, eligibility and timing.

5. Funding Assistance

5.1. Financial assistance shall be provided through a no-interest loan with a five to ten year payback period. In cases of extreme financial hardship, a grant may be considered.

5.2. A volunteer station receiving a no-interest loan will work with County staff to develop a financial plan to ensure that the loan will be paid in full over time. The plan will be reviewed and approved by the Office of Management and Budget (OMB) before financial assistance is provided.

6. Other requirements

- 6.1. Volunteer stations that qualify according to this policy shall submit a request to the Department of Fire Rescue by August 1 in preparation for the next fiscal year budget process.
- 6.2. Approved projects will be procured and completed according to current County policies and procedures.

Agenda Item No. 11. Update on Retiree Health Insurance.

Due to time constraints, the Board moved this item to the afternoon portion of the agenda for discussion.

Agenda Item No. 12. Closed Session. At 12:13 p.m., **motion** was made by Mr. Dorrier that the Board adjourn into closed session pursuant to Section 2.2-3711(A) of the Code of Virginia, under Subsection (1), to consider appointments to boards, committees and commissions.

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

AYES: Mr. Dorrier, Mr. Rooker, Ms. Thomas, Mr. Wyant, Mr. Bowerman and Mr. Boyd.
NAYS: None.

Agenda Item No. 13. Certify Closed Session. At 2:05 p.m., the Board reconvened into open session.

Motion was immediately offered by Mr. Dorrier 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 session were heard, discussed or considered in the closed session.

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

AYES: Mr. Dorrier, Mr. Rooker, Ms. Thomas, Mr. Wyant, Mr. Bowerman and Mr. Boyd.
NAYS: None.

Agenda Item No. 14. Vacancies/Appointments

Mr. Boyd then offered **motion** to make the following appointments:

Appoint Charles Martin as the joint County/City service provider for the Commission on Children and Families with said term to expire June 30, 2006.

Appoint James Currie to the Charlottesville Albemarle Regional Transportation (CHART) Committee with said term to expire April 3, 2008.

Appoint Judd Bankert to the Historic Preservation Committee.

Appointed Rodrick Adkins and Scott Wawner to the Fiscal Impact Committee with said terms to expire July 8, 2007.

Second to the motion was given by Ms. Thomas. Roll was called, and the motion carried by the following recorded vote:

AYES: Mr. Dorrier, Mr. Rooker, Ms. Thomas, Mr. Wyant, Mr. Bowerman and Mr. Boyd.
NAYS: None.

Agenda Item No. 15. FY 2006 Budget Amendment. (Advertised in the Daily Progress on August 28, 2005),

Mr. Melvin Breeden, Director of the Office of Management and Budget, summarized information from the following executive summary:

The Code of Virginia §15.2-2507 stipulates that any locality may amend its budget to adjust the aggregate amount to be appropriated during the current fiscal year as shown in the currently adopted budget. However, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget or the sum of \$500,000, whichever is lesser, must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The Code section applies to all County funds, i.e., General Fund, Capital Fund, E-911, School Self-Sustaining, etc. Staff recommends approval of the FY 2006 Budget Amendment in the amount of \$3,963,066.31, after the

the efficiency, effectiveness, and privacy of communications between the Emergency Communications Center and police officers. Their use will allow the officers to run their own vehicle license checks, driver's license checks, and State/NCIC wanted checks. Increased efficiency and effectiveness should improve public safety and the local quality of life. There is no local match associated with this grant.

The DOJ awarded the ACPD a grant in the amount of \$60,000.00 to purchase 6 MDC's for use by the School Resource Officers. The MDC's will allow the officers to run their own vehicle license checks, driver's license checks, and State/NCIC wanted checks. Increased efficiency and effectiveness should improve public safety and the local quality of our schools. There is a 50% local match that will be transferred from the CIP.

In 2003, the ACPD investigated 25 serious crashes that resulted in 17 fatalities. This is an 89% increase over 2001. Of the 13 crashes that resulted in these 17 fatalities, speed was determined to be a causative factor in 9. In addition, about 3,000 traffic accidents are reported each year and 7,000 traffic summonses are written each year. Much of this work is handled by the Traffic Unit Officers. They could work more effectively and efficiently using laptop computers. To increase our efforts at combating this deadly speeding problem, the DMV approved a grant for Albemarle County in the amount of \$6,000.00 to purchase four laptop computers. There was no local match. Of this amount, \$4,500.00 was unexpended in FY 04/05 and needs to be reappropriated to FY 05/06.

The Police department has been awarded a grant in the amount of \$1,500.00 for "Increasing Safety with Overtime Assignments". Funds will be used to pay for approximately 42 hours of police officer overtime. This time will be spent in additional traffic safety activities such as DUI checks, child safety seat installation & training, and bike patrol. There is no local match.

The Police department has been awarded a grant in the amount of \$1,470.00 for "Checkpoint Strikeforce". Funds will be used to pay for approximately 42 hours of police officer overtime. This time will be spent in additional traffic safety activities such as DUI check points. This is part of a coordinated effort across Virginia to increase DUI enforcement. There is no local match.

The DOJ awarded the ACPD a grant in the amount of \$9,973.00 with a local match of \$1,108.00, for a total of \$11,081.00, to fund overtime hours by current officers in support of reducing crime and improving public safety. Of this amount, \$5,890.63 was unexpended in FY 04/05 and needs to be reappropriated to FY 05/06.

The DOF awarded the ACPD a grant in the amount of \$187,500.00 in federal funding to help in the purchase of more advanced equipment. The goal for these monies is to purchase in-car equipment for the police department's mobile data computer system.

The County was granted funds in the amount of \$72,963.00 to assist the Police Department and Fire/Rescue in purchasing equipment related to domestic preparedness. These monies were split 50/50 between the two departments. Equipment approved by the Department of Emergency Management includes self-contained breathing apparatus, tactical vests, night vision equipment, surveillance and monitoring equipment, and cardiac defibrillation equipment. There was no local match. Of the total grant, \$46.75 was unexpended in FY 04/05 and needs to be reappropriated to FY 05/06.

The County was granted funds in the amount of \$224,335.00 to assist the Police Department and Fire/Rescue in purchasing equipment and training related to domestic preparedness. These monies were split 50/50 between the two departments. Training used approximately 5% with the remainder being used for equipment. Examples of equipment approved by the Department of Emergency Management includes self-contained breathing apparatus, tactical vests, night vision equipment, surveillance and monitoring equipment, and cardiac defibrillation equipment. There was no local match. Of the total grant, \$5,325.08 was unexpended in FY 04/05 and needs to be reappropriated to FY 05/06.

The County was awarded grant funds in the amount of \$280,754.26 to assist in the preparation of response to incidents involving mass destruction weapons. These funds will be split 50/50 between Fire/Rescue and the Police Department. The equipment purchased under these grants must come only from the commodity areas targeted by the Federal government. There is no local match.

The County was awarded grant funds in the amount of \$88,370.00 to assist in the preparation of response to incidents involving mass destruction weapons. Funds will be split 50/50 between Fire/Rescue and the Police Department. These funds can be used for training and equipment related to domestic preparedness. There is no local match.

Appropriation #2006015 \$61,379.00

At the July 6, 2005 Board meeting, the Board approved one additional deputy and a half-time clerical position for the Sheriff's Department. Funding for these positions had been held in contingency. This formally appropriates these positions and associated operating costs to the Sheriff's Department.

Appropriation #2006016 \$85,433.00

The Acquisition of Conservation Easements (ACE) Program was awarded a grant from the Virginia Land Conservation Foundation in the amount of \$85,433.00. With this grant, the ACE Program will be able to leverage funding to acquire a conservation easement on the Page property, a 559 acre tract located in southern Albemarle County.

Appropriation #2006017 \$3,800.00

A check in the amount of \$3,800.00 was received from the University of Virginia to be disbursed to the second-year law student intern who works in the Office of the Commonwealth's Attorney. This amount needs to be appropriated to the part-time line item of the Commonwealth's Attorney budget.

Staff recommends approval of the FY 2006 Budget Amendment in the amount of \$3,963,066.31, after the public hearing, and then approval of Appropriations #2006011, #2006013, #2006014, #2006015, #2006016, and #2006017 to provide funds for various General Government, Education, and Capital programs, as described above.

Mr. Boyd asked how the \$2.7 million figure came about, as it was presented as \$2.1 million in August. Mr. Breeden replied that some of this funding had been scheduled in the CIP budget, but the additional amount had to be appropriated for next year.

Mr. Davis said that in order to sign a contract, you must have sufficient funds appropriated, even if it may be spent over two fiscal years. Mr. Breeden added that it is not an increase in the total project.

Mr. Boyd asked if the VPSA dollars would be used. Mr. Tucker replied that they would be.

Mr. Boyd added that he hopes the \$170,000 ongoing maintenance fees for the software contracts will replace existing costs that the county currently pays for mainframe systems. Mr. Breeden replied that that is very likely, especially in the ongoing years beyond warranty.

At this time, the Chairman opened the public hearing. No one came forward to speak, so the public hearing was closed, and the matter was placed before the Board.

Motion was offered by Mr. Boyd to approve the FY 2006 Budget Amendment in the amount of \$3,963,066.31 and to approve FY 2006 Appropriations #2006011, #2006013, #2006014, #2006015, #2006016, and #2006017. The motion was **seconded** by Mr. Wyant. Roll was called, and the motion carried by the following recorded vote:

AYES: Mr. Dorrier, Mr. Rooker, Ms. Thomas, Mr. Wyant, Mr. Bowerman and Mr. Boyd.
 NAYS: None.

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2006011
DATE _____
BATCH# _____

**EXPLANATION: ADDITIONAL FUNDING FOR BPKSE COMPUTER SYSTEM
 REPLACEMENT PROJECT**

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
1	9010	12200	800714	Technology Upgrade	J	1	2,760,872.00		
2	9010	51000	510100	CIP Fund Balance	J	2	600,000.00		
2	9010	51000	512049	Trs-From Duplicating	J	2	350,000.00		
2	9010	51000	512033	Trs. From School CIP	J	2	825,141.95		
2	9010	51000	512004	Trs. From G/F	J	2	985,730.05		
1	1910	93010	930010	Trs-To G/F CIP	J	1	350,000.00		
2	1910	51000	510100	Dup. Fd.-F/B	J	2	350,000.00		
1	9000	93010	930010	Trs. To G/F CIP	J	1	825,141.95		
2	9000	51000	510100	S/F CIP Balance	J	2	825,141.95		
1	1000	93010	930010	Trs. To G/F CIP	J	1	985,730.05		
2	1000	51000	510100	G/F Balance	J	2	985,730.05		
	9010		0501	Est. Revenue				2,160,872.00	
	9010		0701	Appropriation					2,760,872.00
	1910		0501	Est. Revenue				350,000.00	
	1910		0701	Appropriation					350,000.00
	9000		0501	Est. Revenue				825,141.95	
	9000		0701	Appropriation					825,141.95
	1000		0501	Est. Revenue				985,730.05	
	1000		0701	Appropriation					985,730.05

TOTAL							9,843,488.00	4,321,744.00	4,921,744.00

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2006013
 DATE _____
 BATCH# _____

EXPLANATION: Various Education Programs

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	3303	33000	330600	Carl M. White Physical Education	J 2	13,792.99		
1	3303	61101	800100	Machinery/Equipment	J 1	13,792.99		
	3303		0501	Est. Revenue			13,792.99	
	3303		0701	Appropriation				13,792.99
TOTAL						27,585.98	13,792.99	13,792.99

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2006014
 DATE _____
 BATCH# _____

EXPLANATION: Appropriation of Public Safety Grants

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
1	1517	31013	800100	Equipment	J 1	49,675.00		
1	1522	31013	800100	Machinery & Equip	J 1	60,000.00		
1	1529	33310	800700	ADP Equip	J 1	4,500.00		
1	1533	31013	120000	Overtime	J 1	1,357.54		
1	1533	31013	210000	FICA	J 1	112.46		
1	1535	31013	120000	Overtime	J 1	1,385.25		
1	1535	31013	210000	FICA	J 1	114.75		
1	1539	31013	120000	Overtime	J 1	5,409.19		
1	1539	31013	210000	FICA	J 1	481.44		
1	1541	31000	800700	ADP Equip	J 1	187,500.00		
1	1543	31091	800100	Machinery & Equip	J 1	46.75		
1	1544	31091	800100	Machinery & Equip	J 1	5,325.08		
1	1545	31091	550403	Training	J 1	1,000.00		
1	1545	31091	800100	Machinery & Equip	J 1	139,377.13		
1	1545	31092	550403	Training	J 1	1,000.00		
1	1545	31092	800100	Machinery & Equip	J 1	139,377.13		
1	1546	31091	550403	Training	J 1	1,000.00		
1	1546	31091	800100	Machinery & Equip	J 1	43,185.00		
1	1546	31092	550403	Training	J 1	1,000.00		
1	1546	31092	800100	Machinery & Equip	J 1	43,185.00		
2	1517	33000	300001	Fed'l Grant Revenue	J 2	49,675.00		
2	1522	33000	300001	Fed'l Grant Revenue	J 2	30,000.00		
2	1522	51000	512031	Trs fr G/F CIP	J 2	30,000.00		
2	1529	33310	330307	Fed'l Grant Revenue	J 2	4,500.00		
2	1533	33000	330011	Fed'l Grant Revenue	J 2	1,470.00		
2	1535	33000	330011	Fed'l Grant Revenue	J 2	1,500.00		
2	1539	51000	510100	Fund Balance	J 2	5,890.63		
2	1541	33000	300001	Fed'l Grant Revenue	J 2	187,500.00		
2	1543	51000	510100	Fund Balance	J 2	46.75		
2	1544	51000	510100	Fund Balance	J 2	5,325.08		
2	1545	33000	330001	Fed'l Grant Revenue	J 2	280,754.26		
2	1546	33000	330001	Fed'l Grant Revenue	J 2	88,370.00		

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2006016
DATE _____
BATCH# _____

EXPLANATION: Virginia Land Conservation Fund Grant

					SUB LEDGER		GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT
1	9010	81010	580409	Conserv. Easements	J 1	85,433.00		
2	9010	24000 0	240766	Conserv. Grant (ACE)	J 2	85,433.00		
	9010		0501	Est. Revenue			85,433.00	
	9010		0701	Appropriation				85,433.00
TOTAL						170,866.00	85,433.00	85,433.00

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2006017
DATE _____
BATCH# _____

EXPLANATION: Commonwealth's Attorney Law Student Intern

					SUB LEDGER		GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT
2	1000	18120	181272	UVA Law School Foundation	J 2	3,800.00		
1	1000	22010	130000	Part- Time Salary	J 2	3,800.00		
	1000		0501	Est. Revenue			3,800.00	
	1000		0701	Appropriation				3,800.00
TOTAL						7,600.00	3,800.00	3,800.00

Agenda Item No. 16. Proposed lease agreement between Silvercrest Asset Management Group, LLC, the County of Albemarle, and the City of Charlottesville for property located at 614 East High Street, commonly known as the Jessup Building. This property is jointly owned by the City and the County. The proposed lease would replace the current lease agreement between the same parties that would terminate on August 31, 2006, with a new lease agreement that would terminate on July 31, 2010. (Advertised in the Daily Progress on August 29, 2005).

Mr. Thomas Foley, Assistant County Executive, explained that the purpose of the public hearing is to receive comment on the proposed renewal of lease for the Jessup House on East High Street, one of the properties purchased by the city and the county jointly to meet the long-term court needs. He added that there is a study to be done over the next year to lay out what the long-term needs are and how this building will fit into it. Mr. Foley said that the current tenant of this facility is the Heritage Financial Management LLC, who has merged recently with Silvercrest Asset Management Group, and they are looking at a five-year lease renewal of \$16 per square foot. He explained that there are also credits the group is requesting through this lease – a \$25,000 credit for interior and exterior property maintenance fees and costs to run the facility. Mr. Foley stated that the city is managing the property and has determined through evaluation that that credit amount is reasonable for this facility in its condition on an annual basis. He mentioned that the second is a one-time credit of \$55,000 of a \$90,000 up-front investment the firm is planning to make in the facility itself. Mr. Foley noted that the group has committed to performing “overdue property improvements,” that will extend beyond the term of the lease.

Mr. Rooker asked if these improvements would fit in to the potential future use of the property. Mr. Foley replied that it is likely that they would have to be done anyway, as no repair has been made to the building since 1993.

Mr. Foley said that the final issue is \$100,000 worth of needed improvements to the exterior of the building – sidewalks, retaining walls, etc. – long in need of repair. He said that the group has requested that the county perform those repairs, and \$243,000 in rent after all expenses would still be realized. Mr. Foley concluded that this is a positive renewal of the lease, guaranteeing both the city and the county a tenant in that building. He added that city council just approved the renewal last night.

The Chairman opened the public hearing.

Mr. Brewster of Heritage Financial Management addressed the Board, reiterating that they are planning to spend between \$90,000 and \$100,000 for repairs on the interior and exterior of the building. He noted that there would be some reconfiguration of the interior as well as work on the floors and ceilings, and the outside work would focus on the south side facing East Jefferson, including planting of trees and landscaping. Mr. Brewster emphasized that these improvements would benefit the city and county if they leave the building and it becomes vacant for lease again. He explained that they would like to do the repairs now, as the merger has prompted them to upgrade their facilities.

There being no further public comment, the matter was placed before the Board.

Motion was offered by Ms. Thomas to authorize the County Executive to execute the lease agreement between Silvercrest Asset Management Group, LLC, the County of Albemarle, and the City of Charlottesville for property located at 614 East High Street, commonly known as the Jessup Building, in a form approved by the County Attorney. The motion was **seconded** by Mr. Dorrier. Roll was called, and the motion carried by the following recorded vote:

AYES: Mr. Dorrier, Mr. Rooker, Ms. Thomas, Mr. Wyant, Mr. Bowerman and Mr. Boyd.
NAYS: None.

COMMERCIAL LEASE

THIS LEASE AGREEMENT is made as of this 1st day of August, 2005, by and between the **CITY OF CHARLOTTESVILLE, VIRGINIA** and the **COUNTY OF ALBEMARLE, VIRGINIA**, both political subdivisions of the Commonwealth of Virginia (hereinafter "Lessors"), and **SILVERCREST ASSET MANAGEMENT GROUP, LLC** (hereinafter "Lessee").

WITNESSETH:

WHEREAS, the Lessors are the owners of the Premises described herein, and represents that they have clear and unencumbered title to said Premises and are able to lease the same and deliver possession of the Premises to the Lessee upon the Commencement Date as set forth herein; and

WHEREAS, the Lessee is currently in possession of the Premises pursuant to an Assignment of Lease dated March 31, 2005 and desires to continue to lease the Premises for use as commercial office space; and

NOW, THEREFORE, in consideration of the mutual covenants contained herein the parties hereby agree as follows:

1. **LEASED PREMISES**. The leased premises, herein referred to as the "Premises", shall be all the property identified as Parcel 111 on City Real Property Tax Map 53, including the building containing approximately 6,218 square feet and commonly known as the Jessup Building, 614 East High Street, and labeled as "Town Hall Two" on the attached Site Plan (Attachment A), together with the parking area hereinafter designated. The property lies between East High Street and Jefferson Street, and on the west side of 7th Street, N.E. in the City of Charlottesville.

The designated parking area shall include those ten (10) individual parking spaces marked on the attached Site Plan with an "X".

2. **LEASE TERM AND NON-RENEWAL**. The term of this Lease shall be for a period of fifty nine (59) months, beginning August 1, 2005 ("Commencement Date") and terminating at midnight on June 30, 2010, or sooner as provided herein. There shall be no automatic renewal or extension of the term of this Lease, and should extension or renewal be desired by Lessors or Lessee, such renewal or extension shall be accomplished by separate written instrument of equal dignity to this Lease. Absent such written renewal or extension, this Lease shall automatically terminate at the end of the term hereof.
3. **RENT**. (A) The base annual rent for the Premises shall be Seventy-Five Thousand and 00/100 Dollars (\$75,000.00) for a total base rent for the entire term of Three Hundred Sixty-Eight Thousand, Seven Hundred Fifty and 00/100 Dollars (\$368,750.00). Said rent is payable in advance in monthly installments on the first day of each successive month of the lease term commencing on August 1, 2005. Until the same is adjusted as hereinafter set forth, said monthly rental payments shall be Six Thousand, Two Hundred Fifty and 00/100 Dollars (\$6,250.00) (the "Base Monthly Rent"). If such monthly rental payment is not received by Lessors on or before the fifth (5th) day of the month in which it is due, Lessee shall pay Lessors a late charge in addition to the monthly rental of five percent (5%) of such late monthly rental payment(s). All payments shall be made to Lessors at the address specified herein.

(B) Lessee and Lessors agree that the annual Rent for each year following the initial year of the Lease (August 1, 2005 to July 31, 2006) shall equal the amount of Rent payable during the previous rent year, unreduced by any rent credits provided for herein, increased by the "Rent Increase Percentage". The Rent Increase Percentage shall mean the greater of (i) the percentage increase of the Consumer Price Index for All Urban Consumers for All Items [CPI-U (1982-1984=100)] that occurred during the preceding Lease Year ending three (3) months before the anniversary date of this Lease; or (ii) three percent (3%) of the Rent payable during the previous rent year, unreduced by any rent credits provided for herein.

(C) In consideration for this Lease, Lessee agrees to perform certain renovation work at the Premises, as more particularly described in the "Intended Rehabilitation" section of the attached Memorandum from Lessee to Lessors, dated August 24, 2005, with supporting electronic mail messages attached, all of which is attached hereto as Attachment B to this Lease. Lessee agrees that during the first year of this Lease it will expend approximately Ninety Thousand and 00/100 Dollars (\$90,000.00) for the Intended Rehabilitation work described in the Attachment. All work shall be performed in a first class professional manner by licensed contractors, in full compliance with any and all applicable building and safety codes. Lessee shall be responsible for the prompt payment of all costs, charges and invoices for the above-described work. All work shall be completed during the first year of the lease term, unless Lessee and Lessors agree to a longer period.

Subject to the conditions stated herein, when any of the intended rehabilitation work referenced in this paragraph (C) has been completed and paid for by Lessee, Lessee shall be entitled to a rent credit equal to the cost of the repair. Lessee shall submit to Lessors copies of all invoices for the interior repair work with documentation evidencing payment by Lessee. Lessors shall have the right of access to the building, upon reasonable notice to Lessee, to verify that the repairs have been performed in a satisfactory manner. Upon receipt of the required documentation from the Lessee, Lessors shall have ten (10) working days to give written notice to Lessee if the rent credit is denied, with reasons for the denial. If Lessors do not give timely written notice of denial to Lessee, Lessee shall be entitled to deduct from the next month's rental payment the paid costs of the repairs. If the amount of the rent credit is greater than the monthly rental amount, Lessee may continue to deduct the repair costs from subsequent monthly rental payments until the entire amount of the rent credit has been exhausted; provided, however, that in no event shall a credit be claimed by Lessee or allowed by Lessors (i) for any costs in excess of Fifty-Five Thousand and 00/100 Dollars (\$55,000.00) over the entire term of this Lease; or (ii) for any repairs not referenced in this paragraph (C), unless such non-routine repairs and credits therefore are agreed to in writing by Lessors and Lessee prior to such repairs being made.

4. **REAL PROPERTY TAXES.** Throughout the term of this Lease Lessee shall pay all real property taxes lawfully assessed against its leasehold interest by the City of Charlottesville pursuant to Virginia Code § 58.1-3203. In the event that the taxing authority of the City of Charlottesville determines that the Premises is not eligible for an exemption from real property taxation pursuant to Virginia Code § 58.1-3603, Lessee shall within thirty (30) days of receipt of written notice and proof of payment by Lessors, reimburse Lessors for the amount of real property taxes each has paid as an owner of the Premises.
5. **USE.** Lessee shall use and occupy the Premises for general office purposes in the conduct of its business and shall not use the Premises for activities that would in any way violate any law or requirement of any public authority, cause structural damage to the improvements, interfere with the normal operation of the utility systems, cause undue noise or disturbance to neighboring properties or alter the exterior of the building. Lessee shall not use the Premises for the purposes of storing, manufacturing or selling any explosives, flammables, or other inherently dangerous substance, chemical, thing or device.
6. **QUIET ENJOYMENT.** Lessors covenant that, upon payment of rent and conditioned upon performance of all of the covenants and conditions of this Lease, the Lessee shall peacefully and quietly have, hold and enjoy the said leased Premises for the term aforesaid.
7. **CONDITION OF PREMISES / CARE AND MAINTENANCE.** (A) Except as may be expressly provided otherwise herein, Lessee accepts said premises and fixtures therein, if any, in their present condition and agrees to keep said premises and fixtures in a good clean condition; to commit no waste thereon; to obey all laws and ordinances affecting said Premises; and at termination hereof to surrender the premises and fixtures in like condition as when taken, reasonable wear and tear excepted.

(B) Lessee shall be responsible for all routine and ordinary interior and exterior maintenance and repairs to the building and Premises during the term of the Lease, except that Lessors will be responsible for the following:

- (1) Maintenance, repair or replacement of the heating, ventilation and air conditioning system;
- (2) The initial repair of the exterior front and side walkways, and front and side retaining walls which are at the Commencement Date in a damaged condition;
- (3) The initial repainting of the exterior window frames, shutters and roof in a color scheme mutually acceptable to Lessors and Lessee;
- (4) Treatment and or removal of the two existing hemlock trees located in the front of the building, and if removal is necessary to install appropriate replacement trees or plantings.

Any extraordinary repairs or replacements, including but not limited to repair or replacement to the roof, shall be performed by the Lessors, "extraordinary" being defined as those non-routine repairs or replacements with a life expectancy longer than the term of this Lease.

8. **ALTERATIONS.** Lessee shall not, without first obtaining the written consent of the Lessors, make any alterations, additions, or improvements in, to or about the Premises, except as described in paragraph 3 (C), *supra*. The Lessors' written consent will not be unreasonably withheld for any alterations, additions or improvements Lessee deems necessary or convenient to its use of the

Premises for its intended purpose. Any permanent fixtures shall become the property of the Lessors upon termination of the Lease. Lessee shall be entitled to make improvements and additions to the existing gardens on the Premises. All alterations shall be in accordance with applicable law, regulations and codes, including but not limited to the applicable building codes and the City of Charlottesville's zoning ordinance. Any changes to the exterior appearance of the building shall not be made until the Lessee has obtained a certificate of appropriateness from the City's Board of Architectural Review or, on appeal, City Council.

9. **ORDINANCES AND STATUTES.** Lessee shall comply with all statutes, ordinances and requirements of all municipal, state and federal authorities now in force, or which may hereafter be in force, pertaining to the Premises, occasioned by or affecting the use thereof by Lessee.
10. **ASSIGNMENT AND SUBLETTING.** Lessee shall not assign this Lease or sublet any portion of the Premises without the prior written consent of the Lessors, which consent may be withheld for any reason or for no reason, or which may be conditioned in any way Lessors choose. Any such assignment or subletting without consent shall be void and the Lessors, at their option, may terminate this Lease.
11. **UTILITIES.** Lessee shall provide and pay all charges incurred by Lessee for utilities, including gas, electricity, water, sanitary sewer and trash disposal services incurred by Lessee during the term of this Lease. Lessee shall be responsible for the costs of any telephone, cable television and internet services to the Premises. Lessors may interrupt or suspend the supply of any utility service to the Premises in order to make any necessary repairs or perform any maintenance for which Lessors are responsible so long as Lessors shall pursue with reasonable diligence the completion of the work. No such interruption shall exceed a period of one (1) day without prior consent of Lessee. If such interruption is necessary, Lessors shall give Lessee at least 48 hours prior written notice of the dates and times of the contemplated interruption, unless such interruption is due to an emergency not caused by Lessee, and shall cooperate with Lessee in order to minimize any inconvenience to Lessee.
12. **ENTRY AND INSPECTION:** Lessees shall permit Lessors or Lessors' agents to enter upon the Premises at reasonable times and upon reasonable notice, for the purpose of inspecting the same, and will permit Lessors at any time within sixty (60) days prior to the expiration of this Lease to place upon the Premises any usual "To Let" or "For Lease" signs, and permit persons desiring to lease the same to inspect the Premises thereafter.
13. **INSURANCE.** Lessee shall obtain and maintain in full force and effect during the term hereof business personal property insurance, including fire and extended coverage insurance, to cover its property and business operations within the Premises, and general liability insurance with policy limits of not less than One Million Dollars (\$1,000,000.00) per occurrence, and Two Million Dollars (\$2,000,000.00) in the aggregate and not less than One Hundred Thousand Dollars (\$100,000.00) with respect to property damage per occurrence. The Lessee's general liability insurance policy shall name the City of Charlottesville and the County of Albemarle as additional insureds as it pertains to the Premises. A certificate evidencing that the Lessors have been named as additional insureds shall be provided to the City of Charlottesville as fiscal agent for Lessors. The Lessors, at their sole expense, shall adequately insure the building for fire, casualty, hazard and liability.
14. **INDEMNIFICATION.** (A) Lessee agrees to indemnify and hold harmless Lessors and their officials, officers, agents and employees from and against any and all claims, losses, liabilities, damages and expenses which arise from Lessee's possession, use, occupation, management, repair, maintenance or control of the Premises, or any portion thereof, which arise from any negligent or wrongful act or omission of Lessee or Lessee's agents, employees, licensees, or invitees, or result from any default, breach, violation or nonperformance of this Lease or any provision of this Lease by Lessee. Lessee shall, at its own cost and expense, defend any and all actions, suits or proceedings which are brought against Lessors with respect to the foregoing. Lessee shall pay, satisfy and discharge any and all judgments, orders and decrees which may be recovered against Lessors as a result of the foregoing. Lessors shall fully cooperate in the defense of any such actions, suits or proceedings.

(B) Lessors shall not be liable for any damage or injury to person or property caused by or resulting from steam, electricity, gas, oil, rain, ice, snow, or any leak or flow from or into any part of the Premises or the building of which the same is a part, or for any damage or injury resulting or arising from any other cause or happening whatsoever unless said damage or injury is caused by the negligent or wrongful act or omission of the Lessors or either of them; and, notwithstanding the foregoing or any other provision of this Lease, Lessors shall not be liable to Lessee or any insurance company insuring Lessee for any loss or damage to Lessee's personal property within the Premises or on Lessors' property which was covered by fire and extended coverage insurance.
15. **EMINENT DOMAIN.** If the Premises or any part thereof or any estate therein, or any other part of the building materially affecting Lessee's use of the Premises shall be taken by eminent domain, this Lease shall terminate on the date when entry onto the Premises is made by the takeover entity. The rent shall be apportioned as of the termination date, and any rent paid for any period beyond that date or rent credits shall be repaid to Lessee. Lessee shall not be entitled to any part of the award for such taking or any payment in lieu thereof, but Lessee may file a claim for any taking of improvements owned by Lessee, and for relocation expenses.

16. **DAMAGE BY FIRE OR OTHER CASUALTY.** If all or any portion of the Premises shall be damaged or destroyed by fire or other casualty, this Lease shall not be terminated unless Lessors decide not to replace, repair or rebuild in accord with the following provisions. Lessee hereby waives any and all rights to terminate this Lease by reason of damage to the Premises by fire or other casualty pursuant to any presently existing or hereafter enacted statute or pursuant to any other law. In the event of any damage to the Premises by fire or other casualty which renders the premises unfit for Lessee's purposes, in whole or in part, there shall be an abatement of the rent payable hereunder during the period of such condition for so long as Lessee is not engaged in the conduct of its business operations in the Premises to substantially the same extent as that prior to said casualty and only to that extent which the Premises are rendered unusable, and on a *pro rata* basis. If all or any portion of the Premises is damaged or destroyed by fire or other casualty that is covered by Lessee's general liability insurance, then all insurance proceeds under such policy shall be paid to the Lessors or made available for the payment for repair, replacement, or rebuilding, and the Lessors shall elect as soon as practical after the damage has occurred, but no later than twenty (20) days thereafter, whether or not to repair or rebuild the Premises or any such portion thereof to its condition immediately prior to such occurrence; provided, however, that the foregoing provisions shall not require the Lessor to repair or rebuild any part of the Premises, or of Lessee's improvements, equipment or appurtenances not constituting fixtures or otherwise a part of the Premises owned by Lessors. In any event, Lessors shall provide Lessee written notice of its decision either to elect to or refuse to replace or rebuild said Premises within the aforesaid twenty (20) day period. If Lessors elect not to replace or rebuild then said Lease shall be deemed terminated thirty (30) days following the occurrence causing said damage. If at the time of Lessors' decision to replace or rebuild, Lessors do not agree in writing to complete the repair or rebuilding within ninety (90) days after the decision is made, or within a reasonable period if ninety (90) days is unreasonable under the circumstances in light of the nature and extent of the damages, as decided by both Lessors and Lessee, Lessee shall have the option to terminate this Lease by written notice to Lessors within fifteen (15) days after Lessors' decision.

17. **DEFAULT PROVISIONS.** (A) The following shall constitute events of default:

- (1) Abandonment of the Premises;
- (2) The default of seven (7) days in payment of rent or other sums due to Lessors hereunder;
- (3) Breach of any of the covenants or conditions of this Lease continuing for more than fifteen (15) days following receipt of written notice thereof from Lessors to Lessee;
- (4) Dissolution or commencement of any proceedings to dissolve Lessee;
- (5) Termination of existence, insolvency, business failure, appointment of a receiver, assignment for the benefit of creditors of all or any part of the property of the Lessee, or commencement of any proceedings under any bankruptcy or insolvency law by or against Lessee.

No failure on the part of the Lessors to enforce any covenant or provision herein, nor the waiver of any right hereunder by Lessors, shall discharge or invalidate such covenant or provision or any other covenant, condition or provision hereof, or affect the right of the Lessors to enforce the same in the event of subsequent breach or default.

(B) **REMEDIES ON DEFAULT.** Upon the occurrence of any event of default, Lessors shall have the right, then or at any time thereafter while such event of default shall continue, to terminate this Lease on not less than ten (10) days notice to Lessee. On the date specified in such notice the term of this Lease shall terminate, and Lessee shall then quit and surrender the Premises to Lessors, without extinguishing Lessee's liability. If this Lease shall have been so terminated by Lessors, Lessors may at any time thereafter resume possession of the premises by any lawful means and remove Lessee or other occupants and their effects. In the event of default by Lessee, rentals received by Lessors following reentry shall be applied to liability of the Lessee resulting from said default.

(C) **LIABILITY OF TENANT ON DEFAULT.** If the Lessors rightfully terminate this Lease or reenters pursuant to the foregoing section, Lessee shall remain liable for the rent and all of the sums provided for in this Lease until the date this Lease would have expired had such termination not occurred and any and all expenses incurred by Lessors in reentering the Premises, repossessing the same, making good any default of the Lessee, and repairing any damage which may have resulted from Lessee's use of the Premises excepting normal wear and tear and the expense which Lessors may incur in obtaining a new tenant. Lessee agrees to pay to Lessors the amount of the foregoing liability with respect to each month during the term of this Lease, all of which shall be accelerated upon any default. In the event of default, and in addition to the foregoing, Lessee shall pay Lessors all costs incurred, including reasonable attorney's fees with respect to any collection efforts, suit, or action taken or instituted by Lessors against Lessee to enforce the provisions of this Lease provided the Lessors substantially prevail.

(D) **LIQUIDATED DAMAGES.** If Lessors rightfully terminate this Lease pursuant to the foregoing default provisions, Lessors shall have the right at any time, at their option, to require Lessee to pay to Lessors, on demand, as liquidated and agreed final damages in lieu of Lessee's liability hereinbefore provided, the rent and all of the charges which would have been payable from the date of such demand to the date when this Lease would have expired if it had not been terminated. If the Premises have been relet for all or part of the remaining balance of the term by Lessors after default by Lessee, the amount of said rent shall be credited against any liquidated damages. Upon payment of any such liquidated and agreed final damages, Lessee shall be released from all further liability under this Lease.

18. **RIGHT OF LESSORS TO CURE LESSEE'S DEFAULT.** If Lessee shall fail to keep or perform any of its obligations as provided in this Lease, then Lessors may, upon the continuance of such failure on

County of Albemarle, Virginia
County Office Building
401 McIntire Road
Charlottesville, VA 22902
Attn: Robert W. Tucker, Jr., County Executive

with a copy to: S. Craig Brown, Charlottesville City Attorney
City Hall, 601 East Market Street
P.O. Box 911
Charlottesville, VA 22902

and

Larry W. Davis, Albemarle County Attorney
County Office Building
401 McIntire Road
Charlottesville, VA 22902

25. **HEIRS, ASSIGNS AND SUCCESSORS.** This Lease is binding upon and inures to the benefit of the heirs, assigns and successors in interest to the parties.
26. **SUBORDINATION.** This Lease is and shall be subordinated to all existing and future liens and encumbrances against the property.
27. **NONAPPROPRIATION.** This Lease is subject to the approval, ratification and annual appropriations by the County of Albemarle Board of Supervisors and the City of Charlottesville City Council of the necessary money to fund the obligations of the Lessors under the Lease for succeeding fiscal years. Should either or both of the governing bodies fail to appropriate necessary funding, the Lessors shall promptly give notice of such nonappropriation to Lessee and may terminate this Lease without incurring any penalty, liability or additional costs whatsoever.
28. **COMMISSIONS.** Lessors and Lessee agree that no real estate agent or company has provided services in connection with this Lease, and each party hereto agrees to hold the other harmless from any claim made for a commission in connection with this Lease.
29. **ENTIRE AGREEMENT AND AMENDMENTS.** This Lease represents the entire agreement between the parties, and may only be amended by written addendum executed by authorized representatives of both the Lessors and the Lessee.
30. **APPLICABLE LAW.** This Lease shall be governed by the laws of the Commonwealth of Virginia.
31. **FISCAL AGENT.** As set forth in that certain Agreement dated July 20, 2004, between the City of Charlottesville (the "City") and the County of Albemarle (the "County"), attached hereto as Exhibit C, the City shall serve as the Fiscal Agent for the Lessors under this Lease, and the Lessee shall have the benefit of the provisions of said Agreement as it relates to the Property herein. The City shall be the recipient of all rents or other monies due.

WITNESS the following authorized signatures and seals, all as of the day and year first herein above written.

LESSEE:

SILVERCREST ASSET MANAGEMENT GROUP, LLC

Russell J. Bell
Managing Director

LESSORS:

CITY OF CHARLOTTESVILLE

BY: _____
Gary B. O'Connell, City Manager

COUNTY OF ALBEMARLE

BY: _____
Robert W. Tucker, Jr., County Executive

Agenda Item No. 17. **SP-2005-013. Hollymead Swim Club (Sign #67).** Request for swim, golf, tennis or similar fac, to allow membership to swimming pool from outside of Hollymead Planned Unit Development in accord w/Secs 20.4.2.1, 22.2.2.6, 18.2.2.4 & 5.1.16 of the Zoning Ord which allow for swim, golf, tennis & similar facs. TM 46B2, Sec 2, P A contains 17 acs. 2nd Hollymead PUD. Loc at 2000 Hollymead Dr in Hollymead development. Rivanna Dist. (Advertised in the Daily Progress on August 22 and 29, 2005).

Mr. Cilimberg reported that the club that currently serves Hollymead residents would like to expand its membership to include people from other residential areas. He noted that it shares its entrance with the Silver Thatch Inn and has adequate parking for pool use, and most users would still be from Hollymead. Mr. Cilimberg noted that there has been one safety concern raised with sight distance at the entrance to the pool, and the applicant has agreed with VDOT to correct that particular situation, largely involving the removal of shrubs. He added that staff has recommended approval with two conditions. The Planning Commission, at its meeting on July 19, 2005, recommended that the membership be structured based on a total of 466 memberships, which is the total number of families living in Hollymead. Mr. Cilimberg emphasized that the club membership has fallen to well below that number. He reported that the Planning Commission's recommendation is for approval with two conditions: modified to say "family memberships including residents of the Hollymead PUD shall not exceed 466," and the second pertaining to the entrance improvements.

Public comment was invited. No one came forward to speak, and the matter was placed before the Board.

Motion was offered by Mr. Boyd to approve SP-2005-013, subject to the two conditions recommended by the Planning Commission. The motion was **seconded** by Mr. Wyant. Roll was called, and the motion carried by the following recorded vote:

AYES: Mr. Dorrier, Mr. Rooker, Ms. Thomas, Mr. Wyant, Mr. Bowerman and Mr. Boyd.
NAYS: None.

(Note: The conditions of approval are set out in full below.)

1. Family memberships, including residents of the Hollymead PUD, shall not exceed four hundred sixty-six (466); and
2. Prior to the issuance of a Zoning Clearance for the commercial swim club, the applicant shall provide sight distance at the entrance/exit to the property onto Hollymead Drive to the satisfaction of the Virginia Department of Transportation.

Agenda Item No. 18. **SP-2004-032. St. Nicholas Orthodox Church (Sign #34).** Request for church use to be established on a 4.45 acs in accord w/Sec 18.10.2.2.35 of the Zoning Ord. TM 70, P 12A. Znd RA & EC. Loc on St Rt 250 (7581 Rockfish Gap Turnpike), approx .5 mls W of intersec of St Rt 691 (Greenwood Rd) & Rt 250. White Hall Dist. (Advertised in the Daily Progress on August 22 and 29, 2005).

Mr. Cilimberg reported that this would allow the 5,220 square foot building to be used as a church with a sanctuary of up to 100 seats, as it has been a retail establishment in the past. He explained that there is a parking lot with 75 spaces, and there would be a slightly reconfigured parking lot with improvement to the entrance to the property and landscaping. Mr. Cilimberg noted that the property is located on the Route 250 West corridor, and would allow appropriate reuse of a vacant building in the rural areas with minimal impacts. He noted that there are safety issues with entrances to the property, which the applicant has agreed to address, specifically reconfiguring and improving the existing entrance on the eastern side of the property and no longer taking access from an existing drive on the western side of the property – that would be physically closed off with the new parking area.

Mr. Cilimberg said that there are five conditions recommended by staff, the fifth was slightly modified to include the proper language by the Planning Commission. Staff and the Commission have recommended approval. He added that there was a site plan waiver involved in this that is being handled by the Planning Commission and does not require Board action.

Public comment was invited.

Rev. Father Robert Holet, Pastor of St. Nicholas Orthodox Church, addressed the Board, thanking them and county staff for enabling the church to move forward. He said that the church is endeavoring to serve an underserved population as well as the community at large.

Ms. Thomas asked if they have a congregation currently that meets elsewhere. Rev. Holet replied that the group meets at 2045 Ivy Road, in a space between Bellair Auto and Charlottesville Auto.

Mr. Wyant asked about the parking area on the west side, and how they plan to close it off. Rev. Holet replied that they are considering putting a curb so that emergency vehicles could get in there if absolutely necessary. He added that there is existing landscaping that is nice, and they would try to work with that.

Mr. Larry Claytor addressed the Board. He stated that he lives directly across from the church and welcomes their use of the building. Mr. Claytor stressed that the entrance is actually the old Route 250, and he sold the east entrance to the antique shop for a minimal price and donated the west entrance to the church. He emphasized that from a safety issue, the west entrance is much, much safer, and he thought that entrance would be used. Mr. Claytor said that he is concerned that the sight distance is not safe for turning vehicles. He requested that the bank be cut back to improve sight distance at the west entrance, adding that the east entrance is better. Mr. Claytor stated that additional vehicles parked on Route 250 could also create problems.

In response to Mr. Dorrier's question, Mr. Claytor confirmed that his property is directly across from the entrance to the church.

Mr. Cilimberg noted that this requires VDOT approval, and the indication on the plan shows there is 660 feet in both directions, adding that there would be a relocation of the entrance to shift it westward somewhat.

Mr. Claytor said that the perspective is different from a car than standing on the site, noting that you can see about 400 feet to the west and about 500 feet to the east prior to any shifting.

Mr. Wyant said that VDOT will work with object placement to determine sight distance, noting that that may be why the shift has been recommended. Otherwise, VDOT would not give approval.

Mr. Tucker noted that this still has to go through site plan approval.

Mr. Cilimberg mentioned that this has a site plan waiver, but there is a condition that it meets VDOT approval for installation of the required entrance.

Mr. Wyant emphasized that VDOT would not issue a permit unless the entrance was deemed to be safe.

Mr. Claytor said that the modifications should be made to make it safe.

Mr. Cilimberg commented that that is the condition.

Mr. Harold Jordan addressed the Board. He is the owner of the property being sold to the church, and has been involved in the process for quite some time. Mr. Jordan said that he is in favor of the new use, and he will continue to remain on the property east of the church. With regard to the entrance, he said, the most desirable was the west side but the owner of that property did not want to accommodate an easement for that, so this new plan is the next best thing. He noted that his wife had holiday events when the church was a store, and there were as many as 150 attendees with no problems related to parking. Mr. Jordan confirmed that the easement for the east entrance is across their property.

There being no further public comment, the matter was placed before the Board.

Mr. Wyant noted that the plan is showing 60 feet of sight distance on either side, and trust VDOT will confirm that.

Motion was offered by Mr. Wyant to approve SP-2004-032, subject to the five conditions recommended by the Planning Commission. The motion was **seconded** by Ms. Thomas. Roll was called, and the motion carried by the following recorded vote:

AYES: Mr. Dorrier, Mr. Rooker, Ms. Thomas, Mr. Wyant, Mr. Bowerman and Mr. Boyd.
NAYS: None.

(Note: The conditions of approval are set out in full below.)

1. The site shall be developed in general accord with the plan entitled "Application Plan-SP-2004-0032", prepared by Blackwell Engineering, PLC, revised July 2005;
2. The area of assembly shall be limited to one hundred (100)-seat sanctuary;
3. There shall be no day care center or private school on site without approval of a separate special use permit;
4. The applicants shall secure VDOT approval of the entrance from Route 250, prior to the issuance of a zoning clearance for church use of the site; and
5. No building expansions are permitted without prior approval of a new special use permit.

Agenda Item No. 19. **SP-2004-053. Wildon Grove Baptist Church (Sign #33)**. Request for church to allow bld addition, in accord w/Sec 18.2.2.35 of the Zoning Ord which allows for church uses in the RA. TM 36, P 22, contains approx 1 ac. Znd RA. Loc at 6820 Wildon Grove Rd (Rt 645), which is approx 1.5 mls SW of intersec of Rt 645 (Magnolia Rd) & Rt 608 (Happy Creek Rd), approx 2 mls S of the Albemarle/Orange County line. Rivanna Dist. (Advertised in the Daily Progress on August 22 and 29, 2005).

Mr. Cilimberg explained that this proposal is for an addition to the existing 1,700 square foot church, including an existing parking area in grass that provides 23 spaces. He said that no new parking is required, but the church may use other grassed areas of the site for parking purposes. Mr. Cilimberg noted that the plan will involve demolishing an existing historic 666 square foot detached fellowship hall, and is a contributing structure to the Southwest Mountains Rural Historic District. He said that the structure was built in 1929, with the existing sanctuary built in 1970. Mr. Cilimberg said that the historic structure is in severe disrepair and is no longer meeting the space needs of the church. He stated that documentation of the resources is recommended as a condition of the special use permit approval. Staff recommends approval of the request with four conditions. One of the conditions was modified by the Planning Commission to have the original building documented by a historian.

Public comment was invited. There being none, the matter was placed before the Board.

Motion was offered by Mr. Boyd to approve SP-2004-053, subject to the four conditions recommended by the Planning Commission. The motion was **seconded** by Mr. Wyant. Roll was called, and the motion carried by the following recorded vote:

AYES: Mr. Dorrier, Mr. Rooker, Ms. Thomas, Mr. Wyant, Mr. Bowerman and Mr. Boyd.
NAYS: None.

(Note: The conditions of approval are set out in full below.)

1. The site shall be developed in general accord with the plan entitled "Application Plan for Special Use Permit 2004-53," revised June 13, 2005;
2. The area of assembly shall be limited to the existing ninety-four (94)-seat sanctuary;
3. There shall be no day care center or private school on site without approval of a separate special use permit; and
4. The church shall make the property available for documentation of the fellowship hall building (as labeled on the Application Plan Attachment B) by an architectural historian or other person approved by staff, prior to proceeding with removal.

Agenda Item No. 20. **SP-2004-055. Walgreens (Signs #52,63,96)**. Request to operate two-lane, drive-thru fac associated w/pharmacy on approx 1.78 acs, in accord w/Sec 24.2.2.13 of the Zoning Ord. TM 32, P 37C. 2nd HC & EC. Loc at SE corner of intersec of Rt 29 (Seminole Trail) & Rt 649 (Proffit Rd). Rivanna Dist. (Advertised in the Daily Progress on August 22 and 29, 2005).

Mr. Bill Fritz, Chief of Current Development, reported that this is a request for a drive-through for a proposed pharmacy to be located at the intersection of Proffit Road and Route 29; the location of the Airport Motel and old Mercer Carpet building. He said that the applicant proposes to build a pharmacy with a drive through. The request was reviewed for compliance by the site review committee, who support the design and layout of the drive-through. Mr. Fritz added that the ARB also had no opposition to the plan subject to conditions which are included in the action. He noted that the Planning Commission recommended approval, by a vote of 5:1, but did have concerns about circulation and access to the adjacent property. Mr. Fritz pointed out that the layout of the drive-through does not have the conventional bypass lane, but uses an adjacent travel aisle. He said that staff is able to support that and believes it's adequate, adding that access is being improved on this site due to the closure and redesign of entrances. Mr. Fritz stated that the Planning Commission had significant concerns about the relegated parking on site, as it does exceed the minimum required (at 112 percent).

Ms. Thomas stated that she was also concerned with the excess asphalt, asking if the county has the ability to request fewer parking spaces. Mr. Fritz said that the Board could require fewer spaces, as there are 128 spaces required with the applicant recommending 144. He added that those spaces could also be deleted from a certain location to minimize impact.

In response to Ms. Thomas' concerns, Mr. Fritz explained that staff would approve anything up to 120 percent of minimum parking and anything over would require a modification that could be granted administratively.

Ms. Thomas said that there are retail shops there too that have spaces.

Mr. Rooker clarified that Ms. Thomas is asking if parking spaces could be removed to get them to a minimum.

Mr. Boyd said that the property was approved for that many parking spaces before, and the drive-through does not impact that.

Citing stormwater concerns, Ms. Thomas emphasized that when the Board has the opportunity to reduce asphalt, it is an action we should take.

Mr. Wyant asked staff about the access easement on the steep bank. Mr. Fritz answered that whenever possible, staff tries to provide access to adjoining properties, and in this case it goes to a steep slope. It's a placeholder right now.

Public comment was invited.

Mr. Ned Bickers addressed the Board on behalf of the developer. He explained that on the plans approved by the Planning Commission, there are 144 parking spaces provided, and there would have been 137 required if they had not gotten credit for the drive-through. Mr. Bickers noted that they have satisfied the ARB and Planning Commission, adding that his group is also doing a facelift to the building and improved landscaping. He reported that based on ARB recommendations pertaining to the improvements, there have been nine parking spaces eliminated, so what is left are 135 spaces provided. They are actually below what the minimum requirement would be had they not gotten the credit for the drive-through. He added that with the drive-through credit there are 128 spaces required, so they are seven over the requirement. Mr. Bickers emphasized that when there is a food business there, there is more parking needed than for mercantile use.

There being no further public comment, the matter was placed before the Board.

Motion was offered by Mr. Boyd to approve SP-2004-055, subject to the three conditions recommended by the Planning Commission. The motion was **seconded** by Mr. Wyant. Roll was called, and the motion carried by the following recorded vote:

AYES: Mr. Dorrier, Mr. Rooker, Ms. Thomas, Mr. Wyant, Mr. Bowerman and Mr. Boyd.
NAYS: None.

(Note: The conditions of approval are set out in full below.)

1. The site shall be constructed in general accordance with the preliminary site plan entitled "Walgreens", issue date of 7/13/05 and initialed Y.Q.A. dated 7/15/05;
2. Signage and pavement markings shall be provided at the entrance and exit points of the drive-through lane, subject to Current Development Division engineering approval to ensure appropriate and safe travel patterns; and
3. Landscaping beyond that outlined in the ARB Design Guidelines is required to mitigate the impacts of the site layout. Landscaping shall be provided to the satisfaction of the ARB.

Agenda Item No. 21. Work Session: Human Services.

Ms. Roxanne White, Assistant County Executive, reported that this presentation focuses on the best way for the county to direct its resources so that they can meet the current and future human service needs. She explained that the broad range of these services is integral to the county being able to maintain a quality community, particularly when the vision promoting lifelong learning, affordability, and economic opportunity is considered. Ms. White said that the focus is to direct all programs, resources, and efforts towards the county's vision and achieving those goals.

Ms. White explained that the human services system should be looked at as a cohesive group of related offerings, not just a bunch of separate programs. She said that the range of services seems confusing because there seems to be so much out there, adding that when families are in distress they often need the whole spectrum. Ms. White reported that there is an extensive network of agencies that provide services, which is really an arm of county government to help provide services to citizens. She said that there are 22 agencies currently funded by the county at a cost of \$3.3 million – ranging from large agencies like Region 10, which brings in \$4.5 million into county services, to a small organization like SACA, to which the county contributes about \$3,000. Ms. White pointed out that in 2004, there were local social services funds of \$5.5 million, but that department brought in \$55.8 million in other types of funds that came into the county to provide services and direct benefits.

Ms. White described progress in the human services system since the first human services plan was finalized in 1995, encouraging a proactive approach rather than just incremental increases in programs. She stated that they have created a process to improve collaboration, including the creation of the Commission on Children and Families, and have brought about better communication and less duplication among agencies. Ms. White said that there was unanimous agreement on the need for early intervention, which encouraged the start of the Bright Stars and healthy families initiatives. She noted that there has been progress made in residents' well-being through the human services system, although there have been shifts in demographics and trends that might impact future programs. Ms. White said that many of the same needs identified in 1995 have remained, and many people in the community are living even more "on the edge" of the haves and have-nots because of affordability issues.

Ms. White said that the aim of the entire human services system is to improve the quality of life for citizens, but there are many definitions as to what that is. She said that that quality of life has been defined in three ways: people need to be self-sufficient with an adequate income to meet their needs, standard housing, childcare, food, transportation, and access to health care; residents need to be protected from risk, as families can thrive when there are healthy and stable conditions that are free from family violence, child abuse, and substance abuse; residents need opportunities to learn and gain good employment, which can no longer be achieved just by the schools and require community programs such as after-school programs and lifelong learning initiatives.

Ms. Saphira Baker of the Commission on Children and Families addressed the Board, expressing her gratitude to the Department of Social Services and county GIS staff for their data. She explained progress in each of the three areas as outlined by Ms. White:

Adequate income – she said that children living under the poverty line had decreased, but has now gone back up, especially with African-American children under age 5. Ms. Baker said that this is in keeping with national trends. She stated that healthcare showed up as the number one need in both the CCF's needs assessment of families, and the MACAA analysis of clients. Ms. Baker said that public and private investments are making a difference in the resources available in the county, with immunization rates up for children in the Home Visiting programs. She noted that one of the largest unmet needs has been for dental care, and a new dental clinic is opening that will service Medicaid recipients.

Emotional and physical well-being – Ms. Baker reported that delinquency judgments, teen pregnancy rates, and risk factors are all decreasing nationwide. She noted that the foster care rates have been decreasing as well, with emphasis on family support programs to help identify children earlier before they become adolescents. Ms. Baker stated that drug arrests in the county for adults are decreasing, although that does not hold true for young people.

Opportunities for development and learning – Ms. Baker said that enrichment is critical to success in school and personal development, with quality preschool as a key part of this support. She referred to progress being made in this area in the county with support from public and private partnerships. Ms. Baker reported that there have been overall positive trends for the county as a whole in school achievement.

Ms. Baker concluded that with continued public and private investment, these positive trends will continue in the county.

Ms. Baker reported that the official poverty rate is based on the cost of food, and does not include housing and transportation costs. She noted that the actual number of Albemarle County residents at 200 percent poverty – a benchmark used to account for those other costs – is 15,286, with those individuals facing hard choices about their medical care and housing. Ms. Baker noted that one-third of public school students are eligible for free or reduced lunch in Albemarle County. She noted that 60 percent or more of those living at or below the poverty benchmark are clustered around the ring of the city. Ms. Baker presented information on which schools had the most students eligible for free and reduced lunch, with the Scottsville District being the highest.

Mr. Bowerman commented that these numbers seem awfully high. Ms. Baker said that some districts do have much higher numbers, which is not directly reflected in the overall figures.

Ms. Baker presented statistics that show the severe problem of health care provision locally, even with the free clinics availability.

Ms. Baker reported that the costs for high-risk, high-need youth are increasing, not only the numbers of kids in this situation so much as the interventions needed by the age when they come into the system. She noted that this is also affected by state policy and private sector treatment costs. Ms. Baker presented information on the impact of exposure to family violence and its association with risky behavior among teens, which results in human and financial costs to the community. She noted that over one-third of the teens in the juvenile justice system have been exposed to family violence. Ms. Baker noted that it was striking to her that the kids in Crozet were the ones asking for a youth center and things to do. She reported that the trend toward substance abuse among young people has continued to go up, with over half of the people in the court system having exposure to drugs through their parent(s).

Mr. Dorrier asked if this was alcohol, drugs, or both. Ms. Gretchen Ellis responded that the increase in arrests has been for alcohol alone, but the exposure in the home has been to both alcohol and drugs, primarily cocaine.

Ms. Thomas asked if there were any substance abuse treatment facilities for youth. Ms. Ellis replied that there is one facility in Virginia that focuses on substance abuse treatment.

Ms. Thomas noted that when mental health facilities were closed down in favor of community-based treatment, the result was no treatment facilities for young people with drug and alcohol problems.

Ms. Baker reported that preschools each have a waiting list, and programs like Head Start and Bright Stars have been proven to improve students' academic achievement and social development. She presented information on the disparity in SOL scores of students within ethnic groups.

Mr. Gordon Walker pointed out that when you look at the major contributing factors of kids not doing well in school, it's whether parents have a high school diploma or not.

Ms. Baker said that schools have made closing this gap one of the top priorities in their strategic plan. She stated that human service agencies and enrichment programs have a primary role to play in addressing their students' social and educational development through after-school programs, family support, workforce development, parent involvement initiatives, organized in partnership with public schools. Ms. Baker presented a slide on the SOL achievement disparity between Caucasian and African-American students at Western Albemarle High School.

Ms. Baker reported that when asked, students in the rural areas reported lack of transportation as a barrier to getting to activities, and a lack of summer employment opportunities. She concluded her report by stating that investment is necessary in programs that are targeted to meet high need, that have demonstrated effectiveness with good outcomes that are well-managed and efficient, and that generate high participation among targeted residents, improving the overall quality of life for Albemarle County residents.

Mr. Boyd asked if there has been any progress in setting up teen centers at middle schools in the rural areas. Ms. Baker replied that there has been progress made at Walton with after-school activities, but there has not been movement in Crozet on the teen center. She added that perhaps the Neighborhood Model in Crozet could accommodate a teen center.

Mr. Boyd commented that the Old Trail discussion next week should also include mention of the need for youth activities.

Mr. Walker reported that JABA was created by the Board of Supervisors in 1975, along with the other five localities in the Planning District, and was charged by local governments to plan services, deliver services, and advocate for the elderly. He thanked the Board for having this session, noting that there

was a bus/garden tour for local officials 22 years ago to look at the poverty that existed in Albemarle County. Mr. Walker said that the Board made substantial changes at that time to improve living conditions, such as installation of indoor plumbing to almost 1,300 homes that did not have it.

He explained that the number of elderly persons below the poverty line is actually decreasing from among those who are still able to live at home. He mentioned that the poverty rate is \$9,570 a year though, which is obviously not very much money. Mr. Walker noted that growth in the retired volunteer program is up 19 percent over the last five years, as many residents are getting out into their community. He added that the real estate tax relief for the elderly has also been helpful, although the levels set remain far below what the state will allow the county and city to do. Mr. Walker thanked the Board for their support of Mountainside, which in part provides 30 assisted living beds to people who are on auxiliary grants.

Mr. Rooker asked if there were both subsidized and non-subsidized beds. Mr. Walker responded that some of the private-pay residents help subsidize the auxiliary grants.

Mr. Walker reported that the Board's support of Woods Edge apartments brought 97 low-income housing tax credit units online in Albemarle County, and 90 new units in Parkview on Pantops would provide low-income tax credit elderly housing. He noted that people are not supposed to spend more than 30 percent of their income on housing under this scenario, so this really targets a middle income group rather than those at the 200 percent poverty benchmark.

Mr. Walker said that the county helps provide scholarships for people that need Adult Day Healthcare during the day, and currently there are 31 Albemarle County residents receiving partial scholarships. He reported that there are 16,000 meals delivered to the homebound through JABA and Meals on Wheels. Mr. Walker noted that the rising gas prices would obviously impact this service in the future. He said that the Hillsdale Drive facility has become a "one-stop shopping" for geriatric issues. Mr. Walker reported that the 2020 Plan would be receiving a national award from the Federal Administration on Aging for middle-size areas of the country. He said that the plan is an intergenerational approach, with Western Albemarle students having written one chapter of the plan. Mr. Walker noted that the elderly population becomes 17 percent of the overall population by the year 2010, and by the year 2020 it will be 20 percent. He mentioned that this is a 77 percent growth in the number of people over age 65 in Albemarle County, impacted largely by baby boomers. Mr. Walker noted that the 85+ population will double by the year 2020, which will foster the need for more assistance.

Mr. Walker said that while one out of five of the overall population in Albemarle lives below the poverty level, one out of four elderly do. He emphasized that the average out-of-pocket expense for the elderly is \$3,100 above and beyond Medicare. Mr. Walker noted that in order to become eligible for Medicaid in Virginia, "you have to be very poor." He said that four out of ten older women live alone, and are at greater risk because of that. Mr. Walker said that 91 percent of those who JABA directly serves are below the 200 percent poverty benchmark, but statistically only 1 out of 4 of those at risk are being served. He added that one out of three people over age 65 have a disability that limits their ability to perform activities of daily living.

Mr. Rooker asked how people become clients of JABA, and why such a large segment is not being served. Mr. Walker responded that a large part of that is getting people to call in the first place, noting that there is a pride factor that is a barrier to people asking for help. He said that reduced state and federal funding has also limited JABA's ability to serve the population, noting that there is just one case manager to serve all of Albemarle County. Mr. Walker stated that the county newsletters and tax notices are helpful in JABA's effort to identify people in need.

Mr. Dorrier asked if there is a need for more public transportation in the county for the elderly. Mr. Walker replied that the neighborhood approach is supportive of keeping services and facilities near where people live, acknowledging that it is difficult to get people to drive in or even take JAUNT, as it costs \$6 each ride.

Ms. Thomas suggested that there be a map provided that shows where seniors who drive or cannot drive live. Mr. Walker responded that the census does include that information, and said he would check into whether the 2020 Plan includes that data.

Mr. Rooker said it would also be helpful to know whether a person with a disability is able to use transportation if they cannot access public transportation.

Ms. Thomas cited lack of ramps as a big issue, with the federal government recently deciding that they will not fund them.

Mr. Walker emphasized the importance of considering developments that accommodate pedestrians and reduce dependency on vehicle transportation.

Mr. Dorrier commented that there are more assisted living facilities springing up in Albemarle.

Mr. Walker replied that they are pricey, with the average cost of an assisted living bed at \$3,000 per month, with only 15 to 20 percent of the population able to afford that.

Mr. Wyant said that there are people in the rural areas who really want to stay in their homes. Mr. Walker commented that people in rural areas end up in nursing homes sooner because of that, because they do not receive services.

Ms. White said that the focus of this process has been how local government makes a difference in terms of how resources are directed to be most effective, narrowed down to four primary areas – taking action tomorrow, building upon success, investing in new strategies, and advocating for change. She noted that she would be concluding by emphasizing the first area, as the other three are presented in Board packets.

Ms. White stated that there are five top areas within taking action tomorrow:

Expanding high-quality preschool programs – getting three and four year olds ready for school, as they are a key part of the county's prevent strategy and are working. She emphasized that brain research shows that those brain cells need to be expanded at a young age.

Mr. Boyd asked if the county should get out in front of the state on this issue.

Ms. White replied that the state has not increased state funding for Bright Stars, although they have increased the numbers of eligible children. She noted that the state dollars have stayed level, although the numbers have gone up, adding that the county should provide more funding and advocate at the state level for increases.

- Expanding school-based family support programs – putting workers in each of the elementary schools and middle schools to prevent foster care and CSA rates. She said that schools want those workers as they are a link to getting those families services, noting again that funding responsibility has shifted to local government. Ms. White added that mental health programs in the schools sponsored by Region Ten are also critical.
- Closing the achievement gap in school performance – Ms. White said that it is critical for the county to work along with the schools and the community to make this happen. In response to Mr. Boyd's comments, Ms. White agreed that the Board would likely see requests for funding for programs to help close the gap, adding that early childhood and prevention activities can make a difference.

Mr. Rooker commented that items one and two affect item three. Ms. White and Board members agreed.

Ms. Thomas asked if we know how to do number three, noting that locally all achievement has improved, which is a good thing, but the gap has remained the same.

Ms. White responded that there are other local models that have helped to close this gap. She added that there would need to be a pilot program that started with prenatal, health issues, reading with children. There are just so many things and maybe it is that we try to focus on some areas of particular need and try to develop a system that really gets at all different points.

Mr. Dorrier noted that there is a St. John's Foundation program at Yancey Elementary, and that is making a difference in people's lives.

Mr. Boyd wondered if some of the remediation monies might be redirected into the preschool programs.

Mr. Rooker agreed, adding that perhaps the most likely target group for success would be preschoolers, rather than high school students.

Mr. Walker said that the achievement gap between blacks and whites at Clarke Elementary School has basically closed. He stated that Charles Martin's Urban Vision has been instrumental in making this happen, while they cannot take all the credit for this. Mr. Walker said that the after-school programs at both Clarke and Yancey have made tremendous strides towards closing the gap. He added that there also need to be higher expectations of teachers and principals.

Mr. Boyd said that he is not sure that can be afforded to be done county-wide, as there is a tremendous amount of spending at Yancey through public funds and grants.

Ms. White added that there are several communities that are trying to get the business sector involved also.

- Fostering a neighborhood approach to planning and delivery of services – Ms. White reported that it is critical to get more GIS data to look at where resources should be targeted, instead of a scattershot approach.
- Aging in place – Ms. White said that allowing the elderly to stay in homes by identifying the at-risk population is also a key component of improving the quality of life for county residents.

Ms. Thomas commented that in Scandinavia, they have encouraged "Places to Age" rather than "Aging in Place," by creating beautiful living environments that the elderly actually look forward to going to.

Ms. White concluded by stating there needs to be continuation of programs that work, investment in new strategies, and advocating for policy changes at the federal, state and local levels (businesses, community, etc).

Mr. Rooker said that the federal government is backing away from Medicaid and Medicare, and the state is under extreme pressure to pick up those costs.

Ms. Thomas agreed, stating that Virginia has some of the lowest eligibility rates, and worst reimbursement rates in the country.

Mr. Dorrier asked about a strategic plan for elderly needs in the community.

Mr. Walker responded that the 2020 Plan is serving that function.

Mr. Boyd commented that he does not know how much more the county can stretch property taxes to cover all of these programs," citing the need for safety, transportation, and stormwater management.

Ms. Thomas said that she works with VACo on the Financing Steering Committee, constantly bringing up the issue of increased local support of programs previously supported by state and federal sources.

Mr. Boyd emphasized the need to be smart with the dollars there, rather than always seeking more money as it is obviously increasingly difficult to come by.

Ms. White concluded that it is important to help the young and elderly – those who cannot help themselves.

Mr. Dorrier asked if this could be put into brochure format. Ms. White said that she would look into that.

Note: At 4:00 p.m., the Board took a recess. The Board reconvened at 4:15 p.m.

Agenda Item No. 22. Work Session: Transportation Strategy.

Mr. Tom Foley, Assistant County Executive, said as a result of a work session held in the fall of 2004 on "Urbanization", the Board directed staff to pursue an "Urbanizing County" level of service for the County's transportation and streetscape needs. At the time, the Urbanizing County level of service for transportation was defined as the County providing essential link transportation projects, supplementing the Virginia Department of Transportation (VDOT) sidewalk maintenance program and continuing to rely on VDOT and property owner's associations for road/street maintenance. Also in the fall of 2004, the Board added a transportation related goal to the Strategic Plan that stated, "Develop and implement policies, including financial, that address the County's growing transportation needs." Finally, in April of 2005, the Board adopted the FY '06 budget which included an additional \$1.5 million for transportation funding in the CIP (an additional \$1.0 million for the CIP's Transportation Improvement Program and an additional \$500,000 to participate in VDOT's Revenue Sharing Program).

Mr. Foley said that over the past year considerable work has been done through the MPO's Transportation Funding Options Working Group to develop solutions for important regional projects. In addition, staff spent time considering the Board's direction to develop new strategies outlining how the County can move forward and address local transportation needs. In the past the County's transportation strategy focused on maximizing leveraging of State Revenue Sharing Funds, utilizing local funds for studies and design, and relying to some degree on proffers as a component of funding for transportation improvements. The County has also sought regional solutions for important regional projects and provided funding for public transportation.

Mr. Foley said while staff recognizes that each of these current strategies will remain important components of the County's approach in addressing transportation needs, the purpose of this work session is to receive directions from the Board on how additional funding in the CIP and the Board's recent direction should be focused to address local transportation projects. For the purpose of this work session, local transportation needs will be defined as those projects not considered by the MPO's Transportation Funding Options Working Group. Although staff realizes the decisions of the MPO will influence the Board's direction on local transportation policy, this issue is brought forward at this time due to the Board's recent commitment to fund transportation in the CIP, the reality of current unmet local needs in the adopted Six-Year Secondary Road Plan and the increasing prospect of needed critical links to provide interconnectivity and optimally implement the County's Master Plans.

Mr. Foley reviewed the Board's current transportation strategies:

- Continue to pursue all available VDOT funding as a primary first step in transportation
- Maximize the leveraging of State Revenue Sharing Funds
- Pursue regional solutions for important regional projects
- Utilize local funds for studies and design, and in certain circumstances, construction
- Utilize proffers as a component of funding for needed improvements
- Provide funding for public transportation.

Mr. Foley said as future strategies are considered, including use of the \$1.5 million, the question remains: Should local funds be used to accelerate priority road projects?

Mr. Cilimberg said there seems to be a general consensus from the MPO's Transportation Funding Options Working Group that Federal and State funds should remain the primary source of transportation funding, that more flexibility should be used with State funding for local priorities, and that the State should consider ways localities can generate additional funds without having to hold a local referendum or seek State enabling legislation. They feel State funds should be available to match locally-generated funds.

Mr. Cilimberg said as part of the greater region the County wants to utilize all existing alternative funding sources. VDOT's Revenue Sharing Program and proffers have been used and should continue to be used, but there is the possibility of providing local funding through bonds. He said that CDA's (Community Development Authority) have been talked about as a way to raise funds as well as public-private approaches to transportation. There is the possibility of creating a City-County transportation district supported by a local sales tax committed by contract to such a district; that would require State legislative action.

Mr. Cilimberg said there are identified regional transportation needs in the community, and the question is whether local dollars can make a difference in those needs. In study and design work there is the strong possibility local money can play a significant role, such as with the work presently being done on alignments for an Eastern Connector. He noted that several projects have fallen behind schedule – such as Georgetown Road – because of limited VDOT staffing. It is possible the County could help get that project underway sooner. There are roads with critical needs which are not currently eligible for State funding; these roads have been identified in master plans. There is a public expectation that the County will provide infrastructure in Crozet like an Eastern Avenue or the Lickinghole Creek Bridge.

Mr. Mark Graham, Director of Community Development, said there are two categories of local projects – those in the Six-Year Secondary Road Plan and those that are not in the Plan. The projects in the Six-Year Plan are easier because they are already approved for VDOT funding and are recognized for construction. However, State funding is limited and the amount the County receives is decreasing each year. Although revenue is increasing it is going to maintenance expenses so less money is available for construction.

Mr. Graham said local dollars can make a difference in three areas: preliminary engineering – doing location and design on roads such as Jarmans Gap Road. The County does not have transportation engineering project managers on staff, and even though consultants can be hired, someone still needs to manage the project.

Mr. Graham said the second area considered for local dollars was to have the County fund right-of-way acquisition, but again there is not enough County staff and it would require the hiring of attorneys. He said it may not be appropriate for the County to take over that part of the process with Secondary Road projects.

Mr. Rooker stressed the importance of watching this closely on the Meadow Creek Parkway so it can meet the 2008 construction date. He mentioned irregularity of its borders and design challenges as potential hindrances to the schedule. Mr. Graham replied that VDOT is expected to have the right-of-way plans done in early February 2006, with the process then moving forward to right-of-way acquisition. He noted that VDOT requires 70 percent of a project's funding to be in place prior to construction beginning; perhaps County dollars could be used to push projects to an earlier start date. He again pointed out the need for project managers.

Ms. Thomas said the sidewalk project on Route 20 North was not an easy project to manage. Mr. Graham replied that was a steep learning curve; the County learned a lot about sidewalk construction from that project.

Mr. Graham said local projects coming out of master plans, and critical connectors, are not all eligible for State funding. He said that may change, such as the Southern Connector did, but it is impossible to know.

Mr. Rooker suggested having traffic counts run at Mill Creek to make sure that Southern Connector is still necessary in light of two new proposals coming forward.

Mr. Graham continued. He said local dollars can be used to proactively address future needs by going into the location and design part of the process, by setting road alignments, and by working with developers and property owners along those lines. He said the Berkmar Drive extension and Main Street in Crozet are important to transportation network components as urban infrastructure is developed.

Mr. Graham said the County would function as a private developer in construction of roads such as Berkmar Drive Extended, as the Airport Authority did with Route 606. He explained that the County would be designing the road, getting the right-of-way, building the road, and then turning it over to VDOT using strictly local dollars rather than VDOT funds. He said that would relieve the County from processes required when using State funds.

Mr. Graham concluded with a report on State trends. He said the decrease in Secondary Road funding will probably continue. Also, Revenue Sharing Funds will continue to be promoted at the State level with an emphasis on local governments managing their own programs. He said the City of Charlottesville takes road construction money and manages its own programs. Everything points to the State reducing its responsibility for the Secondary Road system. He does not think that is going to

change. Localities are either going to have to increase funding for roads or accept increasing road deficiencies.

Mr. Foley said the master plans are creating an expectation that the County will provide funds for road construction. One of the strategies concerns having attractive urban areas as a way to keep people from developing in the rural areas. The Board will have to consider investing funds to try and create the kind of neighborhoods laid out in the Neighborhood Model. The question is whether to amend that strategy to include local funds for road projects and staff has come up with some recommendations. Staff feels there should be some funding dedicated to accelerating priority road projects rather than taking the whole \$1.0 million in extra funds and putting it into a regional fund; some of that money should be committed to moving forward projects. Staff needs to do an assessment with VDOT to see if the goal to accelerate can be realized, and the same needs to be done with the local critical connectors in the Master Plans.

Mr. Foley said after that is done there needs to be a commitment to the next level of preliminary engineering design and location studies, and that will require additional expertise on staff. He emphasized that this shift does not take away from the pressure put on VDOT for more funding, noting that this is just a first step in moving projects along more quickly.

Mr. Rooker stated that at a minimum staff should do some preliminary work on existing projects, and engage in discussions with VDOT about moving those projects forward. He cited Jarmans Gap Road as an example that could be dealt with in this way.

Mr. Boyd asked if that means Jarmans Gap Road becomes more of a priority than other roads ahead of it in the plan.

Mr. Rooker responded that the Jarmans Gap project is already a priority project in the County. The Eastern Connector, for example, will be recommended as a regional project through the work of the MPO's Transportation Funding Options Working Group.

Mr. Boyd asked how long that Group has been meeting, and when they will provide a report?

Mr. Rooker said the Working Group will issue a report in the next month. It took projects which were already prioritized. He explained that the City has indicated a desire to put up \$0.5 million for an Eastern Connector interchange, as has the County.

Mr. Boyd said that was on the table months ago.

Mr. Rooker said when it comes to transportation things do not happen in 30 days or 45 days. He suggested that Mr. Boyd "jump in any time" anywhere and tell the Group how it can come up with the funds that are needed to do these projects. He emphasized that the Eastern Connector is not a defined project now. It has no location. The Group is talking about getting a location study. It is trying to get the City to participate on an equal basis with the County in the process. The City has indicated it would probably be willing to put up \$0.5 million.

Mr. Boyd asked what items are on the list.

Mr. Foley offered the list to Mr. Boyd, stating that staff can bring forward a list of priorities – local and regional – for which a difference can be made. He said from that list, as well as the regional projects in the MPO effort, staff will be identifying opportunities to expedite some items, whereas others might be accelerated with local dollars.

Ms. Thomas said the Eastern Connector is an example of one road that a developer is interested in helping with, emphasizing that delay is going to cost. She added that when there are crises the County should have the flexibility to deal with the items it can influence.

Mr. Foley commented that there are opportunities to accelerate road projects just by being in a mode of operation where the County sits down with developers. Those are the kinds of opportunities that are being missed now by being in a *status quo* kind of position.

Mr. Boyd asked if it is possible to set aside dollars through a bond issue if those dollars are not targeted to a specific project. Mr. Tucker said there would have to be a referendum on the question.

Mr. Boyd said he voted for the additional \$1.5 million for Debt Service, and the community should decide through a referendum about putting money toward road projects. Mr. Foley said the County cannot put anything on a bond referendum until it is well defined and aligned for public consideration. That is where staff is at this time.

Mr. Boyd said his question is whether the County could afford a \$20.0 million bond issue. He would like to separate through this whole process a pool of money this County is willing to commit to transportation issues.

Mr. Rooker mentioned that the MPO Working Group report includes a recommendation for creating a service district, or a transportation district, comprised of the City and County that would be funded with a contract for bond issuance. The reason for considering that is to get at the list of projects that both communities want to see built, sooner rather than later.

Mr. Boyd asked what the joint projects are, other than Eastern Avenue and the Southern Connector. Mr. Foley said there are: Hillsdale Drive, Meadow Creek Parkway, Southern Parkway, transit improvements, park and ride lots, Route 29 North, Hydraulic Road, Route 250 Bypass improvements, the Eastern Connector, and the Southern Area B.

Mr. Rooker said those projects are estimated to cost well over \$100 million. He said after the report is released the County might decide not to go that route, adding that each entity has projects the other entities are not interested in, such as the County's Jarmans Gap Road project.

Mr. Boyd asked how long it would take staff to define those projects and determine a cost. Mr. Foley said staff is not talking about engineering. They are predicting that it come forward fairly quickly depending on VDOT. It should be timed with the MPO recommendations.

Ms. Thomas said that unlike VDOT, the County can decide whether it makes more sense to do a transit project rather than a road project, and look at whether land use decisions could be different if alignments are chosen related to them. She wishes needed improvements would not impact the real estate tax rate, but if they are going to, then at least decisions can be made smartly.

Mr. Wyant said roads outside of the MPO recommendations will need to be considered separately. Mr. Foley said he sees two lists, and they may compete for funding.

Mr. Rooker emphasized that a location can be chosen for a road, but it will probably be a secondary road, and that funding is increasingly limited. There may never be the funds necessary to build that road.

Mr. Boyd stressed that the County should just make the decision to "do it" and "fund it."

Mr. Rooker mentioned that there are decisions that have a degree of uncertainty, as money spent might not turn into a project later.

Mr. Boyd said that the Eastern Connector has been discussed for 20 years.

Mr. Rooker stated that no real money has ever been assigned to it.

Mr. Bowerman felt the Board should ask staff to make recommendations as to what projects could be done if money were applied today, and get a priority list from which to make decisions.

Mr. Foley said the next level of planning deals with the actual building. Right now the issue is whether to use transportation money to clarify opportunities. He added that the regional projects would be too large for the County to handle alone unless they were bonded.

Mr. Rooker said the City needs to put up the maximum amount to realize the most Revenue Sharing Funds, as the County did this year. He added that it would be nice to move forward on both fronts, funding local projects if possible, and also establishing a regional approach.

Ms. Thomas suggested joining Virginians for Better Transportation, which includes highway builders and transportation groups, to try and get the General Assembly to give more money for transportation. She said there is never going to be enough local money to build all of the needed roads.

Agenda Item No. 23. Ivy Landfill – Cell 3 Evaluations.

Mr. Tucker referenced a memorandum dated August 22 from the Rivanna Solid Waste Authority (RSWA) Board of Directors. It has been determined that there is a problem at Cell Three at the Ivy Landfill, as the leachate collection system has likely failed, blocking the full capability of draining it from those cells. He said the permanent cap is not functioning as it should and there is a plan being developed to resolve those two issues. That plan is being reviewed by the Department of Environmental Quality (DEQ). He said the RSWA Board has authorized over \$500,000 to study the problem further and then implement plans to resolve the problem.

Mr. Tom Frederick, Executive Director of the Rivanna Solid Waste Authority, addressed the Board, noting that they are still in an investigative mode after a fugitive air scan revealed that there were releases of methane and other gasses at the site. They found information that led the RSWA to spend an additional \$350,000 to expand the gas collection system. He noted that it was discovered that that cell was not producing gas representative of a cell with waste matter of that particular age, and internally they determined there were no environmental consequences such as odor releases. They had been dealing with underground conditions, and what elevated their concern was more accumulated leachate in the cell than the conditions it was designed for. Malcolm Pirnie did a preliminary structural analysis to test stability. They had to use conservative evaluations so the problem would not be accelerated. Their findings painted a "bad case scenario" that prompted them to start removing leachate from the cell. They approached the RSWA at that time so the structural problem would not be made more severe during the investigation process. They are leachate drilling from the top and pumping while collecting data, along with identifying specific locations where the cap was not working and water was entering the solid waste. He added that they are also investigating leachate treatment disposal options including trucking it to the Moores Creek Wastewater Treatment Plant, although the volume might dictate other options. The cost may be higher than the current appropriation of \$500,000 from the RSWA.

In response to a question from Mr. Boyd, Mr. Tucker explained that the money is funding what the County and City would be providing to RSWA through the agreement for environmental costs. That money would need to be appropriated ahead of schedule, and it is likely the RSWA would have to come back to the County for more RSWA funds.

Mr. Rooker asked if there is also money in escrow. Mr. Tucker said if that money is returned through the DEQ, it would cover most if not all of this expense.

Mr. Rooker stated this money was put in a while back at DEQ and they are holding it in escrow.

Ms. Thomas said that money will then not be there for future environmental costs.

Ms. Anne Bedarf, Environmental Safety Manager for RSWA, presented a footprint of the Cell Three boundaries, which encompasses 11.74 acres. She explained that it contains gas extraction wells which have been drilled in clusters. She then pointed out the location of the leachate collection system noting the size of the accumulated liquid area.

Mr. Rooker asked if there is the alternative of trucking the leachate to the Moores Creek STP. Ms. Bedarf said there would be onsite treatment through a temporary facility. She said there could be a permanent system put in place of the current pond. She added that a third option is a connection to the Crozet interceptor; this idea was explored in 1995 and 1996. She said some of that is dependent on VDOT's use of the system in its rest areas which are located in that area.

Ms. Thomas asked the quantity of waste involved. Ms. Bedarf replied that the worse case scenario would put 47.0 million gallons in Cell Three. If the system had been working properly it shouldn't have produced much because the cap is supposed to prevent infiltrating water. She said the first step is to confirm that number. They have been pumping out through a moving unit around the cell. The goal is to have 13 new extraction wells which will also function as water level indicators to determine trash saturation. She added that the stability evaluation will continue throughout the process.

Ms. Bedarf pointed out that the worse case scenario is system failure, but there is no indication of that now. They do not see an impact on the surface water below the cell either on Broad Axe Creek or its tributaries. She said they are also looking at the cap's integrity, which is an ongoing process. The worse case would be for an entire cap replacement, with diking in Bentonite (a substance that expands when water gets in it) to fill the crack in the cap, or using polyethylene as a cover, or a combination of those options.

Mr. Boyd asked for information on costs.

Mr. Frederick said plans are constantly changing, but they are finding from wells being drilled that the water in the cell is moving very slowly. The potential positive result of that is there may not be a critical structural problem as indicated earlier, but the flip side of that is taking a longer time for water extraction, probably longer than three months. He said the 47.0 million gallon figure was taken from well samples. It could be that the water is not saturated all the way to the bottom, which is good news related to volume. He added that it could cost more than \$1.0 million, but would probably not be as high as Mr. Boyd's guess of \$10.0 million. He said if there are leaks, they have to be capped quickly.

Mr. Bowerman commented that there could be some contractor recovery.

Mr. Frederick said that is not being ruled out. The unlined portion of this cell was opened in the mid-1970s, which is where the failing leachate system is located. The lined portion was opened in the late 1980s, and the capping system was approved in 1998. He said there is liquid in any solid waste, but you want to minimize what water is added through rainfall. He added that the cap is put on when the cell is closed.

Mr. Wyant said the standards were just established ten years ago.

Ms. Thomas said there have been new standards adopted related to overlapping. She asked if there was a plan in place for what to do with the water system.

Mr. Frederick replied that there is a plan evolving plan to address that.

Agenda Item No. 24. ZMA-2004-007. Belvedere (Signs #62, 76 & 84). **Public hearing continued from August 10, 2005**, on a request to rezone approx 206.682 acs from R-4 to NMD to allow up to 775 du w/overall density of 3.74 du/ac ranging from density of 1.6 du/ac in some areas to 9.4 du in others. TM 61, Ps 154, 157, 158, 160 (portion) & 161, TM 62, Ps 2A (portion) 2B (portion), 2C, 3, 5 & 6A, & TM 62A3, PI 1. Loc on E side of Rio Rd (Rt 631) immediately E of Southern Railroad. (The Comp Plan designates this property as Neighborhood Density in northern portion of property (3-6 du/ac), Urban Density in middle & southern portions (6-34 du/ac) & Community Service adjac to railroad, in Neighborhood 2. Rio Dist.

Mr. Mark Graham, Director of Community Development, presented the last set of proffers which had just been received from the developer this afternoon. He explained that this petition is not ready for a decision as the Application Plan and Code of Development referenced by the unsigned proffers have not been received. He said the three instruments have to work together. He said there is no way this petition can be ready for the Board's meeting next Wednesday.

Mr. Graham said Proffer No. 2 related to affordable housing calls for a contribution of \$1,000 per single-family detached dwelling unit, \$750 for a single-family attached unit or townhouse, and \$500 for a multi-family unit. The proffer also calls for a certain number of carriage units even though it does not assure that there will be affordable housing provided in the development.

Regarding the Northern Free State Connector, Mr. Graham said the area will be noted as a final design for that road to ensure the connector will be built in the future; that would have to be verified at time of site plan review. He emphasized that there is just not enough detail to determine the exact location right now, noting on the map where the area in question is located.

Mr. Graham said Proffer No. 3.2 related to the greenway path is now offered by the applicant to give enough area to get in a 10-foot wide trail and drainage.

Mr. Rooker asked if that is adequate. Mr. Graham replied that it is adequate to build a trail, but the previous plan showed a 100-foot wide greenway.

Mr. Rooker recalled that at the last meeting the 100-foot greenway was not seen to be a problem.

Mr. Boyd recalled a problem with the slope to accommodate the greenway.

Mr. Rooker asked if the greenway was expected to be wider.

Mr. Wyant asked if the strip of land is adequate to even put in a greenway. Mr. Davis said it could be a lot wider than 100 feet, but it could also be as narrow as 10 feet.

Mr. Rooker said that in the past the Board has tried to pin down a width.

Mr. Bowerman said the Board is not looking for less than 100 feet.

Mr. Rooker noted that the other issue is whether anything has changed on the road compression issue. Mr. Graham replied that staff has reached an acceptable solution with the developer to accommodate a future Northern Free State Connector, adding that the sidewalk issue has also been resolved with the caveat that a four-lane road would move the sidewalk to each side instead of one side.

Mr. Rooker asked if the form of the road has changed. Mr. Graham confirmed that the applicant did what has been asked by for by planning for a smaller two-lane road by the Swim Club.

Mr. Dorrier asked how much money would be put into the affordable housing trust fund. Mr. Graham replied that he couldn't estimate that without knowing how many of each housing type would be constructed.

Mr. Rooker estimated the figure at between \$500,000 and \$600,000. Mr. Davis noted that it might be awhile before that money is realized.

Mr. Rooker suggested proceeding with hearing from the applicant and holding the public hearing, although the Board cannot vote on it this afternoon. He added that when the request comes back to the Board, the public hearing will be opened again.

At this time, Mr. Frank Stoner addressed the Board on behalf of Stonehaus Development. He thanked staff for their help. He said they all tried to tie up loose ends before this meeting, but couldn't quite get everything done.

Mr. Stoner said the language included in the proffer for affordable housing was suggested by Mr. Ron White, County Housing Director. He added that he thinks there will be affordable units at Belvedere. There was no consistent formula available, so they opted for a cash proffer. He said the open space and greenway proffer was crafted in response to concerns aired at previous Board meetings. He recalled Mr. Rooker leaving it open-ended as to how it would be placed. He offered to modify that proffer if there is still concern about width and limitations.

Mr. Rooker suggested simply saying "no less than 100 feet" to solve that issue.

Mr. Stoner said they have modified and added several proffers related to road construction and reservation of right-of-way, with the road being split into two sections – between Rio Road and the Free State Connector, and the Free State Connector Extension. He stated that they added Proffer No. 4.5 related to access to the Fairview Swim Club. They met with representatives from the Swim Club to address land and right-of-way issues, resulting in a written agreement.

Pursuant to a comment from Mr. Greg Kamptner, Assistant County Attorney, Mr. Stoner said he added Section 7.2 regarding mitigation of construction impact, and also added Item 8.1 under Architectural Standards under Code Enforcement as recommended by staff.

Mr. Davis said that he has not had an opportunity to review the proffers in detail.

Mr. Rooker said the first available date for final consideration of this petition by the Board is at its meeting on October 7.

Mr. Bowerman commented that the contributions would be given in addition to the carriage house units. Mr. Davis noted that this proffer has improved upon the original proffer, but the County's preference is still that there not be strings attached to the money so it can be used for whatever affordable housing program is most productive. He does not know why the developer wants to tie it to this particular program.

Mr. Stoner said in the prior version, one-half of the money went to the County's trust fund, and the other one-half went to the Workforce Housing Fund. The reason is that through a cooperative agreement with the real estate community, the total proffer could be expanded and enhanced, which "didn't fly" with the County.

Mr. Davis stated that if the money is proffered to the County's affordable housing office, it does not limit it, but the developer was trying to "tie the County's hands," which is not appropriate.

Mr. Rooker suggested changing the language to "to Albemarle County for affordable housing purposes." Mr. Davis agreed, as did Mr. Stoner. Mr. Rooker added that if there is a leveraging program for affordable housing, Mr. Stoner should bring that forward to the County.

Mr. Rooker asked if the agreement with Fairview changes the plan in any way.

Mr. Stoner responded that it does not; it just facilitates the expanded right-of-way through the pinch point, providing for the conveyance of the strip of land between Belvedere Boulevard and Fairview to the swim club. He added that that land is currently shown as parkland.

Mr. Rooker asked if that would enable him to match the profile of the road all the way through. Mr. Stoner confirmed that it would.

At this time, Mr. Rooker opened the meeting for public comment.

Mr. Rob Tewels addressed the Board. He said he lives on Loring Run which is in a tight-knit neighborhood of 50 homes housing about 200 people, many under the age of 10. He does not want to see Loring Run open up to through traffic, as it would become a speed strip for people cutting through. He said Loring Run is too narrow and winding to accommodate through traffic, and he asked the Board not to approve the subdivision because of these traffic concerns.

Mr. John Putalik, president of the Rivercrest/Dunlora Homeowners Association, addressed the Board. He said the developer plans to lower the ridgeline and reduce the width of the wooded area between the two communities to a mere 90 to 100 feet. The plan showed two condo-block multi-story buildings, each 200 feet in length and three or four stories. He said Rivercrest residents on the upper section of Shepherd's Ridge Road would be impacted by noise and illumination, weakening of trees from soil disturbance, and soil erosion from a critical slope. The wooded buffer composed largely of deciduous trees would likely be annihilated if the treed area was too narrow. He stated that without a forested area, snow and rain will runoff through bare soil which accentuates flooding conditions. The Neighborhood Model does set up new challenges in contrast to R-4 zoning. He asked what happens with this new runoff, and how would the added drainage into Dunlora ponds be accommodated. There have already been drainage problems at Rivercrest, and residents are concerned about the additional impact to the water level. He cautioned about hostility between neighbors of the developments, and requested that the wooded buffer zone be extended to 600 feet minimum from the present gully that runs behind the Shepherd's Ridge villas on the west side of the street of Phase B.

Mr. Rooker noted that this project has been in the hearing process for quite a long time. He does not recall that the Rivercrest Homeowners took any position on this question at the last Planning Commission meeting. Mr. Putalik disagreed.

Mr. Rooker recalled that Rivercrest indicated their satisfaction with the 100-foot buffer, and he wondered if something had happened to change their position. Mr. Putalik said the residents recognize the hilly/mountainous terrain, and are concerned about the possibility of storm situations. They have had more time to reflect on the situation. He acknowledged that they did not pay as much attention to the buffer zone as they should have. He asked the Board to examine this potential problem closely.

Mr. Bowerman asked if Mr. Putalik had seen the extensive overlot grading plan staff developed to deal with this runoff issue. He said it might put to rest some of the community's concerns because it deals with exactly what he was talking about.

Mr. Rooker said this is the exact reason why the new overlot grading plans are being required. The property is zoned R-4 today, and could accommodate 800 units, and the developer could build by-right with minimum requirements without a grading plan. There are limitations as to what the County can impose on a developer who can develop the property as a matter of right. The question is how to get the best plan from the developer given all the facts and circumstances.

Mr. Mike Horn addressed the Board. He is a resident in Rivercrest/Dunlora. His home backs up to the highest density area proposed in Belvedere. He was at the last Planning Commission meeting and recalled that the Commission voted against the plan as submitted because their list of concerns had not been resolved.

Mr. Rooker said the Commission voted not to recommend the petition because of eight reasons, all of which have now been dealt with.

Mr. Horn said the Planning Commission should have an opportunity to review this again.

Mr. Bowerman said if the Commission recommends that changes be made and they are then made, the Board can move forward with those recommendations without the request being returned to the Commission first.

Mr. Horn said the \$500,000 to \$600,000 wouldn't buy two homes in Dunlora, and he would rather see the affordable housing go to a project that benefits more of Albemarle County. He also noted that there has been nothing done to accomplish the additional buffers requested by Rivercrest residents.

Mr. Rooker commented that the Affordable Housing Trust Fund provides down payment assistance to people in the community, many of whom have gone through the Homebuyers Club to learn the process. He added that the typical down payment assistance is \$13,000 to \$15,000, which would put about 35 to 40 people in homes that might otherwise not be able to buy one. He said the carriage house units are affordable housing alternatives.

Ms. Thomas said it is fair to say that the \$750 average per unit is small compared to what some other developers have offered. She wishes the figure were higher. She will take into account all of the proffers when making her decision.

Mr. Rooker acknowledged that he would not have supported just the \$750 contribution, but providing the carriage house units in addition is helpful to him.

Mr. Bowerman said he recognizes that there will be increased development in the urban ring, but it's "like residences next to like residences." He emphasized that this property will develop as residential units regardless because of its R-4 zoning, and through this procedure there is more control over this development than a by-right development.

Mr. Graham commented that the overlot grading was designed to address the concerns raised. There is a preservation buffer of almost 100 feet adjoining the Rivercrest properties.

Mr. Bowerman said that is what the County typically gets between one residential use and another.

Mr. Dorrier said this is a Neighborhood Model where the developer and the County have worked well together. This has not been an easy process; in any compromise there will be unhappy parties on both sides. He thinks this is a good project.

Mr. Rooker reiterated that the Planning Commission brought up eight problems and they have all been addressed. In a by-right situation there would be no requirement to proffer the affordable housing, the greenway, the right-of-way for roads, the connection to Dunlora, the access to Fairview, the overlot grading plan, the archeological survey, the phasing to minimize impacts, or architectural standards. Those are all things that the County would not be able to obtain in a by-right development.

Mr. Davis stated that as part of the deferral there would need to be another public hearing.

Motion was offered by Mr. Bowerman to defer ZMA-2004-007 until October 5, 2005, for another public hearing. The motion was **seconded** by Mr. Dorrier. Roll was called, and the motion carried by the following recorded vote:

AYES: Mr. Dorrier, Mr. Rooker, Ms. Thomas, Mr. Wyant, Mr. Bowerman and Mr. Boyd.
NAYS: None.

Agenda Item No. 25. Hurricane Katrina Relief Fund, Discussion of.

Mr. Tucker said VACo has agreed to accept donations from localities for Hurricane Katrina relief efforts and then transfer those funds to the Red Cross. He also received an e-mail from NACo offering to accept donations for affected counties and parishes to be distributed throughout Louisiana, Mississippi and Alabama.

Mr. Davis said there is still discussion going on about how this can be done, as there are legal restrictions as to whom counties can give money to – normally only charitable organizations providing services within the County. He said the consensus is that the Red Cross is an entity that could be used, and VACo should ensure that is where the funds would go. He suggested authorizing it through VACo or donating directly to the Red Cross.

Mr. Bowerman said there are citizens in the County doing this on their own. He has some hesitancy about making a public contribution in addition to that effort.

Ms. Thomas said she shares that concern over use of local taxpayer dollars for this purpose.

Mr. Rooker asked if this is the same thing as giving to a local charity.

Mr. Dorrier said there are different ways to contribute, and these displaced people need help.

Mr. Bowerman agreed that housing displaced people locally might be a better means of support. Anybody that wants to give can give, and he thinks the County's citizens have opened their hearts and their pockets for this cause.

Mr. Rooker said an announcement was made yesterday on the Mall that the County was joining the City, the University, and others, to help. He said the Governor has asked that communities coordinate as much as possible locally so that the community as a whole can help.

Ms. Lee Catlin said there is to be a meeting with agencies in the community who are working on plans to help meet this need.

Mr. Tucker said he did not want the County to embark upon its own initiative when there are so many other entities locally working on this.

Ms. Thomas said this area has very low unemployment, and this community could open up to help these people.

Ms. Catlin said the message Mr. Rooker gave yesterday about contributions being meaningful and productive is important.

(At this time the Board took up Agenda Item No. 11. Update on Retiree Health Insurance.)

Mr. Tucker reported that several retirees, specifically in law enforcement, have expressed concern that their healthcare benefits under the County's early retirement program will run out before they are eligible for Medicare insurance. During the last budget work sessions, the Board appropriated \$200,000 to supplement those healthcare contributions. He said staff has now learned that VRS gave the County bad information. He said Mr. Melvin Breeden will present information on different options.

Mr. Breeden said that under the teachers' plan, in order to be eligible the person must have at least 15 years of service. Each year of service is multiplied by \$2.50 and that is added to their monthly VRS retirement check, a total of \$50 more than normal. They have to submit proof of having health insurance somewhere. That is part of the VRS rate the County is paying now.

Ms. Thomas asked how the pay-in compares to what retired teachers are getting back. Mr. Breeden noted that changes in accounting rules will force full funding of these programs, so the cost of the teachers' program would probably double in the next few years.

Ms. Thomas asked if something different could be done. Mr. Breeden said if other employees are brought in, it is "an irrevocable election." He confirmed that the County must stay with the VRS agreement for teachers.

Mr. Rooker cautioned that he would not go down this path with any other employees, as there are several legal issues surrounding how these contributions are levied.

Mr. Davis said Mr. Breeden's recommendation is to do a flat number of years, not an amount until age 65 is reached, noting that there are several cases in the system now regarding this issue.

Mr. Breeden said the employee can stay under the County's health insurance, or can take the money and apply it as they see fit.

Mr. Davis noted that the County has the age 65 cutoff component, but in a district court decision in Pennsylvania, it was found that may not be in full compliance with federal law. He is not sure that the law is settled enough for the Board to be worried about it at this point.

Mr. Rooker commented that it is a trap because of the irrevocable nature of the agreement. He noted that a \$45.00 per month contribution towards \$800 in insurance is a meaningless benefit anyway.

Mr. Breeden said just the VREP health insurance payment requires the employee to be at least 55 years of age with at least 20 years of service. He recommended that a dollar amount be set.

Mr. Rooker said that is basically setting up a retirement plan.

Ms. Thomas said the suggestion is for a payment of almost \$6,000 per year from the County to each retiree for a period of five years, and \$3,000 for an additional five years.

Mr. Davis added that they would only get the second five years if they have 20 years or more of service.

Mr. Breeden noted that the current VERIP plan calls for an employee to be 50 years of age with 10 years of service, as the first five years is already there.

Ms. Thomas confirmed that the County is already doing \$6,000 per year for someone who retires with at least 10 years of service and is at least 55 years of age.

Mr. Breeden said family coverage now costs almost \$10,000 per year, with the County paying 60 percent of that. If someone retires at age 55 and has a big medical bill at age 60, there is a gap.

Mr. Rooker stated that this program encourages people to retire early.

Ms. Thomas said employees used to be encouraged to retire early, but now that is shifting in the other direction.

Mr. Davis agreed with Mr. Boyd that Human Resources agrees the program is a real sales tool because it encourages people to stay with the County for at least 10 years, and if they're not age 50 yet, for longer than that so that they get that benefit.

Mr. Breeden said the shift to 20 years is some improvement. He noted that it does give the benefit to the professional school group.

Mr. Tucker said the County should request the State to have school employees and local government employees in different categories.

Mr. Rooker said if you ask for something else, VRS will likely dump the responsibility back on the County. He said that private companies are trying to get out from under these tail-end benefits.

Mr. Breeden mentioned that the group of employees that came in raised the issue of a significant difference in what the City offers over what the County offers.

Mr. Boyd asked if this has impacted recruiting. Mr. Tucker responded that most people do not even know the County offers this program.

Mr. Dorrier commented that most of the retired deputies worked for many years and were not paid that well. If the Board does not support them, it's doing the wrong thing.

Mr. Rooker said that could be said about any benefit. He suggested leaving the provision as it is now, and revisiting it at another time. Mr. Breeden noted that there are many, many options.

Agenda Item No. 26. From the Board: Matters Not Listed on the Agenda.

Mr. Boyd said Chesterfield County put together a proffer program in four months and it has survived a number of lawsuits. He understands many other localities are using it as a model.

Mr. Boyd said the BPS-Key \$4.0 million project for improving computer systems involved \$600,000 to study existing systems, and it still didn't yield a savings. Mr. Breeden said part of it is identifying current costs and putting in measurements as to what savings will be realized.

Mr. Rooker agreed, noting that a mainframe system could not continue.

Mr. Dorrier mentioned communication from a constituent regarding the penalty levied on the real estate Land Use taxation. Mr. Davis said there was no penalty for those who paid on time. The individual who communicated with Board members only paid his back taxes. He paid no penalty. He paid no interest. He said the issue exists only for people who did not pay on time, and they will be assessed a penalty.

Agenda Item No. 27. Adjourn to September 9, 2005, 9:00 a.m., Zehmer Hall, Board's Annual Strategic Planning Retreat.

With no further business to come before the Board, at 7:22 p.m., **motion** was offered by Mr. Bowerman, **seconded** by Mr. Boyd to adjourn this meeting until September 9, 2005, 9:00 a.m., Zehmer Hall for the Board's Annual Strategic Planning Retreat.

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

AYES: Mr. Dorrier, Mr. Rooker, Ms. Thomas, Mr. Wyant, Mr. Bowerman and Mr. Boyd.
NAYS: None.

Chairman

Approved by the
Board of County
Supervisors

Date: 03/01/2006

Initials: DM