

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on February 1, 2006, at 9:00 a.m., Room 241 of the County Office Building on McIntire Road, Charlottesville, Virginia.

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

ABSENT: None.

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

Agenda Item No. 1. The meeting was called to order at 9:05 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. From the Public: Matters Not Listed on the Agenda.

There as no one present to speak on this item.

Agenda Item No. 5. Recognition: Certificate of Appreciation.

Mr. Rooker recognized Mr. Rodney Thomas for his service on the Planning Commission since 1998, including his work as Chairman during the year of 2004. The Board also recognized Mr. Thomas for his service to committees including the Eastern Planning Initiative Advisory Committee, the Charlottesville-Albemarle Regional Transportation Advisory Committee, the Rural Area Transportation Study, the City/County/University Planning and Coordination Council, and the MPO Technical Committee. Mr. Rooker then gave Mr. Thomas a certificate of appreciation.

Agenda Item No. 6. Consent Agenda. **Motion** was offered by Mr. Wyant, **seconded** by Ms. Thomas to approve Items 6.1, 6.2 and 6.3, and to accept the remaining items on the Consent Agenda for information.

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

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

Item 6.1. Approval of Minutes: December 7(A), 2004 and October 12, 2005.

Mr. Dorrier had read the minutes of December 7(A), 2004, and found them to be in order as presented.

Mr. Rooker had read the minutes of October 12, 2005, and found them to be in order as presented.

By the recorded vote set out above, the minutes were approved.

Item 6.2. Requested FY 2006 Appropriations.

It was noted in the Executive Summary 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 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 total of this requested FY 2006 appropriation is \$15,850.00. It is anticipated that a budget amendment public hearing will be proposed in March, 2006 and these appropriations would be incorporated into it.

This request involves the approval of two new FY 2006 appropriations as follows: One appropriation (No. 2006-042) totaling \$15,200.00 for the CERT Grant; and one appropriation (No. 2006-043) in the amount of \$650.00 for various education programs. A detailed description of these appropriations follows:

Appropriation No. 2006-042, \$15,200.00. The Emergency Communications Center has been awarded a CERT Grant in the amount of \$15,200.00. These funds can only be used for training and equipment for this specific program.

Appropriation No. 2006-043, \$ 650.00. At its meeting on December 8, 2005, the School Board approved the following appropriations:

Murray High School received an honorarium in the amount of \$150.00 from the Page County School Board. B.J. Santos, teacher at Murray High, provided three hours of in-service to all Page County P.E. teachers on November 8, 2005. These funds will be used to purchase supplies for Murray High School.

Murray High School received a donation in the amount of \$500.00 from the Wal-Mart Foundation. It has been requested that this donation be used to purchase instructional supplies for the students at Murray High School.

Staff recommends approval of Appropriation No. 2006-042 and Appropriation No. 2006-043.

By the recorded vote set out above, the Board approved of the budget amendment and adopted the following Resolutions of Appropriation:

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2006-042
 DATE: 2/01/06
 EXPLANATION: CERT Grant

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
1	4100	31045	301210	Contract Services	J1	1,820.80		
1	4100	31045	800100	Machinery & Equip	J1	11,167.06		
1	4100	31045	800700	ADP Equipment	J1	2,212.14		
2	4100	33000	330213	CERT Grant	J2	15,200.00		
	4100		0501	Est Revenue			15,200.00	
			0701	Appropriation				15,200.00
					TOTAL	30,400.00	15,200.00	15,200.00

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2006-043
 DATE: 2/01/06
 EXPLANATION: Various Education Donations

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
1	2303	61101	601300	Educ./Rec. Supplies	J1	650.00		
2	2000	18000	189900	Misc. Revenue	J2	150.00		
2	2000	18100	181109	Donation	J2	500.00		
	2000		0501	Est. Revenue			650.00	
			0701	Appropriation				650.00
					TOTAL	1,300.00	650.00	650.00

Item 6.3. Resolution: Reasonable Solutions for I-81: A Six Point Plan for the Future.

(Discussion: Mr. Wyant said he saw some E-mails about this item concerning I-81. He wonders why Albemarle County is getting involved.

(Mr. Rooker said part of it is to show support for the communities in the Valley, especially those that lie along I-81. Those localities have unanimously proposed that improvements be made to I-81 and that is mentioned in the proposed resolution. It is a fiscally conservative plan with a good cost benefit analysis for traffic flow on I-81 and is a plan that might be accomplished in a reasonable period of time. Some other proposals for I-81 are much grander and might take 15 years to be accomplished. Adding a third lane in the median where it is needed is something that can probably be done fairly quickly and would improve traffic.

(Mr. Wyant said he supports their efforts, and adding something in the median will not take away land. He said it is not safe for VDOT workers to clean in those medians. He is not opposed to the resolution but "does not want to fish in someone else's pond."

(Mr. Rooker said the County is not stepping in and opposing those communities, it is supporting what they have proposed.

(Mr. Tucker said by helping them and helping I-81, it will keep trucks from moving away from using I-81 onto other roads such as Route 29.)

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

RESOLUTION

Reasonable Solutions for I-81: A Six Point Plan for the Future

WHEREAS, there is a need to address safety issues and congestion problems on portions of I-81 throughout the Commonwealth of Virginia; and

WHEREAS, an eight to 12 lane, tolled truck lane project has been proposed and is under review by the Virginia Department of Transportation (VDOT); and

WHEREAS, elected officials, both state and local, business groups and citizens organizations throughout the I-81 corridor have called for an alternative plan that is less costly, more targeted to specific safety and congestion issues, and more effective at moving goods and people throughout the corridor;

NOW, THEREFORE, Be It Resolved that the Board of Supervisors of Albemarle County, Virginia, hereby supports *Reasonable Solutions for I-81: A Six Point Plan for the Future*, as outlined below. We call on federal, state and local governments to work cooperatively toward achieving these goals:

- Complete spot improvements to I-81, such as climbing lanes and redesigned exits, which will improve safety and relieve congestion. Data should support the need and type of each improvement, many of which are identified in earlier VDOT studies.
- Use the highway's median for improvements to limit the encroachment of the road on private property and to avoid further impacts on adjacent landowners, communities, farmland, battlefields and tourism.
- Significantly step up law enforcement to greatly improve safety.
- Incorporate meaningful transit options for both urban and rural areas in road improvement plans. Coordinate with cities, local governments, major employers and universities.
- Implement the rail component of a balanced transportation system to increase options for freight capacity, maintain economic competitiveness and avoid air quality and congestion problems as road use grows.
- Provide funding for land acquisition to mitigate impacts of I-81 on cultural resources in the corridor, most notably battlefields.

(Discussion: Ms. Thomas said this resolution will obviously be sent to the General Assembly and Mr. David Blount can help with that. However, there are some specific bills addressing this question, so she said a copy of the resolution should be sent to the other localities which endorsed it.)

Item 6.4. Copy of letter dated January 5, 2006, from John Shepherd, Manager of Zoning Administration, to Jeanette Tuck, Huckleberry Hill Farm LLC, re: Official Determination of Development Rights and Parcels – Tax Map 19, Parcels 1 and 4 (property of Huckleberry Hill Farm LLC) - Section 10.3.1, **was received for information.**

Item 6.5. Copy of letter dated January 5, 2006, from John Shepherd, Manager of Zoning Administration, to Sally Emma Fields, re: Official Determination of Development Rights and Parcels – Tax Map 81, Parcel 48 (property of Daniel G. Fields Estate) - Section 10.3.1, **was received as information.**

Item 6.6. Copy of letter dated January 5, 2006, from John Shepherd, Manager of Zoning Administration, to Jessie T. Hook, re: Official Determination of Development Rights and Parcels – Tax Map 84, Parcel 11B (property of Edward W. Hook, Jr., Revocable Trust, Jessie T. Hook Sole-Acting Trustee) - Section 10.3.1, **was received for information.**

Item 6.7. Copy of draft Planning Commission minutes for December 13, 2005, **received for information.**

(Note: The following two items were heard concurrently.)

Agenda Item No. 7a. Transportation Matters: VDOT Monthly Report for January, 2006, and
Agenda Item No. 7b. Transportation Matters not listed on the Agenda.

Mr. Jim Utterback, Resident Engineer, addressed the Board. In reference to the letter from Mr. Butch Davies which was discussed at last month's meeting, the I-64 widening mentioned is to widen the approach lanes for traffic coming off of I-64 on the westbound exit ramp at Fifth Street and also at the Shadwell exit eastbound. Both exits will be provided with dual ramps westbound. The projects have not been scoped at this time.

Mr. Utterback said there is one other project for this summer which involves putting an overlay on the eastbound Rivanna River Bridge on I-64. He said there will be more public information available closer to the beginning of that project because it will impact traffic.

Mr. Utterback said research on the Brock's Mill Road situation indicates it was a County road

which was not taken into the State system when the State originally took over maintenance of County roads. He said there was a letter from the Richmond Central Office in February of 2004 referencing the Byrd Act and telling how this evolved. There was a letter then written to the citizen who asked the question, and the answer seems to be that it is a public road, but somehow when the State took over the system it was not taken into the system for maintenance at that time. There are a number of roads across the state in the same situation. He said his staff will provide the Board with a copy of those letters. At this time, he does not think VDOT will deviate from its former position that the road would have to be brought up to State standards.

Mr. Boyd asked who owns the road. Mr. Utterback said it is a public road, *per se*, but it is not a state road, and does not show on any state map.

Mr. Boyd asked what steps need to be taken for the state to take over the road. Mr. Utterback said it would have to be brought up to state standards. It was mentioned in the letter of two years ago that the County might try to have it brought into the system through the Rural Addition law. However, that advice is probably dated based on the way VDOT is interpreting and applying the Code of Virginia in reference to the Rural Addition authority.

Mr. Boyd said he thought the Board had been told it could not use the Rural Addition law. Mr. Utterback said based on the discussion the Board had this past summer that is correct. Other than that, there would need to be some other type of funding source by the County. The required right-of-way would also need to be donated by the property owners along the road.

Mr. Boyd said he needs information to give the people who made the request. Do they need to petition the County?

Mr. Rooker said he thinks the first step is to determine the amount of right-of-way needed, then to get dedication of that right-of-way. If they cannot obtain the right-of-way, there is no need to go further.

Mr. Boyd said he thinks all of the properties may be owned by one person. Mr. Tucker said Mr. Boyd should suggest to the spokesperson for this request that they work with Mr. Juan Wade, the County's Transportation Planner.

Mr. Utterback said the lady who made the request for Doctor's Crossing has done quite a bit of research on the road's history. His files indicate there have been inquiries about the road for at least twenty years. The road is less than two miles long, and the Board could qualify it for the Rural Rustic Road Program. But, the road is very narrow and there would be safety concerns with the project. There is a concern that if the road were fixed, it would become a cut-through route for traffic.

Mr. Rooker asked if the traffic count qualifies the road as a Rural Rustic Road. Mr. Utterback said the present count qualifies the road. He does not know if any future development is contemplated on the road. At this time, the traffic count is under 300 vtpd.

Mr. Boyd said there is a concern that the road is changing in character because of the by-right development that is occurring along the road.

Ms. Thomas said the people need to realize they are locating on an unpaved road and it is likely to stay unpaved for a very long time.

Mr. Wyant said the road may not qualify as a Rural Rustic Road because of the steepness of the grade along one section. That is the section where school buses have a problem.

Mr. Utterback said there is a section about two-thirds through the road where both horizontal and vertical alignments are not conducive to a Rural Rustic Road project.

Mr. Wyant said that is the problem area the citizens keep bringing up.

Mr. Utterback said information has been provided to Richmond about the couple of Rural Rustic Road projects done in Albemarle County. He knows a lot of counties are looking at the RRR law in order to pave roads that would otherwise never be paved.

Mr. Utterback said there was a question asked about Heard's Mountain Road last month and VDOT has done some machining on that road.

Mr. Utterback reported that there has been some maintenance done on Rea's Ford Road for pothole repair.

Mr. Utterback said repairs were made in West Leigh due to erosion. Ms. Thomas said that was incorrect. She suggested that it may have been looked at but nothing has been done. As one turns off of Route 250 onto West Leigh Drive there is a deep hole right at the edge of the pavement.

Mr. Utterback asked Mr. Wyant if he could meet someone on Buck Mountain Road to indicate where the problem spots are. Mr. Wyant said he would meet at any time.

Mr. Wyant said on Route 810 between Routes 614 and 674, there is a speed study going on and it is being done by a private firm. It should be ready by February 10.

Mr. Wyant mentioned the overlook on I-64 near the VDOT memorial on Afton Mountain. He said the turn into the overlook is very sharp. He asked if everything possible had been done to warn people of that curve. Mr. Utterback said that guardrail has been hit a couple of times. VDOT has repaired the wooden guardrail where a car went 250 feet off and down the mountain. He said there was an issue with some legislators about lighting of the memorial at night and that has now been corrected.

Ms. Thomas said she appreciates the removal of the equipment (all except one piece) from the Ivy interchange. She said Mr. Utterback's predecessor had agreed to have the ground there reseeded so it would not become a trash area again. Mr. Utterback responded that the VDOT supervisor for that area is attending to that situation. He also said that one piece of equipment will be removed soon. Mr. Tucker suggested landscaping the area. Mr. Utterback agreed to look into this with roadside management staff.

Ms. Thomas said one of her constituents got a letter indicating the Owensville Road intersection with Route 250 was supposedly being looked at by the Culpeper District Engineer, and she asked if a roundabout is being considered. Mr. Utterback replied that VDOT is doing a feasibility analysis to see if a roundabout can be used there.

Ms. Thomas said a lot of people do not want Decca Lane paved, so she is not urging the County to pave it. Apparently it does not qualify as a Rural Rustic Road project, and she wondered why it does not qualify. Mr. Utterback said he will look into why, but usually it is related to geometry, safety or traffic counts.

Ms. Thomas said "No Parking" signs have been erected along Route 53 near the walking trail to Monticello. As the alternative, people walk across the road. She asked if there is any way to allow parking there. Mr. Utterback said this originated as a safety concern of the County Police. The request was evaluated and validated as a safety concern. He said, "it's out of my hands." He said Monticello will eventually have a walkway underneath the road so people can cross safely.

Mr. Dorrier indicated that there was recently an accident on Route 250 East at the turn onto Route 22. He said that intersection is dangerous. He asked if there is sufficient notice for traffic turning onto Route 22 at that point. Mr. Utterback said there is signage now. Mr. Dorrier suggested placing a flashing light to warn of the intersection. Mr. Utterback said he will check into the suggestion. VDOT has a project in the near future for improvements at that location.

Mr. Boyd said he is still confused about the Rural Rustic Roads plan in place now. He said when the Board approved the Six-Year Plan, Mr. Utterback was going to look at the viability of that plan and whether any of it could be accelerated. Mr. Utterback said VDOT has identified from County priorities the next set of projects and has started documentation on those projects.

Mr. Boyd said he thought there was to be a decision made after the first projects were completed as to whether the County might do more projects each year. Mr. Utterback said one project is Heard's Mountain Road and it is hoped that Nelson County will do a short section of that improvement. Next is the project on Route 623 which is a significant project. He said environmental work has been started in order to put together a contract for that project this spring.

Mr. Rooker said there was concern when this was discussed the last time that the estimate might be too low.

Mr. Boyd said it was determined that VDOT could do the project cheaper with its own staff, but it did not know if it had the resources. Mr. Utterback said there is statewide scrutiny on the maintenance budget this year. Statewide their budget is running over; the nine counties in the Culpeper district are \$10.0 million over budget and that plays into how their workforces can be used. Over the next couple of months he will have a better idea of how that will play out. He added that contractors of small projects are ideally suited to deal with rural rustic roads and can often give a reasonable price.

Mr. Slutzky said there are accidents regularly at the intersection of Rio Road and Hillsdale Drive/Northfields Road. He believes one reason is that the people who are turning do not feel they have to yield. He suggested placing a sign at that intersection that says "yield to oncoming traffic."

Mr. Slutzky said he is new to the Board so wondered if the Board has adopted a policy saying

gravel roads will be paved as more houses are built along those roads.

Ms. Thomas replied that the Commonwealth's policy is to get rid of all unpaved roads in the Commonwealth. To that end, they give the County a certain amount of money every year and the County has to take the money whether it wants it or not. She said Albemarle has always taken the minimum amount. The Rural Rustic Road projects will allow that minimum amount to go further. It used to be years between paving gravel road because the County had to accumulate enough money to do the project. She said when people move into the rural area they should get a sheet of paper saying what it means to move into the rural area. There is another county which has done that, and counties in the western part of the United State have done it. She said the Board's policy has been to spend the minimum amount but it cannot have a policy that it will not pave rural roads because that is a Commonwealth policy.

Mr. Slutzky asked if that money coming to the County can be directed by the Board toward improvements on existing paved roads instead of creating paved roads where there were not paved roads. Ms. Thomas said "yes."

Mr. Cilimberg said at one time the policy said that if money were dedicated to "non-eligible projects" (the amount of money received is based on the number of unpaved miles of roads in the County) then VDOT would "artificially reduce" the miles so the unpaved monies were reduced as if the County were paving unpaved roads.

Mr. Slutzky asked if the Board could choose to do that because it is committed to preserving the rural character of the County.

Mr. Rooker said he did not think there would be unanimity on the Board to give up paving some rural roads. Many people come to the Six-Year Secondary Road plan meetings indicating they would like to have their road paved.

Mr. Slutzky said he believes they invoke the argument that a lot of people have moved into the neighborhood in the past several years so now the road needs to be paved.

Mr. Rooker said they also mention the number of accidents that have occurred. He would not support not paving a rural road to simply give up an allocation from the State. At this time there is a huge list of unpaved road projects listed in the Six-Year Plan, and it is an extremely slow process for the road project to work its way to the top of the list.

Mr. Dorrier said the people in the rural areas are taxpayers (Scottsville District has a lot of unpaved roads), and they deserve a share of the money to make their roads safer. If there were a conscious policy of this Board to keep the roads unsafe or unpaved to discourage growth in the rural areas, then these people would not get a fair share of the use of their tax money.

Mr. Slutzky said if someone said roads were unsafe because they are gravel, he would assume the roads are designed to carry traffic safely at a certain speed, so at 25 mph there should not be a problem. Mr. Utterback emphasized that gravel roads are not posted with speed limits as there are often changing conditions along the way.

Mr. Dorrier said these roads are also dusty, which creates a big problem in the summertime.

Mr. Slutzky said he lived on a dirt road at one time and understands what Mr. Dorrier is saying, but the County has a Comprehensive Plan which expresses a consensus commitment to preserving the rural character of the County. A number of people who have lived in those rural areas for a long time would prefer to keep those roads not paved, just as there are new people who have moved into the rural areas who would like to see the roads paved. As to the mention of tax moneys, some would argue that they pay taxes so feel they should have public sewer and water service. He suggested that when the Board meets with the legislators next year they express a desire to have a law which would give the Board the freedom to allocate the resources it is obligated to spend on dirt roads to make existing paved roads safer.

Mr. Dorrier said the Board is moving toward the Rural Rustic Road option, and there has been increased funding in that category.

Mr. Wyant said the Rural Rustic Road option is in between the other options. One of the criteria for that program is that the road not be located in an area intended for development. Also, that program only puts a smoother riding surface on a gravel road.

Mr. Rooker agreed, saying traffic counts must be low for the road to qualify. He said in order for a road to go from unpaved to paved there must be donation of the required right-of-way.

Mr. Slutzky asked if right-of-way can be taken through eminent domain.

Ms. Thomas said this County has a policy that it will not buy or have VDOT buy right-of-way for paving of rural roads since a road in her district was paved in that fashion. As soon as there is purchase of right-of-way it moves the project into a new category in which there has to be detailed engineering drawings, etc., and it increases the cost of the project tremendously. In that case, it created the kind of road that might be found in any subdivision. It is an ugly, inappropriate road in the rural area. As soon as it was finished, people came to the Board asking that the speed limit be lowered. That whole experience was so bad that the Board has never changed its policy of not buying right-of-way for rural pavings.

Mr. Slutzky said he is concerned that the Board be consistent when giving signals to the citizens that it is committed to preserving the rural character of the rural areas of the County. If the Board were to suggest to its legislators that it have more flexibility on this item, that would be a good signal to send to the citizens along with the reciprocal signal that it is sympathetic to growth in the development areas. He thinks that would shift the dynamic. Right now there is substantial development taking place in the rural areas in spite of the Comprehensive Plan recommendations.

Mr. Utterback said VDOT breaks out by percentage how much money is allocated for paved roads, and how much is allocated for gravel roads. At Mr. Dorrier's request, Mr. Utterback agreed to look into whether any other county in the state has a prohibition on using the money to pave gravel roads.

Mr. Rooker said there was a speed study done for the Inglewood/Solomon Roads neighborhood. There is a meeting on February 21 in the neighborhood. He heard that VDOT did not plan on having a representative at that meeting, and he would like to request that someone attend. Mr. Utterback said in the past Mr. Juan Wade or a County staff member has attended these meetings instead of someone from VDOT. He said VDOT does not have enough staff to attend every neighborhood meeting and it also puts that person "on the spot" when there is a contentious issue.

Mr. Rooker commented that there are some safety issues in that area that should be addressed. There was a speed test, and VDOT is the one who knows what it will or will not do. He would like someone to attend who has that knowledge first hand rather than having to wait for an answer. That would require a second meeting, and he thinks this can be taken care of in one meeting. To his knowledge, this neighborhood has never had a meeting which VDOT attended. Mr. Utterback said the objective in doing this study was to identify this area for traffic calming. In most cases it's the people who live in the neighborhood who exceed the speed limit.

Ms. Thomas said if VDOT does not want to "put its people on the line" she would suggest making a standard PowerPoint presentation explaining VDOT policies and procedures. That might suffice in lieu of actual VDOT staff attending. She said Mr. Wade does a very good job explaining the traffic calming devices.

Mr. Rooker said one reason he wanted someone from VDOT to attend is the idea of a "pork chop" configuration at Solomon Road and Inglewood off of Hydraulic similar to a solution put in place in Cedar Hill Subdivision.

Mr. Rooker referred to page 1 of the VDOT Monthly Report in reference to Route 691 (Jarmans Gap Road) where it says a hydraulic review of the design is in process. He asked the meaning of "hydraulic review." Mr. Utterback replied that it is a review of hydraulic issues for water drainage. He said those plans have been converted to metric so that review should be completed soon. They are putting together a package for public hearing. It is the design and analyses for the stormwater, etc.

Agenda Item No. 8. PVCC Annual Update, Dr. Frank Friedman. (This item was skipped temporarily awaiting the arrival of Dr. Friedman.)

Agenda Item No. 9. Human Resources Annual Report, Kimberly Suyes.

Ms. Kimberly Suyes, Director of Human Resources, presented a review of the Department's Annual Report, and recognized Human Resources staff members in attendance. She explained that in 2005, HR staff focused on projects and initiatives such as competency-based management tools – these include everything they do in HR. At this time, HR has new performance management tools (hopefully, next year there will be succession management tools because a significant number of retirements will take place in the next few years). They have the new 360° feedback tool. This year it was provided to the Leadership Council to use in their professional and personal development. Also, HR implemented leadership foundation training which is training for management and supervisors in areas such as coaching and communications, continuous improvement, customer service, and project management. That program has been extremely successful and their exit and climate survey data show that fact. Also, a reduction in grievances shows it has been successful.

Ms. Suyes reported that a Procedures Manual has been developed for all supervisory staff. It was created and provided online as a resource. They also provided training in regard to that Manual. An employee recognition program was developed and implemented. The rewarding and recognizing of excellent performance of employees was put into place. There was a long-term classification review. There was previously no process for reviewing compensation although they got a lot of requests to do so. They have developed a process so that every three years a department will be reviewed for comparative salary structure. Also a new merit pay plan was implemented.

Ms. Suyes explained that HR's website and internet recruitment is at 28 percent. She said 23 percent of applicants are recommended by County employees. In response to a question from Mr. Boyd, Ms. Suyes said these figures are just for Local Government, they do not include the Schools.

Ms. Suyes noted that while 10 percent of the County's population is African-American, 14 percent of employees are African-American; as Hispanic and Asian representation in the County grows, minority recruitment needs to focus on these groups. She reported that turnover in County government is still

single-digit, only 8.9 percent, which is relatively low compared to other organizations.

Mr. Boyd asked if the low turn-over rate is due to lack of other job opportunities in the community. Ms. Suyes replied that Local Government traditionally experiences a low turnover rate, but the focus from the Leadership Council on organizational culture has helped increase favorable ratings from staff. She thinks people really enjoy working for Local Government, so she does not think they are looking elsewhere.

Mr. Dorrier asked if there is a specific policy where promotions would be provided to government employees first. Ms. Suyes said jobs are advertised internally, and as long as an applicant meets the minimal criteria, they are interviewed; however, the County hires the most qualified candidate whether they are internal or external.

Mr. Slutzky said he noticed that Social Services and Community Development are both down in FTE's and have relatively high attrition rates. He asked if the County is paying less in those categories than it should be paying. Ms. Suyes replied that every department participated in a climate survey 18 months ago, and the results shared with department heads. She said the Leadership Council asked HR to sit down with teams and identify areas needing improvement in every department and come up with a plan to make those improvements. After the plans were implemented, HR waited a year and re-surveyed. That data has been shared with all departments; it is now their responsibility to determine what to do.

Mr. Slutzky asked if that survey got into the compensation issue. Ms. Suyes said in addition to the climate survey, HR does an annual compensation study. They measure against the competitive market and benchmark positions.

Ms. Gerome said that every year the salary structure is evaluated.

Mr. Slutzky said he was impressed at how rigorously HR is in evaluating issues. He wonders if staff in a particular department feels they were either overworked or underpaid if this benchmarking will catch that fact. Ms. Suyes said that is a good question. In the Police Department there were 11 positions which were not being filled. HR recognized that those positions were significantly underpaid compared to personnel in the State Police and the City Police Department. Public Safety was one of the first departments tackled in the classification review process.

Ms. Suyes asked Ms. Wendy Roberman to comment since she works closely with the Social Services and Community Development departments.

Ms. Roberman said turnover in social services departments generally tends to be higher than in other areas of the organization. In Albemarle, the figure is actually not that high. She mentioned that the actual FTE count is a "snapshot" on June 30th. With the new Access Albemarle system that is going into place over the next year, this data should get a little "tighter." She said Community Development was reorganized in the last couple of years and has been experiencing some fallout from that reorganization.

Ms. Suyes said in mentioning turnover, there were ten retirements in the County in 2005, compared to only eight the year before. She confirmed that the average retirement age is 57, and she confirmed for Mr. Boyd that the retirement age is starting to go up. She believes there will be fewer retirements in the next few years as the County focuses on being competitive.

Mr. Dorrier asked if the County has a mandatory retirement age. Mr. Tucker replied that it is only in certain positions such as those in Public Safety.

Mr. Rooker noted that lawfully the County cannot require people to retire. There was a huge verdict handed down in a recent New York case for a man 90 years of age.

Ms. Thomas pointed out that JAUNT currently is involved in a lawsuit related to age discrimination.

Mr. Rooker noted a page in the report where it lists the employees who are eligible for the County's VERIP Program. He asked if it is a cumulative total, or a year-by-year total. Ms. Suyes confirmed that the number of employees eligible for VERIP is a cumulative number, not an annual number. She said this year 19 people are eligible for a full benefit and 81 are eligible for a reduced benefit, but a very small percentage of those will retire early.

Ms. Suyes said the County's exit survey data looks really good, with employees indicating that they are leaving with a positive experience. She stated that two things have improved significantly over the last year, and they are supervisory considerations and organizational culture. She explained that the questions regarding supervisory consideration relate to whether employees feel they are rewarded and recognized for their performance and whether or not they are given good feedback. She said the 92 percent favorable rate is likely due to competency-based evaluation forms, the creation of the employee recognition program, and leadership training implementation.

Mr. Rooker asked if it is possible to increase the percentage of people doing exit interviews. Ms. Suyes responded it is, but although a survey is okay an interview is better. Interviewing with a third party, someone who is not in HR, can sometimes help. This year as soon as a resignation is received, those people are being interviewed by someone who has been employed to manage the survey. This provides a quicker response. The exit interview is taken by telephone most of the time.

Ms. Thomas said she was happy to see the Weight Loss Program, particularly as there is an aging population. Ms. Suyes said HR is very happy with the Safety, Health and Wellness position this year. She said it had been apparent to her that the County was not focusing on its Worker's Compensation costs so that was the driver for getting a Safety, Health and Wellness position implemented. She felt significant money could be saved over a three-year period. She can now report that in 2004 the County had 104 claims that paid out \$121,954, compared to 94 claims in 2005 paying out \$81,476. So far this year, there have only been 31 claims totaling \$3,000. That is the Local Government number; School numbers are significantly down as well. Claims are down 52 percent compared to two years ago, a savings of \$163,952. There should be a gradual decrease in premiums. She said it was done through employment of case management, and she thinks the numbers will be much better later.

Mr. Boyd said he had been questioning Ms. Suyes since the position was approved three years ago. He would like to congratulate her on this work. This is a true return on the County's investment.

Ms. Suyes said the organizational development position that was put in place for training development has shown a significant decrease in grievances and communication issues. A big piece of the organizational development is training. HR implemented leadership foundations which are supervisory and management training with a focus on communication and supervisory skills. HR launched a half-day supervisor's tool-kit manual course. It is the basics, but includes all of the things everybody needs. There has been creation of a learning team which helped implement a direction. Also HR has implemented Spanish instruction. There has been a training series on customer service. She said the customer satisfaction cards indicate it has been a successful training course.

Ms. Thomas commented that in relation to the Spanish instruction course, she hopes there will be some cultural instruction given along with the language instruction. This is a culture where the parents do not get involved in their children's schooling, so she hopes some cultural training is offered to people who will be dealing with the Hispanic population. Ms. Suyes said on the Local Government side nothing to that degree has been implemented. For the School Division, Ms. Charlene Greene who works part-time in HR, is the School's Equity and Diversity Coordinator, and is working on cultures and perceptions within the School Division.

Ms. Suyes said that new employee orientation sessions are held quarterly. She mentioned that the "Total Rewards" recognition program has been successful; 31.6 percent of the recognitions have been for performing above and beyond normal duties and expectations, 20.4 percent for exemplary teamwork, 16.8 percent for providing exceptional customer service, 16.4 percent for innovation, productivity, process, quality improvements and cost savings, and 7.2 percent for department specific awards.

Ms. Suyes noted that the old merit formula was complicated and many employees did not understand how it was calculated or on what it was based. Employees were not able to link their performance to the reward, so "it really wasn't successful." She explained that everything is now based on competencies. Four core competencies were identified in the organization –results, orientation, communication and valuing diversity. All of these competencies are used for recruitment and staffing, and all the interviewing tools are based on those competencies. The next step was to base all merit and performance tools against those competencies, and then base training and development against those competencies. She emphasized that if there are areas where employees need to improve, they can provide the tools needed to help them. She explained that the new performance evaluation tool will identify specific needs for growth and will allow supervisors to differentiate performance on a five-point scale. The new merit tool now allows the County to reward for performance. HR met with all department heads in Local Government about in-depth training for that program. Those department heads were then encouraged to meet with their teams, so she thinks the training will be successful. The product was introduced a year before it would go into effect; it goes into effect in May/June, 2006.

Ms. Suyes concluded her presentation by saying the succession management program will be very important due to the number of people retiring in the near future. Also, the safe workplace programs and the wellness programs will be important. HR is looking toward significant implementation of programs for this next year. She said HR has been working diligently on the skill and competency pay differentials. Creating the online and printed professional development course catalogs allows development opportunities for all employees and should increase productivity and customer service. Also, HR is looking at implementing its new matrix in its evaluation tools. They will be utilizing the 360° Feedback Management Tool, not just for the Leadership Council, but also for the management group.

Mr. Boyd asked if changes in the employee benefits package would lead to a new benefits statement for employees. Ms. Suyes replied that this year the benefits information was all online so all employee had access to their information.

In response to Mr. Boyd's question, Ms. Gerome said there will be an individualized statement of benefits in the future, but it still needs to be refined.

Ms. Suyes said this year HR wanted to do something which was short term so they did open enrollment for health benefits online. She said the overtime costs for HR were significant in September and October due to hiring about 150 teachers and having open enrollment for every employee online. They decided to move enrollment back to May/June so the people in the School Division could make a decision about their health benefits at that time. It also allowed HR time to do administrative work. She said that coupled with the electronic format helped reduce overtime pay in HR. When she went online to see what her own benefits were, she was surprised to see the actual dollar value of those benefits.

Mr. Rooker commented that a benefits statement is an “eye-opener” to employees when they see the total package. He suggested that if the County is not printing the statement for employees, HR should e-mail a personal message to each employee along with the statement so they actually get the statement.

Mr. Tucker said when Access Albemarle is online an employee who has direct deposit of their pay will not get a pay stub as they do now. They will get that information online along with information about total benefits.

Ms. Suyes said HR sends all information possible online, but is sensitive to those employees who may not have that access. Although there was online application this year for benefits, appointments were scheduled with employees who could not use that process. She said a survey of employees about the new process came back with very positive responses.

Mr. Tucker commended Ms. Suyes and her staff for their work. He noted that Albemarle is one of the few localities in Virginia where the Human Resources Department has responsibility for both Local Government and School employees.

Agenda Item No. 8. PVCC Annual Update, Dr. Frank Friedman.

Dr. Frank Friedman, president of Piedmont Virginia Community College, presented a brief overview of the college. He introduced the County members of the PVCC Board of Directors who were present: Mr. Charles Gross, Mr. John Davidson and Ms. Donna Plasket; Mr. Fred Copeland was on vacation.

Dr. Friedman reported that fall enrollment was 4,163 with 2,127 enrolled full time taking an average of eight course hours. He said that 39 percent of students are Albemarle County residents; that number has been increasing. He said the dual enrollment program with the high schools has been very successful, and included 89 Albemarle students last year. He explained that 27 percent of Albemarle High School graduates enrolled in PVCC in the fall, with 22 percent of Monticello High School graduates enrolling, 20 percent of Murray graduates, and 10 percent of Western Albemarle graduates. That average figure goes up from 21 percent to 35 percent over a few years as many students sit out for a few years.

Regarding distance learning, Dr. Friedman said that over 700 students last semester took courses over the internet, and 255 of those were County residents. He said Albemarle High School hosted five credit courses there in the fall enrolling 65 students, as well as 13 non-credit courses enrolling 150 students. At Monticello High School, PVCC ran just one course, but Mary Baldwin scheduled 12 classes and had 140 students enrolled.

Dr. Friedman reported that the College is focusing on facilities and fundraising. He stated that PVCC has started a \$5.0 million renovation of the main academic building, including creation of new classrooms, a 90-student tiered lecture hall, renovating gathering spaces and student lounges, and making infrastructure improvements. The College is designing a new 35,000 square foot science building which will hopefully be occupied within two years, and will include new biology labs, chemistry labs, and anatomy/physiology classrooms. The new lab space will enable PVCC to offer new programs.

Mr. Rooker asked where the building will be located. Dr. Friedman replied that it will be near where one turns to go toward the Dickinson Building. The new plans involve an entirely new campus master plan. There will be pedestrian walkways linking the campus and the new building which will be built into the topography as there is a steep drop-off in that area. He mentioned that another new building will be the YMCA recreation center.

Dr. Friedman reported that PVCC has raised \$11.5 million, \$3.5 million from local donors and the remaining amount from State and Federal sources. He said the fundraising will also enable the school to offer unprecedented scholarships as well as enhancing tutoring and job placement for students. He said he would be meeting next week with Dr. Pam Moran, Albemarle Superintendent of Schools, to discuss partnership opportunities. He said the County contracts with PVCC to do training, and there are ways that could be expanded to maximize that relationship.

Dr. Friedman said the wine programs have grown tremendously, although there is no industry accreditation at this time. He said PVCC is working with the Virginia Wine Board chaired by Mr. Bill Moses, and the College is well tied in with employers. He said 20 students have taken the entire series of courses, and about 100 have taken at least one course, with enrollment comprised primarily of people who already work at wineries. He stated that the growth of this program will depend largely on what happens with the industry, as it needs to grow to create the kinds of jobs for which people will be trained.

Mr. Wyant asked if the College offers specific training for other types of industries. Dr. Friedman responded that Workforce Services at the College focus on customized training, where employers are asked for feedback on specific skill needs among their workers – such as Spanish, customer service, etc. He said the Workforce Services Team does onsite work at businesses as well.

Dr. Friedman explained that the one-stop center is a Federally-mandated center that is administered through the local Workforce Investment Board (the Piedmont Workforce Network), located in the Virginia Employment Commission building on Ridge/McIntire. He said there are problems with that location, and the Board is looking for locations that might be better suited to the needs of their clients and the community. The one-stop concept attempts to prevent people from running all over town to get what they need. He commented that having PVCC staff and one-stop staff collocated would be even better.

Mr. Dorrier asked what percentage of Piedmont graduates stay in the community to work. Dr. Friedman responded that the figure is approximately 80 percent, as many students have roots and strong ties to the area.

Mr. Dorrier asked about the Wal-Mart job fair, and Dr. Friedman reported that there were over 1,000 people there seeking higher-paying jobs.

Dr. Friedman concluded by stating that the support PVCC gets from the Board of Supervisors and the County is really excellent.

Mr. Rooker thanked Dr. Friedman for the great work PVCC does in the community.

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

Agenda Item No. 10. Foxfield, Status of: Ben Dick.

Mr. Pat Butterfield addressed the Board, and introduced Ms. Ann Brown, Foxfield's Marketing Director. He explained that his role is to ensure the safety of the horses and jockeys on the day of the race, noting that they are part of the National Steeplechase Association. He said there are races in the spring and in the fall. To ensure safety there is a four-foot fence around the infield and around the outside seating area, adding that outriders on the outside of the track use radio to communicate any problems or concerns. He explained that using U.Va. Medical Services, any needed treatment begins on Foxfield grounds instead of at the hospital.

Mr. Butterfield explained that during the races, there are security people at every gap and gate who ensure the spaces are closed when the horses are brought out. There are three rescue vehicles at the track at all times during the races, as well as two horse ambulances. There are also two doctors on hand for emergency situations.

Mr. Butterfield explained that Foxfield has a private security group on the grounds to deal with problems, as well as undercover police looking for drug violations. He reported that he and Mr. Ben Dick met with the Albemarle County Police and representatives from the Virginia Alcohol Beverage Control office last week. They have assured these people that they would like to do more in the way of enforcement this spring, and will issue a press release on February 11 containing details of their plans.

Ms. Ann Brown reported that she does marketing and advertising for Foxfield, but her biggest job right now is dealing with student safety and ensuring that the event is safe for patrons. She said the way to keep the event safe is to start with an education program well before the day of the races. She said Foxfield staff members give a speech and show a video to student leaders at the University on how not to behave. She also works with health administrators from all the colleges in Virginia, and sends them a safety poster for placement around campuses. She said Foxfield has no tolerance for underage drinkers or having people over 21 give alcohol to underage attendees. She emphasized that their education program also tries to show what happens after an entire day of drinking, and encourages attendees to eat and stay hydrated.

Ms. Brown said Foxfield works with Charlottesville Transit Service to provide trips to and from the event at a total cost of \$10 (that is to and from the event). She said a person may leave their car at the racetrack overnight or even for a few days, and Foxfield does not report vehicles left there. She said the Chandler Law Group also funds cab service to get people home. She indicated that Foxfield works to get everyone home safely, and they provide entrance fee discounts to attendees from colleges that have come on a private bus service. She said they make no money on the CTS service, and if there is an overage it is given to the Special Olympics. She indicated that Foxfield uses the Anheuser Busch slogan "Responsibility Matters" which is better than just saying "Don't Drink." She said J.W. Sieg Company sponsors a designated driver program, "The Savvy Fox," which has over 600 people signed up for the spring event. Those drivers get free non-alcoholic beverages all day and free Dominos pizza cosponsored by Foxfield and Dominos.

Ms. Brown emphasized that a small percentage of attendees do get out of hand, and U.Va.'s outreach program works to handle their medical needs at offsite events like Foxfield. She said these programs are a cost to Foxfield, but they are worth it, and education in advance of the races is highly important.

Mr. Butterfield said Foxfield sells only 21,500 tickets; it no longer sells any tickets at the gate.

Mr. Wyant commented that residents in White Hall deal with the event and at times it has been "rough." When talking about busses coming from Charlottesville, there are also busses coming from larger parking lots from the west along Owensville Road to Garth Road, etc. He suggested having some larger parking lots to use and bring people in on busses, not just from UVA.

Ms. Brown said they use parking lots at the JAG School as a pick-up point. There used to be parking at U-Hall but that was moved to the JAG School lot since the new stadium is under construction. She has inquired about having parking at Albemarle High School and Western Albemarle High School, but she has not been able to get any firm commitments because of events at the schools on that weekend. She also feels that at those locations there might be a satellite security risk. In other words, people might come there to park, start to party at that location, and then get on the busses. They are trying to avoid

that, which is the reason they ask for busses at the UVA Chapel, at the football stadium and at the JAG School. They do not want the partying to spread out into the community.

Mr. Dorrier said he has observed there are a lot of people walking around the road and stumbling out into the road leaving Foxfield. Mr. Ben Dick said he has been working on this issue with the County Zoning Office, as there are private property owners offering parking for a fee. Zoning is supposedly sending letters to those landowners stating that they are not allowed to rent their yards for parking. He acknowledged that it is a hazardous situation. He is also working with Chief John Miller, the Virginia ABC Board, and the State Police to keep the scene under control.

Mr. Dick reported that in 2001 both Ms. Charlotte Humphris and Ms. Sally Thomas advocated for changes at Foxfield. He said Foxfield staff has put in a great deal of effort to enforce laws, but students are students and their behavior is often hard to control. This year they are going to enforce the law.

Mr. Wyant pointed out that a lot of the attendees are coming from outside of the area and people are parking along the road on the west side and walking in. He encouraged Foxfield staff to find an area for a bus drop-off, and agreed to work with them on that idea.

Agenda Item No. 11. FY '06 Second Quarter Financial Report.

Mr. Robert Walters, Finance Department, addressed the Board. He said this report shows that the economy is strong and continues to be strong. He said they do not like to change the report format because consistency is what allows reports to be compared, but the Board suggested changing how use of the Fund Balance is presented, so for this report a new column was added to Attachments "A" and "B" displaying the current revised budget and appropriations. Variances and percentages compare the year-to-date results and revised estimates to the current revised budget and appropriations. Revenue estimates have been updated based on January 6, 2006, projections.

Mr. Walters said he would refer to the five pages of data he had just handed to the Board (General Fund Quarterly Reports for the Six Months Ended December 31, 2005). He said the Fund Balance shows an unobligated balance of \$739,000 available at February 1, 2006. He then offered to answer questions.

With no questions for Mr. Walters, **motion** was offered by Mr. Boyd to approve the FY 2006 Second Quarter Financial Report. Mr. Dorrier **seconded** the motion, which passed by the following recorded vote:

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

Agenda Item No. 12. FY 2004-05 Comprehensive Annual Financial Report.

Mr. Boyd said the Audit Committee met and reviewed this document as well as the Management Letter. The Committee approved it. He encouraged the Board members to read the management discussion and analysis pages, as they contain a lot of detail.

Ms. Thomas said she noticed the following in the responses to the Management Letter: "The current financial system and account coding structure does not lend itself to reporting on the basis required by the Annual School Report. Since our account coding structure is only very loosely associated with the State account coding structure, virtually every transaction requires translation from our account codes to the State account codes. Our current coding structure is significantly more descriptive and reflects the standard operating practices for school divisions within the Commonwealth. The State account coding structure has not changed to reflect actual operations at the local level. As an example, according to the State financial reporting structure, middle schools do not exist. There are only elementary (grades K-6) or secondary schools (grades 7-12); however, operating middle schools (grades 6-8) is standard practice for virtually all divisions across the Commonwealth. With the current (County) financial system and our modified accrual basis of accounting, it is not possible to meet the statutory deadlines for ASR submittal and maintain accurate reporting. The new (County) financial package and account coding structure should ease the reporting issues associated with the ASR." She suggested that the Board might ask its Legislators to help with this problem. It is amazing to hear that the report request is so illogical.

Mr. Boyd said the Audit Committee agrees. He said this has been an ongoing thing; it is not new. He also thinks the new County financial reporting system will allow the County to adhere to that report.

Mr. Jack Farmer from the firm, Robinson, Farmer, Cox Associates, was present. He stated that the County audit was performed in accordance with both generally accepted auditing standards and government auditing standards. They look for compliance and internal control for Federal funds. There is a report on Federal expenditures in the report. There were no findings or questions related to any Federal programs so a clean opinion was generated. Also, the overall opinion on the financial statements is an unqualified, generally clean opinion.

Mr. Farmer stated that the Board should read the management discussion analysis, as it is an excellent overview of the financial operations for the two years and takes the financial statements and puts them into narrative form. He said the County operates well within its budget. During the course of the

year the General Fund Balance had a small decrease of \$500,000 as anticipated. He said the Audit Committee is very good, and keeps lines of communication open, as does the staff.

Mr. Boyd thanked Mr. Farmer for all of his work. He said the audit is very important.

Mr. Dorrier said he thinks Mr. Tucker, Mr. Melvin Breeden, Mr. Richard Wiggans, and Mr. Walters deserve a lot of credit. There has never been a major problem with finances in all of the time he has served on this Board.

Mr. Rooker asked about the recommendation to put procedures in place to comply with the Sarbanes-Oxley Act of 2002 even though it does not apply to public institutions. He asked if Mr. Farmer will make some concrete recommendations on that subject. He said there are a number of Internet-based programs available where people can provide in an anonymous way comments directly to Board members. He asked if any other counties are doing anything like that. Mr. Farmer replied that his firm is working with some localities on implementation. The comment in the report was an awareness comment, and if Albemarle is interested, they could work with staff in developing a process so there is privacy and protection should that event occur.

Mr. Richard Wiggans, Director of Finance, thanked the Finance Department staff members who were instrumental in putting together this report including Mr. Ed Koonce, Director of the Accounting Division, Ms. Heather Welcher, Accountant, and Ms. Tammy Critzer, Management Analyst, who is also author of the management discussion in the analysis section. He said she did an excellent job.

Agenda Item No. 13. Financial Assurance for School Board Underground Storage Tanks.

(Note: Mr. Slutzky recused himself from discussion of this issue.)

Mr. Tucker said the State Department of Environmental Quality (DEQ) regulates underground storage tanks (UST's). Localities are required to submit annual reports to DEQ regarding the status of the UST's and to provide financial assurance that all requirements will be met. Some of the regulated UST's are controlled by the School Board and the Vehicle Maintenance Facility. DEQ is requesting the County to provide a Local Government Guarantee without Standby Trust on behalf of the Albemarle County School Board to assure that the School facilities will comply with DEQ regulations.

Mr. Tucker said this has not been required in the past, but DEQ is requesting that the School Board provide a separate financial assurance that it will comply with DEQ regulations regarding UST's. The most cost-effective form of financial assurance acceptable to DEQ is a Local Government Guarantee without Standby Trust provided by the County on the School Board's behalf. The proposed financial guarantee was included in the Board's packet of materials for this meeting. The Albemarle County School Board is referenced as the "Operator" and the County is the "Guarantor". The document requires the County to assure that the UST's meet all DEQ requirements if the School Board fails to do so. There is no budget impact beyond current obligations because all funding for UST maintenance is provided to the School Board by the County. He said staff recommends that the Board authorize the County Executive to execute the Local Government Guarantee without Standby Trust in a form approved by the County Attorney.

Mr. Rooker asked if this agreement covers all underground tanks owned by the County, or just those used by the Schools. Mr. Tucker replied that it includes just the Schools.

Mr. Davis confirmed that this action only applies to the Schools' tanks; DEQ does not require the same type of agreement from the County for Local Government. He said the County provides a financial assurance for the non-school tanks.

At this time, **motion** was offered by Ms. Thomas to authorize the County Executive to execute the Local Government Guarantee without Standby Trust in a form approved by the County Attorney. Mr. Wyant **seconded** the motion, which passed by the following recorded vote:

AYES: Mr. Dorrier, Mr. Rooker, Ms. Thomas, Mr. Wyant and Mr. Boyd.

NAYS: None.

ABSTAINING: Mr. Slutzky.

(Note: The agreement is set out in full below.)

APPENDIX G

Local Government Guarantee without Standby Trust Made by a Local Government

Guarantee made this December 7, 2005, by the County of Albemarle, Virginia, a local government organized under the laws of the Commonwealth of Virginia (herein referred to as guarantor), to the Virginia Department of Environmental Quality and to any and all third parties, and obliges, on behalf of the Albemarle County School Board.

Recitals

(1) Guarantor meets or exceeds the local government bond rating test requirements of 40 CFR part 280.104.

(2) The Albemarle County School Board owns or operates the following underground storage tank(s) covered by this guarantee:

- a) Walton Middle School, 4217 Red Hill Road, Charlottesville, Virginia, 22901 - 2 tanks
- b) Western Albemarle High School, 5941 Rockfish Gap Turnpike, Crozet, Virginia, 22932 – 3 tanks
- c) Vehicle Maintenance Facility, 2045 Lambs Road, Charlottesville, Virginia, 22901 – 2 tanks

This guarantee satisfies 40 CFR Part 280, Subpart H requirements for assuring funding for taking corrective action and/or compensating third parties for bodily injury and property damage caused by either sudden accidental releases, nonsudden accidental releases or accidental releases arising from operating the above-identified underground storage tank(s) in the amount of \$10,000 for corrective actions and \$30,000 for third party liability claims per occurrence and \$40,000 annual aggregate.

(3) Incident to our substantial governmental relationship with the Albemarle County School Board, guarantor guarantees to the Virginia Department of Environmental Quality and to any and all third parties and obliges that:

In the event that the Albemarle County School Board fails to provide alternative coverage within 60 days after receipt of a notice of cancellation of this guarantee and the Director of the Virginia Department of Environmental Quality has determined or suspects that a release has occurred at an underground storage tank covered by this guarantee, the guarantor, upon written instructions from the Director shall make funds available to pay for corrective actions and compensate third parties for bodily injury and property damage in an amount not to exceed the coverage limits specified above.

In the event that the Director determines that the Albemarle County School Board has failed to perform corrective action for releases arising out of the operation of the above-identified tank(s) in accordance with 40 CFR part 280, subpart F, the guarantor upon written instructions from the Director shall make funds available to pay for corrective actions in an amount not to exceed the coverage limits specified above.

If the Albemarle County School Board fails to satisfy a judgment or award based on a determination of liability for bodily injury or property damage to third parties caused by sudden and/or nonsudden accidental releases arising from the operation of the above-identified tank(s), or fails to pay an amount agreed to in settlement of a claim arising from or alleged to arise from such injury or damage, the guarantor, upon written instructions from the Director, shall make funds available to compensate third parties for bodily injury and property damage in an amount not to exceed the coverage limits specified above.

(4) Guarantor agrees that, if at the end of any fiscal year before cancellation of this guarantee, the guarantor fails to meet or exceed the requirements of the financial responsibility mechanism specified in paragraph (1), guarantor shall send within 120 days of such failure, by certified mail, notice to the Albemarle County School Board, as evidence by the return receipt.

(5) Guarantor agrees to notify the Albemarle County School Board by certified mail of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code naming guarantor as debtor, within 10 days after commencement of the proceeding.

(6) Guarantor agrees to remain bound under this guarantee notwithstanding any modification or alteration of any obligation of the Albemarle County School Board pursuant to 40 CFR Part 280.

(7) Guarantor agrees to remain bound under this guarantee for so long as the Albemarle County School Board must comply with the applicable financial responsibility requirements of 40 CFR part 280, Subpart H for the above identified tank(s), except that guarantor may cancel this guarantee by sending notice by certified mail to the Albemarle County School Board, such cancellation to become effective no earlier than 120 days after receipt of such notice by the Albemarle County School Board, as evidenced by the return receipt. If notified of a probable release, the guarantor agrees to remain bound to the terms of this guarantee for all charges arising from the release, up to the coverage limits specified above, notwithstanding the cancellation of the guarantee with respect to future releases.

(8) The guarantor's obligation does not apply to any of the following:

- (a) Any obligation of the Albemarle County School Board under a workers' compensation, disability benefits, or unemployment compensation law or other similar law;

- (b) Bodily injury to an employee of the Albemarle County School Board arising from, and in the course of employment by the Albemarle County School Board;
- (c) Bodily injury or property damage arising from the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle, or watercraft;
- (d) Property damage to any property owned, rented, loaned to, in the care, custody, or control of, or occupied by the Albemarle County School Board that is not the direct result of a release from a petroleum underground storage tank;
- (e) Bodily damage or property damage for which the Albemarle County School Board is obligated to pay damages by reason of the assumption of liability in a contract or agreement other than a contract or agreement entered into to meet the requirements of 40 CFR part 280.93.

(9) Guarantor expressly waives notice of acceptance of this guarantee by the Virginia Department of Environmental Quality, by any or all third parties, or by the Albemarle County School Board.

Agenda Item No. 14. Update on removal of signs in VDOT right-of-way (deferred from January 4, 2006).

Ms. Louise Wyatt, Manager of Zoning Enforcement, reported on the pilot education program to remove signs in VDOT's right-of-way. She explained that County inspectors, on five Saturdays, looked on Routes 29 and 250 for illegal signs in the right-of-way. When contact information was available about a sign, staff sent the violator an education letter; contact information was not available in about one-third of the cases. The results of the sign sweep are included in the executive summary. Conducting the program consumed a significant amount of staff resources and about 115 hours were paid for overtime work. The total cost for five days was \$4,000.

Ms. Wyatt said staff does not think continuing the education program will produce any dividends if it includes just sending educational letters. Staff recommends against taking enforcement action, as it is cost prohibitive and would almost double the number of active zoning violations, and would take a long time to get each case through court. Staff recommends removal as the best option since it would send a powerful and immediate message to the violators; Henrico and Chesterfield counties both do sign removal. She said if the Board wants to pursue this, authorization from VDOT would be needed, and a part-time inspector would also be needed.

Mr. Boyd asked if the County would be subject to lawsuits if legal signs were accidentally removed because of lack of knowledge about right-of-way boundaries. Ms. Wyatt replied that VDOT has not been able to furnish a map of right-of-ways, although staff has asked for that.

Mr. Rooker said there are some cases where the boundary line may be obvious, but in some cases delineation may be needed prior to removal. Mr. Davis agreed that the obvious signs could be removed, such as ones in medians and on utility poles. He said some are placed on private property and might be handled by Zoning in a different fashion, but he acknowledged that staff resource time is a great concern.

Ms. Thomas wondered about having volunteers adopt a road, as they do with trash pickup, if possible with staff supervising those crews. She agreed that the enforcement route is not worth doing, but having occasional weekend sweeps might be.

Mr. Boyd wondered if the \$54,680 expense for the first year would be worth it, and wondered if perhaps this task could be contracted out. He acknowledged that the executive summary states the costs would go down each year. Mr. Tucker said if the Board is interested in going forward with this program, staff can furnish more financial detail at budget time.

Mr. Rooker commented that the educational approach did not seem to work and was costly. The better option would be to do what other counties are doing.

Mr. Boyd said he is worried about "opening up Pandora's Box" as there are signs for lost cats and the like.

Ms. Wyatt said staff was not allowed to make distinctions between signs, and got some very angry responses for taking down signs.

Mr. Rooker asked if there could be a distinction made between commercial and non-commercial speech. Mr. Davis said VDOT does not make that distinction. Ms. Wyatt confirmed that other localities removing signs are satisfied with their process. Mr. Tucker suggested staff furnish the Board a detailed plan.

Mr. Rooker said VDOT does not consider removal of signs from their right-of-way as a priority item even though they have the right to remove signs and give a fine of \$100 per offense.

Agenda Item No. 15. Update on Places29, Endorsement of Vision and Guiding Principles.

Ms. Lee Catlin, Community Relations Manager, noted that there had been a recent charrette and the results of that were furnished to the Board members with other information for today's meeting. She said that on February 14 the consultants will hold a work session with the Planning Commission for an overview of framework alternatives.

Ms. Catlin said on May 25, 2005, the first public workshop to review the draft Vision and Guiding Principles as initially drafted by the consultant and staff was held. On September 27, 2005, the Planning Commission had an opportunity to look at those and provide their initial reaction. In late September, 2005, the Stakeholder Groups also had an opportunity to provide comments, and the draft was posted on the County's website and publicized to the Places29 A-mail list.

Ms. Catlin said the Board had its first look at the draft on October 5, 2005; that draft was revised later that month incorporating the comments received. At a public open house on November 1, 2005, the working draft was displayed for public comment, and a joint work session between the Board, Commission and the consultant took place on November 2, 2005, to obtain feedback on the revised draft. On November 3, 2005, the revised draft was on display for public comment at a public workshop at Sutherland Middle School. On January 10, 2006, the Commission took public comments on the revised draft.

Ms. Catlin gave information about the initial draft presented in September, 2005. Responses received pertained to three major areas of concern: the Vision Statement needed some introductory language to connect it to other policies; there was not enough emphasis on transportation; and, there needed to be more development area oriented language at the beginning of the Statement to establish what the environment of the Places29 area needs to look like in order to meet growth management goals for the development area.

Ms. Catlin said the Commission declined to make any changes after receiving public comments, but it did feel it was important for the Board to see those comments. She reported that at some meetings extensive comments were received: the Vision Statement should focus on pedestrian orientation, not just accessibility; the Vision Statement should reflect the Comprehensive Plan's intent for development without creating unrealistic expectations from the public; the Guiding Principles related to natural features protection might confuse the message of what the master plan is intended to do; the Guiding Principles related to open space were strongly supported, balanced against concern that open space in development areas has a different look; and, roads serving the development area (specifically the "Ruckersville Parkway") should not be located in the rural area. She emphasized that the Guiding Principles are not intended to support specific projects, but are included to provide guidance. She concluded by asking for the Board's endorsement of the Vision Statement and Guiding Principles, noting that during the master plan process they may need to be revalidated.

Mr. Boyd asked if there are two efforts going on – the transportation study and master planning for the area. Ms. Catlin replied that Places29 tends to address both, although the Principles are not intended to address specific plans, being Guiding Principles.

Ms. Thomas said the Ruckersville Parkway idea will be included in the computer modeling but in her opinion it will fall under its own weight.

Mr. Rooker said the Guiding Principles for Transportation are intended to end up with a high quality transportation system; the Board is not being asked to look at specific initiatives at this time. Ms. Catlin said the MPO has asked that the Ruckersville proposal be a part of a larger plan for improved transportation.

Mr. Rooker said he has never seen any traffic numbers or impacts on that idea. Neither that project nor a number of other projects are in the twenty-year road plan. Ms. Catlin said at the first charrette the MPO requested that the consultants at least include the Parkway idea in the modeling.

Mr. Wyant expressed concern that Places29 stay focused on the central corridor, while fostering parallel road development.

Ms. Catlin suggested starting this work session with the Vision Statement as forwarded to the Board to see whether changes need to be made.

Vision Statement - Albemarle County's Northern Development Areas will feature compact development organized into neighborhood and employment centers. These centers will be walkable and mixed-use; they will offer a variety of housing choices, high quality retail, and employment opportunities. They will be connected by an attractive, efficient, and accessible multimodal transportation system. In the midst of this urban-style development, parks and open spaces will provide a sense of respite and contribute to an overall excellent quality of life.

Ms. Thomas said she agrees with the suggestion that the term "walkable" be changed to "pedestrian-oriented", that the word "office" be added to the list of land uses, and the Vision state that land uses should not just be "mixed uses," but be "integrated" into urban-style development. She said parks and open space should be "integrated" into urban-style development instead of "in the midst of". The other Board members agreed with these suggestions.

Ms. Catlin said some education will be done between now and the next charrette to help people understand what open space might look like in the context of the Neighborhood Model.

Ms. Catlin suggested the Board discuss the Guiding Principles next. She asked if No. 2 is a necessary/appropriate guiding principle for a development area. (*"The natural environment and the character of the County's rural areas are valuable features which should be preserved."*) All of the Board members agreed that it does not apply in the growth areas so it should be stricken.

Ms. Catlin said there was a concern with Guiding Principles No. 7 and No. 14 about the perception of "protected open space" and expectations that might be created that are not consistent with the goals of the development areas for density and infill.

Ms. Thomas went back to Principle No. 5. (*The Northern Development Areas can expect a combination of new development, infill development, and redevelopment to take place subject to this master plan. It is essential for this development to follow the principles of the County's Neighborhood Model; to respect and work with the terrain, not destroy it.*) She suggested removing the term "not destroy it" and replace those words with "develop in a way that respects and works with the terrain." Mr. Dorrier and Mr. Rooker agreed.

Mr. Boyd said on No. 6, (*Preserving the character of existing neighborhoods while improving the quality, diversity, and affordability of new housing is important. Housing located close to employment centers, shopping areas, transportation, and recreation is important for the Northern Development Areas.*) there was a suggestion of interjecting the word "workforce" into housing. This is an important issue and he is concerned that a neighborhood community will be developed without there being adequate jobs in that area to support the people living in those neighborhoods. He suggested adding the term "including workforce housing close to employment centers" at the end of the first sentence. Board members agreed.

Ms. Catlin asked if there were any changes to be made to No. 7 or No. 14. (*7. The Northern Development Areas community values high quality design, which respects the scale and character of existing development and adjacent open space.*) (*14. The Northern Development Areas community values a well-connected network of accessible public open spaces, greenways, and trails that will be created by preserving the existing open spaces and adding new ones, and making connections between open spaces in the Development Areas and surrounding Rural Areas and the City of Charlottesville.*)

Mr. Dorrier said he does not see anything wrong with the way No. 7 is worded.

Ms. Thomas said the way No. 7 is worded makes it seem that the word "existing" modifies both "development" and "open space." She said the sentence actually means the scale and character of existing development is to be respected and the importance of having adjacent open space is also respected. It is not necessarily referring to respecting existing open space.

Mr. Rooker said it does not mean that every un-built parcel will remain un-built in the development areas.

Ms. Thomas said the way the sentence is worded it looks like that is what is being suggested.

Mr. Rooker suggested putting the word "planned" before open space and making the word "space" plural. The sentence would then read: "The Northern Development Areas community values high quality design, which respects the scale and character of existing development and adjacent planned open spaces."

Mr. Wyant said he did not think the open spaces would always be adjacent to existing development.

Mr. Rooker suggested deleting the word "adjacent."

Ms. Catlin said on No. 14 the language is more defined but it does suggest "preserving the existing open spaces. . . ."

Ms. Thomas suggested just deleting the word "existing."

Ms. Catlin said this language is supposed to work in concert with the Neighborhood Model and the other things that define that more clearly. There is a link back to other kinds of Objectives in this plan.

Mr. Dorrier said No. 12 "*Public transit is now available in some parts of the Northern Development Areas and is an important alternative form of transportation in the future.*" needs to have more emphasis. He thinks the Board should be ready to provide at least moral support for public transportation.

Mr. Slutzky said in addition to moral and financial support in the context of this planning exercise, a number of people at the public session he attended recognized the need for the Board to proactively provide rights-of-way, particularly along the major corridors, to make it possible for a future bus - rapid transit system - to get through intersections. He thinks that should be inserted as a Guiding Principle so that in twenty years the County does not have to retrofit what it could have designed into it now.

Mr. Dorrier suggested having a study of taking public transportation out into that area.

Ms. Thomas said there is a concept called "transit-ready" which means that when a road is built there is the right-of-way for a rapid bus route. When there is a development, the County should make

sure there are "T" intersections of a size a bus could use, and provide places for pullovers. She wondered about adding to No. 12 *"making roads in developments transit-ready is important."*

Mr. Slutzky agreed but suggested adding *"and providing necessary corridors to support potential mass transit throughways."* He thinks the Board wants to signal in this exercise that it is serious about providing an alternate transit system for cars when the time is right.

Mr. Wyant asked if that should be part of Principle No. 9. *(A high-quality transportation system will serve users across the entire spectrum, from local trips to regional ones, and it will be multimodal — including vehicular, pedestrian, bicycle, and transit access. In particular, improvements to the US 29 corridor should recognize and address the road's multiple purposes. The system will also address the movement of freight by truck, train, and air.)* He thinks it is all part of No. 9.

Mr. Slutzky agreed saying he was thinking about inserting this idea after the words "improvements to the US 29 corridor." He said the transit-ready concept probably belongs in No. 12, with the bus rapid transit infrastructure provision being in No. 9.

Mr. Dorrier said he believes public transit deserves a separate category because it is so important.

Ms. Catlin said staff could redraft these paragraphs to reflect "transit-ready", "providing access for alternative transportation systems", and a stronger endorsement of public transit including buses. The Board could look at that language on its next consent agenda.

Mr. Rooker said there have been studies done for light rail transit in the area for short trips. Unless the population were much larger it would be difficult to make it cost-effective. Rapid transit is a step down from light rail transit, but it could be made to work with a lower population center. He suggested adding something saying *"New transportation improvements should be planned in a way that considers transit and makes provisions for selection of future options for transportation."* He said it is a massive undertaking to determine what alternative forms of transportation will be used, and that cannot be done at this meeting.

Mr. Dorrier said he thinks that is why it deserves a separate paragraph.

Ms. Catlin said staff will propose some language for the Board to consider.

Mr. Boyd said he thinks the word "practical" should be included somewhere.

Mr. Rooker said that everything in planning should be subject to practicality, and he does not have any problem adding the words *"where practical, corridors should be planned in a way to provide for future transit options."*

Mr. Slutzky disagreed. He thinks the Board needs to take an assertive position saying it is committed to providing adequate alternate transit modes in the future. That does not mean building a system; it means making a commitment that as 29 is built pathways will be provided so at the appropriate time a rapid transit system could be built. If it is limited to when it is practical, "practical" will come down to economic and planning obstacles.

Mr. Rooker said that last year the County looked at providing bus service to the new County Office Building on Fifth Street. The cost was about \$170,000 for one route. After taking a survey of customers, there were so few people who needed the service that it was decided to offer cab rides instead. Ultimately, every decision is going to have to be justified through a cost-benefit analysis.

Mr. Slutzky said the Board is discussing a Guiding Principle and the Board is supposed to signal intent in that principle. Reality will overtake intent when it gets down to specifics. He thinks giving a clear signal that the Board is committed to these alternate transits would be a healthy gesture in the context of a guiding principle.

Mr. Rooker suggested clarifying intent by referencing "major transportation corridors." Otherwise, it could be implied that every road would be made ready for transit service.

Mr. Boyd said he thinks it is important to include the words "where practical" because people interpret things certain ways and then try to "box" the Board in.

Ms. Thomas said this says that when planning, that when approving developments and when making roads, it will be possible to have transit "when practical." But, in planning it should be assumed that someday there will be public transit.

Mr. Dorrier said he does not think it should refer specifically to busses.

Mr. Boyd said he wants to encourage people to develop in this area, not just where it is practical to run a bus. He sees this as extending the right-of-way for miles up and down that corridor, taking property and taking away a developer's ability to develop there. It would also raise the cost of affordable housing, and that concerns him. If another 60 feet of right-of-way is set aside on each side of the road, it will impact the cost of development to the point that developers will go elsewhere to develop.

Ms. Catlin said some of that will be fleshed out as the plan starts to take shape. She suggested drafting language that is broad enough to encompass what has been said so that doors are not closed on important items.

Mr. Boyd said he would have a problem with having designated lanes for rapid transit.

Mr. Slutzky said he wants to signal that the Board is serious about alternate transit modes. He would rather say road widening is optional if it is practical, but there has to be a commitment to bus rapid transit.

Mr. Rooker said he is a supporter of transit. In the near future the MPO will discuss the potential for forming a regional transit authority, hopefully, with the idea of the University, the City, and the County operating it. Other localities in the State are near to doing that now. He is not an opponent of transit. He does think the Board needs to be careful about singling out any one form of alternate transportation and committing to that idea because no economic analysis has ever been done on any of these ideas.

Mr. Tucker said staff understands what the Board is saying, and will work on the language a little more. He noted that this meeting is beginning to run behind schedule and there are a number of people waiting to make presentations.

Mr. Wyant suggested looking at No. 8 (*It is important to provide infrastructure at or before the time it is needed to serve new development.*) because it works in the language this discussion.

Mr. Dorrier asked about population projections. Ms. Catlin said those will be a part of the plan when it comes to the Board.

Mr. Slutzky said in regard to No. 8, the Planning Commission recommended phasing. He asked if the Board wanted to consider that idea.

Mr. Wyant said these are the Guiding Principles, not specifics, and he agrees with the things said by Board members, but the Board needs to be careful about the language which is put forth.

Mr. Rooker asked if anyone takes issue with No. 8.

Mr. Tucker recommended that the Board members forward additional thoughts about this item to Ms. Catlin for incorporation into the next draft.

Mr. Dorrier asked if the "Ruckersville Parkway" concept would be presented to the Board.

Ms. Thomas said she thinks the proponents would be delighted to give a presentation at any time available.

Ms. Catlin said the consultant will be in town on February 14 to show three alternative framework plans to the Commission and the Board. There will be a chance to look at some of the things which are vague and hard to capture now.

Mr. Rooker said if there is anything in the framework plans that the Board would never consider doing, that item can be pulled out at that time.

Ms. Thomas said she was at a meeting where the Secretary of Natural Resources and the Secretary of Transportation were present. They both pointed out what Albemarle is doing with Places29, particularly what Mr. Harrison Rue is doing with the Planning District Commission, as their idea of what should be done to join transportation and land use.

Agenda Item No. 16. Preliminary Review of Options for Retirees.

Ms. Kimberly Suyes, Director of Human Resources, said the Board had asked for information about extending retiree's benefits mainly due to increased health care costs. The Board reviewed previously a plan offered by Mr. Melvin Breeden. There were a lot of questions, so the Board asked Human Resources to provide other options from an organization-wide perspective, not simply for law enforcement retirees. She said Human Resources focuses diligently on recruitment and retention. Albemarle is an organization which has a number of people who will retire in the near future so Human Resources wanted to look at those retirements in the way of retention. She asked Ms. Lorna Gerome, Human Resources Manager, to quickly explain the County's VERIP program.

Ms. Gerome said VERIP is a retirement benefit provided by the County. To be eligible an employee must first be eligible for VRS (Virginia Retirement System) benefits, be at least 50 years of age, and have 10 years of service with the County. There are two components to VERIP. First, retirement income is calculated on the employee's VRS benefit. Then five years is added to the employee's VRS service, the VRS benefit is calculated on that amount of service, and the difference between the two is paid to the employee as their VERIP benefit. The employee can receive that benefit for up to five years or until they reach the age of 65, whichever comes first. The employee can remain on the County's health insurance plan and as a retirement benefit receive a health income benefit for up to five years or until age 65, whichever comes first.

Mr. Dorrier asked the meaning of "VERIP". Ms. Gerome responded that it stands for Voluntary Early Retirement Incentive Plan.

Ms. Suyes said instead of acting as an early retirement plan, the program is actually working as a retention tool, although it was originally set up to encourage people to retire early. She said School professionals receive a health insurance credit based on their years of service calculated at \$2.50 per year up to \$75.00 per month which is paid to them by the State with their VRS benefit.

Ms. Thomas asked if that is funded by the County, even though it is required by the State. Mr. Tucker said it is actually part of the employee's VRS payment each month, and does not have to be used for health insurance.

Ms. Gerome explained that there is a Hazardous Duty stipend (LEOS benefit) of \$892.00 per month for law enforcement officers, professional firefighters and corrections officers who have been in their position for at least 20 years and meet VRS eligibility.

Ms. Suyes said that stipend ends at age 65.

Ms. Gerome said this amount is in addition to the employee's VRS benefit paid by the State and the County's VERIP payment.

Ms. Suyes emphasized that the VRS System provides basic retirement income. Only two groups have additional options – school professionals and hazardous duty employees. She said it is her recommendation that the Board provide a defined contribution plan with a match as a benefit. Research shows that match-deferred compensation is an attractive tool for recruitment and retention. She said some members of the public sector are looking at match components to stay competitive with the private sector.

Mr. Rooker said the County's benefit plan would need to be viewed in the context of total retirement benefits in order to make a fair comparison.

Mr. Tucker clarified that there are two options for retirees in front of the Board now. Some retirees have requested assistance for the time period between when their VERIP health insurance benefit runs out (at the end of five years) and the time when they are eligible for Medicare (age 65), or some defined benefit or match.

Mr. Dorrier asked if all employees qualify for VRS. Ms. Suyes responded that all full-time employees qualify for VRS.

Mr. Wyant said if a person retires at 50 years of age their VRS benefit is reduced.

Ms. Suyes said a gap exists for everyone who takes early retirement. Law enforcement personnel have additional benefits to cover this gap. If the Board feels the County needs an additional benefit when compared to what other organizations and companies offer, the most cost-effective way to address the gap would be to consider a match. Full VRS benefits begin at age 65 for all employees except those in Law Enforcement who can get full benefits at age 60 as long as they have the required years of service.

Mr. Rooker said he does not particularly like plans that encourage people to retire early.

Ms. Thomas said VRS wants people to retire early as long-time employees are more expensive. Mr. Tucker said employees are timing their retirement to get the VERIP benefit, noting that some employees who took early retirement in prior years are now experiencing a problem covering the cost of health care coverage until they reach age 65.

Mr. Melvin Breeden, Budget Manager, emphasized that VERIP has two different parts – the County pays an additional retirement amount and it also pays an amount for health insurance. He said the additional income is retirement money and is not required to be spent on health insurance.

Ms. Suyes said she would like to offer a deferred compensation plan with a match from the County as it would be valuable in recruitment and retention. Currently more public sector organizations are offering matches in order to be competitive with 401(k) plans in the private sector.

Mr. Rooker said the Board would need to see numbers to justify offering such a competitive package, including the average retirement package under VRS and the cost of funding that on an annual basis.

Mr. Breeden said only employees hired in future years would benefit from any new design.

Mr. Rooker acknowledged this.

Mr. Dorrier asked who set the \$892.00 for law enforcement personnel, comparing it to the \$50.00 for teachers and zero dollars for other County employees. Mr. Tucker responded that the State set that amount, recognizing the stress and danger of jobs in law enforcement and public safety.

Mr. Boyd said he would like to bring this discussion back to the original point of whether to consider improving benefits to current retirees.

Mr. Dorrier said he has felt from the beginning that law enforcement officials are in dangerous, stress-related jobs, so they are in a different category. He agrees that the whole range of personnel needs to be considered, but law enforcement personnel and firefighters, are in a different category health-wise.

Mr. Rooker said the Board is not discussing a plan which distinguishes between different classes of personnel. The State does distinguish. There is a recognition by the State which pays public safety employees more than other employees. He would rather look at a defined-compensation plan for all employees, rather than looking at a plan that encourages people to retire at age 50. At this time, the trend nationwide is against offering expanded retirement benefits. Employers are trying to avoid getting into such plans and are doing everything possible to unwind the plans they had set up. Representing Albemarle County, he thinks it is unwise to get involved in these kinds of programs. He said he does not see the retirement income formula in what has been presented and suggested that some examples would be helpful.

Ms. Suyes suggested that the Board provide a defined contribution plan with a match, as research shows that match-deferred compensation is an attractive tool for recruitment and retention. She said some public sector organizations are looking at match components to stay competitive with the private sector.

Mr. Rooker said the benefit plan would need to be viewed in the context of total retirement benefits in order to make a fair comparison.

Ms. Suyes said the most cost-effective way to address the gap would be to consider a match if the Board feels it is needed when the County is compared to what other organizations and companies offer. Full VRS benefits begin at 65 for all employees except those in Law Enforcement who can get full benefits at age 60, as long as they have the required years of service. Employees can get the benefit sooner if they have at least 25 years of service.

Mr. Boyd he thinks law enforcement personnel, those who have spent many years protecting society, should get some additional benefits based on the type of work they do, but he was not aware that they were getting the additional \$892.00 each month. He said they can also retire early and get full benefits which other employees cannot do. It would be a huge ongoing expense for the County which cannot isolate a plan to just law enforcement personnel. He does not think this would be a good decision. He suggested providing employees in the future more information about retiring early. He is involved in personal financial planning and sees this type of problem all the time. He knows this will not be a popular decision, but that is how he feels about this question.

Ms. Thomas asked if the other Board members want to have further work on a deferred compensation plan. She likes the work being done by Human Resources to determine what is important to employees and she thinks this should be fit into that work somehow rather than it being considered separately. She finds a lot appealing about an employer match for a deferred compensation plan.

Mr. Boyd said there is an ongoing discussion about benefits and what the County needs to provide. He would not do a special study of the question, but thinks it should be included in their annual comparison of benefits to those of the County's competitors.

Mr. Dorrier said he thinks the Board should consider whether it should carve out some separate area for hazardous duty employees.

Mr. Boyd said he thought it was decided that the Board does not have the legislative power to do that.

Mr. Rooker said there is really no basis for distinction between classes of employees as to benefits. He said he would like to consider the defined-compensation plan. Staff seemed to be excited about that as an incentive for employees. Last year there was a negative savings rate in the United States for the first time in history other than during the Great Depression. The County needs to know what it is putting totally into retirement benefits as a cost for the average employee, look at that as a competitive marker and then look at the cost of adding a defined-compensation plan. He said that most employers are going to the defined-compensation plans.

Mr. Boyd said he would like the Board to consider it as an alternative.

Mr. Slutzky said he thinks he is more inclined to support a defined compensation plan than the other Board members.

Mr. Tucker clarified that what is before the Board today is to make a decision on whether to extend retiree benefits or to do further research on a defined-compensation plan.

Mr. Rooker said he thinks that additional work on a defined benefit is something the Board wants to look at.

Mr. Boyd asked if Mr. Slutzky is in favor of pursuing this.

Mr. Slutzky said it is not on the agenda today, but he would be favorably inclined to go ahead and add it. He is sympathetic to the desire to support retention. It sounds like this has been read by staff as a viable retention tool.

Mr. Rooker said the Board needs some numbers.

Mr. Boyd said he is curious about Mr. Slutzky's stance on increasing existing retiree benefits because that question is one where people have been held in suspense.

Mr. Slutzky said as a general rule, he is sympathetic toward increasing them.

Mr. Boyd asked if the Board was going to drop that request.

At this point, Mr. Dorrier **moved** for endorsement of the report presented, and asked for additional recommendations to be brought before the Board dealing with deferred compensation, applying it to all employees and making a determination concerning something additional for law enforcement personnel,

There was **no second** to the motion.

Ms. Suyes said she was confused as to whether the Board wants to do anything else with benefits for existing retirees.

Mr. Tucker said the Chairman and Vice-Chairman were trying to get the Board down to the issues.

Mr. Boyd said he would like for the Board to decide if it is going to move forward and do anything more in that arena.

Mr. Breeden said there is one thing to remember about early retirement and the health issue. He said on the plan he had recommended, an employee would need to have 25 years of service to be eligible for VERIP.

Mr. Boyd asked what the numbers in the report were based on.

Mr. Breeden said an employee would need to be at least 55 years of age with 20 or 25 years of service. It was not based on 10 years of service at age 50. He said all existing employees would qualify under the old plan, but if the Board wants to add anything additional, it would only apply to older employees with additional years of service.

Ms. Thomas asked if the figures before the Board today are only for Local Government employees. Mr. Tucker said it included all employees, Schools, General Government, etc.

Ms. Thomas said that a little less than \$200,000 something could be added to what present retirees receive.

Mr. Rooker commented that when talking about adding something the County would basically be funding a benefit to cover the gap period of time for an additional five years. He pointed out that employers who have done this found that the costs accelerated faster than anticipated.

Mr. Tucker said Ms. Suyes was pointing out that she believes a defined-compensation plan would help with recruitment and retention. The County could do either and that is why there are two options before the Board.

At this time, Mr. Dorrier **moved** to accept the plan presented, and that Options No. 1 and 2 be further refined by the Committee and brought back to the Board.

Ms. Thomas asked if "accept" means the Board will go with the increased retiree benefit proposal on Pages and 2, or that the Board not go with that as opposed to getting more information about a deferred-compensation plan.

Mr. Rooker said staff has recommended that the Board continue to look at a defined-compensation plan. Is that what Mr. Dorrier is proposing?

Mr. Dorrier said "yes." He thinks the amounts proposed are not final, there is some flexibility.

Ms. Thomas said the cost of the increased retiree benefit shown on Page 2 of the report would actually increase the benefits of present retirees. It is not tied to what is on Pages 3 and 4 which is the deferred-compensation plan.

Mr. Tucker said there are two different issues before the Board.

Mr. Rooker said staff has recommended that the Board look at the deferred-compensation plan.

Mr. Tucker said staff has asked which the Board wants to do; either extend retiree benefits or do further research on a defined-contribution plan.

Mr. Dorrier said it is his intention to bring both options back to the Board so it can look at funding and compare the options.

Mr. Rooker asked if it is Mr. Dorrier's recommendation to have staff bring back some additional information on the defined-contribution plan and be able to compare it to information the Board already has on the retiree benefit proposal.

Ms. Thomas said with that interpretation and a motion, she will **second** it.

Mr. Wyant asked if "defined" is the same as "deferred" mentioned in the staff's report.

Ms. Thomas said it should be called a "defined benefit" or "deferred compensation" but the words are being mixed up.

Mr. Boyd asked if the motion is to do some more work on both of these options, and bring them both back to the Board.

Mr. Rooker said the one on top is well fixed. He does not think the Board needs additional information on that one.

Mr. Tucker said there is not much more work that staff can do on the retiree benefit proposal.

Mr. Rooker said the question is about bringing back the deferred compensation proposal, looking at it to and if the Board wants to do one or both of these options.

Mr. Boyd said these are two entirely different proposals altogether.

Mr. Rooker said they are today, but when talking about future retirees, they are not. Part of the reason staff is talking about the defined-contribution plan is that it enables employees to save and get their money matched over a long period of time, and walk away with a pool of money to use for medical care, supplementation, or anything else needed.

Mr. Slutzky said that is the retention tool. He said the other is intended to fill in the gap where there are people who are being hurt by the current economic conditions and the characteristics of their current plan.

Mr. Rooker said there is a difference between saying there are current people who feel that they need to be helped out. It would establish a plan that would go on indefinitely. The Board members need to think about it; it is not just ten people who have asked for an extra \$200.00+ a month. It's a plan that would apply to all employees over an indefinite period of time into the future.

Mr. Boyd emphasized that the Board is talking about two very distinct benefits. They are not associated even though they may lead toward the same end result. There is a new VERIP benefit, and there is a proposed 401(k) benefit and they need to be addressed separately. They do not have anything to do with each other, other than being retirement benefits.

Mr. Rooker said another thing is that there is a huge increase in VRS funding this year. Mr. Tucker said staff will not do any further work on the extension of retiree benefits if that is the way the Board votes. There would be costs associated with the other two options.

Mr. Slutzky said he is confused. Why is the Board comparing these two things which are unrelated to each other? Mr. Tucker said the extension of the retiree benefits would affect every employee from now into the future. It would also affect everyone who has already retired who is under age 65. The defined-benefit/ deferred compensation option would affect only future employees.

Mr. Rooker said there is a motion on the floor which has been seconded. He asked the Clerk to call the roll. The motion passed by the following recorded vote:

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

Mr. Rooker asked Ms. Suyes if she understood what the Board is requesting. Ms. Suyes said "yes."

Mr. Boyd said if Human Resources does nothing else with the VERIP proposal, he would like to have that brought back for an up or down vote.

Mr. Rooker said it can be voted on by itself.

Mr. Boyd said some of these people have been calling Board members for a year. He said the Board actually earmarked \$200,000 in this year's budget for this program. He would like to bring it to fruition, particularly if staff is not going to make any changes to the numbers they furnished to the Board. It then becomes a financial decision.

Ms. Suyes said she presented options for the Board to consider based on where she considers it would be best to spend that money. When an organization spends a considerable amount of money, you have to do what is best for the entire organization. That is what she and Lorna Gerome and Bob Tucker talked about, and is the reason for the second proposal.

Mr. Boyd said they did not go so far as to actually recommend one of the options.

Mr. Slutzky said if the objective is retention, then there would be bias toward one of the options. If the objective is to look out for a group of people who have already retired, the other option might be the choice. Mr. Tucker said that is where this whole conversation began.

Ms. Thomas asked if there is \$200,000 in the present budget for this.

Mr. Tucker said during the last budget cycle the Board earmarked that \$200,000 in its Reserve Fund to be used for something, but nothing was identified at that time. Since then, staff came back with that proposal, and the Board said Human Resources needed to look at it to see if there are other options. It has been an ongoing discussion.

Mr. Boyd said it has been a year since this matter was brought to the Board's attention. He would like to see the Board vote on the item soon.

Mr. Rooker said the \$200,000 in the budget could be used for a defined compensation plan; the question is, if additional benefits are going to be provided, what is the wisest way is to spend that money? He thinks it is incumbent on the Board to make that decision.

Mr. Breeden said the plan he brought to the Board earlier was predicated on use of that \$200,000 figure. There are many options that can be used, such as: years of service, age, a fixed amount instead of tying it to health insurance.

Mr. Rooker said he would be inclined to support a plan based on a fixed amount rather than something that has an automatic escalator. Mr. Breeden said there are many options to deal with that, and staff can bring back 50, but he does not know many of them the Board would like to have staff work on.

Mr. Boyd asked if that could be done and put a sunset on the program. Could it be done for only five years?

Mr. Rooker asked how the Board could unwind the program once it was started.

Mr. Boyd said he thinks there must be a way to help existing retirees, and not set the County up for a perpetual program. He asked if the County has the ability to install a program to run for only five or six years.

Mr. Rooker said he would be more disposed to providing a program with a fixed amount to help people who are currently retired and who have found themselves in that situation than he would to adopting a full blown program.

Ms. Thomas said if the Board is going to do that, she thinks the Board should start the additional help to the deferred compensation plan at the same time. For five years there would be a "double whammy" on the budget, but then for five years people who are currently employed could be adding to their deferred compensation plan, and they would have an incentive to do that. Plus, people who are already retired, or who retire during that five-year period, would have an additional amount to help with their retirement expenses.

Mr. Boyd said that seems to be the compromise. The Board could help the people who are hurting now and also help the other people plan better.

Mr. Breeden said that group would never benefit from the 457 plan.

Ms. Thomas and Mr. Boyd said that was right.

Mr. Rooker and Mr. Wyant said they would be more disposed to looking at a plan with a fixed dollar amount, not a percentage.

Ms. Thomas said that is a "eating our cake and having it too" solution.

Mr. Wyant thinks it is a win/win solution.

Ms. Thomas said the Board still needs to know how expensive that plan would be. There is \$200,000 set aside for year one of what is on the top of Page 2 of the staff's report. That was why those figures were chosen; they would get the expense close to \$200,000. Some other plan, or twenty dozen other plans, might have worked, but that is the proposal that comes up with that amount of money. If the Board wants to say today that it wants to expend that money and put a sunset on the program of five years, and in the meantime have staff figure out the best deferred compensation incentive plan, it is pretty much committing itself when it gets to the budget this coming year of coming up with not just \$200,000 more but an additional amount which could be another \$200,000.

Mr. Slutzky said the Board needs an accurate estimate of that additional cost; can it be limited to a five-year sunset? Mr. Breeden said if the Board knows how much money it wants to spend; a plan can be designed to fit that amount. If the Board wants to keep total options open, it could cost any amount of money.

Mr. Rooker suggested the Board consider a plan that covers people who are currently retired at a level of about \$400.00 per month. Ms. Suyes asked if this plan would cover all County employees, Schools, Local Government, etc.

Mr. Boyd clarified that it would cover every one who has retired and has outlived their VERIP benefit and not qualified for Medicare.

Mr. Rooker said it would cover that gap by providing a fixed amount. Mr. Breeden said it would need to include those who retire within the next five years that could not benefit from the 457 Plan because they would not have contributed enough to it to make a difference.

Mr. Rooker said the question is whether a plan can be provided that cuts off at that point.

Mr. Boyd said he did not realize the County pays a bonus of \$200.00 per year of service for up to 25 years when an employee retires. Mr. Tucker said that has always been part of the VERIP program. Mr. Breeden said that benefit was put in when the County stopped paying people leaving the County's employ for unused sick leave.

Mr. Boyd said this thing could be looked at and calculated as a bonus for retirees or an additional payment to retirees as opposed to a benefit plan.

Mr. Rooker said the County does not control how these payments are used by the retiree.

Since the meeting was running behind schedule, the Board agreed to move the closed session to the end of the day. At 1:52 p.m., the Board recessed for lunch, and reconvened at 2:15 p.m.).

(Not Docketed) Mr. Boyd **moved** that the Board accept the Comprehensive Annual Financial Report as presented earlier in the meeting. Mr. Dorrier **seconded** the motion, which passed by the following recorded vote:

AYES: Mr. Dorrier, Mr. Rooker, Mr. Slutzky, Ms. Thomas, Mr. Wyant and Mr. Boyd.

NAYS: None.

Agenda Item No. 19b. Establishment of Crozet Advisory Council.

Ms. Lee Catlin, Community Relations Manager, reported that the Crozet Master Plan lays out a partnership approach to how the plan is to be implemented, and names three primary partners for that process. The first partner is the local government which has the responsibility of creating a network of infrastructure and services to support community development; the second partner is the business community whose role is identified as local economic diversification and neighborhood development; community residents are the third partner who are to make the plan work by invigorating a place with a sense of unique identity.

Ms. Catlin said the Plan lays out a role that the community is best suited to fit, and under the local governance section of the plan, the recommendation is for the Board to appoint a Community Council to gather input from diverse interests and work collaboratively with County staff, businesses, and developers. She stated that the missing piece is an established ongoing relationship with a group representing broad and diverse perspectives and interests in the community that can be engaged as an advisory council. She said her staff researched advisory councils in other communities and has drafted language for the Board to consider to do with: duties and functions of a council; its responsibilities; its operating principles; possible membership composition; and, the expected work product.

Mr. Boyd wondered if this would be the logical extension of every master plan drafted in the County. Ms. Catlin responded that is why the length of term of the council was set at two years. At that point, the Council, the Board and the community would reevaluate the process to see if it should take a different shape as the plan moves through implementation. The community may feel ready to take over this task themselves after the two years. To have eight full-blown committees operating at the same time might be challenging. But, at least for the first two years they would have a defined role as Board appointees. After two years, the process would be assessed to see what should be done at that point.

Mr. Rooker said he had counted the number of master plans which may be drafted, but there is not a master plan for each neighborhood; there would be one for each development area. Mr. Tucker said some of the development areas have been combined; Places29 combines Hollymead, Piney Mountain and the northern urban area.

Mr. Rooker said in the southern area there are two that could be combined. Mr. Tucker said Pantops is a separate plan and the Rivanna plan would be separate.

Mr. Wyant noted that this Advisory Council is called for in the Crozet Master Plan. It is to be reevaluated in two years because the Crozet Plan is kind of a "guinea pig" for the master planning process. Ms. Catlin said that after two years the community may feel the Council should take a different role. Staff does not want to lock the Board into something that may not be responsive to what is happening with the Plan after the first two years.

Mr. Rooker said it might actually save staff some time by having a focal point to go to for

communication purposes. He said that might be wishful thinking on his part. He also thinks it would be helpful to have a group which speaks for the community when communicating with this Board.

Ms. Thomas said communities are creating these things where they do not already exist, such as in Redfields. The Board will be helping that process. She asked the purpose of Attachment B to the Executive Summary. Ms. Catlin replied that the items shown are listed in the Master Plan and were identified as being things which are appropriate for a community advisory council to do. She said there was too long of a delay between adoption of the Crozet Master Plan and when the staff is presenting this to the Board. This should have happened quicker and in line with adoption of the master plan.

Mr. Boyd mentioned Item "F" under "Responsibilities" which says "Contribute to public understanding of and encourage support for Master Plan implementation." He asked who would make the interpretation conveyed to the public. Mr. Tucker responded that it would have to come from this Board.

Mr. Rooker said if there is a difference in interpretation of the Master Plan, ultimately this Board has to make that determination.

Mr. Boyd said he thinks that should be stated at the beginning of this process so there is no misunderstanding of how that will take place. He said different people have different perceptions.

Mr. Wyant said he talked with the president of the Crozet Community Association and he agreed to have a voice come from the Crozet community to this Board. It does not preclude citizens from voicing their opinions to the Board, but at least in the master plan area there will be some consensus and agreement on things. Hopefully, these people will identify issues of which the Board is not aware, or issues that are not in the Master Plan.

Ms. Catlin said in the models staff reviewed that seemed to be the most successful, it was not a one-way communication. She said that some of the tasks will take a shared discussion and not a one-way conversation.

Mr. Wyant read "C" under "Responsibilities" as: "Identify the need for and establish community work teams to address specific master plan issues such as historic resources, green infrastructure, tourism, and community events." He would prefer ending the sentence at the word "issues" and deleting all language related to specific tasks. He thinks this group needs to address specific master plan issues, period. He does not want anyone to think those would be the only four issues being worked on. Ms. Catlin said this will probably be the Board's template for future master plan advisory councils. Deleting this language in "C" and just referring to the place in the master plan where the outline is located would be a better way to do that.

Mr. Wyant said he has looked at some things people in Crozet want to do to keep Crozet unique. At one time it was a stop off for trains and he thinks it needs to be kept unique. Also, as to membership he wants to be sure that everybody is represented to ensure the broadest possible involvement. He wondered if civic groups such as the Lions' Club and churches should be involved, as people in those organizations have been vocal up to now.

Ms. Thomas wondered if the proposed language stating "other organizations" would cover that concern.

Mr. Wyant said the other representatives are listed as coming from specific groups. He does not think the committee is too large, but he thinks the PTOs which have different issues might want to be represented. Ms. Catlin said staff was thinking of having one PTO representative to represent the school's point-of-view. She said staff wants the Board's thoughts about having other organizations represented.

Mr. Wyant said the Board needs to be careful now because this will be the model used for the next advisory council.

Mr. Tucker asked if the Board feels ten is the right number of people on the committee.

Mr. Wyant did not want to lock the Board into having only ten members on this committee. He said the categories listed under "Membership" are only potential categories. He added up the number to already be 12. He said 15 should be a maximum number.

Mr. Rooker suggested saying the number would be 10 to 15 members.

Mr. Wyant agreed. He asked if anybody else had a comment.

Mr. Rooker said Mr. Wyant wanted to end "C" under "Responsibilities" with the word "issues." Then, under "J" the word "met" is actually "meet". Under "Membership" say "The Board of Supervisors shall appoint ten to fifteen members."

Ms. Thomas suggested a question be added to the application form asking about the applicant's roles in the community to see if they might be willing to serve as liaison between those organizations and the council.

Mr. Slutzky said after another council (parallel organization) is appointed, it might be beneficial to have one member sit on the other council so there is some "cross-pollination." He thinks each council

could benefit from what members in a different area are considering.

Mr. Wyant **moved** to adopt the Crozet Community Advisory Council Guidelines as presented with the changes mentioned in "C" under "Responsibilities", spelling the word "meet" correctly in "J" under "Responsibilities", and changing "Membership" to state 10 to 15 members. Ms. Thomas **seconded** the motion, which passed by the following recorded vote:

AYES: Mr. Dorrier, Mr. Rooker, Mr. Slutzky, Ms. Thomas, Mr. Wyant and Mr. Boyd.

NAYS: None.

(**Note:** The guidelines, as adopted, are set out in full below.)

CROZET COMMUNITY ADVISORY COUNCIL GUIDELINES

- Duties/Function:** The Crozet Community Advisory Council (CCAC) is an advisory committee that provides assistance to County staff and the Board of Supervisors on civic/community issues related to implementation of the Crozet Master Plan in accordance with established county procedures. Members will communicate with their constituencies to increase understanding of and support for successful implementation of the Master Plan. The membership is broad-based to incorporate a variety of perspectives and ideas and to provide citizens, businesspersons and representatives of active community groups a chance to be engaged and be heard in a constructive and meaningful way.
- Responsibilities:**
- A. Provide feedback and input on civic/community issues associated with implementation of the Crozet Master Plan.
 - B. Support implementation activities as identified in the CCAC Action Items Table which is based on recommendations of the Crozet Master Plan. The CCAC will prioritize its work plan based on the Action Items Table.
 - C. Identify the need for and establish community work teams to address specific master plan issues.
 - D. Gather input from constituencies represented and bring issues to the attention of staff and the CCAC, and distribute information of the CCAC back to constituents with a report back to the CCAC on constituent activities annually.
 - E. Enhance collaboration among all Crozet community stakeholders.
 - F. Contribute to public understanding of and encourage support for Master Plan implementation.
 - G. Help keep the community informed of the needs, purposes, and progress of Master Plan implementation.
 - H. Encourage greater interest in and participation in community-based activities related to the Master Plan.
 - I. Stimulate creative thinking in examining implementation issues.
 - J. Identify ways of using community resources to meet implementation needs and challenges.
 - K. Lead community groups and set the tone for positive and productive interactive relations among various organizations and with staff.
- Principles:**
- A. CCAC Members will act on the basis of information and understanding.
 - B. The CCAC will focus its efforts strategically to achieve the greatest possible contributions,
 - C. The CCAC will strive to achieve a consensus bringing together diverse views to yield actions/recommendations that are important to Master Plan implementation,

- D. The CCAC will comment as a committee constructively and with appropriate suggestions and offers of help,
- E. Individual members of the CCAC will:
 - Listen to each other
 - Speak their beliefs
 - Be objective
 - Work towards benefiting Master Plan implementation rather than special needs or interests
 - Take on responsibility for the success of the CCAC, contributing appropriate time and energy .

Expected Work Products:

- A. An annual 12-month work plan of priority action items based on the Master Plan Action Items Table.
- B. Periodic reports to the Board of Supervisors on the status of implementation and CCAC activities in the County. These reports will consist of updates of the CCAC's progress on Action Items and on community issues related to Master Plan implementation and will funnel any financial requests through the County's established budgeting process.

Length of Term:

Initial appointments will be for a two-year term, after which time staff and CCAC members will conduct a re-evaluation of the CCAC's mission and accomplishments to determine the future direction of the CCAC.

Membership:

The Board of Supervisors shall appoint ten to fifteen members.

Members shall consist of residents of the Community of Crozet, with representation of the following:

1. Community of Crozet citizens at large members (2)*
2. Business community (2)
3. Other potential community representatives and organizations (8):
 - Claudius Crozet Park Board
 - Jefferson Madison Regional Library
 - Crozet Community Association
 - Parent Teacher Organization members from either the High School, Middle School, Elementary School
 - Public safety representative i.e. Crozet Volunteer Fire Department or Rescue Squad
 - Other organizations or representatives.

In addition there will be a liaison from both the Planning Commission and the Board of Supervisors.

Agenda Item No. 20. **Public Hearing** on a proposed Lease Amendment requested by the Charlottesville Waldorf School for the old Crozet Elementary School building that would extend the lease until July 31, 2007, with an option to renew until January 31, 2008. (Notice of this public hearing was published in the Daily Progress on January 23, 2006.)

Mr. Tucker said the County currently leases the old Crozet Elementary School building to the Charlottesville Waldorf School (CWS) for its use as a private school. The original Lease was entered into in July of 1999 for a term of up to six years. In 2004, the Lease term was extended to July of 2006 because CWS's plans for building its facility in Charlottesville had been delayed. CWS is now requesting an extension of the Lease to July, 2007 with an option for one additional six-month extension. This request is necessitated by additional delays that CWS encountered in its efforts to build its own facility. Virginia Code § 15.2-1800 requires the County to hold a public hearing prior to leasing County property or approval of the proposed amendment to the existing Lease.

Mr. Tucker said when the Board agreed to extend the lease in 2004, the Board's Building Committee determined that because there were no definite plans for reuse of the facility, continuation of the lease was appropriate. While the Building Committee has not specifically met regarding this extension, the situation has not changed since 2004. The County is still in the process of determining the ultimate use of this site. While the site has been considered as a possible location for the future Crozet Library, through public input resulting from development of the Crozet Master Plan, the ultimate location of the library has been targeted for the immediate "downtown" area of Crozet. In addition to becoming an "anchor" for the development of "downtown", its location would also have a positive economic impact on the area by drawing residents to the primary business location in Crozet. This is expected to have a positive impact on the business community and the success of Crozet as a whole. Given that the library is not targeted for the old school site, staff does not believe an extension of the Lease to July 2007, with a possible extension to January 2008, will conflict with developing plans for the building's reuse. In addition, the lease extension will allow the County to continue generating rent from the facility and avoid having the

building vacant while plans for its reuse are being developed.

Mr. Tucker said Mr. Wyant has indicated it may be appropriate that the building be available for community use one weekend day per month if the Lease is extended. The proposed amendment to extend the Lease permits the County to reserve and use the auditorium and restroom facilities in the building one weekend day per month. This will provide an opportunity for the County to accommodate community use of the property during the Lease term if appropriate uses are identified. The proposed Lease Amendment provides for the current Lease to be extended from July of 2006 to July of 2007 with the option to extend the Lease to January 2008 if a written request for the extension is made prior to January 1, 2007. In addition, the Lease Amendment sets forth the terms and conditions for the County to use the auditorium in the building one weekend day per month.

Mr. Tucker said the proposed Lease Amendment would extend the rent for the property on the same terms as the original Lease. The current annual rent is \$55,824.00 (\$4,652.00 per month). The rent increases annually by an amount equal to the annual percentage increase in the CPI Index plus \$3,000. In addition, the occupancy of the building by CWS reduces the County's maintenance costs for the building that would accrue if the building were vacant. Staff recommends that the Board authorize the County Executive to sign the Lease Amendment which would extend the term of the Lease for the Old Crozet Elementary School building by the Charlottesville Waldorf School.

With no questions for staff, the public hearing was opened.

Mr. Tom Loach said many people in Crozet favor the old school site for the new library site, and want to use at least the façade of the building for the library.

Ms. Nancy Regan, Administrator for the Charlottesville Waldorf School, addressed the Board. She said that when the school came before the Board to get approval for their new Rio Road facility, they intended to move into that new site this year. However, they lost their leased space at ACAC in Charlottesville and had to back off of fundraising and the building project and find space for the entire kindergarten. She said they did find space but it took about a year and a half off of their other process and it took money. It took money to build the road into the front parking lot and to put in the sewers and to get easements. That would have been part of their process, but not so soon. That is part of the reason for the delay, and it has been a tough year for donors, as the School has had many needs to fill. She said they think this is an excellent project, both in the school and by the fact that it will be a "green" school. Given the many things that have happened this year, that is attractive to donors, but they have already given. That has put them behind in fundraising, and is the reason for this request for an extension.

Ms. Betsy Ayyildiz, Chair of the Charlottesville Waldorf School Board, said CWS acknowledges that the school will be used for the people of Crozet, but CWS needs it for the time being.

There being no further comments from the public, the hearing was closed and the matter placed before the Board.

Mr. Wyant said there are 13+ potential sites for the new Crozet library, and the school site has also been contemplated for use as a community/cultural center. He would like to see a clause in this contract to allow a library to locate there if necessary, and limit the school's lease to one year with reconsideration at that point about renewal for another six months.

Mr. Boyd commented that he has never seen data showing that libraries serve as anchor tenants. Mr. Foley replied that staff has information for the Board about other communities who have used a library as an anchor tenant.

Ms. Thomas asked Mr. Wyant if he wants to limit the school's lease to a year.

Mr. Wyant responded that he would like the lease to hold for one year.

Mr. Rooker suggested having the lease go for one year, and then sit down with representatives from the school at that point to discuss the extension.

Mr. Foley noted that in January 2007, the school representatives will have to present another formal request to extend the lease to January 2008. He also said that the process of site selection and design for a new Crozet library will likely take more time.

Mr. Davis said he could add a provision that said the County had to concur with the lease extension, and that would give the Board until January, 2007 to figure out whether or not the site would be used for a library.

Mr. Slutzky said because the building proposed on Rio Road is intended to be a "green" site, it may take longer to build. He suggested leaving the lease as it is currently written, which gives the school the option to extend the lease for as much as two years.

Mr. Dorrier said he would be more on the aggressive side, giving the Board the option of concurring on whether or not to extend the lease.

Mr. Boyd stated that it still becomes the Board's decision a year from now.

Ms. Thomas said Waldorf has proposed an innovative school in a very pivotal location within the

growth area, and she wants to make sure they understand how much the County appreciates it.

Mr. Rooker said he could support what Mr. Wyant is suggesting, but it is unlikely the County will be breaking ground on a library by then.

Mr. Wyant said if the old school is not selected as the site for the library, it is a moot point. He did state his support for their new Rio Road facility.

Mr. Davis said he could wordsmith the lease so extension of it is subject to the Board's approval after the one year point.

Mr. Wyant **moved** to approve the lease agreement with the Charlottesville Waldorf School with the modification by Mr. Davis, and to authorize the County Executive to sign the lease when it is completed. Mr. Dorrier **seconded** the motion, which passed by the following recorded vote:

AYES: Mr. Dorrier, Mr. Rooker, Mr. Slutzky, Ms. Thomas, Mr. Wyant and Mr. Boyd.

NAYS: None.

(**Note:** The lease, as signed, is set out in full below.)

LEASE AMENDMENT

The County of Albemarle, Virginia ("Landlord") and Charlottesville Waldorf School (f/k/a Crossroads Waldorf School) ("Tenant") enter into this Lease Amendment this 1st day of February, 2006.

WHEREAS, Landlord and Tenant entered into a Lease Agreement (the "Lease Agreement") dated July 15, 1999, and amended May 17, 2004, for the lease of the Old Crozet Elementary School; and

WHEREAS, Landlord and Tenant desire to again amend the Lease Agreement;

NOW, THEREFORE, Landlord and Tenant, for the sum of Ten and NO/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, agree as follows:

1. In addition to the Option to Renew set forth in Paragraph 1.5 of the Lease Agreement and the Option to Renew set forth in the Lease Amendment dated May 17, 2004, Tenant agrees to extend the lease for a term of twelve (12) months (ending July 31, 2007), and, subject to approval by the Landlord, may also have the option to renew the Lease for an additional term of six (6) months. Tenant must exercise the option to request to renew the lease for the additional term of six (6) months by providing written notice in accordance with Section 16.1 of the Lease Agreement on or before January 1, 2007. The renewal term(s) shall be on the same terms and conditions of the Lease, except as expressly agreed to by the parties. The rent to be paid by Tenant during the renewal term(s) shall be calculated according to Section 1.7 of the Lease Agreement.

2. Notwithstanding anything in the Lease Agreement to the contrary, Landlord shall have the right to use the auditorium and restroom facilities on the Property one day per month on Friday evening or Saturday at no cost to Landlord. "Friday evening" shall be defined to mean after 6:00 P.M. on Friday. Any request for use of the Property shall be made in writing by the Landlord not less than thirty (30) days in advance of the date of use. Landlord shall endeavor to schedule use of the Property at times not inconsistent with use by Tenant, provided, however, any written request made by Landlord ninety (90) days in advance shall be honored unless the use is scheduled on the Tenant's school-use calendar or Tenant demonstrates that a prior use of the Property by the Tenant cannot reasonably be rescheduled. Tenant shall cooperate with Landlord to schedule its use of the Property and shall provide Landlord with a copy of its school-use calendar, as updated from time to time.

3. Landlord shall be responsible for managing and overseeing the use of the Property while being used by Landlord, including opening and closing the Property for use. During Landlord's use of the Property, Tenant's teachers shall have access to classrooms and Tenant's cleaners shall be permitted to clean those areas of the Property not being used by Landlord provided it does not unreasonably interfere with Landlord's use of the Property. Landlord shall provide on-site security to protect the Property and shall return the Property to Tenant in the same condition found prior to Landlord's use. Landlord will maintain comprehensive liability insurance against liability arising out of its use of the Property in amounts equal to its general liability policy for all other purposes.

Agenda Item No 21. **Public** Hearing on a proposed Lease Agreement for the Towe Park tenant house. (Notice of this public hearing was published in the Daily Progress on January 23, 2006.)

Mr. Tucker said the City and County own a house at Towe Park which is currently occupied, but a new lease agreement is required. The previous lease agreement with Shelia McMillian and Dawn McMillian expired in December of 2004 with a provision which allowed for a month-to-month extension at the end of the lease term. This past summer, the County received notice that one of the tenants would be

moving out but that the other co-tenant wished to continue to lease the house. This arrangement has proven satisfactory. The Parks and Recreation Department is therefore recommending that the City and County enter into a lease agreement with the existing tenants, Tully Wright and Dawn McMillian Wright.

Mr. Tucker said the tenants will be responsible for paying \$550 monthly rent and performing approximately 25 hours of work per month as additional rent. The rent figure is based on a fair market value of \$1,000 with a percentage reduction based on the various factors related to the house being located in a public park. The County Assessor estimated the fair market value and the location reduction. After the location reduction is applied, the fair market value is \$800. The rent is further reduced by \$250 based on an estimated value of \$10 per hour for the work requirement.

Mr. Tucker said the lease has been reviewed and approved by the City and County Attorneys' offices. The lease consists of a standard residential lease agreement with additional provisions addressing special requirements such as tenant responsibilities. The term of the lease is for one year, with language allowing the City Manager and the County Executive to renew the lease up to four consecutive one-year terms and adjust the rent annually to reflect any change in the fair market rent for the property. Virginia Code Section 15.2-1800(B) requires the Board to hold a public hearing prior to entering into this lease agreement. Staff recommends that the Board hold the public hearing and then authorize the County Executive to sign this lease agreement on behalf of the County.

With no questions for staff, the public hearing was opened. With no one from the public rising to speak, the hearing was closed and the matter placed before the Board.

Mr. Boyd immediately **moved** for approval of the lease for the Towe Park Tenant House and that the County Executive be authorized to sign the lease agreement on behalf of the County. Ms. Thomas **seconded** the motion which passed by the following recorded vote:

AYES: Mr. Dorrier, Mr. Rooker, Mr. Slutzky, Ms. Thomas, Mr. Wyant and Mr. Boyd.

NAYS: None.

(**Note:** The Lease Agreement, as signed, is set out in full below.)

LEASE AGREEMENT

THIS LEASE AGREEMENT is made as of this 22nd day of February, 2006 by and between the COUNTY OF ALBEMARLE, VIRGINIA and the CITY OF CHARLOTTESVILLE, VIRGINIA (collectively referred to as "Landlord") and TULLY WRIGHT and DAWN WRIGHT (collectively referred to as "Tenant").

1. PREMISES AND TERM OF OCCUPANCY. In consideration of the promises and covenants herein, Landlord hereby leases to Tenant that property located in the County of Albemarle, Virginia, and known as Towe Park Tenant House together with the fixtures and personal property listed below, (the Premises) for the term of 1 (one) year commencing on April 1, 2006.
2. PERSONAL PROPERTY. The following personal property is included in the Premises subject to this lease: range, oven and wood stove.
3. USE OF PREMISES. The Premises will be used by Tenant as a private dwelling and for no other purpose. The Premises will be occupied by no persons other than persons who have signed this Lease as Tenant and such persons' children under the age of 18. Each person signing this Lease as Tenant shall be jointly and severally liable for all obligations imposed hereunder, including but not limited to payment of rent. Landlord reserves the right to require Tenant to remove from the Premises or adjoining Park property any personal property that in Landlord's sole discretion may be inconsistent with the scenic natural beauty of the Park, including but not limited to inoperable vehicles, appliances, etc. Landlord may also require Tenant to immediately cease any activity that is inconsistent with the Park or surrounding neighborhood.
4. RENT. Tenant agrees to pay as rent the total annual sum of \$6,600.00, due and payable in advance in monthly installments of \$550.00. The first month's rent payment is due on or before the commencement of this Lease. The monthly installment of rent due for each month thereafter shall be due on the first day of each month. Rent shall be paid to the County of Albemarle at the Albemarle County Parks & Recreation Department office, whose address is 401 McIntire Road, Charlottesville, VA 22902, or at such other place as Landlord or Agent may from time to time designate in writing. If a monthly installment of rent is not received before the 6th day of the month, Tenant agrees to pay as additional rent a charge of late fee of \$10.00 for each month that the monthly installment of rent is not received by the 6th day of such month. The purpose of this late fee is to compensate Landlord for the expenses of processing such delinquent account. Rent payments will be applied first to all past due balances of rent and other charges owing under this Lease. The remaining portion if any of such rent payments will be applied to current rent. Unless otherwise agreed by Landlord, Tenant shall provide one check, cashier's check or money order for each monthly installment for rent.
5. ADDITIONAL TENANT RESPONSIBILITIES. As additional rent, Tenant agrees to perform certain duties listed below for the duration of the original and any renewal term(s). The following duties may be modified by mutual agreement between Landlord and Tenant. Failure to perform the following duties on the part of the Tenant shall constitute a material breach by the

Tenant under the Lease Agreement and shall entitle the Landlord to terminate this Lease or exercise any other remedy under this lease or available law. Tenant shall:

- (a) Assure the park entrance gates and greenbelt gate are opened and closed per posted times and at special requests;
- (b) Assist the public with information as needed;
- (c) Clean and stock restrooms and clean up and remove trash in parking lot and playing areas on days park employees are not scheduled to work;
- (d) In absence of park personnel, perform emergency repair or maintenance of park facilities and grounds, to the extent possible and contact park personnel;
- (e) In absence of park personnel, assist athletic program officials with decisions related to playability of fields and contact proper athletic program directors when necessary;
- (f) Take daily attendance count when park employees are not available to perform this duty;
- (g) Mow and trim grass around tenant house as outlined by Park Foreman; and
- (h) Raise and lower flags at the Darden Towe Memorial on a schedule to be determined by Park Foreman.

6. **BAD CHECKS.** Tenant agrees to pay as additional rent a charge of \$15.00 for each check returned for insufficient funds. This charge will be in addition to any late fee which may be due. If any of Tenant's checks are returned to Landlord or Agent for insufficient funds, Landlord will have the option of requiring that further payments must be paid by cash, cashier's check, certified check, or money order.

7. **SECURITY DEPOSIT.** Tenant agrees to pay the sum of \$ 550.00 as a security deposit. This sum will be due when this Lease is signed by Tenant. Prior to the termination or expiration of this Lease, if Landlord makes any deductions from the security deposit for charges arising under this Lease or by law, Tenant agrees to pay Landlord such sums as may be necessary to offset such deductions to replenish and maintain the security deposit in the amount set forth above. The security deposit will be held by Landlord to secure Tenant's full compliance with the terms of this Lease. Within 30 days after the termination of this Lease, Landlord may apply the security deposit and any interest required by law to the payment of any damages Landlord has suffered due to Tenant's failure to maintain the Premises, to surrender possession of the premises thoroughly cleaned and in good condition (reasonable wear and tear excepted), or to fully comply with the terms of this Lease, and any balance, if any, to unpaid rent. Landlord shall provide Tenant with an itemized accounting, in writing, showing all such deductions. Within this 30 day period, Landlord will give or mail to Tenant the security deposit, with any interest required by law and minus any deductions. To assist Landlord, Tenant shall give Landlord written notice of Tenant's new address before Tenant vacates the Premises. During the term of occupancy under this Lease, if Landlord determines that any deductions are to be made from the security deposit, Landlord will give written notice to Tenant of such deduction within 30 days of the time Landlord determines that such deduction should be made. This provision applies only to deductions made 30 days or more before the termination of this Lease. Landlord will maintain itemized records of all security deposit deductions and these records may be inspected by Tenant, his authorized agent or attorney, during normal business hours. However, when two years has passed from the time a deduction was made, Landlord may destroy the record of that deduction.

8. **PARKING.** Tenant agrees to comply with such parking rules and regulations as Landlord may issue from time to time, and deliver to Tenant; provided that Tenant shall be given a reasonable opportunity to comply with any parking changes made during Tenant's term of occupancy under this Lease. Vehicles parked on or about the Premises in violation of such rules and regulations may be towed at the owner's expense.

9. **PETS.** No dogs, cats or other animals shall be kept in or about the Premises by Tenant or Tenant's guests without Landlord's prior written consent, which may be withheld in the Landlord's sole discretion. If such permission is granted, Tenant agrees to be responsible for all damages to the Premises and damages or injuries to persons or other property caused by pets owned by Tenant or Tenant's guests. It is understood that if Landlord grants this approval, it may be rescinded in Landlord's sole discretion in the event a problem develops related to one or more pets owned by Tenant or Tenant's guests.

10. **UTILITIES.** Tenant is responsible for payment of all utility fees and expenses, including but not limited to water and sewer, electrical, heating and cooling, cable television, internet and telephone. With Landlord's prior written consent, Tenant may install and use a wood-burning stove at the Premises. In the event a wood-burning stove is permitted to be used, Tenant shall be responsible for providing all wood, pellets or other materials to be used.

11. **ALTERATIONS AND IMPROVEMENTS.** Tenant agrees that no alterations, installations, repairs or decoration (including painting, staining and applying other finishes) shall be done

without Landlord's written consent. However, Landlord may require Tenant to return the Premises to its original condition when this Lease terminates or expires. In addition, Landlord may require that any change, alteration or improvement to the Premises will become a permanent part of the Premises that may not be removed upon the termination or expiration of this Lease. Such changes or improvements will include, but not be limited to, locks, light fixtures, shutters, built-in shelves or bookcases, wall-to-wall carpeting, flowers and shrubs.

12. INSPECTIONS AND ACCESS. Landlord may enter the Premises to make inspections, repairs, decorations, alterations or improvements, and to show the Premises to prospective tenants, workers, contractors or others for Landlord's business purposes. Except in case of emergency or when it is impractical to give notice, Landlord will give Tenant reasonable notice of Landlord's intent to enter and may enter the Premises only at reasonable times.

13. MOVE-IN INSPECTION. Within five (5) days after Tenant takes possession of the Premises, Landlord agrees to provide Tenant with a list setting forth all of the defects and damages to the Premises, its equipment and appliances. The list shall be treated as correct unless Tenant objects to the list by written notice given to Landlord within five days after Tenant receives the list.

14. COVENANTS BY LANDLORD. Landlord covenants and agrees to maintain all electrical, plumbing, heating, ventilating, air conditioning and other facilities and appliances, including elevators, in good and safe working condition; and comply with applicable building and housing code requirements materially affecting health and safety. Landlord's failure to comply with the above requirements will not be grounds for Tenant's termination of this Lease unless Tenant has given Landlord written notice of the defective condition and Landlord has failed to remedy the condition within 21 days. However, Tenant may not terminate the Lease if Tenant, a member of Tenant's family or some other person on the Premises with Tenant's consent intentionally or negligently caused the defective condition. Such defective conditions will be repaired at Tenant's expense. Any termination by Tenant shall be made in accordance with the section of this Lease concerning breach by Landlord.

15. COVENANTS BY TENANT. Tenant covenants and agrees to keep the Premises clean and safe; use all electrical, plumbing, heating, ventilating and air-conditioning facilities and appliances in a reasonable manner; conduct himself or herself, and require guests to conduct themselves, in a manner that will not disturb Tenant's neighbors; and to take care not to intentionally or negligently destroy, damage or remove any part of the Premises, and that he or she will not permit any person to do so. Tenant covenants and agrees to care for, maintain and repair the Premises, equipment, appliances and fixtures. Upon the expiration or termination of this Lease, Tenant agrees to deliver the Premises in good and clean condition, ordinary wear and tear excepted. Tenant agrees to pay the cost of all repairs and cleaning required by wear and tear beyond the ordinary. During the duration of this Lease, Tenant agrees to give Landlord prompt written notice of any defects in the Premises, its equipment, appliances and fixtures. If further damage occurs between the time Tenant learns that a defect exists and the time Landlord learns of such defect. Tenant will be liable for the costs of any repairs of such additional damage which might have been avoided had Tenant promptly notified Landlord of the defect. Tenant agrees to pay all costs resulting from the intentional or negligent destruction, damage or removal of any part of the Premises by Tenant or by any of Tenant's guest or other persons on the Premises with Tenant's consent.

Tenant further agrees to release, indemnify, protect, defend and hold the County and City harmless from all liability, obligations, losses, claims, demands, damages, actions, suits, proceedings, costs and expenses, including attorney's fees, of any kind or nature whatsoever, whether suffered, made, instituted or asserted by any entity, party or person for any personal injury to or death of any person or persons and for any loss, damage or destruction of the Premises, arising out of, connected with, or resulting directly or indirectly from the negligent or intentional acts of Tenant, Tenant's guests or other persons on the Premises with the consent or permission of Tenant. The foregoing agreement to indemnify shall continue in full force and effect notwithstanding the termination of this Agreement. Tenant further agrees to release, indemnify, protect, defend and hold the County and City, its officials, employees and agents harmless from all liability, obligations, losses, claims, demands, damages, actions, suits, proceedings, costs and expenses, including attorney's fees, of any kind or nature whatsoever, whether suffered, made, instituted or asserted by any entity, party or person for any personal injury to or death of any person or persons and for any loss, damage or destruction of the Premises, arising out of, connected with, or resulting directly or indirectly from the negligent or intentional acts of Tenant, Tenant's guests or other persons on the Premises with the consent or permission of Tenant. The foregoing agreement to indemnify shall continue in full force and effect notwithstanding the termination of this Agreement.

16. TENANT TO CLEAN PREMISES WHEN LEASE ENDS. Upon the termination or expiration of this Lease, Tenant will remove all of Tenant's property from the Premises and deliver possession of the Premises, thoroughly clean and in good condition, reasonable wear and tear excepted, and in compliance with such reasonable conditions as may be set forth in Landlord's rules and regulations. Tenant's compliance with this section is necessary to insure that the Premises will be in good condition for the next tenants to whom Landlord leases the Premises. Tenant will be liable for any damages Landlord may suffer due to Tenant's failure to leave the Premises thoroughly clean and in good condition, reasonable wear and tear expected.

17. **MOVE-OUT INSPECTION.** Upon the termination or expiration of this Lease, Landlord will inspect the Premises to determine whether Tenant has properly maintained the Premises and has left Premises thoroughly cleaned and in good condition, reasonable wear and tear excepted. Grease accumulation and unreasonable marks, holes, nicks or other injury to walls, ceilings, floors or appliances will not be considered ordinary wear and tear. This inspection will be made to determine what portion of the security deposit will be returned to Tenant and whether Tenant may be liable for damages exceeding the amount of the security deposit. This inspection will be made with 72 hours after the termination of Tenant's occupancy of the Premises. For the purposes of this section, the termination of Tenant's occupancy of the Premises will not be deemed to have occurred until all or substantially all of Tenant's property has been removed from the Premises. Tenant will have the right to be present during this inspection, provided Tenant gives Landlord written notice of Tenant's desire to be present during the inspection. Upon receiving such notice, Landlord will notify Tenant of the time and date when the inspection will be made. However, Tenant's delay in notifying Landlord of Tenant's desire to attend the inspection will not require Landlord to delay making the inspection more than 72 hours after the termination of Tenant's occupancy. If Tenant attends the inspection, an itemized list of damages known to exist at the time of the inspection will be provided to Tenant by Landlord immediately upon the completion of the inspection.

18. **ABANDONMENT OF PROPERTY.** Any personal property Tenant leaves on the Premises after the termination or expiration of this Lease may be treated by Landlord as abandoned property. Landlord will prepare an itemized list of such property and may immediately remove the property from the Premises and place it in storage for safekeeping for a period not less than one month from the date this Lease terminates and possession of the Premises is delivered to Landlord. Tenant may reclaim the property during this one month period, provided that Tenant pays the cost of its removal and storage. Upon expiration of the one month period, Landlord will be free to dispose of the property as Landlord sees fit, provided written notice of Landlord's intent to dispose of the property is given to Tenant at least 10 days before such disposal occurs. This notice must be sent to Tenant's last known address, address correction requested. In addition, Landlord must keep the itemized list of Tenant's property for two years after Landlord disposes of that property. Any funds received by Landlord from the disposal of Tenant's property may be applied to Tenant's indebtedness to Landlord for unpaid rent or other damages, including charges for removing, storing and selling the property. Any remaining funds will be treated as security deposit.

19. **DAMAGE OR DESTRUCTION OF PREMISES.** If, through no fault or negligence of Tenant or Tenant's guest, fire or other cause destroys or damages the Premises to the extent that Tenant's enjoyment is substantially impaired, Tenant may immediately vacate the premises and within 14 days thereafter give written notice to Landlord of Tenant's intention to terminate this Lease. In such cases, the Lease will terminate as of the date of termination of Tenant's occupancy and Landlord will return Tenant's security deposit, any interest required by law, and prepaid rent covering the period after Tenant vacated the Premises - subject to any set off for charges or damages Tenant owes to Landlord. If, through no fault or negligence of Tenant or Tenant's guests, fire or other cause damages the Premises to the extent that Tenant's enjoyment is somewhat impaired, though not substantially impaired, Landlord will have a reasonable period of time in which to repair the Premises. Landlord's duty to repair will not arise until Tenant gives Landlord written notice of the damage to the Premises. If Landlord fails to repair the Premises within a reasonable period of time after having received written notice from Tenant, Tenant will be entitled to a reduction in rent for that period of time beginning 30 days after notice was given to Landlord and ending on the date Landlord successfully repairs the Premises. In any dispute concerning Tenant's right to terminate this Lease or receive a rent reduction, Tenant will be required to prove that the condition of the Premises justifies such relief.

20. **BODILY INJURY AND PROPERTY DAMAGE.** Landlord is not an insurer of Tenant's person or property. Except to the extent provided by law, Landlord will not be liable to Tenant for any bodily injury or property damage suffered by Tenant or Tenant's guest.

21. **RULES AND REGULATIONS.** Tenant agrees to comply with Landlord's reasonable and non-discriminatory rules and regulations which concern the use and occupancy of the Premises, which intend to promote the convenience, safety or welfare to tenants or preserve Landlord's property from abusive conduct. Landlord agrees to give Tenant reasonable notice of any new rules or regulations before enforcing such rules and regulations against Tenant.

22. **EARLY TERMINATION OF OCCUPANCY.** Tenant will not be released from liability for all rent and other charges due under this lease unless Landlord signs a written statement on which Landlord agrees to release Tenant from such liability.

23. **EARLY TERMINATION OF LEASE BY MILITARY PERSONNEL.** If Tenant is a member of the United States armed forces and (i) receives orders for a permanent change of station to depart 50 miles or more (radius) from the Premises or (ii) is prematurely and involuntarily discharged or relieved from active duty with the United States armed forces, Tenant may terminate this Lease by serving on Landlord a written notice of termination. This notice must state the date when termination will be effective and that date shall not be less than 30 days after the date Landlord receives the notice. In addition, the termination date shall not be more than 60 days prior to the date of departure necessary for Tenant to comply with the official orders or any supplemental instructions for interim training or duty prior to the transfer. Tenant's written notice of termination must be accompanied by a copy of the official orders. If Tenant exercises this right

to terminate this Lease, Tenant shall be obligated for rent prorated to the date of termination. Rent for the final month or portion thereof shall be due on the first day of such month. On account of Tenant's early termination of this Lease, Landlord may require Tenant to pay liquidated damages as follows:

(a) If Tenant has completed less than 6 months of the tenancy under this Lease as of the effective date of termination, liquidated damages may be no greater than one month's rent;

(b) If Tenant has completed at least 6 months but less than 12 months of the tenancy under this Lease as of the effective date of termination, liquidated damages may be no greater than one half of one month's rent. Any amount owed as liquidated damages by Tenant shall be due on the first day of the month in which the effective termination date occurs. This section shall not relieve Tenant of any other liabilities which have accrued as of the date of termination.

24. **RENEWAL OR EXTENSION OF LEASE.** This Lease will automatically terminate at the end of the lease term on the date on which Tenant's occupancy ends. The termination of this Lease will terminate Tenant's right to occupancy but it will not terminate any claims Tenant or Landlord may have arising out of events occurring during the Lease term or during any holdover by Tenant. No agreement renewing or extending this Lease will be effective unless that agreement is in writing and signed by Tenant and Landlord. If Tenant remains in possession of the Premises after the lease term is terminated or expires and Landlord consents to such holdover but does not enter into a written agreement extending this Lease or substituting a new written lease, Tenant shall have a month to month lease subject to termination by either party upon 30 days notice. The monthly rent during such holdover period shall be at the same rate as under this Lease or as otherwise agreed in writing. Notwithstanding the foregoing, upon satisfactory performance by the Tenant of the obligations and duties imposed herein upon the Tenant, Landlord, through its City Manager and County Executive, may renew this Lease for up to 4 consecutive one-year terms following expiration of the current lease term. The amount of rent may be adjusted annually to reflect any change in the fair market rent for the Premises.

25. **ASSIGNMENT OR SUBLET.** Tenant will not assign this Lease or sublet the Premises without Landlord's prior written consent, which will not be unreasonably withheld or delayed. No assignment or sublet will release Tenant from continuing liability for the full performance of this Lease unless Landlord signs a written statement clearly releasing Tenant from such liability.

26. **BREACH BY TENANT.** If (a) Tenant fails to pay rent within five days after the date when due, (b) Tenant commits a material breach of this Lease, (c) Tenant denies Landlord's exercise of any rights under this Lease or arising by law, (d) legal proceedings or begun by or against Tenant to levy upon or dispose of Tenant's leasehold interest in the Premises, or (e) the Premises is used by Tenant or others for any illegal purposes, Landlord will have the right to sue for rent and to enter and take possession through legal proceedings or, if the Premises is abandoned, to enter and take possession by any lawful means. In addition, Landlord will have the right to pursue all other remedies available, including a claim for damages. If Landlord pursues any such remedies (and regardless of whether such remedies are prosecuted to judgment), Tenant will be liable as follows:

(1) for all past due rent and other charges;

(2) for all additional rent (future rent) that would have accrued until the expiration of the term of occupancy under this Lease or until a new lease term begins, provided (i) that this will not affect Landlord's duty to minimize the damages by making reasonable efforts to enter into a new lease as soon as practical, and (ii) that if Landlord obtains a judgment for future rent, Landlord shall apply as a credit towards that judgment all funds received by Landlord as rent for the Premises for these months for which the judgment for future rent was awarded;

(3) for all expenses Landlord may incur for cleaning, painting and repairing the Premises due to Tenant's failure to leave the Premises thoroughly clean and in good condition, reasonable wear and tear excepted;

(4) for any court costs and reasonable attorneys fees incurred by Landlord in collecting rent, other charges or damages, and in obtaining possession of the Premises; and/or

(5) for a collection fee equal to 25% of the judgment amount for rent, damages, court costs and attorneys fees. Tenant understands and agrees that this amount represents damages Landlord will be likely to incur in efforts to obtain a judgment against Tenant (including time and effort spent in case investigation, correspondence, filing suit, discussions with lawyers, case preparation and court attendance) and to collect such a judgment.

If Tenant has breached the Lease by failing to pay rent when due, Landlord shall give a written notice to Tenant stating that the Lease will terminate within 5 days if the rent is not paid. If Tenant fails to pay the rent within that 5 day period, Landlord may terminate the Lease and proceed to obtain possession of the Premises by filing an unlawful detainer proceeding. In that proceeding, Landlord may pursue a claim for rent and other damages. In connection with breaches other than failure to pay rent, if a material noncompliance with this Lease exists or if there is a violation materially affecting health and safety, Landlord may serve Tenant with a written notice stating that acts or omissions constituting the breach and stating (i) that the Lease will terminate upon a date not less than 30 days after Tenant receives the notice unless the breach is

remedied within 21 days, and (ii) that the lease will terminate as set forth in the notice. If the breach is remedial by repairs or the payment of damages and Tenant adequately remedies the breach within 21 days or such longer period of time as Landlord may allow, the Lease shall not terminate. On the other hand, if the breach is not remedial, Landlord's written notice to Tenant may state the acts and omissions constituting the breach and state that the lease will terminate upon a specific date, which date may not be less than 30 days after Tenant receives the notice.

27. **BREACH BY LANDLORD.** If Landlord commits a material breach of this Lease, or fails to a substantial extent to comply with any laws with which Landlord must comply and which materially affect Tenant's health and safety, Tenant may give written notice to Landlord identifying the acts and conditions on the Premises concerning Landlord's breach and stating that this lease will terminate upon a specific date (which must be 30 days or more from the date Landlord receives the notice) unless Landlord remedies the breach within 21 days. If Landlord remedies the breach within that 21 day period, this Lease will not be subject to termination by Tenant in that instance. Tenant will not have the right to terminate this Lease because of conditions caused by the intentional or negligent acts of Tenant or persons on the Premises with Tenant's consent.

28. **RENT WITHHOLDING.** Tenant may not withhold rent because of conditions on the Premises which Landlord is required to repair unless Tenant has given Landlord written notice of the condition and Landlord has failed to successfully repair the condition within a reasonable period of time. If Tenant withholds rent because Landlord has breached the Lease, Tenant must immediately give Landlord a second written notice of the breach and of any conditions of the Premises which Landlord is required to remedy or repair and must state that rent is being withheld for such reasons. If Landlord then sues Tenant for possession of the Premises or for withheld rent, Tenant must promptly pay the rent to the court, which will hold the rent until it decides what portion, if any, should be paid to Landlord. If conditions exist which Landlord is required to remedy and which creates a fire hazard or serious threat to the health or safety of Tenant, Tenant may file an action in a court of competent jurisdiction to terminate the Lease, to require Landlord to repair the Premises, or to obtain other relief. In such an action, Tenant may pay rent to the court to be held until Tenant's action is decided. If Tenant withholds rent or pays rent into court under this section and the court finds that Tenant has acted in bad faith or that Tenant, Tenant's family or guests have caused the conditions or have refused unreasonably to allow Landlord or Landlord's written notice of the condition, Tenant will be liable for Landlord's reasonable costs, including costs for time spent, court costs, any repair costs due to Tenant's violation of the Lease, and attorneys fees.

29. **NOTICES.** All notices in writing required or permitted by this Lease may be delivered in person, or sent by mail (postage prepaid) to Landlord, Tenant or Agent at such party's address, as set forth above or at such other address as a party may designate from time to time by notice given in accordance with the terms of this section.

30. **HEADINGS.** The headings of the sections of this Lease are inserted for convenience only and do not alter or amend the provisions that follow such headings.

31. **GOVERNING LAW.** This Lease is entered into and shall be construed under the laws of the Commonwealth of Virginia.

32. **SEVERABILITY.** Any provision of this Lease which is prohibited by, or unlawful or unenforceable under, Virginia law shall be ineffective only to the extent of such prohibition without invalidating the remaining provisions of this Lease.

33. **FAILURE TO ENFORCE LEASE NOT A WAIVER.** Landlord's waiver of a breach by Tenant shall not be interpreted as a waiver of any subsequent breach or noncompliance, and this lease shall continue in full force and effect.

34. **AMENDMENTS.** This lease may not be amended or modified except by prior written consent of the Landlord. All amendments or modifications shall be in writing and signed by both parties.

35. **ENTIRE AGREEMENT.** This Lease constitutes the full and complete agreement between the parties, and no other writings or statements (other than amendments or modifications pursuant to Section 34) shall be of any consequence or have any legal effect.

36. **GOVERNMENTAL APPROVAL.** This Lease is subject to and contingent upon approval by Landlord pursuant to Va. Code § 15.2-1800(B). Signature by Landlord's authorized representatives below shall be conclusive evidence that necessary governmental approvals have been obtained.

Agenda Item No. 22. SP-2005-024. Schuyler Country Store (Sign #29). **Public Hearing** on a Proposal for a: Country store, in accord w/Sec 10.2.2(22) of the Zoning Ord which allows for country stores. Zoning Category/General Usage: Tax Map 126, Parcel 34, contains 2.69 acres & is zoned RA, Rural Areas. Located at 8429 Schuyler Rd (Rt 800) approximately 1,200 feet north of its intersection with Howardsville Turnpike (Rt 602). Magisterial District: Scottsville. (Notice of this public hearing was published in the Daily Progress on January 16 and January 23, 2006.)

Mr. Cilimberg summarized the executive summary which is on file in the Clerk's Office with the permanent records of the Board of Supervisors. He said this request is to allow construction of a 1,800 square foot country store to be located on Tax Map 126, Parcel 34, at 8429 Schuyler Road with an area for parking and outdoor display and sale of plants. He said the building is to be designed like the storage building currently located on the northeastern portion of the site. He said this is the site of an old store – the T.L. Beasley store – which operated from the 1940's to the 1970's but was damaged by fire in 2000 and then demolished in 2003. He noted that the establishment of a new store on this site would preserve historic land patterns in the area and provide limited store service to the community.

Mr. Cilimberg said the applicant has suggested that the store would be similar to the Greenwood Store located near I-64 and Route 250 West. It is staff's opinion that the store would not create traffic that is detrimental to Schuyler Road. Vehicle entry into the site as required by VDOT would feature a hard-paved surface extending a minimum of 25 feet into the site along with the shoulder and ditch on Schuyler Road. Staff would support a gravel surface although VDOT will likely not support its use.

Mr. Cilimberg said the store has positive community aspects, especially providing local shopping options, but will bring increased traffic to the intersection during store hours; the applicant will remove trees to provide additional sight distance. The applicant is agreeable to keeping the large white oak tree on the property. Staff originally recommended approval subject to five conditions. On December 13, 2005, the Planning Commission unanimously recommended approval, but amended Condition No. 2 by adding the phrase "(provided the total trips per week do not exceed 350)" and added ". . . or such other standard as may be required by VDOT" at the end of Condition No. 3. They also added Condition No. 6 reading: "Hours of operation shall be between the hours of 6 a.m. and 10 p.m." and added Condition No. 7 reading: "Outdoor display shall be limited to plants and agricultural products."

Ms. Thomas said it seems the parking lot where the white oak that is to be preserved, is getting bigger. Ms. Amy Arnold, Planner, said the applicant has agreed to reduce the parking area. The drawing provided to the Board tonight is from the original Application Plan and does not show that change.

With no further questions for staff, the applicant was requested to speak.

The applicant, Ms. Brenda Moon, thanked the Board for hearing her and asked that the application be approved.

With no one from the public rising to speak, the hearing was closed and the petition placed before the Board.

Mr. Dorrier immediately **moved** to approve SP-2005-024 subject to the seven conditions recommended by the Planning Commission. Ms. Thomas **seconded** the motion, which passed by the following recorded vote:

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

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

1. Special Use Permit 2005-24 shall be developed in general accord with the concept application plan dated November 15, 2005, prepared by Brenda and Robert Moon, and titled "The Schuyler Country Store, SP2005-24" (Attachment F). However, revisions to the sketch plan shall be allowed for compliance with the Zoning Ordinance;
2. The parking area shall be comprised of a loose gravel surface with parking spaces (provided the total trips per week do not exceed three hundred fifty [350]) delineated by wheel stops, flush railroad ties, or some similar means subject to the approval of the Zoning Administrator;
3. The vehicular entrance into the site shall be constructed based on the VDOT Standard Private Subdivision Road/Street Entrance with the exception of using gravel as an alternative paving material, or such other standard as may be required by VDOT;
4. The existing White Oak (*Quercus alba*) as shown on Attachment B shall be retained, and it shall be protected by the following:
 - a) Permanent fencing shall be installed at the drip line (outermost extent of the canopy) of the existing White Oak as identified in Attachment B, the full circumference of the canopy. The fencing shall be installed before any site disturbance commences and shall be maintained for the life of the tree. The fencing materials may include post and wire, split rail, or picket types. The fencing shall not be comprised of chain link. The fencing shall be subject to the approval of the Zoning Administrator;
 - b) No materials of any sort shall be stored within the drip line of the tree; and
 - c) No vehicular or equipment movement or parking shall occur within the drip line of the tree;
5. Water and septic systems shall be subject to Health Department approval prior to site plan approval;
6. Hours of operation shall be between the hours of 6:00 a.m. and 10:00 p.m.; and

7. Outdoor display shall be limited to plants and agricultural products.

Agenda Item No. 23. Annual Revalidation of Land Use Taxation Program, Discussion of proposed.

Mr. Bruce Woodzell, County Assessor, said the purpose of this report is two-fold. First, it will provide the Board with a status on the County's Land Use Value Taxation Program including the statutory provisions for land use, the current status of land use in Albemarle County, the tax implications of land use, and the application, revalidation, and rollback processes. Second, staff will discuss its recommendation for implementing an annual revalidation process in Albemarle County. Revalidation would change how the program is administered. Staff does not propose discussing land use policy issues or propose any changes to the County's land use policy. Land use policy issues are listed as part of the Rural Area Implementation Plan being managed by Community Development, although no date has been set at this time for review of these policies.

Mr. Woodzell said there are four categories allowed in the Land Use Program by State Code – agricultural use, requiring a minimum of five acres; horticultural use requiring a minimum of five acres; forestry requiring a minimum of 20 acres; and, open space requiring a minimum of 20 acres. He said horticultural in Albemarle includes apples, peaches and vineyards; forestry is forestry; and agricultural is hay, cattle, horse farms and a few grain products; and, there are about 254 acres in open space.

Mr. Woodzell said that of the 95 counties in the state, there are currently 43, including Albemarle, that allow all four uses to qualify for tax deferral; 19 counties allow three uses; nine counties allow two uses; and, 24 counties do not have a land use program.

Mr. Woodzell said the State Land Evaluation and Advisory Council (SLEAC) was created in 1973 to estimate the use value of eligible land for each locality participating in a use-value taxation program. Before use-value assessment is granted, the local assessing officer must determine that the land meets the uniform standards for agricultural and horticultural use as defined by the State's Commissioner of Agriculture and Consumer Services, for forest use as defined by the State Forester, and for an open space use by the Department of Conservation and Recreation.

Mr. Woodzell said SLEAC uses data supplied to it to formulate values; those values then are used to estimate what eligible lands in Albemarle and all other jurisdictions in the State will be worth. Since Albemarle is on a biennial reassessment cycle, those values are adopted on a two-year process. He said that "Attachment B" of the Executive Summary will show indications of the values being used currently in Albemarle, and also some historical data related to those values. He said those values have changed over the last few years. Basically, it shows that there has been a decline in values; however, in the last reassessment there was an increase in values for agriculture, horticulture, and forestry.

Mr. Rooker asked how SLEAC determined that values were actually dropping over that period of years. Mr. Woodzell said values are based on returns reported to Richmond as well as cap rates, with the major influence on those properties over the last three or four reassessments being the drought.

Mr. Woodzell reported that out of 473,600 acres in Albemarle, there are 277,434 total acres currently in the Land Use Program, so approximately 59 percent of the County's acreage is under tax deferment. Total acreage in the program has decreased 16 percent since 1995 due to development and a major movement toward encumbering properties with open space easements either using the County's ACE Program, or through outside agencies.

Mr. Rooker said if there is an easement, the property can qualify for actual land use taxation treatment, but the County is not counting them as actually being in the Land Use Program. Mr. Woodzell said that is correct, they are treated the same way and taxed the same as if they were in the Program. It would be the same for ag/forestry districts.

Mr. Rooker asked if these owners have to apply to be in the program. Mr. Woodzell said "yes."

Mr. Rooker said he read something indicating that even if the County did not have a land use program, that agricultural/forestry property qualified without having to apply. Mr. Davis said when an ag/forestry district is created, that qualifies the land in that district for a land use program, and there could be one limited to simply ag/forestry land.

Mr. Slutzky asked if there were an open space only program would the ag/forestry properties be eligible for the land use tax rate. Mr. Woodzell said the County would need to have a land use program or an ag/forestry program, one or the other.

Mr. Rooker said Mr. Slutzky was asking about having only open space as a category. Mr. Woodzell said there is a 20-acre minimum for open space. Properties would have to meet minimum acreage requirements.

Mr. Rooker said the question is, if there were a program that only allowed land use taxation for open space would ag/forestry properties automatically qualify for the land use rate. Mr. Davis said if an ag/forestry district were created, it would allow agricultural property to be subject to land use taxation. Creating ag/forestry districts is a discretionary act of the Board.

Ms. Thomas said the land would still have to meet the minimum acreage requirements for land use. Mr. Woodzell said a lot of this will come out with the policy recommendations. Mr. Davis said in reply to Mr. Slutzky's earlier question, if the County just had open space as a category, then outside of an ag/forestry district land could only be qualified for open space if it met the minimum requirements. However, if the Board chose to adopt an ag/forestry district, then all the categories of land use would be subject to land use taxation within an ag/forestry district.

Ms. Thomas noted that ag/forestry districts are supposed to be composed of contiguous parcels, but an owner can always enter into an agreement with the County to not develop their land for 10 years so the land is under the same constrictions as an ag/forestry district.

Mr. Rooker asked if the law allows the County to require that an owner be in the land use program for ten years. Mr. Davis said for the open space category that is correct. To qualify for open space taxation, the land must either be in an ag/forestry district to qualify for open space, or be under a conservation easement to qualify for open space, or the land can be subject to an agreement not to develop. He said that Albemarle County, other than for one piece of property, has never done that.

Mr. Rooker asked if that can only be done for open space property. Mr. Davis said he will have to check the regulations to be sure that is correct.

Mr. Slutzky asked if the Board wanted the land use program to serve the purpose of reducing development in the rural area, could it adopt only the open space qualifier and tie it to conservation easements to be eligible for land use tax. Would the ag/forestry stipulations apply anyway? Mr. Woodzell said the Board can adopt any or all of the use value standards; it has that authority.

Mr. Slutzky asked if that meant nothing else in the rural areas would be eligible for land use. Mr. Woodzell said that is correct, they would not be eligible unless the lands were either in an ag/forestry district, an easement, or an agreement with the jurisdiction.

Mr. Slutzky asked if the ag/forestry districts were eliminated and there was only the open space conservation easement eligibility for land use taxation in the County, would no lands in the rural areas except those that met the conservation easement/open space criteria be eligible for land use?

Mr. Rooker asked about lands that are put into permanent conservation easements. Mr. Woodzell said they qualify without a land use program.

Mr. Davis said land that is in a permanent conservation easement is technically in open space. By statute, if it otherwise qualified at the time it was placed in that permanent conservation easement, it would be assessed at land use values.

Mr. Slutzky asked if the ag/forestry districts were eliminated, would a parcel of land that is currently in an ag/forestry district have some other way to be in land use other than through a conservation easement. Mr. Woodzell said if all categories of land use were repealed, the only people who could get the use value would be those who put permanent easements on their property.

Mr. Slutzky said if the Board chose to review the Land Use Tax Program toward the goal of no longer having it operate as a subsidy for speculative investment, but wanted to honor owners who have truly abandoned their right to further develop in compliance with the County's Comprehensive Plan, the Board could then choose to use the land use tax process just talked about as a powerful tool toward that end.

Mr. Rooker added that another option would be to continue ag/forestry districts where landowners agreed not to develop their land for ten years.

Ms. Thomas said before the Board goes further with this discussion, she would like to point out that the Board adopted the Rural Areas section of the Comprehensive Plan and Strategy No. 1 says: "Establish a committee to review the County's use-value taxation program, revise the program within the framework of State enabling legislation and ensure that the program supports rural area policy goals and does not subsidize residential development or other activities that are counter to other rural area goals." She said during the last year and a half when people asked her about use-value taxation, she told them the Board had adopted a strategy to appoint a committee. Before agonizing over this too deeply, that is the Board's adopted strategy. Mr. Tucker said staff is only talking today about the revalidation issue. The issue Ms. Thomas mentioned will follow in the near future.

Ms. Thomas said she considers yearly revalidation as one of the things that committee should look at. She said the Board does not need to agonize over all those issues now because the Board should be appointing that committee.

Mr. Slutzky said he is not suggesting that the Board not revalidate the program at this time, but he thinks it is time to move forward and actually implement the requirements of having a committee and examining this program. Mr. Tucker agreed.

Mr. Rooker said the Board today is to consider annual revalidation of this program; it is recommended because the County is going to an annual reassessment of real property. Staff will not review every property every year, so it is a way of assuring that properties that are in land use continue to qualify from year-to-year.

Mr. Dorrier asked how many properties are found that do not qualify. Could those properties not be found without this revalidation program? Mr. Woodzell said at this time staff is working in the field every 18 months so they are visibly on the site. They talk to the landowners to see what they are doing. When reassessments begin to be done annually beginning January, 2007, staff will not be on the property but every three to four years. Knowing the status of farming, that is a long time between visits.

Mr. Dorrier asked how many properties staff has been finding that do not comply. Mr. Woodzell said that is a difficult question. Periodically, they find some, but not many. They try to cooperate with the landowner and get them on a program they feel comfortable with.

Mr. Rooker asked Mr. Woodzell to continue with his report. Mr. Woodzell said that 59 percent of Albemarle County's acreage is enrolled in the land-use taxation program. He presented a slide showing where the lands in the development areas are located and said it is not as broad banded as one might think. He then presented a slide showing which parcels are in the ACE Program, and another showing the parcels in conservation easements in perpetuity. Finally, he presented a slide showing those parcels which are in either land use or under an easement, and said that map still shows Albemarle as being pretty green. There are 277,434 acres in the land use category, and 66.9 percent are in forestry, 32.0 percent are in agriculture, with one percent being in the horticulture/open space category.

Mr. Woodzell said the assessments in Albemarle are reduced by \$1.7 billion, and the tax dollars deferred each year based on the tax rate of 74¢ per hundred are \$12.97 million based on a 28 percent increase in the fair market value. He said the impact of that on the tax rate is calculated to be 10.8¢.

Mr. Slutzky asked if Mr. Woodzell was saying the County is foregoing \$12.97 million in revenues due to the reduced assessments.

Mr. Rooker said that is the side of the program that is not seen, and the debate is the extent to which development poses more costs than undeveloped land.

Mr. Slutzky said that is reflected in property values already.

Ms. Thomas said that is not correct.

Mr. Rooker said this is an excellent presentation and is providing the Board a lot of information about land use. But it is probably inviting questions that are far a field from the purpose today. Mr. Tucker said that is beyond what the Board was to discuss today, but staff thought the information would be of interest to the Board.

Mr. Woodzell explained that new applications are still being filed, and reapplications are being filed by landowners who have changed the use of their acreage. That is done 60 days prior to the next tax year, or 30 days after the mailing of the reassessment notice, which is usually in January. If that deadline is missed, the property owner can get back into the program by paying a late filing fee. The Board adopted that part of the program several years ago. Currently, the application fee is \$15 per parcel, plus 15¢ per acre over 100 acres.

Mr. Rooker said people do not have to apply every year. Mr. Woodzell said that is true. If the use or acreage of the property is changed, a new application must be filed. If the landowner does not change anything about the property, they do not have to reapply.

Mr. Rooker asked if the property owner gets a notice annually of that fact. Mr. Woodzell said notices are included with the notices on the reassessment, so essentially they should get literature from the County stating these facts.

Mr. Wyant said that essentially the property owner could go for years without reapplying or paying any fees. Mr. Woodzell said that is correct.

Ms. Thomas said they also are not reminded about their responsibilities such as fighting noxious weeds, etc. Mr. Woodzell said when staff is in the field, they remind these people if they feel the owner is not holding up their standard. If property is in the program, but the standard can no longer be met, the property owner is subject to the rollback tax. The rollback would be for the current year, the correction made, and then roll back the previous five years, so they would pay the tax that had been deferred plus 10 percent simple interest. He said there have been legislative attempts to increase the length of term for the rollback, and also to increase the minimum acreage requirements for land use. So far those laws remain on the books as they were in the 1970s.

Mr. Boyd asked if the Board had any options as to changing the rollback. Mr. Woodzell said the Board cannot change the rollback. Mr. Tucker said the Board has requested that change several times. Ms. Thomas said VACo requests the change every year.

Mr. Slutzky asked if there are a significant number of acres subject to the rollback tax each year. Mr. Woodzell said there was some information on this included in the Board's packet for this meeting.

Mr. Slutzky asked if the rollback comes about because of a change in use of the property. Mr. Woodzell said any rollback usually comes about because the property cannot satisfy the acreage requirement because of land being split off or subdivided.

Mr. Rooker asked if someone platted their land for a subdivision, even though there had been no sale of a lot, would that cause the removal of the property from the program. Mr. Woodzell said once a plat is recorded, the land would be removed from the program.

Mr. Wyant asked if the property had 20 lots, would each individual lot stand on its own. Mr. Woodzell said "yes." Mr. Davis said the lots cannot be aggregated to meet acreage requirements. If a lot independently satisfies the requirement, that lot could stay in the program.

Ms. Thomas said the Board put itself in this situation when it decided that 21 acres was what the residue should be divided into. That was specifically chosen so one could have 20 acres and be subject to land use taxation. She said there are many lots in the County that are 21 acres and have no development rights and do fit under land use taxation.

Mr. Rooker said open space is the only land use that requires 20 acres.

Ms. Thomas said that 21 acres was chosen so the property could qualify for land use, and that frustrates her because those are all the acres she would like to remove from the land use taxation program. She said this is not keeping anyone from developing because these owners have no development rights. For the most part, they are the people who are not fertilizing, putting up fences, or doing anything of agricultural responsibility. She has not figured out anyway the County's program can exclude that group of owners.

Mr. Rooker wondered how many 21-acre parcels with a house in the center, and a fence around the property, are really meeting any of the uses under the program – horticultural, agricultural, open space.

Ms. Thomas said the County has let these owners get by letting them think that if they cut their weeds and roll them up in a bale, they can participate.

Mr. Dorrier said Mr. Rooker had just said there is only a small percentage of properties over 20 acres in land use.

Mr. Rooker said the open space category is very small (294 acres). The vast majority of property is in the forestry category, which has a 20-acre minimum. Mr. Davis said that is the category to which Ms. Thomas was referring.

Mr. Slutzky said most of what is in the forestry use is what Ms. Thomas described, or just acreage in forestry that could later be developed, but is being held for speculative purposes. Ultimately, all of those lands could end up being further subdivided, except that 21-acre piece.

Mr. Wyant asked if the County checks income. Mr. Woodzell said he has the authority to request that information.

Mr. Rooker said in the interests of time, he thinks the Board should move on to consideration of an annual validation. He said a lot of the ideas that have been mentioned should be looked into by the committees the Board is planning to appoint.

Mr. Woodzell said revalidation would be new to Albemarle County. The governing body has the authority to ask the citizens to revalidate annually. The revalidation would require submission of information by the property owner confirming that the property is still being used as they originally stated on their application. He said the Board can choose to request a fee but it cannot exceed the current application fee, and the fee can only be charged every six years. At this time, the County does not require revalidation.

Mr. Rooker asked if the County could have a biannual process. Mr. Woodzell said he knows of no other jurisdiction doing it. Mr. Tucker said staff can look into it, as an ordinance is needed if the Board approves this recommendation.

Mr. Woodzell said that in November, 2005 the Board authorized staff to begin annual assessments on January 1, 2007. He said the annual assessments will result in the appraisers visiting the property every three to four years, so there would be less opportunity for staff to do the same visual inspections currently being done. He said staff recommends that the Board authorize implementation of the annual revalidation program effective January 1, 2007. He said that of the eleven counties surveyed, ten have revalidation.

Mr. Woodzell said staff would be able to insure that the qualifying information is accurate on an annual basis. It would notify the property owner on an annual basis that they are enrolled in this program, and it would require more accurate proof of the farm, forestry, and horticultural operations. Disadvantages are that there would be some additional costs for supplies, postage and storage space. He said this revalidation would have to be filed in a timely manner. Failure to do so would remove that property from the program for the following year. He knows that situation will arise at some point in the future, but staff would do everything possible to assist the citizens.

Mr. Boyd asked if there is any grace period. Mr. Woodzell said the Board can establish a "filing late fee" and a grace period.

Mr. Woodzell said the participants would be charged if the Board adopted a fee which would be based on the current application fee. He said that fee can only be charged every six years, therefore, the County would receive about \$75,000 in revenues every six years, or \$12,500 annually. The administrative cost is estimated to be \$2,500 and the total revenue would be about \$10,000 annually.

Ms. Thomas said Fauquier County has revalidation for land use unless the land is in an ag/forestry district. She talked with a farmer there who said he had several pieces of property; some were in an ag/forestry district and some were not. It was so much bother to fill out the paperwork every year that it gave him a real incentive to join the ag/forestry district instead. The ag/forestry district is a good planning tool because it assures that area will not be developed in the next ten years. She said if the Board is going to revalidation, she would want staff to look at having the revalidation affect the properties that are not in the ag/forestry districts. The County's history shows that ag/forestry districts are shrinking. There are few incentives to join one of these districts. It would be an incentive to have revalidation for only those properties which are not in an ag/forestry district.

Mr. Woodzell said he had brought along today some revalidation forms, and they are not elaborate. Most are one page, or one page front and back. Basically it would be just a repeat of the information given previously along with some documentation to prove use of the land. If someone said the County was not looking at the properties, this information would help support staff's position.

Mr. Rooker said there is a list in the packet of localities similar in size to Albemarle showing what they require. Some require yearly revalidation and some do not. He said the counties mentioned are very rural.

Mr. Dorrier said two things bother him about this recommendation. This would be additional paperwork for the average citizen to fill out each year. Secondly, Mr. Woodzell has said he does not catch that many violators, maybe only a couple every few years. Mr. Woodzell said there is a perception among the citizens that some people are not holding up their end of the bargain.

Mr. Wyant said about 67 percent of the lands in the land-use program are enrolled in forestry. Agriculture is different, because there is a need to know what use the land is being put to. Open space is "iffy." He thinks the Board could concentrate on some of the uses and come up with a good plan. Mr. Woodzell said he believes that most of the open space tracts are the rural preservation tracts and are of a good size. The problem would lie with the agricultural properties, and the request for documentation would help to make a determination.

Ms. Thomas asked what happened after three years when, at her urging, letters were sent to people who had land in the land use program. The feedback she got was that a lot of people were frightened and found problems with the program in the sense that some land is not appropriate for cattle and yet the County was going to force them to have cows in order to fit the program. Mr. Woodzell said it did alarm the citizens of Albemarle. Staff was going to follow up with a second letter that would request documentation, but that was not done. That initial action on staff's part was really worthwhile. It drew attention to the program and made landowners participating in the program aware that there are obligations to their participation. He commented that farmers who are getting old and have their land in land use might not be able to keep up an active farm. He reminded the Board that it is the land that is in the program, not the owner of the land. Staff looks at the use of the land, and citizenship does not play a role except when staff needs to talk to the owner.

Ms. Thomas suggested waiting to form the committee talked about. What has been discussed today shows it is complex and needs to fit into rural area preservation because it could either help or inadvertently harm other things in the rural area. That will be her recommendation.

Mr. Rooker said he will support that suggestion if the Board can get the committee appointed and working. He said this tax deferral program costs the County about \$13.0 million each year, and he does not think it is too much to ask the citizens participating for information to assure that the tax breaks given are justified.

Mr. Dorrier said the program has been successful for 33 years; the map presented shows it has kept the County green. While it may be necessary to review the program, he does not think there should be additional paperwork requirements on the individual citizens, particularly if there is no problem.

Mr. Rooker asked if Ms. Thomas wanted to move to defer this until there is a report made by the committee.

Ms. Thomas **moved** to refer all of this information to a committee that the Board pledges to get operating as soon as practicable.

Mr. Tucker said staff will make a recommendation to the Board next month concerning the types of individuals to be appointed to this committee, how many members should be appointed and the charge to the committee. After the Board approves that information, the committee will be advertised. He suggested having that committee look at revalidation of the land use program first.

Mr. Rooker said there is no reason to start a revalidation process if the land use tax program is going to be changed or the people who qualify for the program. Of course, the Board does not know that is going to take place.

Mr. Slutzky said it may take a while for that committee to get started on its charge and more time to sort out the complexities of something that could be a major revision of the land use tax program. In the meantime, if there are noncompliant properties which are beneficiaries of this tax break, he would suggest the Board implement staff's recommendation, and move forward with due haste to fulfill the commitment of the Comprehensive Plan, and have the committee convene and sort out what should be done long-term with this program, but not ignore this recommendation in the meantime. He thinks it has near-term value to the County.

Ms. Thomas said she thinks it has the danger of having near-term and long-term damage and that is why she wanted the committee to include this in what they will be looking at as opposed to the Board picking this out as the one piece to be done immediately.

Mr. Slutzky asked if by mentioning "damage" she is worried that the Board will ultimately be satisfied with the validation and not take on a more serious reworking of the program. Is she worried that the imposition implicit in implementation of this recommendation will bring hardship to the people? He is not sure what the damage is.

Ms. Thomas said the damage is the message being sent when requiring that an owner has to revalidate. She said there are some categories of land use that should be required to revalidate, but there are other categories of rural land owners where that is a message of disrespect of their farming and she does not want to send that message. She would rather have a committee sort that out than do it by "cherry picking" one item out of the possible ways the Board may want to reform the whole program.

Mr. Boyd said that contrary to what the Chairman said he does not see this as a program that is costing the County \$12.0 million a year. He thinks that in a lot of cases it provides adequate tax relief to those people who need it in order to maintain their farms and areas in rural character. He said it is an incentive to keep the land in that use. But, he does not think this proposal is being driven by the fact that the Board feels there is a lot of abuse. This is more attached to the Board's approval of an annual reassessment process and reorganization of Real Estate Department staff and the way they must deal with the land use program. Mr. Woodzell said it comes about from the fact that his staff will not be in the field on the same periodic basis as at present.

Mr. Boyd said he does not think Mr. Woodzell is worried that there are a lot of people abusing the system at this time. Mr. Woodzell said if staff checks on the program every 18 months now and there is the perception that there is abuse, if they only visit the property every three or four years, there could be a lot of parcels that look "bad" to some folks which is just a perception problem, probably not a reality.

Mr. Rooker said on paper it says the program costs the County \$13.0 million a year, but there may be cost savings from not having land held in land use develop. He asked for a second to the motion.

Mr. Boyd **seconded** the motion, which passed by the following recorded vote:

AYES: Mr. Dorrier, Mr. Rooker, Mr. Slutzky, Ms. Thomas, Mr. Wyant and Mr. Boyd.

NAYS: None.

(Note: At 4:05 p.m., the Board recessed and reconvened at 4:10 p.m.)

Agenda Item No. 24a. Fire/Rescue: Volunteer Funding Policy.

Mr. Dan Eggleston, Director, Fire/Rescue, said in the past the County provided to the volunteer fire and rescue system funds based on an equal distribution of funds to each volunteer fire and rescue station regardless of their actual expenses. In addition, volunteer stations could borrow funds from a \$1.0 million County funded, no-interest bearing account (on a first-come, first-service basis) to purchase apparatus, and on a limited basis, for building replacements/additions. While this method of providing funds was adequate for some volunteer stations, stations that responded to more emergency calls and had a larger volunteer staff found it difficult to operate with only those funds and relied on fundraising to meet their basic operational needs. As funding sources have proven to be inadequate for capital and operations, he has worked with the Advisory Board and staff to draft changes.

Mr. Eggleston presented the new proposed policy to the Board, noting that there are differences between staff's recommendation and that of the Advisory Board. The differences relate to funding of janitorial and lawn care services and apparatus titling/proceeds after sale. He said the Advisory Board wants annual maintenance costs of \$64,000 to be included in the budget. County staff does not feel these should be included as basic costs. Also, the Advisory Board believes the proceeds from the sale of apparatus should be returned to the stations for new equipment. That amounts to about \$25,000 each year. Staff feels that instead of those proceeds going back into the CIP Fund, a compromise would be to have that money go into a fund to address unmet and unscheduled needs throughout the year, for instance, tools and medical supplies. He said another issue related to apparatus is its titling. The policy recommended by the Advisory Board is that the apparatus be titled in the volunteer station's name. Standard business practices would indicate that if the County purchased the apparatus, the apparatus should be co-titled. During staff's research, it was discovered that Hanover County had a situation where a rescue squad sold an ambulance before the end of its useful life and the County had no influence over that sale. He said they title ambulances in the volunteer station's name and the proceeds go back to that volunteer station. Right now, Hanover is in the process of revising that policy. He said most localities title the apparatus in the County's name except for Spotsylvania which is co-titled. Staff understands this is an issue the volunteers feel strongly about; it is an issue of "pride in ownership." While staff understands that

issue, he will point out that there is a ladder truck stationed at Seminole Trail that is 100 percent titled in the County's name, and there is no evidence the truck is not being cared for by the volunteers. Staff wants to seek a point of compromise in this process, and that is why it is proposing a co-titling arrangement.

Mr. Dorrier asked if there have been problems having the fire trucks titled in the fire company's name. Mr. Eggleston said there have not been. At this time, the County has purchased three or more pieces of apparatus over the past few years.

Mr. Wyant asked if the County had received any of the proceeds when a piece of equipment was sold as surplus. Mr. Eggleston said he was not a County employee at the time that was done, so cannot answer that question.

Mr. Wyant said at the Advisory Committee's meeting he said the County did not want the company to be able to sell without its approval because the County had invested in that piece of equipment.

Mr. Davis said when the County had the loan program, a company needed to have the consent of the County before selling equipment prior to the end of its useful life. That was equipment being bought by the company which was using the proceeds of a loan from the County for the purchase. Now, it is totally County money being used to purchase the equipment.

Mr. Wyant said some members of the Committee talked about having a lien placed on the equipment by the County.

Mr. Davis said that is not an efficient option because there is no outstanding debt on which to place a lien. It could be done by agreement, but it would be very difficult to effectively enforce that agreement. He added that if the equipment is co-titled, the equipment could not be transferred without having the County sign off on it. This is not a unique situation as many other counties have this issue.

Mr. Rooker asked if there is another county in Virginia that pays 100 percent of the cost of the equipment and then titles it to somebody else. Mr. Eggleston replied that he is not aware of any other locality that does that.

Ms. Thomas said apparently the County adopted a policy last year where the vehicle would be titled to the fire company with an agreement that the county would need to give permission for the sale. Mr. Eggleston said that policy was adopted by the Advisory Board, not the Board of Supervisors.

Mr. Davis said the volunteers have flexibility about how to dispose of the equipment since they are a private entity, but the County can determine the best markets in which to sell. Typically, equipment/apparatus does not have much value so it is sold at auction; but, if the County were selling a fire truck, RFP's could be issued to an identified market to maximize the return.

Ms. Thomas asked where the proceeds from that sale go. She understands the companies would like to be able to use those proceeds in their best judgment and not have those proceeds returned directly to the County. Mr. Eggleston said the proposal is that the proceeds be used to upgrade above and beyond the specifications for the next purchase.

Mr. Rooker said under that proposal, the County would not be getting the money for the used vehicle being sold.

Mr. Wyant said if that vehicle is 20-years old, the County has received 20 years of service from those volunteers using that vehicle. He said one thing about volunteer companies is that they are composed of unique people. He is supportive of the volunteer system. He said that during parades, what they have to show off is their truck. This is where they talk about "pride of ownership" and it is that kind of issue with the companies. It may not mean much to the Board, but it means a lot to those volunteers.

Mr. Eggleston said staff understood that during the discussion so that is why they proposed co-titling versus 100 percent title. He mentioned again that at Seminole Trail there is no sign that they do not treat that aerial ladder (cost of \$1.0 million) any differently than the apparatus titled in their name. He thinks this is a good compromise and also applies some sound business practices. The last two pieces of apparatus bought cost more than one-half million dollars each.

Mr. Wyant said they were bought because of the needs in that station. He said at the Advisory Board meeting there was concern expressed that should another area grow, that apparatus would be moved to another station. That is not going to happen. The only piece of equipment that would be moved would be a reserve piece of equipment. When a piece of equipment is moved, another piece is brought in so they can continue to provide service out of that company. Mr. Eggleston said that is correct. The Advisory Board discussed the concept of rotating equipment in order to optimize its use. Staff recommended that not be done because it has committed to painting and labeling the apparatus to represent the department it serves because local identity means a lot to the volunteer system.

Mr. Tucker said co-titling would prevent the equipment from being moved to another location. Mr. Davis said it would protect the volunteers; they have an ownership interest that could not be transferred unilaterally by the County. One of the other issues is how the proceeds are split. Before a sale could be consummated on a piece of equipment, there would need to be an agreement between the County and the volunteers as to how that would happen. That may be something that needs to be worked out on a

case-by-case basis. If the volunteers put a significant amount of extras on a piece of equipment, that may be something they should get a return on it and would be separate from how the other funds would be applied

Mr. Dorrier asked if the co-titling would apply no matter the amount of money the County had put in. Mr. Eggleston said the County is now picking up 100 percent of the costs of both the apparatus and the equipment.

Mr. Boyd asked how insurance money would be split in the event of an accident. Mr. Eggleston said the County went through that situation, and those proceeds went toward the purchase of the replacement apparatus.

Mr. Rooker said the company would have to agree to the use of the proceeds if they were co-owners.

Mr. Wyant said that question came up because the company had used an interest-free loan from the County to make the purchase, and the County had relieved them of the total debt after the accident.

Mr. Boyd said since the County is probably paying the insurance premium, could the County be the sole loss-payee if they do not own the equipment. Mr. Eggleston said that was the situation in Crozet. The apparatus in question was titled in the volunteer department's name, but it was staff's position that since the County was paying the premiums the money should go into the base price of the truck, so staff was able to work it out in that manner.

Mr. Rooker said he thinks the compromise is a good plan where the vehicles are co-titled. Then, on resale, there is an understanding about the proceeds going into a fund which is used to buy additional equipment at that particular station. He said most urbanizing counties have the equipment titled to them outright. He does not think it is a good business practice to purchase an expensive piece of equipment and title it to someone else, so the co-titling seems to be a good option.

Ms. Thomas said co-titling allows timing of the sale to be something that both parties must agree to. Co-titling would allow the company to work on getting a good sales price, and at the same time the County could be using its network to get a good sales price. She asked how it could be codified that use of the proceeds would be determined on a case-by-case basis. Mr. Eggleston said if a department had put five percent into upgrading their apparatus, when it was sold, the company would take a pro-rata share of that additional equipment.

Mr. Rooker cautioned against these situations being handled on a case-by-case basis; that would turn everything into a negotiation, some of which could become heated. A reasonable policy needs to be adopted.

Mr. Dorrier asked what happens if there is a sharing of the costs between the County and the company.

Mr. Rooker said Mr. Eggleston just said that to the extent that they invest in it, they would get that percent of the sales proceeds back. Right now the County is buying the equipment, so is paying 100 percent.

Ms. Thomas said she thinks there is incentive value in the company knowing the proceeds will come back to benefit their company.

Mr. Slutzky said the proceeds of the sale could be shared with the company by definition if the equipment/apparatus were co-titled.

Mr. Rooker said there needs to be an agreement or policy in place saying what will happen when a piece of equipment is sold. Otherwise, every time something is sold it becomes a separate negotiation. A reasonable way to approach that would be to say the proceeds go into a fund which is then used to purchase additional equipment at that station. Mr. Eggleston said the proposal was that the proceeds go into a fund the entire system would share. There may be needs outside of that station where the funds would be used.

Mr. Rooker said considering the amounts received from re-sales, it might be wise to consider having those proceeds go back to the station so there is an incentive to care for the equipment and to maximum the value on the sale. If they have enhanced the value of the equipment in some way, they will share in that value. Mr. Davis mentioned that usually the equipment is being replaced by new equipment and the cost might be absorbed by the new equipment anyway.

Mr. Boyd asked to clarify that it all goes back to the fire station whose apparatus is being replaced and they have discretionary spending on the percentage they had contributed.

Ms. Thomas said she is arguing for something more generous, something where the company can see a more direct connection between the proceeds of the sale of that piece of equipment and the funds that come to their company.

Mr. Rooker said he is suggesting that it all go back to their company in a fund that is used for equipment for their company. He does not know how they could benefit more directly.

Mr. Slutzky asked if the volunteers put up 15 percent and the County puts up 85 percent, what happens then.

Mr. Rooker said they get their 15 percent back and it does not go into the fund.

Ms. Thomas said there is no incentive to sell the equipment for \$25,000 and buy new equipment that costs \$100,000, if your \$25,000 will be used to pay for that new equipment. They know that if the equipment had sold for \$10,000 that amount would go toward the \$100,000 so they get nothing for the extra care they took of that piece of equipment over the years.

Mr. Boyd said they would get \$3750 because they had put 15 percent in, so only the difference goes into buying the new truck at 100 percent and then they have \$3750 they can use to add equipment on this new truck; they want to have money to upgrade the basic apparatus the County buys.

Mr. Slutzky said that speaks to the money the company originally put in for "bells and whistles." He thinks Ms. Thomas is saying that over and above that they have invested extraordinary care which might yield a higher resale value and no way to honor that care has been found.

Mr. Wyant said they will claim that they take care of the equipment and keep the value of it, and it has a useful lifetime to sell off for another piece of equipment. The Board is not arguing about very many dollars.

Mr. Boyd said only if the dollars are from an insurance check.

Mr. Wyant said that is a different story.

Mr. Rooker said the County has come from a situation where the volunteers paid for their own equipment. Then the County started loaning the money for the equipment, and it was paid back over a period of time. Next, the County forgave the loans, and now the County is going to pay 100 percent of the equipment costs. He does not think there is a perfect system, but the Board needs to keep in mind that they are using taxpayer dollars to purchase the equipment, and to do anything other than to co-title at a minimum would be a mistake.

Mr. Dorrier wondered how this might affect contributions. Equipment purchase is attractive for community fundraising. Buying a fire truck is something people in the community get excited about and give money for.

Mr. Slutzky said they can raise money to support augmentations to the fire truck. They still have something to market to their community.

Mr. Rooker said he thinks the community would probably be glad for the County to pay 100 percent of the purchase. Let them use that fundraising money for other things.

Mr. Wyant said the County is better off buying the equipment than having total paid staff. The Board needs to do things to encourage volunteerism. The companies need to know the County supports them and they need to volunteer so the County does not have a huge Fire/Rescue budget.

Mr. Slutzky asked if Mr. Wyant feels co-titling is insufficient to give that signal.

Mr. Wyant said he has no problem with the co-titling because that gives both parties ownership; it is a marriage. That is what he is trying to create as the Board's liaison with the volunteers. There are responsibilities on both sides and the volunteers are very important to the County.

Mr. Tom Foley, Assistant County Executive, emphasized that staff is recommending that a policy be adopted so there will not have to be negotiation on every item. He said if a station upgraded an engine, that station should get back the amount of money they had spent without any question. That can be written in a policy. If the Board supports co-titling, how the rest of the proceeds will be used is the question. The volunteers have said they want that money so that beyond standard specifications they can upgrade the equipment as they see fit. Previously, the volunteers agreed they would use their own money to do that. As to the remainder of the proceeds (after giving back the 15 percent), the volunteers would like to use those funds to upgrade the equipment, but staff proposes putting that money into a system-wide fund to buy other things needed. He said the standard specification the County agreed to pay for included everything necessary and the tools to fully provide service in the community. The Board's decision is whether to allow that money to be used beyond the standard specifications.

Mr. Rooker said his inclination is to allow the fire companies to have the money to upgrade but to approve staff's recommendation for the janitorial service and lawn care component. Mr. Foley said staff is recommending that not be part of basic funding.

Mr. Wyant said that was in the old policy. Mr. Foley said the fire companies recommended that it be part of the basic funding and staff felt that was not appropriate. That is the disagreement.

Mr. Wyant asked if Mr. Rooker was suggesting that the fire companies have the funds for their next piece of equipment. They would then have to take care of this part through fundraising.

Mr. Rooker said it would have to be spent for upgrading the equipment. The one exception would be insurance proceeds which should come back to the County. He thinks it would be ill-advised to get into

a mode where insurance proceeds were not subject to the Board's discretion as to how they spent.

Mr. Foley said that can be written into the policy as an absolute.

Mr. Tucker asked if it would be easier if the Board took action first on the subject of co-titling, then take action on how to set up a policy of sharing the money, then take action on the recommendation about janitorial services.

Ms. Thomas said she thinks the Board is about to come to a consensus so she will try to put together a motion. She then **moved** that the equipment be co-titled, proceeds be used to upgrade the replacement equipment when the time comes except for insurance proceeds, and, the Board agrees that the County will not fund the janitorial or lawn care as a component of the operations.

Mr. Foley said a clarification is needed. The proceeds will be going to the volunteers to upgrade their engines if they choose to do that; there will be no negotiation on that.

Ms. Thomas said "**it will go**" and continued with the **motion**. She mentioned that the proportion of the cost of the vehicle that was directly related to input money from the company, that proportion will go directly to the company, so if they added five percent of the value of the vehicle originally, when the vehicle's life comes to an end, that five percent of the sale will go to them. The rest of the proceeds of the sale will go into upgrading that piece of equipment that otherwise is coming as a replacement.

Mr. Foley said that supports what the volunteers requested.

Mr. Wyant asked if Ms. Thomas was saying the five percent will go directly to the company to use at their discretion, and the rest of the proceeds will go to them for the upgrade of the new piece of equipment.

Ms. Thomas said "yes" except it won't go to them, but it will upgrade the piece of equipment. Mr. Foley said that is an upgrade beyond the standard specification.

Mr. Rooker asked if this is a public hearing item. Mr. Tucker said it is not, but he knows the chairman of the Advisory Committee is present and would like to speak.

Mr. Rooker said before voting, he thinks everyone understands the motion and he asked for a second. Mr. Slutzky **seconded** the motion.

Mr. Rooker asked for the Chairman of the Advisory Board, Chief Stevens, to speak.

Chief Stevens said he is Chair of the Advisory Board and Chief of the North Garden Volunteer Fire Company. He handed to the Board information dating back to 2003 that was given to the Board then. He said they appreciate everything County staff has been doing for the stations in the way of funding. He would like to speak about the question of titling. He said the companies thought the question of co-titling had been settled in 2003. When it gets to apparatus, there is a great deal of pride of ownership. Each department takes pride in what they have. He thinks they take better care of the equipment which they own. They also feel that through the mechanism of the independent companies they are able to gain better proceeds in sales to other fire departments. History has proven that. For some of the equipment sold at public auction, the County received about \$2,500 for one engine, and another engine, because of its poor value, was donated to the rescue squad for use as an extraction school. Crozet sold their engine for about \$25,000.

Chief Stevens said that North Garden's new engine is in Richmond being fitted for equipment, and the old engine is being sold for \$15,000. He emphasized that the station has a mechanism for making that sale that the County may not have. They are already looking at other upgrades. The sale of their old engine was for a new thermal-imaging camera. That camera costs \$14,000 and that amount would be added to the cost of the other tools on that engine. He said that piece is already titled to them, and it was used in a previous fundraising mechanism. It is a piece that is more than 20 years old. He said Crozet is dealing with replacement of their piece and they have already purchased a gas detector and are looking into buying a thermal-imaging camera, plus hoses which were not part of their equipment list. Those are direct enhancements for that piece of apparatus for that station and for the citizens of the County.

Chief Stevens said the volunteers are close to the particular needs of their locality. He said Crozet added an enhancement to their engine which they felt was important; that was a hose bed cover. That created debate with County staff as to the value added. To them, keeping the hose clean was important and is something they will be funding themselves. These enhancements make their lives easier. He said their sale of the apparatus allows them to have the funding to do those sorts of things. The ownership of the equipment allows them to take that extra pride. He knows staff has been working hard to create a model volunteer/career system in Albemarle County. In regard to having a model system, they cannot always follow what other localities do (he does respect the business approach used by staff). Sometimes the volunteers (over 400 strong) need to do something a little different. He thinks they are good stewards of tax dollars. They are dealing with very expensive equipment.

Chief Stevens said in regard to the janitorial services and lawn care, they are not talking about janitorial services in the bay areas of the station. They have meeting halls and classrooms, etc. and some of the services are not as simple as grabbing a broom and knocking dirt out of the way. They are talking about using a commercial cleaning company with floor buffers and sweepers, and that is a cost. He said some of the companies host classes countywide in their facility. They do not expect anyone to pay for

cleaning when they have fundraisers in their facility. For the basic operating of the station, this is a cost that has been in the plan year after year because it is a basic operating function. When it gets to lawn care, it depends on the type of building and the size of the lawn. Other County services are not asked to cut their own grass.

Mr. Dorrier asked if Chief Stevens agrees with the joint titling on the 100 percent purchase by the County. Chief Stevens responded that his concern with joint titling is how the station would be able to exercise the sale of equipment. He said there are limitations on how a sale is made. The equipment could not go to a private person in a sale but an independent department could do that.

Mr. Davis clarified that the County would have to have competition for a sale, but "theoretically that should enhance the value rather than decrease it."

Mr. Rooker said they would need to contact only one potential buyer. That should not affect their ability to sell based on what Mr. Davis said. The Board is basically supporting the idea that the money would go into a fund to be used for enhancement of equipment. Chief Stevens said the volunteers would like for those funds to come back to the individual fire department selling the piece of equipment. That is the incentive to take care of the equipment. The funds could then be used for the upgrades. He is concerned that there may be an extra burden making that sale and trying to get the most revenue from the sale possible.

Ms. Thomas said she understands her **motion** to say it would not impede the sale, a couple of people would have to participate, but if the volunteers can find a better buyer than the County can through its process, everybody's incentive would be to get the highest price.

Mr. Rooker said he does not think anyone would move independently, but would have a dialogue between staff and the fire station with the intention of getting the best price.

Mr. Boyd asked if under the new GAS-B regulations, the County has to depreciate its fixed assets. Mr. Tucker said "yes", on paper. Mr. Boyd said given the 20-year lifecycle of one of these things, will it have some kind of salvage value, or residual value. Mr. Davis said the fair market value would still apply, and from the County's standpoint the paper depreciation has no significance.

Mr. Boyd said he would like to know how much money would come back to the County, and over and above that how much money would go to an individual fire department.

Mr. Slutzky said if its useful life is over, it should have zero value.

Mr. Boyd said if that is the case, the County would get nothing back. Mr. Davis said that is not what is being proposed.

Mr. Rooker said that would be less advantageous to the fire company. He said the money would come back into a fund and the receipt would be allocated to the station for buying upgrades for their new equipment. He clarified that if the station had invested ten percent of its own money in the equipment, when it was sold, they would get that 10 percent back from the sale. The remainder would go into a fund that would be allocated for their use to do upgrades with respect to the equipment being purchased, or some other upgrade they are looking to make. That was Ms. Thomas' **motion**.

Ms. Thomas said that was correct.

Mr. Boyd said basically this says that all proceeds go back to the individual fire department to be used at its discretion. If that is true, why do this?

Mr. Rooker said the Board is making sure the money is used for upgrades associated with the new equipment. Mr. Davis said it goes back into an approved capital item.

Mr. Eggleston said he would like to note that the policy handed to the Board members by Chief Stevens was the same as what the Board had in draft form previously which was never voted on by the Advisory Board.

Mr. Rooker said this policy was never voted on by this Board either.

Mr. Foley said it was presented to the Board during the budget process to justify the 100 percent approach being taken; it was brought back because of these issues. He suggested that revisions be made to the policy and then placed on the Board's Consent Agenda for approval.

Mr. Dorrier asked if the Board had agreed that an agreement would be established stating that a vehicle will not be sold until the end of its useful life. Mr. Eggleston said that is part of the draft policy.

Ms. Thomas said that is handled by the co-titling situation.

Mr. Rooker said both the station and Board will have to agree that the equipment can be sold. If there is reason to sell it before the end of its useful life, both parties could agree to that decision.

Mr. Boyd asked if that will be put into written form. Mr. Foley said it will be in the form the Board has seen today, and then put on a Consent Agenda for the Board members to review and see if it agrees with what has been discussed today. If it does, it can be approved on that Consent Agenda.

Mr. Rooker asked if Mr. Foley was talking about the expense side, or the whole thing. Mr. Foley said the draft policy the Board has before it would amend those particular sections that have to do with today's discussion.

Mr. Wyant asked about the request for some janitorial services.

Ms. Thomas asked what the various companies do now. It is just part of having a building.

Mr. Wyant said he assumes they use their fundraising money. Should that be made a part of their operating expense?

Ms. Thomas said that was her **motion**.

Mr. Rooker said the Chief said there were certain things they expect to take care of and certain things they do not, and he does not know how to break those things down into an operating policy, but he thinks the Board could consider during the budget process allocating a specific amount to each station for janitorial services within its operating expenses.

Mr. Boyd suggested it be based on square footage of the building.

Ms. Thomas said it might be more advantageous for everyone if the County bought a piece of equipment that could be used by the various fire companies. She thinks it needs to be discussed.

Mr. Wyant said at budget time, he wants everybody treated fairly. This is the first year the County has asked for financial records from the companies. If the companies can live with what has been for this year, maybe something further can be done next budget session.

Mr. Dorrier said he does not want to have the volunteers react adversely to what the County is doing. He is worried that staff is not in agreement with the Advisory Board on this policy.

Mr. Foley emphasized that there have been a lot of positive changes in the way the County funds the system (15 to 100 percent capital, 100 percent operating, and all insurance premiums) and out of all that, the only outstanding issue is janitorial and lawn care. Staff has made its case, but if the Board wants to pay for that, it can be included with the other expenses. If the Board wants to wait, it will be left off the policy and it can be considered again in the future.

Mr. Boyd said the motion before the Board left it off.

Ms. Thomas said that was correct.

Mr. Boyd said he thinks the Board should vote one way or another on these expenses.

Mr. Rooker agreed. He said there is nothing to prevent the Board at a later time from allocating a certain amount for janitorial.

Mr. Wyant said working through this during the next year with the volunteers, he hopes the Board does not end up having these issues come to it. He has said to Mr. Foley and Mr. Eggleston that if the Advisory Board says one thing and staff says another, the Board members need to know that so the Board becomes the referee of the matter. Mr. Foley said they have made substantial progress. This was a huge issue which is now down to a small issue.

Ms. Thomas said she had made her motion, but next year the Board can discuss the janitorial request again if it remains an issue. Otherwise, they may have figured out a way to share equipment, or will have solved it.

Mr. Rooker said there had been a **motion** and a **second**. (Ms. Thomas had moved to co-title the equipment, that use of the proceeds [except for insurance proceeds] from the sale of the equipment go toward upgrade of the new replacement equipment; however, the portion of the proceeds related to the previous upgrade paid for solely by the volunteer company will be reimbursed directly to the volunteers to use at their discretion. The County will not fund the janitorial and lawn care as a component of the basic operations cost of the Volunteer Funding Policy). He asked for a roll call, and the motion passed by the following recorded vote:

AYES: Mr. Dorrier, Mr. Rooker, Mr. Slutzky, Ms. Thomas, Mr. Wyant and Mr. Boyd.

NAYS: None.

Agenda Item No. 24b. Fire/Rescue: Career Staffing at the Charlottesville-Albemarle Rescue Squad.

Mr. Eggleston reported that in July 2004, the Board approved hiring three Firefighter/ALS (Advanced Life Support) staff members to help staff an ambulance at the Charlottesville-Albemarle Rescue Squad for purposes of training and to help reduce response times to the northern Route 29 corridor. The proposal adopted by the Board said that once a new station was built in the northern portion of the County, these staff members would be relocated to help staff that station. While the plan was being

finalized, CARS offered additional staff to help during daytime hours. The extra person was then assigned to Stony Point Volunteer Fire Department to help address a staffing problem at that station.

Mr. Eggleston commented that the partnership with CARS worked very well; 13 new ALS providers were trained and are out working. Initially the staff which would have been jointly staffing an ambulance would have been placed at the Berkmar Station of CARS which is next door to Seminole Trail Volunteer Fire Department. Over time there was an increase in the number of calls in the urban ring so CARS decided to relocate that ambulance back to their McIntire Road station in order to be more centrally located. In addition, with the number of calls increasing, there were challenges with volunteer daytime staffing. As they looked at response times in the northern area it was learned that they were increasing taking 13 minutes on the average in the Hollymead District. They approached CARS about moving the ambulance to the north. They found that moving the ambulance north would help that situation but would hurt response times in the urban ring. They felt it would be best to keep that staff at the McIntire Road location and consider a more permanent location.

Mr. Eggleston clarified that there are two issues. First, the jointly staffed ambulance is used 25 percent of the time for calls in the City of Charlottesville. In order to address this situation, staff recommends that the County only fund its portion, or 75 percent. He said staff reached an agreement with CARS that 25 percent of the funding of this initiative would be withheld out of their annual allocation or donation to their department, and CARS agreed. Second, there is a budget impact associated with this move even though those people will be kept at CARS. The budget impact will be felt when the County hires staff for the new northern station because these people were to be moved to that northern station. He said staff is not asking for any action today. At this time, response times cannot be positively impacted in the northern area because there is more of a need in the urban ring to assist CARS with answering calls.

Mr. Boyd said he remembers that the original idea was to train people and then transition them into needed staff positions at the new station. Mr. Eggleston said there were two parts, training and help to reduce response times in the northern corridor. He said the training has worked well. From this partnership there are now 13+ additional trained medics.

Mr. Boyd said if these people are moved to the McIntire Station, for a temporary time the County will not meet some of its objectives for Route 29 North coverage. He asked if that is a temporary situation which will go away when the new station is completed. Unless there is worry about that interim time, he does not see any reason to make staffing changes. Mr. Eggleston said staff wanted to discuss this with the Board. They did not want to mislead them about the response time issue.

Mr. Slutzky asked the difference in response time from McIntire, with or without the equipment being housed there. Mr. Eggleston said if staff is removed from McIntire, the response times will go up in the urban ring because of the number of calls and the lack of daytime volunteers.

Mr. Rooker asked if there was any thought given to moving the temporary people to Seminole Trail. Mr. Eggleston said that would address the northern part of the urban ring, but response times in the southern urban ring (particularly in the Ivy Road area) and near Monticello, would suffer.

Mr. Rooker said originally these people were hired to be moved north, but if responses are taking 13 minutes to get to the Hollymead area, perhaps people need to be moved to the Seminole Trail station for the interim period rather than keeping them at McIntire. Mr. Eggleston said the call volume in the urban ring is much higher than in the Hollymead area. There is a high call volume in the Pantops area and the southeastern urban ring. He said from Berkmar Drive to Pantops and Westminster-Canterbury through traffic takes a long time.

Mr. Boyd asked the long-term plan for CARS when those people are permanently moved to Route 29 North. Will that create a problem in the urban ring again? Mr. Eggleston said the proposal is to keep them there permanently.

Mr. Boyd said additional people will be required.

Ms. Thomas said that is why he is making this report now.

Mr. Rooker said this was to be a temporary situation, but now it may become permanent. That means the County would hire at least two more people.

Mr. Wyant asked if the 13 people are volunteers or career staff. Mr. Eggleston said they are career staff.

Mr. Wyant asked if those people are at different stations, or just at CARS. Mr. Eggleston said the objective is to have an ALS person at each station.

Mr. Wyant asked if that objective is being met. Mr. Eggleston said it is being met on most days.

Mr. Tucker said he thinks CARS will probably go to the City and request funds to cover their 25 percent of the call volume.

Mr. Rooker asked if the City agrees to fund their 25 percent, will the County fund the 75 percent to keep those people there. That decision is not before the Board today. This report is only for informational purposes.

Agenda Item No. 25a. Community Development: Work Session on Five-Year Work Program.

Mr. Mark Graham, Director of Community Development, made a PowerPoint presentation for the Board. He said the Department has two main objectives: 1) enforcement of the County's ordinances in a courteous, consistent and prompt manner; and, 2) assisting the Board with its policies relating to land use. Priorities are really State and Federal mandates. Some of the things in the Comprehensive Plan are mandated under State law. He said Community Development also worked on the NPDES Stormwater Permit. Their primary function is ordinance enforcement and providing customer service. Then there are the policy initiatives the Board has been discussing. He showed a slide showing that there were over 23,000 building inspections, 3,400 zoning inspections, and 296 subdivision plats approved last year. There were 171 applications for ARB approval. They are trying to tie this work plan to the Strategic Plan and many strategies (completion of the Master Plan, the Water Supply Plan, the Integrated Water Resource Management Plan being done in coordination with the RWSA, the Rural Area Strategies, Strategies for Resource Protection, the Mountain Overlay District, a Riparian Buffer Program, Economic Vitality, Conservation Easements and Affordable Housing) must be coordinated with the Comprehensive Plan.

Mr. Graham presented some information on how time is spent in the Community Development Department. Seventy-five to 85 percent of their time is spent on ordinance enforcement and customer service, 15 to 25 percent being spent on Board initiatives such as master planning, ordinance changes and process improvements. He said there are many other things which are not in the work plan, the first of which is the Development Review Process Committee. No time or resources have been allocated for these items in their work plan. The Proffer Policy is another one that has no time allocated to it. Earlier the Board discussed the Rural Area (RA) policies which have not yet been prioritized. In 2005, when the Board considered the RA Strategies, one strategy which did not get scheduled was "Fiscal and Tax Tools." If staff is to look at land use as part of the RA Policy, they need to know how it will be included. He asked that the Board focus on the order for completion of the master plans which is a strategic plan initiative. Staff has prioritized some of these items but does not know if they are consistent with the Board's thinking. He noted that there are a lot of new efforts which impact the work plan, items such as: implementation of biodiversity in the development review process, green buildings, affordable housing, illegal signs, transit-ready development, expanded zoning enforcement, expanded public participation, and new committees. Today, the Board heard mention of a regional transportation organization to serve the community. He said that will probably require staff support from Community Development. Right now that is not in the work plan. He said staff will move to the next agenda item at this time.

Agenda Item No. 25b. Development Review Processes, Work Session (deferred from January 11, 2006).

Mr. Wayne Cilimberg, Director of Planning, said he would present a framework for the Board's discussion as it relates to creating a development review committee and considering other initiatives. He said the Board's directive has been to discourage growth in the rural areas and to focus it in the designated development areas. These are two very distinct areas, so in dealing with the development process, each has a very different set of circumstances and dynamics. The development area includes about five percent of the County and the rural area comprises 95 percent of the County. Staff must consider what can happen in the rural area based on conditions in those areas now and what can be anticipated based on the ordinances and policies in effect at this time. There are about 10,500 undeveloped rural area parcels in existence which is about a 40-year supply (that is based on 250 units a year). There are 52,000 potential rural area parcels that might be created based on existing zoning. Those are theoretical numbers, but rural area development is a by-right process, and people are getting their houses by either getting a building permit or as a result of ministerial actions such as subdivisions, rural divisions, or family divisions where there is minimal opportunity for discretionary decisions. These are basically granted as requested as long as ordinance provisions are met.

Mr. Cilimberg said staff is trying to address these impacts through:

- Planning Commission phasing and clustering recommendations (talking about how they would approach the ordinance in a public input process, which will be before the Board in May or June of this year).
- Mountain Overlay District Committee (MOD) recommendations regarding an ordinance will be before the Board between April and June of this year.

Mr. Cilimberg said the most significant developments through rezonings occur in the urban area. That is a very complex legislative act which currently involves review of 102 items. As an example of a project, the Biscuit Run rezoning proposes nearly 5,000 dwelling units as well as nonresidential uses and public facilities. There is a high level of analysis and public input and proffer negotiation that occurs with such a review. It presents greater opportunities for discretionary decisions in the process through the Planning Commission and the Board.

Mr. Cilimberg said at this time, resulting from that legislative process, there have been 4,000+ dwelling units proposed through rezonings over the last five years. With the rezoning requests presently under review, there is the potential for 7,000 or more dwelling units. Once those projects are rezoned, they go through a much simpler process of ministerial review, such as the subdivision site plan process such as what happens in the rural area.

Mr. Cilimberg said the Neighborhood Model Zoning Text Amendment is another initiative that could simplify the process in that it could reduce the need for rezonings. By-right a development has more flexibility and it could simplify some of the rezoning considerations. Staff has tried to get this work underway recently but it has to be factored into the larger future work program.

Ms. Lee Catlin, Community Relations Manager, said she will discuss public participation and how it fits into any kind of review or committee work the Board may want done. She will focus on the legislative process which is where most of the interest lies. She said it begins with an application being accepted and at that point a letter is sent to all adjacent owners and the project is listed in the zoning notice database. The application goes to staff for review and a comment period, and possibly a Planning Commission work session which is open with notice given to the public in some form. A public hearing date is set and the petition is advertised in the newspaper. A letter is again sent to adjacent landowners notifying them of the public hearing. A staff report is prepared and it is available to the public after distribution to the Commission. The Commission holds a public hearing and public comment is accepted.

Ms. Catlin said the Planning Commission makes a recommendation to the Board of Supervisors, and the Board has the option of holding a work session or not. Work sessions are open to the public and are noted to the public through the agenda. A public hearing is set, a notice appears in the newspaper, and a letter is again sent to adjacent landowners. She said a staff report is prepared and is made available to the public by request as well as being posted on the website with the agenda the Friday before the Wednesday meeting. She said the Board holds a public hearing and public comment is accepted. The Board makes a decision, and an action letter announcing that decision is prepared, distributed and posted to the website.

Ms. Catlin said a zoning notice database is kept of all applications and active projects showing their status including which staff member(s) is assigned to that project. Staff understands this database has not been very user-friendly up until now. There is going to be an entry page to this zoning notice base which will help people flag the projects which are of considerable public interest. For instance: Rivanna Village, Biscuit Run, Cascadia, Hollymead Town Center, North Pointe, Fontana will all be listed on the entry page along with a description. She said A-mail is being used as a tool for notification. There are online agendas and electronic staff reports. Public meetings with individuals or groups is a possibility as the bigger projects are reviewed. She said there is an E-mail notification list for new submittals. Finally, the web enhancement for CityView will give the ability for the public to come in and check on applications. At the end of this June, CityView will have the web-enabled portion functioning so people can do that checking online. They can do a fairly extensive search on the zoning notices database at this time, but CityView adds new possibilities in terms of people being able to track a project.

Mr. Graham said there were two work sessions last year where the development review processes were discussed. In June, the Board gave some directions on improvements to the ministerial processes, the legislative reviews, the possible consideration of a proffer policy and expediting Comprehensive Plan amendments. He said staff is working with the Planning Commission on the ministerial reviews. Staff has been working on the legislative review process which has to do with the use of deferrals, recognizing that deferrals are a problem with both the applicant and staff. It is not quite complete at this time.

Mr. Boyd asked who is working on that proposal. Mr. Graham said staff is taking the initial look at modifying the legislative process prior to involving anyone else. They have been working on it for many months.

Mr. Graham said with regard to the committee, staff has been puzzled as to what problems this committee would address. He emphasized the importance of the Board clarifying exactly what problems they are trying to address, and said "this fits quite neatly" into defining expectations at the start of the process.

Agenda Item No. 25c. Proffer Policy Update.

Mr. Graham explained that this policy was considered last year, and is represented today as an outline of what other localities have done with respect to proffer policies. In talking with others, staff learned that a proffer policy can be a time-consuming measure since there are many issues to consider. The biggest issue in Albemarle is what limitations it would put on development in the rural areas. If a cash proffer policy creates a significant financial burden on development area lots, the County would somehow be shifting some of that pressure into the rural areas. He said Fauquier County has an approach that is working for them, and Stafford County has an approach that does not seem to be working. Staff would like for the Board to discuss if it wants staff to work on this policy.

Mr. Rooker said the Board has discussed a proffer policy before. He thinks the Board needs to make a decision and give staff directions so this issue is not being continuously rehashed. He said to counter prevailing arguments about whether it should or should not be done as set out in the staff report staff listed a number of localities that have cash proffer policies.

Ms. Thomas and Mr. Wyant noted that Fauquier County is not on the list. Mr. Graham clarified that Fauquier's policy is one to restrict rural area development. Mr. Cilimberg said he got the Fauquier example while talking to their staff about what they do in their rural restrictions and how they undertake proffers in relation to that. He said a survey was done by staff which resulted in generation of that chart, but Fauquier was not part of that survey.

Mr. Rooker asked if they have a cash proffer policy. Mr. Cilimberg said "yes," they do use cash proffers. He said staff can get further information if that is requested by the Board.

Mr. Wyant asked why Stafford County's policy is not working well. Mr. Cilimberg said staff from Stafford County came here and talked with staff. Because Stafford has not adopted stricter rural area policies and ordinance provisions, they are seeing a shift of some residential development into areas where development can be by-right, rather than developers paying the high proffer costs. Mr. Tucker said their proffer costs are fairly high; \$22,000 for a single-family home. Mr. Cilimberg said instead of rezonings that result in residential paying that amount of money, the developers are looking into their rural areas for by-right development.

Mr. Boyd said he is confused about Chesterfield County because he went with staff to a presentation there. He thought they put a proffer policy together in months, not years. Mr. Graham said he found later from their staff that that was the process after they drafted their policy.

Mr. Boyd said staff had also talked to other localities who had taken it as a model so it could be implemented quickly. Mr. Graham said he was impressed with the policy adopted by Caroline County; they pulled theirs together in less than a year starting from ground zero. Mr. Tucker said the Richmond area had already adopted many policies which made it easier for other localities.

Mr. Boyd said other localities have already done a lot of work so Albemarle does not need to reforge, particularly with regard to legal aspects. Particularly Chesterfield since they have withstood two or three lawsuits on their policies.

Mr. Dorrier asked if the Board had been provided with a copy of the proffer statutes. Mr. Davis said they had not been provided. He said there are three different proffer enabling authorities, and one of them applies to fast-growing counties, which is the one under which Albemarle operates. It has a lot of restrictions, but it does not address a proffer policy; it only addresses the framework under which the County can accept cash proffers.

Mr. Dorrier said the Board could start by looking at that legislation to see what is required for implementation. He said the County is probably already doing it. Mr. Davis said a major part of being able to accept cash proffers is having a good CIP. Everything for which a cash proffer is accepted must be listed in an adopted CIP at the time the cash is actually accepted.

Mr. Rooker said the overriding question is whether or not to adopt as a matter of policy a cash proffer system. When the Board discussed this previously Board members were concerned that imposing cash proffers only on new zonings would result in forcing more development into the rural areas. Charging somebody seeking to rezone according to the Neighborhood Model while a piece of land beside his land could be developed by-right would penalize the person who is pursuing the County's goals and perhaps reward the landowner who does not.

Mr. Boyd said that situation already exists in the rural areas. It was said that in the rural areas only administrative approval is required. That is not the Neighborhood Model or anything.

Mr. Rooker said he is in favor of impact fees as opposed to cash proffers. Impact fees would fall evenly on every unit built. Most states have impact fees at the site plan level, but they are not enabled in Virginia. He said the question is what to do without having the enabling legislation. He is not arguing one way or the other, but he thinks the Board needs to make a decision and move forward to improve the system.

Mr. Dorrier said there is a relationship between the capital improvement projects and the proffers. He said the Board spends a lot of time talking about CIP projects, and many of the County's citizens are talking about infrastructure most of the time. They are demanding these improvements upfront. He thinks the Board needs to decide if it will try to get these improvements from developers through proffers, pay for them using taxpayer dollars, or ignore the problem.

Mr. Rooker said the County obtains proffers today, and has been working with developers when they seek a rezoning to get them to build infrastructure around their developments. The question is whether to quantify that and apply it on a per dwelling unit basis. He cited North Pointe as an example. Staff commented on the proffers, but even on the most recent draft submitted by the developer, there is a substantial amount of public infrastructure being proffered.

Mr. Dorrier said with a development that big, it seems to him that the Board should have some legislative discretion in dealing with it. There cannot be a "cooker cutter" design for every development. For some of the developments, there needs to be some give and take. North Pointe is a development that is large enough to require give and take.

Ms. Thomas said the County does not have to approve the rezoning at all. That is why she wanted the Board, months ago, to discuss this proffer policy. When the Board was dealing with amendments to the Subdivision ordinance, and she met with developers, there were two things that were "sticking out" from their point of view. One had to do with overlot grading. It was pulled and staff has been dealing with that issue separately. The other was the proffer policy. That took her by surprise because the Board did not have such a policy. The developers thought there was a proffer policy requiring them to pay \$3,000 per unit and that took her further by surprise. These developers told her that a member of this Board said that the last time there was a development before the Board; that the Board would henceforth require \$3,000 per unit. She said that was based on one rezoning and what was received on that rezoning from

that particular developer. She essentially wanted to have this discussion so the Board could tell the world it has no policy as opposed to setting the Board up for a process of getting a proffer policy. She thinks the Board should step back and ask whether it wants to have a proffer policy at all.

Mr. Boyd said he disagrees. He thinks the County has sort of a proffer policy. There is a statement saying a developer will contribute 15 percent affordable housing or equivalent cash. That is a policy.

Ms. Thomas said that has not been totally worked out.

Mr. Boyd said when a developer submits a plan and the County says it wants a school site, a park, green space, is that not a policy statement. Is the staff person assigned to that plan the one who decides what is needed and wanted?

Mr. Rooker said this proposed policy does not address anything mentioned by Mr. Boyd. The Board has the ability and the right to make judgments about the imposition of anything on a rezoning. The Board has a right to either vote for or against the development based on what the developer brings forward and to determine whether or not the combination of the change of the use of the land with the proffers being made are in the public interest. He agrees with Mr. Dorrier's analysis that it is not a "one size fits all" situation. He said the Board voted 4:2 in favor of the Affordable Housing amendment to the Comprehensive Plan. That amendment says that when a rezoning is requested, the Board will attempt to obtain 15 percent affordable housing units or some comparable contribution to affordable housing. He thought Mr. Boyd voted in favor of that amendment once that statement was added.

Mr. Boyd said he will vote for affordable housing, but he did not like that particular language.

Mr. Rooker said that is part of the Comprehensive Plan, so when considering rezonings, the Board should be considering things in the Plan. He said the Board has been trying to get affordable housing through combinations of units and cash, and whatever makes sense given the impacts of where the development is located, etc. That is a discretionary decision. Instead of maintaining that discretion, the question is whether the Board wants to require on a rezoning that a cash amount be paid for each household unit to be built. The Board can make that requirement only during approval of a rezoning petition.

Mr. Slutzky said he thinks a proffer policy will make sense at some future date. Out of deference to staff and the amount of work they are being requested to manage, he suggests that the Board decide today to shelve this discussion until the rural area aspects of the Comprehensive Plan are addressed and the process elements of approvals. He is worried about putting a dollar amount on a proffer for the two reasons Mr. Rooker mentioned. First, there is the inequality problem. He does not want to drive development out into the rural areas, and he believes that if a proffer policy is adopted now without some of the protections that will be contemplated for the rural areas there will be a disastrous fleeing of the development community into the rural areas. He is opposed to adopting such a policy now. If and when there are sufficient protections in the rural area to mitigate some of the market impact, he might be interested in looking at a proffer policy when it is felt to be appropriate. He thinks there are many other things that need to be done first.

Mr. Rooker agreed that is a wise idea. The Board has scores of things on the table. Most of those items have already been prioritized for staff.

Mr. Boyd said he agrees, and that makes a great segue into talking about the committee.

Mr. Davis asked the Board to clarify that it has reached a consensus on a formal cash proffer policy, but it is not saying it does not want cash proffers at all.

Mr. Slutzky said he is in favor of proffers, and he thinks the County needs to subtly signal intent the way it has been doing, without a formal policy. He is interested in affordable housing proffers, but thinks the Board should let the market dialogue play out as it has.

Mr. Davis said when there is a rezoning request before the Board, one way for a developer to address any identifiable impacts of the development is through a cash proffer.

Mr. Rooker said that could include building infrastructure or other things that make sense based on the impact of the development.

Mr. Tucker said the Board should not take the suggestions from other localities "in a vacuum." Those localities do not have the same land use policies as those in Albemarle. They do not have development area to direct growth into. They are allowing growth essentially wherever developers want to develop, and that development can "leapfrog" beyond their current line. That is a big difference. He thinks Mr. Slutzky was saying that until something is in place in the rural areas a policy might shift development in another direction.

Mr. Rooker asked if there is a consensus on this question. The Board members agreed.

Mr. Graham said he wanted to be sure he understood the Board's position. The proffer policy will be shelved, and the development work plan will come before the Board annually, and the proffer issue can be prioritized at that time.

Mr. Wyant said that many times the County gets 95 percent of what is suggested, but staff spends a lot of time trying to get the other five percent. He asked if staff has looked at its staffing and the time commitment to get that five percent. In looking at the work plan, he wonders where the workload can be made a little lighter and still achieve what is being achieved today. Mr. Graham said the work plan displayed today is only a snapshot in time. Every time a new initiative is introduced, or a new proposal brought forth, staff will have to look at this plan. Related to that, he mentioned a pie chart in the presentation earlier, and said the time staff has for Board initiatives is the time it is not spending on all of the other items listed. If the development review workload increases (projects such as Biscuit Run and North Pointe) their ability to work on other items is impacted. He noted that staff must deal with applications as they come forward.

Mr. Rooker asked if the Board members are agreeable to having a development review committee.

Mr. Boyd said he wants to first call this group a "task force." He would like to make a football analogy and will address growth. In the County's growth policy there is an offensive strategy (development in the growth area – create neighborhoods where people want to live) and a defensive strategy (clustering, phasing, mountaintop ordinance, etc. to protect the rural areas). He thinks coordinators are needed for both of these groups. He said the County should concentrate on the offensive aspect of it. There are a lot of things listed in the staff report, but he does not want to address all of those things. He wants to narrow that list down to the legislative process in the development area. He said there will be overlapping areas, but he does not want to look at policies for how to do that. He thought Ms. Catlin's step-through would be an ideal place to start. He wants to look at the ten to fifteen items and see if they are being done in the most efficient manner. He wants only a small group to look at the 102 steps and how to get a plan through the development process faster. He suggested having a small group because he thinks they could then be a task force and not a committee and it could be finished in six months.

Mr. Rooker said those are not really 102 steps, they are components of application review.

Mr. Boyd said he is talking about looking at the scheduling and the work flow from the day an application is filed until when it is approved.

Ms. Thomas said some months ago staff went through the whole process with the Board. Staff figured out where the greatest delays are, mainly deferrals, VDOT, Board decisions about citizen and neighborhood participation, and the level at which things go to the Planning Commission. She asked Mr. Boyd what he does not accept of the items received in the staff report. She said the Board was told that deferrals can be changed and staff is working on that. The County gives more notification to the public than most communities and that slows the process. VDOT response times are out of staff's hands and cause a slower process but might improve with recent recognition by the General Assembly of the land use-transportation link. Also, there are things which are regarded as being legislative instead of ministerial and the Board has the ability to change that. She does not know what a task force will come up with that will be different than what is already in front of the Board, and on which it has refused to make a decision on.

Mr. Boyd said the Board asked staff to make recommendations. Those recommendations were made in "a vacuum of staff", and were not based on discussion or interaction with the public to see what they thought about this plan.

Ms. Thomas said the staff's recommendation was based on the statistics of how things actually work.

Mr. Boyd said there was no interaction with developers. When the Board was working on when the final proffer statements have to be filed with the County, he sat through a session and heard a developer say "we will cut off our comments at a certain point if you will cut off your comments at the same time." He said Mr. Graham said staff could not do that.

Ms. Thomas said she would not agree that staff should do that, so maybe each Board member should comment on whether they want staff to have "their hands tied behind their backs."

Mr. Boyd said he wants the community to solve that problem.

Mr. Graham said staff was directed to work on legislative review process changes to reduce reliance on deferrals. Staff has been working on that change. That was to come back to the Blue Ridge Homebuilders and the Planning Commission. He said as an alternative to that, maybe this task force should work with staff on the changes to be considered in the legislative review process.

Mr. Boyd said that is exactly what he is talking about. He used as an example the Biscuit Run development. He understands it is already well under review; the developer has already had meetings in the community. He wishes staff had been at those meetings, given the size of the tract. He said by the time that request had gotten to staff there would have been a lot of collaboration. He is glad the developer is already involving the community. In the case of Rivanna Village, there is a dispute over parkland the community thinks the developer gave but actually it was staff that made a change regarding a school site and the type of parkland.

Mr. Rooker said that is not correct. He said this Board asked the School Board whether there was any prospect of having a school located on that site; the answer from the School Board has been

consistently “no.” The Board then asked staff for a recommendation about asking that land as public space. That was the recommendation. Staff did not make that decision.

Mr. Boyd said what staff did is okay; no school is needed there, but let's put a regional park there.

Ms. Thomas said it was the Board that said that, not staff.

Mr. Boyd said it does not make any difference. It turns out the Board never went back to the community and said it did not want to put a school on that site, but is going to do something else.

Mr. Rooker said at that time the property had not been rezoned; the use of that property is not changed until there is a rezoning.

Mr. Dorrier said the problem is that people in Rivanna Village think the County is doing something “behind their back”, and the developers in the room are saying they don't understand the County process. “Perception is reality in politics.”

Mr. Rooker said the Board has to do what is right for the County and not worry so much about politics. He said there was a report made by a committee called the LURC Committee (Land Use Regulations Committee), which was a committee similar to the one Mr. Boyd is calling a task force. They made a number of recommendations, all of which have been implemented.

Mr. Boyd said Item No. 3 in the report today is: “Develop a user-friendly brochure on all development processes.” He asked if there is such a brochure for the Neighborhood Model and the master planning.

Mr. Rooker said there is no difference between a Neighborhood Model rezoning and any other rezoning request. The steps would be the same.

Mr. Boyd asked why it has taken so many years to get to North Pointe.

Mr. Rooker said he thinks it is interesting that Mr. Boyd has brought up this subject. He does not recall Mr. Boyd ever voting against a development proposal.

Mr. Boyd said he has never voted opposite Mr. Rooker except for Wickham Pond.

Mr. Rooker said there have been several. When talking about the time period for North Pointe, there have been periods of six to eight months when the developer decided not to bring the project back. Ultimately if he does not bring back a project that members of the Board agree on, it will not be approved. He can take as long as he wants to try to keep coming back to ultimately produce a plan that everybody agrees on, or thinks is in the best interest of the community, something they want to vote on. Until he sees a plan that he thinks is in the best interest of the community, he will not vote in favor of it. Also, the time the developer wants to take to bring it forward is purely up to him. He said no one has held up North Pointe except the developer. He thinks that at one point he was waiting for an election to see if there might be a change of membership on this Board.

Mr. Slutzky said he is sympathetic with Mr. Boyd's task force proposal for two reasons. Over the next six or so months, there are two parallel tracks that he thinks the County should move forward on. One is to look in the rural areas at defense ideas. At the same time, let the task force do its thing. He thinks staff has done an excellent job considering where there may be opportunities to gain efficiencies. He is impressed with their recommendations, but thinks that unless there is buy-in in the marketplace, those ideas may be less effective than they could be. He said the task force can work to build a better strategy for the approval process while staff finishes its work between April and June on the other three defensive proposals for the rural areas. By bringing these two efforts together without staff being distracted by things like proffers, there will be a consensus of support from all elements of the community. If this work is successful, a lot will have been done for the County's efforts to preserve the rural area and have an intelligent pathway to growth in the growth areas. He recommends that the Board move forward in the truncated form that Mr. Boyd has described.

Mr. Rooker said he supports that, but he does not want to see another bureaucracy created that drags on and then makes recommendations that are similar to what staff has already brought forward. He thinks it can be frustrating to staff to make a number of recommendations as to how to improve the process, and for the Board to fail to act on them. He said this issue was brought to the Board last summer, and it did not take any action.

Mr. Dorrier said he does not think it should be just staff driven. There needs to be a task force of free, independent thinkers on it.

Mr. Graham said that neither he nor staff disagrees. The legislative review process needs to be improved. Reducing deferrals is not an objective. The deferrals reflect friction in the process. If a way is found to fix the deferrals, he thinks that will partially fix the process.

Mr. Rooker said that was recommended to the Board in the staff report of August, 2005. Bringing up the North Pointe developer, he believes that if the developer knew he had to bring forward a plan for a vote within a set period of time with proffers that were beneficial to the community, he would have done so. When he knows he has an indefinite period of time in which to have that decision made, he can take as long as he wants to negotiate whether or not he may or may not get enough support on his side. He is

in favor of streamlining the process and of having community support for doing that. He reminded the Board members that staff has made some recommendations that would streamline the process, especially by eliminating interminable deferrals. He said the recommendations staff has already made will sit on the sidelines while the committee moves forward.

Mr. Slutzky said he thinks staff's recommendations will be "front and center" in their discussion. He thinks they will be validated by that process or augmented in a favorable way.

Mr. Rooker said the Board could have voted on staff's recommendations four or five months ago, and according to staff that would have streamlined the process. If it is the sense of the Board to create a task force, he will support that idea, but the Board needs to realize it is creating additional work for staff to man this task force. Twenty-six meetings over a six month period of time have been discussed. The Board has talked about appointing people to the committee who may not have a great awareness of the process.

Mr. Boyd said he thinks the Board has to be very selective and get people who do know about the process.

Mr. Rooker said appointing someone from the Darden School has been mentioned, and he thinks it would be helpful to have that kind of viewpoint, but he thinks there is an education process for them to understand the parameters in which they are working.

Mr. Wyant said he supports this. He thinks that by going through the process, a lot of people will be educated by it. A lot of time people think there need to be changes in recommendations, but that is not necessarily so. It reaffirms what is presently being done but if this is not done, the Board will not know whether changes are necessary.

Mr. Rooker said it appears there is a consensus that the Board move forward with creating a task force. He asked if the Board wanted to talk about the particulars of who might serve, the goals and the priorities.

Ms. Catlin said she needs to get some guidance from the Board on several topics. First, how does the Board want to accomplish the rural area work? She said Mr. Slutzky suggested having it go forward with the understanding there are deadlines coming up, the Planning Commission needs to meet, and staff needs to make sure the Commission has the Board's direction that those timelines be met so it can come to the Board in the timeframe it sets. Second, the charge and the expected outcomes of the task force according to how Mr. Boyd refined it is the idea that it look at the legislative process in the development areas, and that the work staff has done so far could be the starting point for their work, and what they would bring back in six months would be their analysis, concurrence, suggestions, etc, about those suggestions and how they could be implemented.

Mr. Boyd said he wants to keep their work on the six-month timeframe.

Ms. Thomas asked if Mr. Boyd was including the master planning process, the rezoning, and the special use permits. Mr. Tucker said they are all legislative items.

Mr. Boyd said if that is all part of the process of getting a new Neighborhood Model, that is true.

Mr. Rooker said it depends on the area. There is no need for a master plan to have a rezoning.

Mr. Boyd said he understands that, but he thinks it is important for the Board to understand where master plans fit into that process.

Mr. Rooker said the Board could say it will not approve another rezoning until a master plan had been approved for that area. It has come before the Board before, but given the length of time master planning is going to take, the Board decided that would not be the approach of the Board.

Mr. Boyd said there are different types of master plans. Biscuit Run, in and of itself, is probably a master plan.

Ms. Catlin said that would be a rezoning which would fall within the category the Board has set up.

Mr. Slutzky said he does think there is any support on this Board to shut down development until master planning is completed.

Mr. Boyd said he did not say that.

Ms. Thomas said there is no support for anything on this Board. She is not in favor of this task force because the Board already knows what could be done to speed up the legislative process. The Board just does not have the political will to do it, so it is hiding behind appointing a task force. She said usually she is very much in favor of community committees and task forces. She is impressed with the people in the community and the hard work they put in on committees for things like mountain protection. However, in this case, the Board is fooling itself. It is putting tasks in front of staff that will take them away from things that the Board wants them to do, and the Board is doing it because it does not have the political will to take the actions that have already been laid out in front of it, actions it could take if the goal were to speed up the legislative process.

Mr. Boyd disagreed. He said there is only one side of political will. There is the political will that wants to involve the public in the process, and let them take a lot in what he considers to be a "mishmash" of things being called master planning and let them give their opinion on it, not on the master plan, but how it works and how the whole thing is connected.

Ms. Thomas said all of that is totally on the Board's shoulders; the Board knows how to deal with that, but it is not doing it.

Mr. Boyd said he wants public input.

Ms. Thomas said she thinks she is in the minority, so will let the process go forward.

Mr. Dorrier said he did not think the Board should rush into the verbiage of the task force at the last minute. The Board should spend at least a week developing that and bring it back on next week's agenda.

Ms. Catlin said staff got some good direction on what is out with the rural process being handled in a certain way. Some parameters were given about what is in which will allow the staff to come back with specific language.

Mr. Wyant said he thinks the Board is talking about efficiencies as opposed to streamlining.

Mr. Boyd said he does not want to sacrifice quality for efficiency. Hopefully, this task force can work through that.

Ms. Thomas said for the 12 years she has been a Board member she has tried to figure out the public's greatest frustrations with the Board's actions. Mostly, they are changes the Board has made in requests such as what it did with the road that was to go through Belvedere and its change in the Meadow Creek Parkway Phase II. There have been some decisions by the Zoning Administrator the public did not agree with. The Planning Commission has approved projects where the public did not like its location, and they were unhappy about that decision. There are ministerial acts the public thinks should be legislative acts, the biggest frustration seems to be with steep slope waivers. What this task force is being asked to do does not touch on many of the things the Board has talked about today.

Mr. Rooker said he agrees. The Board's policy of protecting the rural areas is hindered by the fact that development there is a matter of right; all a party has to do basically if file a plat and have it signed. Because 95 percent of the County is in the rural area, most of that area can be subdivided within County zoning limits as a matter of right.

Mr. Tucker said what staff needs from the Board today is clarification of the items staff should prioritize. What staff is hearing from the Board today is different from what it thought the Board said a few weeks ago. Are there items in the 2005-06 Work Plan that staff needs to delay? He asked Mr. Graham to comment.

Mr. Graham said if this new committee meets every other week and staff support is furnished, he will have pull some other process improvements and delay them. For example, work with the Planning Commission on ministerial review. He does not know how big of an issue that is for the Board.

Mr. Rooker said the Board is focusing only on the legislative review process. Since a lot of the review process is statutory and the statutes must be complied with. He asked if Mr. Graham was saying this can be done without having other work slip significantly.

Mr. Tucker asked if there are any work items in the FY 2005-06 Work Plan that would "give the Board pause" if they slipped for approximately six months. That would give staff some flexibility.

Mr. Slutzky said in advance of today's meeting, he looked at things which might be delayed. One is ordinance amendments which although they are important, they are not as urgent as other items. He also would not be uncomfortable letting the master planning exercises in Pantops Area "B" slip a little, or the Economic Development Fourth Quarter Update.

Ms. Thomas said she also came up with a few items which could be delayed, one of which is the Lighting Ordinance. She does not know what the problem is with the ordinance or why the Board needs to focus on that ordinance. The question of illegal signs in public rights-of-way would be a new thing.

Mr. Rooker mentioned an ordinance concerning "seasonal farm workers".

Ms. Thomas said that is a fairly specific, limited issue which she thinks could go forward. Mr. Graham said it is actually an application for a zoning text amendment by a citizen, so it has to go forward.

Ms. Thomas mentioned a study of fees and the proffer policy, which could be delayed. Mr. Graham said the fee study is usually tied to the budgeting process. There has not been a fee analysis for a while. Staff asked for funding of that study last year. It recognized that Albemarle's fees had not changed in quite some time.

Mr. Foley said some choices will have to be made on this work plan and that will take time and some analysis, so if that is one item which can be delayed, that would be good.

Mr. Rooker said he thinks it is important to know which staff people will be assigned to work with the task force. Mr. Tucker said when the details of the work the task force will perform are known, staff members can be identified.

Mr. Slutzky asked if that can be done by next week's meeting. Mr. Tucker said next week's meeting is going to be really long.

Mr. Dorrier asked that it be completed by the first meeting in March.

Mr. Rooker said his biggest concern is that it will delay the Board from taking action on some things which could streamline the process. He asked if the Board should advertise for appointees to a task force. Mr. Tucker said if that is what the Board wants to do, that process can begin immediately.

Mr. Dorrier said he is not sure these positions should be advertised.

Mr. Boyd said he reviews this as being a task force driven group, not a staff driven group. He is sympathetic to staff's time, and feels that with the exception of Ms. Catlin, staff does not need to be at the meetings.

Ms. Thomas said the Board has talked about this being an educational process.

Mr. Slutzky said he cannot imagine having meetings conducted without having staff present. Mr. Tucker staff will have to be present to answer questions.

Mr. Foley said he heard the Board say they wanted this committee to look at the work staff has already done to identify issues. That is clear, and he thinks that can be done with a reasonable amount of staff time. But, Mr. Boyd said he wanted to look at the efficiency of the process. That becomes a much bigger issue. The only way to look at the efficiency of the process is to educate folks on what the process is, evaluate the pieces of it, and pull it apart. That cannot be done without staff at least educating the committee on the process in the first place, and that's where the time-consuming part comes in.

Mr. Rooker said the other part is that it will not do the committee any good to debate things that are not legally permitted.

Mr. Boyd said everybody is misunderstanding what he is saying. He is not saying staff is not an integral part of this, but is saying that staff does not have to plan the agendas and staff does not have to decide what the next topic is. He views that as being up to the task force. There is the planning part of it, and when staff is needed to answer questions to educate us, to tell us how things work, to go through those 15 bullet points in the staff's report. He thinks they should go through every one of the steps in that process, but he does not want to say "this is what we have to do" and "this is the only way we can do it." He wants the task force to sit down with the community, and the developers, and other people, and say "here is our problem." "We have to do this legislatively," "we have to do this because the Board has told us this is what we need to do," "how can we do it in the most efficient manner?"

Mr. Foley said staff can plug in the education part for the committee as they lead the process along. That has to be plugged in so they know what they are looking at.

Mr. Boyd agreed.

Mr. Foley said staff can work with that. In the staff's report on the third page staff asked if this committee should look at the efficiency of the legislative review process and the Board said "yes." He said there are other questions on that page. The Board has said clearly that it wants to look at the public input process. That is a third item for this committee to look at. That is three items for them to study, should there be more or is that enough? He said staff can draft a charge to define those things better. There are other questions, one having to do with timelines. He asked if the Board wants to accelerate the review process. If there are other items on the list which the Board wants the committee to look at, drafting a clear charge is very important.

Mr. Slutzky said he found a few items which he feels are important: timeliness of review; quality of approved plan; clarity of expectations in the review; ease of review process; and, efficiency of the review process. That does not mean that he is disinterested in the other items, but to him these would be the priority items.

Mr. Foley said the Board, earlier tonight, mentioned the 102 items (From staff's report: At previous work sessions, staff pointed out that Board policy now requires the review of 102 separate issues as part of the standard review of rezoning and special permit proposals.). He said staff has considered those 102 items as things the Board wants it to look at, but are those 102 items on the table for this group to consider whether they should be reviewed or not.

Mr. Slutzky said he does not think the issue is "whether" but "how" they are reviewed. Right now there might be a spread of those across a group of people, and he wondered if staff had considered some kind of ombudsman or champion.

Mr. Foley said he understands the Board only wants to study efficiency on those items.

Mr. Dorrier said they need to look at interrelationships with other agencies.

Ms. Thomas said she thinks that is something staff is really good at, but it should be included.

Mr. Rooker asked if Mr. Slutzky had mentioned complexity of review. To know how long each component of a review takes is important.

Mr. Foley said he wanted to make a distinction; there are some policy questions the Board wants to review on a rezoning but staff will focus how to make that review more efficient. He said this will be a very involved review of what staff does. Albemarle's process looks at more than a lot of other localities.

Mr. Slutzky said he does not want the task force to scale back the 102 issues because they are in place for good reasons. He does not want to distract them with taking issue with any of those. It is only the process of implementation.

Mr. Rooker said he did not see any difference in "complexity of review" and "efficiency of the review process."

Mr. Boyd said he had highlighted on the list: public input process; clarity of expectations in the review; ease of the review process; efficiency of review process; and review process in the development areas (he struck the words "rural areas versus").

Mr. Foley said it was mentioned earlier that the Darden School might assist and the question about staff's role versus other assistance is an important one.

Mr. Boyd said he would like to work with staff putting the committee together. He is meeting with the Darden School representatives tomorrow to see if they wish to participate.

Mr. Slutzky said in deference to Darden, he is on the planning faculty at UVA and has a relationship with the Institute of Environmental Negotiations, so if the Board wanted to draw them in if the Darden School is not able to fit this into their schedule, he would be happy to talk to them.

Ms. Thomas suggested including Mr. Bruce Dotson, who was Chairman of the LURC Committee.

Mr. Slutzky and Mr. Rooker agreed with the suggestion.

Mr. Foley suggested that staff develop a scope of work for the committee. He thinks the Darden School, or someone else, will need to look at the scope of the work and decide on their involvement and the resources required. Staff could scope it as if it were an RFP so there is some clarity about what is being requested.

Mr. Rooker asked if Mr. Boyd was suggesting that someone from the Darden School be appointed to the committee, or the Darden School, maybe through a class, participate in the project?

Mr. Boyd said his original thought was to have the Darden School through a class do some of the legwork. He does not know if they will be willing to do that.

Mr. Slutzky said it does not fit in with the sequence of class activities. This semester is settled, and the next semester is in the fall. That will be a big impediment.

Mr. Rooker said the Darden School participated in a project like that for the League of Women Voters' on the structure of the Rivanna Water and Sewer Authority, and he suggested Mr. Boyd ask about the length of time it took and the outcome.

Mr. Foley said the learning curve on the complexity of this issue is significant, so it will take some real commitment to a project to understand where it starts in order to get efficiencies.

Mr. Graham said he heard Mr. Boyd volunteer to orchestrate this over the next month. He wants to be clear that staff should coordinate with Mr. Boyd as far as developing a draft charge for this task force to move forward and outline the scope.

Mr. Rooker said any draft should be circulated to everybody to look at, and then if they want to have input into it, they can.

Mr. Foley said staff will draft something and get it to the Board in order to get responses to it before including in on the agenda in March.

Ms. Catlin said in order to be sure staff keeps the parallel process going, it may be helpful for the Board to see what staff would require of other parties in the timeframe the Board wants to be in, whether it is the Mountaintop Protection Committee or the Planning Commission. That will help to narrow down where the Board expects them to be in certain times in order to get the work done. That will be a piece of this.

Mr. Davis asked if there is clarity about what will be delivered in that five to six month period. In looking at the work plan, it is basically a framework for how to go forward.

Mr. Graham said it was anticipated that working with the Planning Commission they will come up with an outline of what ordinance amendments would be brought forward in the future. Those

amendments would be brought to the Board to review. If they looked acceptable, staff will write the ordinance amendment and start it through the process.

Mr. Slutzky asked if a draft ordinance can be put through the public hearing process in six months. Mr. Graham said that would be ambitious to the point of being unrealistic.

Mr. Slutzky said he mentioned this because he thinks it is important that the recommendations of both sides in their final form be considered together. Mr. Graham said the question will be one of public participation. He anticipates that some proposals will be fairly controversial. Also, there may be public participation before a public hearing is held. If the issues are to be worked through some sort of public review process before having public hearings, six months is unrealistic.

Mr. Slutzky said if the task force recommends policy changes by the end of August, would it be unrealistic to have three proposed ordinances that had been through the appropriate vetting with the Planning Commission and the public by the Board's first meeting in September? Mr. Tucker said the Board must remember that this work will be going on in the summertime. People do not like for the Board to undertake major issues when they are on vacation.

Mr. Slutzky said these issues have been around for years. Mr. Tucker said not these proposed ordinances; nothing has been reduced to paper at this time.

Mr. Dorrier told Mr. Slutzky that he is new on the Board, and he thinks that if this work is rushed through with an artificial timeline, the final result may be hurt. He thinks it should take a life of its own within the constraints.

Mr. Slutzky said it will be difficult for him to support one side without the other. He thinks they are interconnected. If the Board were to come to a vote about how to accelerate the approval process in the growth areas without having three ordinances to slow down the development dynamic in the rural areas, he would have a hard time supporting that recommendation unless he could vote on all of them at the same time. He thinks there has been a struggle on this Board in the past with getting some things like rural protection in place because it is complicated politically. He thinks that if both sides get some relief from pressures, there might be a moment where the Board can accomplish all of it. He is wary of representing here that he would be expecting to support the recommendations of this task force without being able to also act on the other three.

Ms. Thomas asked if in September there is a recommendation from this task force, would that not be the same level as getting a recommendation from the Planning Commission on the three ordinances. Mr. Tucker responded that actual ordinances would not be ready in September for the efficiencies. There will be a framework of things to consider in developing an ordinance.

Mr. Slutzky asked if Mr. Tucker was talking about an ordinance on process improvements. He thought that on the process improvements, policies would suffice. He is raising this issue now so it does not come up as a surprise later.

Ms. Thomas said she thought there would be a recommendation from the task force parallel with getting a recommendation from the Planning Commission on the ordinances. She does not know if that is doable.

Mr. Cilimberg said what staff hopes to accomplish is reflected in the work program items shown in the April to June period (Planning Commission phasing and clustering recommendations and Mountain Overlay District committee recommendations) on three ordinances in a framework of bullets. He said it is not about ordinance language. He said the Board may be ahead of what it will get out of the task force on process. He thinks the public process on those three ordinances will take a longer time than the time the Board might need to implement the process improvement recommendations.

Mr. Davis said the process improvement recommendations will probably not involve ordinance changes, but will be Board policies.

Mr. Tucker said when the ordinances are developed, the Board will probably want more public input on certain things which in turn will necessitate more input on the ordinances, i.e., having the Farm Bureau and some others involved in the development of the ordinances, or review of the ordinances before the Planning Commission holds its public hearing.

Mr. Slutzky suggested that the four items, whether policies or ordinances, be linked during the public process so they can be considered in tandem. He thinks there is a danger in ending up with one item ready before the others because it would be politically problematic for the Board members. It would be better to consider them as a totality than individually.

Mr. Dorrier said what Mr. Slutzky mentioned is good, but is all theoretical. The Board is talking about a process in a vacuum. All want to improve the process, but if a goal is set without thinking about a plan to get there, that could be problematic. There already is a process right now. There is the Planning Commission, and planning staff, and a legislative process that comes before the Board. The question is what to do with what is already being done.

Mr. Slutzky said Mr. Dorrier is right, but he thinks everybody has recognized the need to revise that process so it is more efficient and more effective.

Mr. Dorrier said the task force is supposed to tell the Board how to make it more efficient.

Mr. Boyd said Mr. Dorrier is talking about two different things. The task force will be more about process and policy and procedure. The other has to do with ordinance changes; which is a lengthier process.

Mr. Davis said that once a concept is "nailed down" it is not difficult to write an ordinance. The concepts may be controversial. The Mountain Protection Ordinance is a more complicated ordinance to write, but he thinks it will be "nailed down" by the committee conceptually, so it won't be that difficult to create an ordinance. The clustering ordinance is more challenging because of the limitations the State Legislature has put on counties and everything has to be a ministerial, not appealable process. If the Planning Commission and the Board decide to have a carefully crafted ordinance that considers all issues that need to be considered in every clustering development that is a more complicated ordinance to write. It will have to be written including standards with a detailed checklist of things the Board wants staff to evaluate and require in every cluster development.

Mr. Rooker said it is not discretionary. Mr. Davis said that is right. Getting the three ordinances together for the Board's consideration at one time would require three different levels of effort.

Mr. Slutzky said he is less worried about clustering than he is about the phasing and the mountain protection. He feels those will be more controversial. He just wanted everyone to know that he needs to have all of these things linked. He will not tell his constituents that he has made it easier to develop in the growth areas and not done anything to protect the rural areas. It is not without good reason that his constituents think of these things as being interconnected.

Mr. Rooker said he agrees, but wants to be sure that when the Board is talking about it, it is not talking about aligning development in the development areas to meet the needs in the community less than the process now.

Mr. Slutzky said he does not want to soften the standards. He wants to improve the process to get to those standards.

Mr. Rooker said there has been sentiment on the Board in the past that when anything is done that involves development, the Board should bring in the Blue Ridge Homebuilders. He said they have an interest in the community, but they have an advocacy interest and he does not agree with the idea that the BRHA has to approve of every action of this Board that effects development in the development areas. If the Board takes that approach, it will end up with something that does less to protect the interests of the people in the development areas than is in place today.

Mr. Slutzky said Mr. Boyd has not proposed anything that would imply the Board would scale back on the rigorous standards. In fact, he said the 102 items are not open for discussion other than how they are implemented. He thinks it is a relevant point to raise.

Mr. Rooker said in the past it has been articulated here that the Board should not do anything affecting the development community that is not passed on 100 percent by the development community. He does not want to see this thing "going down a road" where the Board creates a table where particular interests are represented at that table which are not representative of the interests of the whole community.

Mr. Boyd said he did not know what Mr. Rooker was referring to. He believes the Board belongs to a community which involves a lot of people and those people have input into every project, and he will continuously seek input from the entire community, not just select groups.

Mr. Rooker said he does not want to hear that every action the Board takes that affects the development community has to be 100 percent bought off on by the development community.

Mr. Boyd said he never said that.

Mr. Rooker said it is in the minutes.

Ms. Catlin said she would like to help bring this conversation to a closure.

Mr. Wyant said it should have been done a half hour ago.

Ms. Catlin she understands that framework recommendations on the phasing, clustering and mountaintop protection, along with recommendations on process improvements from the task force, should be brought to the Board by September 1. She asked if that would get everybody to an "acceptable playing field on offensive defense?"

Mr. Slutzky said he does not think it does. He thought that between the April and June timeframe, the Board would get the rural area information and between then and September, the Board would go through the public input component of this exercise and be drafting on the ordinances. Even if not all three are ready by then this task would be further along then just a report.

Mr. Rooker said if the Board members want to bring everything forward at virtually the same time it could suspend acting on one item until the other items are ready to catch up.

Mr. Slutzky said "fair enough." He just wanted to have this on the table at the front end of the process.

Mr. Davis said that is helpful so staff can figure out the workload, because there is another layer of staff commitment after June which will be more intensive than what it takes to get it to June, particularly his staff.

Mr. Rooker said there was a Mountain Protection Ordinance drafted at one time. The time needed for drafting a new ordinance will depend on how different the new recommendations are.

Mr. Davis said when an ordinance has been drafted and the public input process begins, that is where it gets time intensive with all staff members involved because there is a tremendous level of inquiry from the public.

Mr. Rooker said there were several open houses held on the last mountain protection ordinance.

Mr. Cilimberg said the notification process is very involved. He reminded the Board that for the clustering and phasing, the Board had requested that the Planning Commission furnish it with a recommendation for the public process. Between April and June, there will not only be the points of a potential ordinance, but also the Commission's recommendation on that process.

Mr. Tucker said even if the Board never adopts anything, once the Board starts talking and getting serious about some of the major effects in the rural areas, there will be more and more rural subdivision activity occurring to get ahead of whatever ordinances are being proposed.

Mr. Slutzky said the market might help the Board now.

Mr. Tucker said he is just talking about subdividing. He is not saying anything will be sold or developed. This would be to plat the land, because once the land is platted, it is grandfathered.

Mr. Slutzky said there still comes a point when the Board has to move forward and confront those challenges.

Mr. Rooker said land use taxation is lost the day someone files a plat and that might give people pause for thought.

Ms. Thomas said she has met people whose grandfather did things in 1979 that they are still dealing with today, and it was done because of what was about to happen in 1980.

Mr. Davis said a number of people subdivided lots on the mountaintops when this discussion was held a few years ago. That is a direct consequence of this discussion.

Mr. Slutzky said it is, but if the Board wants to make the process of approvals in the growth areas more manageable for the development community, he is not convinced that will not offset some of that.

Mr. Rooker said if there were no further comments, the Board would go to the next agenda item.

Agenda Item No. 17. Closed Session. At 7:33 p.m., **motion** was offered by Mr. Slutzky 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; and, under Subsection (3) to discuss the acquisition of property for a public facility.

The motion was **seconded** by Mr. Boyd. Roll was called, and the motion passed by the following recorded vote:

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

Agenda Item No. 18. Certify Closed Session. At 8:36 p.m., the Board reconvened into open session.

Motion was immediately offered by Mr. Slutzky 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 Mr. Boyd. Roll was called, and the motion carried by the following recorded vote:

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

Agenda Item No. 19a. Appointments to Boards and Commissions.

Motion was offered by Mr. Boyd, to:

Reappoint Mr. Clarence Roberts, Mr. Stephen Smith, Ms. Dana Slater, Mr. Lloyd Wood, Jr. and Ms. Jewel Mason to Police Department Citizens Advisory Committee with said terms to expire March 5, 2008.

Appoint Mr. Robert F. Bossi to Public Recreational Facilities Authority with said term to expire December 13, 2008.

Appoint Mr. James P. Fitzgerald to serve the Housing Committee as the UVA representative for a term which will expire on December 31, 2008; he replaced Ms. Ida Lee Wooten.

Appoint Ms. Sally H. Thomas to the ACE Committee.

Appoint Mr. David Slutzky to the Agricultural & Forestal District Advisory Committee.

Reappoint Mr. Lindsay G. Dorrier, Jr. to the Audit Committee.

Appoint Mr. Dennis S. Rooker to the Audit Committee.

Reappoint Ms. Sally H. Thomas and Mr. David C. Wyant to the Building Committee.

Reappoint Mr. Dennis S. Rooker to the Charlottesville/Albemarle/UVA Planning & Coordination Council - Policy Committee.

Appoint Mr. Kenneth C. Boyd to the Charlottesville/Albemarle/UVA Planning & Coordination Council - Policy Committee.

Reappoint Mr. David C. Wyant to the Consortium of Chief Local Elected Officials for the Workforce Investment Act.

Reappoint Mr. Kenneth C. Boyd to the Darden Towe Memorial Park Committee.

Appoint Mr. David Slutzky to the Darden Towe Memorial Park Committee.

Appoint Mr. David C. Wyant to the Fire/Rescue Advisory Committee.

Appoint Kenneth C. Boyd to the Fiscal Impact Committee.

Appoint Mr. David Slutzky to the Hazardous Materials - Local Emergency Planning Committee.

Reappoint Ms. Sally H. Thomas to the High Growth Coalition.

Appoint Ms. Sally H. Thomas to the Historic Preservation Committee.

Reappoint Ms. Sally H Thomas to the Lewis & Clarke Exploratory Center Board.

Reappoint Mr. Lindsay G. Dorrier, Jr. to the Lewis & Clarke Exploratory Center Board.

Reappoint Ms. Dennis S. Rooker to the MPO Policy Committee.

Appoint Mr. David Slutzky to the MPO Policy Committee.

Reappoint Ms. Sally H. Thomas to the Mountain Overlay District Committee.

Reappoint Mr. Lindsay G. Dorrier, Jr. to the Police Department Citizens' Advisory Committee.

Reappoint Mr. David C. Wyant to the Thomas Jefferson Planning District Commission.

Reappoint Ms. Sally H. Thomas to the Thomas Jefferson Planning District Commission.

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

AYES: Mr. Dorrier, Mr. Rooker, Mr. Slutzky, Ms. Thomas, Mr. Wyant and Mr. Boyd.

NAYS: None.

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

Mr. Wyant asked if Crozet could have its own Architectural Review Board.

Ms. Thomas said Secretary Preston Bryant inquired about the amount of acreage in conservation easements in Albemarle County.

Ms. Thomas mentioned that there are a couple of bills before the General Assembly that affect land use powers.

Mr. Rooker discussed a letter from the City concerning the Meadow Creek Parkway.

Mr. Boyd asked the Clerk to put Committee Reports on the next agenda under "Matters Not Listed on the Agenda from the Board."

Agenda Item No. 27. Adjourn to February 8, 2006, 2:00 p.m., Meeting Room 235. At 8:55 p.m., with no further business to come before the Board, motion was offered by Mr. Boyd, seconded by Ms. Thomas, to adjourn this meeting to February 8, 2006.

Roll was called, and the motion passed by the recorded vote which follows:

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

Chairman

Approved by Board of County Supervisors
Date: 9-6-06 Initials: EWC