

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on February 7, 2007, at 10:00 a.m. (**Note:** Due to winter weather conditions, meeting time was delayed), in 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, Clerk, Ella W. Carey, and Senior Deputy Clerk, Meagan Hoy.

Agenda Item No. 1. The meeting was called to order at 10:01 a.m., by the Chairman, Mr. Boyd.

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

Agenda Item No. 4. Recognition: "Albemarle Citizens Safe and Protected."

Mr. Boyd said that a newly formed partnership – Albemarle Citizens Safe & Protected – has been established with the Commonwealth's Attorney, the Albemarle County Police Department, and the Albemarle County Department of Social Services to add an extra level of protection for elderly and disabled residents. He reported that this was initiated as part of the DSS strategic plan, and the police department and intends to ensure safe and protected citizenry through collaborative investigation. The partners feel that a formal collaborative approach would help with criminal protection and/or restitution for victims.

Mr. Boyd said that the partnership would focus on providing cross-training for staff in all three agencies, enhancing efforts aimed at aggressive criminal protection and civil action, increasing victim's access to services, and increasing community education and awareness about abuse, neglect, and exploitation of the disabled and elderly. He recognized Kathy Ralston from DSS and Lieutenant Greg Jenkins. Ms. Ralston introduced Lt. Jenkins and Tricia Czinsky as the drivers in this process, and commented on the involvement of Jim Camblos and Rick Moore. She also recognized David Cattell-Gordon, Sue Droston, and Phyllis Hatcher in the audience.

Not Docketed. Mr. Wyant asked if "Other Matters from the Board" could be moved to earlier in the Board's meetings.

Mr. Rooker commented that the best approach would be if there's something substantive that might require a motion, the Board member(s) should get it to the chairman or Mr. Tucker in advance so it can be added to the agenda. He said that if something is of such an urgent nature that it ca not be included beforehand, then it should be brought up at the beginning.

Mr. Slutzky agreed, adding that the Board may want to allow at least a half-hour for those things, as those items may be contentious or complex. He expressed concern about delaying a meeting.

Mr. Tucker stated that if it is a substantive item, it changes the timing for people who are addressing the meeting, especially in the case of public hearings.

Ms. Thomas commented that "government by surprise" is not worthy for this Board, and items should be put on the agenda, even on short notice.

Mr. Boyd said he was willing to try having Other Matters and things such as committee reports earlier in the agenda.

Mr. Rooker agreed, but added that there still should be some time saved at the end of the meeting for miscellaneous items.

Agenda Item No. 5. From the Public: Matters not listed for Public Hearing on the Agenda.

Ms. Mary Ann Doucette addressed the Board, stating that she is a former member of the Lee County Commission in Lee County, Florida. She said that county was experiencing similar growth problems that had an impact on infrastructure, and they adopted impact fees without state-enabling legislation to do so. She stated that none of the developers opposed impact fees because they felt the alternative would be moratoriums, so they supported them. She added that Petaluma, California was the first town to do this, encouraged the county to have staff look into their experience, and offered to help in the process.

Ms. Thomas pointed out that Virginia is a Dillon Rule state, so it must have legislation to enable imposing impact fees, but encouraged Ms. Doucette to contact legislators about this.

Ms. Doucette responded that she has contacted Rob Bell's office and would continue to pursue it.

Mr. Rooker noted that Albemarle has asked for impact fee legislation and adequate public facilities legislation every year since he has been in government, but year after year the legislation does not even get out of committee.

Ms. Liz Palmer addressed the Board, and invited them to attend the League of Women Voters Natural Resources Committee Annual Meeting on Tuesday, February 27th at noon at the Monticello Events Conference Center. She indicated that the topic would be: "Global Warming: How Should Local Governments Respond," with David Bowerman and Maurice Cox leading the discussion. She said that she was before the Board today to discuss Supervisor compensation, and emphasized that there needs to be enough to reflect the hours that the Board members spend researching and studying the impacts of their decisions on the community. Only the well-heeled can run for office. She added that middle-income individuals would be unable to run for office, and presented a list of supervisors' salaries from other counties, noting that Albemarle is behind. Ms. Palmer also suggested that the increase be effective at the end of their terms.

Mr. Jay Willard of the Blue Ridge Homebuilder's Association addressed the Board, thanking the county for their sponsorship of the Green Building Workshop. He said that there were about 30-40 builders who attended the workshop, and their next event would be a tour of Earthcraft homes in early June.

Agenda Item No. 6. Consent Agenda. Ms. Thomas **moved** to approve Items 6.1 through 6.8 and to accept the remaining items on the Consent Agenda as information. Mr. Rooker **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.

Item 6.1. Approval of Minutes: June 7, June 14 A/N, July 5, September 13 A/N and October 11 A/N, 2006.

Mr. Rooker said he had read his minutes, and they were in order with the exception of some small typographical errors.

Ms. Thomas said that she had read her minutes and they were very good.

By the recorded vote above, the minutes of July 6 and October 11, 2006 were approved as read. The remaining minutes were forwarded to the next agenda.

Item 6.2. Interlocal Agreement to Implement the Workforce Investment Act.

It was noted in the Executive Summary that Federal law and State policy impose extensive requirements on the composition of local workforce investment boards (LWIBs). While the criteria do not address a local board's size or composition by jurisdiction, they are exacting in requiring broad representation from a number of sectors (business, education, etc.).

When the Workforce Investment Act (WIA) program was first started, all jurisdictions signed an Interlocal Agreement that outlined the basic structure and responsibilities of all parties involved. This agreement was executed on December 21, 2000. It is specific in a number of areas, particularly about the number of business representatives from each jurisdiction involved. The Piedmont Workforce Council (PWC) recently voted to change the structure of the Board. However, approval of the member local governing bodies, including the Albemarle Board of Supervisors, is needed.

The proposed amendment would make several revisions to the existing Interlocal Agreement. Some of the most notable proposed revisions include:

- The Piedmont Workforce Council (PWC) would be substituted for the Consortium of Chief Local Elected Officers (CLEOs).
- The Piedmont Workforce Network Board (PWNB) would be substituted for the Workforce Investment Board (WIB).
- The proposed amended Agreement would require less geographical cross-representation, especially from the Rappahannock Planning District

Though not required, the original agreement apportioned representation by locality, based on 1997 population. That formula has been replaced by a more general standard determined by the PWC based upon the requirements of the Act. They wish to insure the most effective, regional participation in the WIA program by all participating jurisdictions, partners and businesses. The solicitation of nominations for Board members, once assigned to both Planning Districts, will now be handled exclusively by the TJPDC. Staff has reviewed the proposed amendment and finds it consistent with all applicable Federal and State law.

According to the Director of the Piedmont Workforce Network, the existing Interlocal Agreement has not and the amended Agreement would not obligate the County to any funding requirements. It sets

up the arrangement among the 11 member jurisdictions in relation to the application of the Workforce Investment Act (WIA) program in this area.

Staff recommends approval of the Inter-local Agreement to Implement the Workforce Investment Act.

By the recorded vote set out above, the Board authorized the Chairman to sign the Interlocal Agreement to implement the Workforce Investment Act, as set out below:

**INTERLOCAL AGREEMENT
to implement the
WORKFORCE INVESTMENT ACT**

The purpose of this agreement is to amend the Interlocal Agreement to Implement the Workforce Investment Act, dated 21 December 2000, which created a Consortium of Chief Elected Officers ("CLEOs"), to be called the Piedmont Workforce Council ("PWC"), and set forth the process, procedures, and responsibilities for implementing the Workforce Investment Act (WIA) in the City of Charlottesville and the Counties of Albemarle, Culpeper, Fauquier, Fluvanna, Greene, Louisa, Madison, Nelson, Orange, and Rappahannock. The WIA requires the PWC to take certain responsibilities and actions which are enumerated in this document and to form a working relationship with the Area 6 Local Workforce Investment Board ("LWIB"), to be called the Piedmont Workforce Network Board ("PWNB").

Area covered: The localities named above have been grouped together and approved as a WIA area by the Governor of Virginia.

PWC formed: By this agreement, the PWC forms a consortium for the purpose of implementing the tasks and performing the continuous oversight responsibilities set forth in the WIA.

Administration: The local governments have named the Thomas Jefferson Planning District Commission (TJPDC) as the administrator, working with the Rappahannock Rapidan Regional Commission (RRRC).

Grant recipient: The City of Charlottesville will be the grant recipient.

Fiscal Agent: The Thomas Jefferson Planning District will be the Fiscal Agent for WIB funds. The TJPDC will make monthly financial reports to the Consortium in writing. The audit will be conducted with the TJPDC audit according the requirements of all OMB and federal regulations.

Responsibility for use of funds and implementation of the WIA: Under the WIA, the final responsibility for use of the federal WIA funds and for carrying out the tasks set forth in the WIA rests with the PWC. The PWC shall enter into a contract with the TJPDC to perform certain tasks on behalf of the PWC. Liability insurance for the PWC will be provided out of the administrative funds. Prior to distribution of any funds under the WIA, the TJPDC will obtain such liability insurance naming each of the local governments and PWC members as additional insured. Coverage shall be no less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate. A certificate evidencing such insurance coverage shall be distributed to each of the PWC members at the inception of this Agreement.

Task One: Creation of the Piedmont Workforce Network Board ("PWNB")

Piedmont Workforce Network Board ("PWNB"): The activities of the WIA are carried out by the PWNB appointed by the PWC. The composition of the PWNB is mandated in the Act. The WIA requires 51% of the appointees be from private sector business and industry. The remaining 49% are mandated categories in the Act.

PWNB Membership: The membership of the PWNB is to be determined by the PWC based upon the requirements of the Act, and in an effort to insure the most effective regional participation in the WIA program by all participating jurisdictions, Partners and businesses. See Attachment 1 for current PWNB structure.

PWNB Appointment Process: The appointments to the PWNB are to be made by the PWC using the following process:

Business and Industry:

1. Letters will be sent to business and industry organizations soliciting nominations to the Board. This task will be the responsibility of the PWC, with the assistance of the TJPDC.
2. An advertisement will be placed in a paper of general circulation in the Piedmont Workforce Network – Virginia Workforce Area 6 ("PWN"), by TJPDC. The notice will include information on how to access a nomination form. . Persons may nominate themselves.
3. Completed nomination forms will be sent to TJPDC for distribution to the PWC. By law, the PWC must select from those nominated.

4. The PWC will select the number of business and industry appointments and their distribution throughout the PWN, based on a plan that has been adopted and approved by the PWC.

If a locality does not fill all its allocated business positions, the PWC may assign those positions to one or more other localities.

One-Stop Partners: The Act sets forth certain categories of representation, the One-Stop Partners. The following process will be used to appoint persons who meet these requirements:

1. Nominations will be sought from categorical organizations, set forth in the Act.
2. Nomination forms will be received at the TJPDC office.
3. The PWC will meet to prepare a slate of categorically mandated PWNB members.

Full Board Appointments:

1. The PWC will meet to affirm the categorical nominees and the business and industry nominees.
2. The TJPDC will prepare the Certification Form and submit to the State for the Governor's certification.

Vacancies: Vacancies will be filled using the same procedure.

Organization of the PWNB: It is the intent of the PWC to create the full PWNB which will represent all the localities. It is the desire of the PWC that committees be formed by the PWNB which will conduct planning and other activities to advise the PWNB in order that the distinct needs of all localities in the PWN be taken into consideration.

Organization of the PWC:

1. The PWC shall elect a Chair and Vice-Chair from its members. One officer shall be from each planning district.
2. The Vice-Chair will serve as the liaison between the PWC and the PWNB.
3. The Vice-Chair will serve as the liaison between the PWC and the One Stop Committee of the PWNB.
4. The Consortium will meet, as a body, at least quarterly, a quorum of >30% will be required for any action to be taken.
5. It will be the responsibility of each PWC member and the PWN staff to communicate the activities of the PWC and the PWNB to their respective governing bodies.

Collaboration with the PWNB

1. *The Plan:*

The PWNB will submit a Yearly Program Plan to the PWC for their concurrence. Concurrence will be a simple majority of the PWC present and voting.

2. *Budget:*

The PWNB budget will be submitted to the PWC for approval. Approval will be a simple majority of the members of the PWC present and voting.

3. *Quarterly meetings:*

The officers or Executive Committee of the PWNB will meet with the PWC at least quarterly for the purpose of updating the PWC on the activities and to seek advice from the PWC regarding the activities of the PWNB.

4. *One Stop Operator or System:*

The PWNB is charged with designating the One Stop operator or system, in cooperation with the PWC.

- A. The PWNB shall submit the criteria for the One Stop to the PWC for comment prior to selection of the One Stop operator.
- B. The selection of the One Stop operator will be ratified by the PWC by a simple majority of the PWC members present and voting.
- C. The Memorandum of Understanding establishing the One Stop will be presented to the PWC for their concurrence.
- D. Reports on the One Stop operation will be presented to the PWC on a quarterly basis.

5. *Youth Council:*

The PWNB is charged with appointing the Youth Council in cooperation with the PWC.

- A. The PWNB shall present the names of the Youth Council membership to the PWC for their concurrence prior to their actual appointment to the Council. The Youth Council membership will reflect the same regional representation as the PWNB.
- B. The Chair of the Youth Council or designated alternate will meet with the PWC on a quarterly basis.

Shared Liability Among PWC Members

While the City of Charlottesville is the Grant Recipient under this WIA Program (the "Program") all of the local governments named in this Agreement hereby agree to share equally any and all liability resulting from implementation of the Program.

Effective Dates of this Agreement:

This agreement shall take effect on the date of the last signature and shall remain in effect until the WIA is no longer in effect.

Amendment of the Agreement:

A majority vote of PWC is required to amend this agreement.

ATTACHMENT #1

Non-Business Members

Partners

Department of Rehabilitative Services (DRS)	1
There are 2 DRS offices in Area 6. Both offices will have ex-officio members on the Board; only one will have a vote – process to be determined by the offices.	
Department of Blind and Visually Impaired	1
Community Action Agencies	1
Title V	1
VEC	1
There are 2 VEC offices in Area 6. Both offices will have ex-officio members on the Board; only one will have a vote – process to be determined by the offices.	
Housing Authority	<u>1</u>
	6

Local Educational Entities

Community College	1
There are 3 Community Colleges in Area 6. All will have ex-officio members on the Board only one will have a vote – process to be determined by the colleges.	
Local School Administration	1
There are 11 school districts in Area 6. All will be ex-officio members on the Board; only one will have a vote – process to be determined by the Superintendents.	
Adult Education	<u>1</u>
There are 2 Adult Education Offices in Area 6. All will be ex-officio members on the Board, only one will have a vote – process to be determined by Directors	
	3

Labor (representative of Area 6)	2
----------------------------------	----------

Community Based Organizations

Chambers of Commerce	1
There are 7 Chambers of Commerce in Area 6. All will be ex-officio members of the Board, but only 1 will have a vote. All those involved will determine who votes.	
Other	<u>1</u>
	2

Economic Development

	2
There are 6 Economic Development Offices in Area 6 and a regional organization (Thomas Jefferson Partnership for Economic Development - TJPED). All will be ex-officio members of the Board, but only two will have a vote. All those involved will determine who votes.	

Total Non-Business Partners 15

Required Business Partners

There will be one (1) business representative from each County and the City of Charlottesville

One (1) additional business representative will be designated from Fauquier, Culpeper, Louisa and Albemarle County and the City of Charlottesville **5**

There will be three (3) "At Large" business representatives named by the Piedmont Workforce Council (an effort will be made to make these representative of Area 6 as a whole) These will be 1 year terms, with an automatic extension of 1 year if needed, used to bring expertise on to the Board to meet Board and Council strategic plan directives

3

Total Business Partners 19

Total Board **34**

Ex-Officio Members of the Board – can serve on committees:

- 1 DRS Office Representative
- 1 VEC Office Representative
- All Community Action Agencies in Area 6 (one to be designated as voting member)
- 2 Community College Representatives
- 10 Local School Board Representatives
- 5 Economic Development Representatives
- 2 Representatives of PD-9 and PD-10 Planning District Offices
- 6 Chambers of Commerce Representatives
- 1 Job Corps
- 1 Adult Education Directors

Chairs of the standing committees of the Board (if not already a member of the Board):

- Finance
- One Stop
- Certification
- Youth Council
- Marketing

Item 6.3. Resolution: VRTFP Grant for Rivanna Greenway Segment – Free Bridge Lane Connector.

It was noted in the Executive Summary that the Virginia Recreational Trails Fund Program is a reimbursement grant program established for the purpose of providing and maintaining recreational trails and trails-related facilities. It is funded through the Federal Highway Administration (FHWA), which establishes a program for allocating funds to the States for recreational trails and trail-related projects. The State agency responsible for administering the program in Virginia is the Department of Conservation and Recreation (DCR).

This project includes the construction of approximately 1600 feet of compacted crushed-stone trail creating an off-road connection between the existing trail in Darden Towe Park to the recently completed section of trail under Free Bridge which continues an additional 4200 feet downstream. The project also includes the construction of a 50-foot pedestrian bridge over an existing stormwater discharge culvert area which currently prevents a continuous off-road pedestrian connection. The estimated project cost is \$96,945. The grant program will provide successful applicants with reimbursement of 80 percent. The 20 percent matching cost will come from funds already appropriated for the development of the Rivanna Greenway.

This application package requires a resolution of support from the governing body. Greenways protect important and/or sensitive resources, provide recreational and educational opportunities, provide alternative transportation opportunities and provide an economic benefit. They therefore support all five goals of the strategic plan. If the grant application is approved, the County share of the total estimated project cost of \$96,945 would be \$19,389. The required County share would come from funds already appropriated for this purpose.

Staff recommends that the Board adopt a resolution authorizing the County Executive to provide the necessary materials, and to enter into such agreements as necessary to qualify for a VRTFP grant.

By the recorded vote set out above, the Board adopted the following resolution authorizing the County Executive to provide the necessary materials and to enter into such agreements as necessary to qualify for a VRTFP grant.

**RESOLUTION
FUNDING ASSISTANCE FOR
RECREATIONAL TRAILS AND TRAILS-RELATED FACILITIES
COUNTY OF ALBEMARLE**

WHEAREAS, the Virginia Recreational Trails Fund Program provides grant funds to assist political subdivisions of the Commonwealth of Virginia in providing and maintaining recreational trails and trails-related facilities; and

WHEREAS, the County of Albemarle desires to develop an accessible section of the Rivanna Greenway within Darden Towe Park along Free Bridge Lane connecting an existing trail section in the park with an existing trail section under Free Bridge and downstream; and

WHEREAS, the funding available from the Virginia Recreational Trails Fund Program is limited to 80% on projects totaling \$25,000 to \$125,000; and

WHEREAS, funding necessary in addition to the Virginia Recreational Trails Fund Program share to complete the project will be provided by the County of Albemarle.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Albemarle that the County Executive is hereby authorized to cause such information or materials as may be necessary to be provided to the Virginia Department of Conservation and Recreation and to enter into such agreements as may be necessary to permit formulation, approval and funding of the above described segment of the Rivanna Greenway.

AND BE IT FURTHER RESOLVED, that Albemarle County hereby agrees to accept all maintenance responsibilities, and keep this facility reasonably open for public use for the expected useful life of the project.

Item 6.4. Resolution to accept roads in Fontana Subdivision, Phase 3, into the State Secondary Road System.

At the request of Engineering Department, and by the recorded vote set out above, the Board adopted the following Resolution:

R E S O L U T I O N

WHEREAS, the street(s) in **Fontana Subdivision, Phase 3**, as described on the attached Additions Form AM-4.3 dated **February 7, 2007**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Fontana Subdivision, Phase 3**, as described on the attached Additions Form AM-4.3 dated **February 7, 2007**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

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

- 1) **Milton Village Lane (State Route 1126)** from Route 729 (Milton Road) to the end of the cul-de-sac, as shown on plat recorded 10/07/2001 in the office of the Clerk of the Circuit Court of Albemarle County in Deed Book 2089, page 288, with a 40-foot right-of-way width, for a length of 0.39 miles.

Total Mileage – 0.39

Item 6.5. Resolution to accept roads in Fontana Subdivision, Phase 4A, into the State Secondary Road System.

At the request of the Engineering Department and by the recorded vote set out above, the Board adopted the following Resolution:

R E S O L U T I O N

WHEREAS, the street(s) in **Fontana Subdivision, Phase 4A**, as described on the attached Additions Form AM-4.3 dated **February 7, 2007**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Fontana Subdivision, Phase 4A**, as described on the attached Additions Form AM-4.3 dated **February 7, 2007**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

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

- 1) **Aviano Way (State Route 1774)** from the intersection of Route 1771 (Verona Drive) to the cul-de-sac, as shown on plat recorded 07/14/2004 in the office of the Clerk of the Circuit Court of Albemarle County in Deed Book 2296, pages 120-130, with a 50-foot right-of-way width, for a length of 0.14 miles.

Total Mileage – 0.14

Item 6.6. Resolution to accept roads in Milton Village Subdivision into the State Secondary Road System.

At the request of the Engineering Department, and by the recorded vote set out above, the Board adopted the following Resolution:

R E S O L U T I O N

WHEREAS, the street(s) in **Milton Village Subdivision**, as described on the attached Additions Form AM-4.3 dated **February 7, 2007**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Milton Village Subdivision**, as described on the attached Additions Form AM-4.3 dated **February 7, 2007**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

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

- 1) **Milton Village Lane (State Route 1126)** from Route 729 (Milton Road) to the end of the cul-de-sac, as shown on plat recorded 10/07/2001 in the office of the Clerk of the Circuit Court of Albemarle County in Deed Book 2089, page 288, with a 40-foot right-of-way width, for a length of 0.39 miles.

Total Mileage – 0.39

Item 6.7. Joint Resolution Providing for the Implementation of the Comprehensive Community Corrections Act for Local Responsible Offenders, the Pretrial Services Act and the Establishment of the Thomas Jefferson Area Community Criminal Justice Board (TJACCJB).

The Board received the following letter from Patricia L. Smith, Executive Director of OAR/ Jefferson Area Community Corrections:

“As you are aware, we receive most of our funding for the Local Probation and Pretrial Programs through the Department of Criminal Justice Services (DCJS). We have been doing so since 1995 when the legislation entitled ‘Community Corrections Act for Local Responsible Offenders’ and the ‘Pretrial Services Act’ were adopted. As you also know, Albemarle County has graciously been serving as the fiscal agent for the 9 localities served by our program.

In addition to the services provided by OAR/Jefferson Area Community Corrections, each locality has participated in the Thomas Jefferson Area Community Criminal Justice Board. This is the Advisory Board that oversees local probation, pretrial services and public inebriate services.

Our programs recently were required to submit new Standard Operating Procedures (SOP’s) detailing our operation. We have completed those and provided them to DCJS. We recently were informed that they want updated resolutions by each locality participating. The request is being made due to the changes in the legislation and the need to keep the updates on file with DCJS. I am attaching a model resolution and ask that you adopt this at the earliest meeting possible. We would make every effort to attend the meeting when this resolution will be discussed to answer any question the Board of Supervisors may have.

I appreciate your assistance with this effort. I can also email you a copy that can be modified to address your locality. DCJS is requesting that we make every effort to have all of our participating localities be as uniform as possible in adopting the resolution.”

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

**JOINT RESOLUTION PROVIDING FOR THE IMPLEMENTATION
OF THE COMPREHENSIVE COMMUNITY CORRECTIONS ACT FOR LOCAL RESPONSIBLE
OFFENDERS, THE PRETRIAL SERVICES ACT AND THE
ESTABLISHMENT OF THE THOMAS JEFFERSON AREA COMMUNITY CRIMINAL JUSTICE
BOARD [TJACCJB]**

WHEREAS, the Virginia General Assembly has adopted legislation entitled the Comprehensive Community Corrections Act for Local Responsible Offenders, Article 9 (§ 9.1-173 et. seq.) of the Code of Virginia and the Pretrial Services Act, Article 5 (§ 19.2-152.2 et seq.) of the Code of Virginia, both of which were effective July 1, 1995; and

WHEREAS §§ 9.1-174 and 19.2-152.2 of the Code of Virginia require Albemarle and Nelson Counties and the City of Charlottesville that pursuant to § 53.1-82.1 were approved for a jail project to participate and establish services and in accordance with both Acts; and

WHEREAS the Counties of Fluvanna, Goochland, Greene, Louisa, Orange and Madison have elected to participate and establish services in accordance with both Acts; and

WHEREAS §§ 9.1-178 and 19.2-152.5 of the Code of Virginia require that each county and city establishing and operating community-based probation and pretrial services establish a Community Criminal Justice Board, and in the case of multi-jurisdictional efforts, that each jurisdiction mutually agree upon the number of appointments to said board.

BE IT THEREFORE RESOLVED that the County of Albemarle jointly agrees with the City of Charlottesville and the Counties of Greene, Nelson, Madison, Fluvanna, Louisa, Orange, and Goochland to implement the services and programs required by the Comprehensive Community Corrections Act for Local Responsible Offenders and the Pretrial Services Act with Albemarle County, pursuant to § 9.1-183, acting as the administrator and fiscal agent on behalf of the participating localities; and

BE IT FURTHER RESOLVED that Albemarle County, as administrator and fiscal agent shall establish local community-based probation services for all of the participating jurisdictions and for pretrial services for Albemarle, Charlottesville and Nelson pursuant to a contract with OAR/Jefferson Area Community Corrections, and for pretrial services for Fluvanna, Greene, Louisa, Madison and Orange Counties pursuant to a memorandum of understanding with the Central Virginia Regional Jail Board; and

BE IT FURTHER RESOLVED that the County of Albemarle jointly establishes the Thomas Jefferson Area Community Criminal Justice Board [TJACCJB], and that said board shall fulfill its responsibilities pursuant to § 9.1-180, and shall be composed of the following members pursuant to § 9.1-178 of the Code of Virginia:

- One representative of the governing bodies of each participating jurisdiction,
- A circuit court judge of any one of the participating jurisdictions as agreed upon by the judges to represent all circuit court judges,
- A judge of the general district court of any one of the participating jurisdictions as agreed upon by the judges to represent all general district court judges,
- A judge of the juvenile and domestic relations district court of any one of the participating jurisdictions as agreed upon by the judges to represent all juveniles and domestic relations district court judges,
- A chief magistrate,

- A Commonwealth's Attorney to represent all of the Commonwealth's Attorneys of the participating jurisdictions,
- An attorney experienced in the defense of criminal matters who is a current member of the Virginia State Bar, and a public defender, where applicable, each representing the participating localities,
- The administrator of the Albemarle/Charlottesville Regional Jail or the Central Virginia Regional Jail,
- A Sheriff of any county or city not served by a police department and a chief of police to represent all law enforcement agencies of the participating jurisdictions,
- A Community Services Board Administrator representing all agencies providing such services to participating jurisdictions,
- A representative of a local adult education agency representing all agencies providing such services to participating jurisdictions, and
- A director of a Department of Corrections Probation and Parole District Office serving and representing all of the participating jurisdictions.

BE IT FURTHER RESOLVED that this resolution supersedes and replaces all prior resolutions approved by the locality relating to the establishment of required services and the formation of the Thomas Jefferson Area Community Criminal Justice Board.

Item 6.8. FY 2007 Appropriation for Mountainside Senior Living Center **was received for information.**

It was noted in the Executive Summary that in 2002, the Jefferson Area Board for Aging (JABA) took over management of the Mountainside Senior Living Center as a limited partner. At that time, the County of Albemarle provided a grant of \$177,617 to assist Mountainside during its transition phase as it worked to become self-supporting. Funding requested by JABA at that time was to subsidize 30 County Auxiliary Grant recipients who lived at the facility until the private pay residents began to offset the costs.

In April 2003, due to unanticipated expenses that were not disclosed by the previous owner, as well as a delay in having the facility ready to accept private pay clients, JABA requested additional funding to operate the center. The Board supported JABA's request to provide \$12,500 per year for FY '04, FY '05 and FY '06.

Approximately two-thirds of the residents at Mountainside receive Auxiliary Grant (AG) support from the State. AGs are offered only to indigent individuals that reside in an assisted living facility. However, the State funding of \$982 per resident per month is not sufficient to cover JABA's expenses of \$1,600 per resident per month. As a result, JABA requested funding in the amount of \$50,450 for Mountainside during the budget development process for FY '07. At that time, the Board approved funding for Mountainside contingent on the receipt of a business plan.

JABA submitted a business plan to the County in April, 2006. After review of the business plan, County staff had several questions. After meetings with representatives from JABA, the County, and the City of Charlottesville, JABA submitted a revised business plan in December 2006 that addressed those questions.

When the County initially approved funding for Mountainside, it was with the understanding that Mountainside would eventually become self-sustaining and would not require ongoing support from the City and County. However, because funding from the State for AG residents is not adequate and plans to market to private pay residents has met with limited success, JABA feels they need ongoing assistance from the City and County to assure that AG beds are available to seniors in our community who are in the greatest need.

Because JABA is in compliance with the terms for providing funding for FY '07, staff recommends appropriating \$50,450 to Mountainside for the current fiscal year. This amount is included for Board consideration as part of today's FY '07 Budget Amendment. For future years, staff recommends that the Board carefully consider whether they want to provide ongoing support for assisted living.

Item 6.9. Copy of minutes of the Albemarle County Service Authority for September 2006, October 2006, November 2006 and December 2006, **were received as information.**

Item 6.10. Update on progress of the Scottsville Historic Streetscape Project **was received as information.**

The Board received the following letter from James P. Hogan, Chair, Quality of Life Committee, Scottsville Town Council:

"This is to provide you with an update on the progress of the Scottsville Historic Streetscape Project.

We really value your partnership and assistance towards completion of East Main Street for total closure of the project. To this end, we have applied for a 2007 TEA-21 grant to match the County's \$250,000 contribution.

In the enclosure you will find our vision and mission statements, current letters of support from Monticello, Preservation Piedmont, and the Piedmont Environmental Council; all of which support the completion of East Main Street, and progress of the project by week to date.

While projects of this nature almost always provide a more attractive result, the real value is in tourism and economic development, we have established a first hand relationship with the Virginia Tourism Council. They will take an active part in the 2007 Virginia Garden Week, which is centered in Albemarle County's Historic Scottsville.

In addition, we are about to embark on a branding and business building opportunity with a Community Development Block Grant from VDHCD. The marketing firm is Arnett Muldrow & Associates, who are currently working with Nelson and Amherst Counties.

With all the projects the Board of Supervisors are involved in, the Scottsville Historic Streetscape Project should serve as a very positive example of conservation, preservation and enhancement."

Item 6.11. Board-to-Board, Communications report of activities from the Albemarle County School Board, dated February 7, 2007, **was received as information.**

Agenda Item No. 7a. Transportation Matters: VDOT Monthly Report, and Agenda Item No. 7b. Transportation Matters not Listed on the Agenda were heard together.

Mr. Allan Sumpter, Residency Administrator, reported that VDOT has just begun to clear the secondary roads this morning. He said that on Route 20 there were two accidents that involved VDOT trucks which put them behind in snow removal.

Ms. Thomas asked Mr. Sumpter to report on what he learned about revenue-sharing money. Mr. Sumpter responded that there has been citizen concern about leaving the road to Ragged Mountain as rustic as possible, although it needs to be upgraded to accommodate equipment when the dam is being worked on. He said that he researched funding possibilities and found that it would be best to do the project as revenue-sharing and spot improvements, because if the road improvements become part of the regular six-year plan there would have to be design standards that would require paving and widening.

Ms. Thomas commented that the latter option would be very expensive, and Tom Frederick of RWSA said that their engineers would ensure that the dam would be designed so that the road could accommodate the transported materials.

Mr. Slutzky asked why the rate-payers that support the water project are not ultimately responsible for paying for the repairs.

Ms. Thomas replied that it would be a thorny issue as to who's paying for it, because there's a long segment of road that is city road, etc. It is going to be a good discussion.

Ms. Thomas asked about the light at Bellair Subdivision on Route 250 West. Mr. Sumpter replied that VDOT had received a lot of comments about that light. He said the light works on a regular program computer phase, and does not detect traffic as a normal signal would. They are in the process of planning an upgrade which will put a video camera detection system on it. He assured the Board that he is pushing engineering to get results.

Mr. Wyant commended VDOT on the great work they did last night during the wintry weather.

Mr. Wyant commented that he had received a petition concerning White Mountain Road which could benefit from some spot improvements, and VDOT is aware of this.

Mr. Wyant noted that Millington Bridge has had some improvements done to it. He is happy to see the alternative for Milton Bridge Road.

Mr. Wyant asked if the Jarman's Gap Road project would be phased. Mr. Sumpter responded that it would be, and a decision needs to be made as to whether to leave in the second phase or not.

Mr. Rooker said the residents of Canterbury Hills have been very pleased with VDOT's response to the litter problems there and thanked Mr. Sumpter.

Mr. Rooker said that Board members walked areas of Georgetown Road and he asked about the aerial photograph that is scheduled for the road. Mr. Sumpter stated that it is scheduled to be taken, but he would check on it, noting that the timeframes discussed are still on-target.

Mr. Slutzky mentioned a concern from a constituent regarding confusion in who has the right-of-way northbound on Greenbrier Drive as the roadway runs into Rio Road at Gasoline Alley. Mr. Sumpter said that area is being looked as part of the signal study on Rio Road.

Mr. Slutzky said several constituents in Dunlora have received notices from VDOT that their property will be taken, and they would like to see a map of the final road configuration for the Meadow Creek Parkway. Mr. Joel DeNunzio of VDOT said they created a map and sent it to the County on Friday. The map will be available on the website. VDOT will send a copy to Mr. Slutzky along with the date and time of the meeting with residents of Dunlora.

Mr. Boyd noted that on High Street and on Route 250 there are rubber barricades which have created a dangerous situation, especially during rush hour. Mr. Sumpter said that was done by the City. Mr. Tucker said he would have Mr. Jack Kelsey talk with the City regarding those bollards.

Ms. Thomas said that she had asked about litter pickup, and wondered if VDOT had had any problems with it.

Mr. Sumpter replied that it works similarly to the "Adopt A Highway" program, and people can contact the VDOT office, noting that Ms. Sherry Lawhorne is the coordinator of that program.

Mr. Rooker commented that north of Hydraulic Road on Route 29, a lane ends near Golden Corral and people tend to hit the curb because the lane appears to be continuous.

Agenda Item No. 8. Green Building/Sustainability Initiative, Status Report.

Mr. Sean Dougherty reported that the Board had given direction to staff to work with the community and generally expand the public's access to information on green building and sustainability. He said that the County worked with the City, the University, and the Downtown Design Center on a public outreach initiative. The County also had Earthcraft training at the County Office Building – hosted by the Blue Ridge Homebuilders Association. Mr. Dougherty said that the County is participating in the Earthcraft courthouse campaign, which works to reduce local government's use of energy and also enables them to access grants and fund more efficient equipment. He noted that the final direction from the Board was to amend the Comprehensive Plan in support of green building. He added that the Executive Summary included some draft language as to where the County might go with amendments – presented in three categories of items; those not affecting staff and budget, those that would have some impact, and those that would have a lot of impact.

Mr. Dougherty commented that staff is realizing that more information is needed about the ability to build, construct, design and manage the green buildings here, and what the impacts might be.

Ms. Sarah Temple addressed the Board, stating that the County joined Energy Star in December 2006, a joint program of the Department of Energy and the Environmental Protection Agency that encourages organizations to conserve energy. She said that the basic steps in the program are drafting and adopting an energy conservation policy, forming an energy management team, tracking current and past energy usage, and setting goals for future energy reduction. Ms. Temple indicated that the County is in the early phases, but hopes to reach the last two steps by the end of October 2007.

Ms. Temple said that staff's plan is to research cost-related information more in-depth, and there are certification options: self-certification, involving the county establishing its own green building standards which may be less credible to stakeholders; and LEED, which is promoted by the U.S. Green Building Council and internationally recognized. She emphasized that the sustainable or high-performance buildings are designed to pay for themselves over time through reduced operational costs. Ms. Temple mentioned several area buildings that will be LEED certified, and U.Va. has adopted new sustainability standards approving LEED certification for all building design and construction.

Ms. Temple noted that there are bills currently under consideration in the General Assembly, including one requiring LEED Silver certification for all new state building and renovation projects. She commented that the costs could be broken down into hard costs, including minimal fees for project registration and certification, and soft costs, such as design-related costs and project documentation/application. Ms. Temple noted that soft costs are hard to predict, but between 1 and 3 percent of project cost is needed to achieve basic LEED certification.

Mr. Dougherty said that staff has done some research on potential energy sources. They found that if 35 percent of Crozet Library's energy came from wind, it would only cost \$663 per year, saving emissions equivalent to taking 18 cars off the road. He added that the next steps would be to go to the Planning Commission for a worksession, gather more information on the Crozet project, and devise a Comprehensive Plan Amendment stemming from the worksession.

In response to Mr. Rooker's question regarding solar panels and thin panels for roofing, Mr. Dougherty noted that when the program for the library becomes clearer, the Board could give some direction as to design elements such as energy-efficient paneling.

Mr. Wyant stated that Crozet residents are supportive of such measures, and he would not like to have to wait for 10 years or more.

Mr. Boyd commented that he is pleased to see that organizations such as BRHA are behind implementing green and sustainable building measures, but he is not necessarily interested in working through Comprehensive Plan changes and the County staff Work Plan.

Mr. Slutzky responded that the Board could pass already existing model legislation, and requiring LEED certification is not a huge time-drain on staff. He added that making a decision and passing an ordinance are not particularly time-consuming.

Ms. Thomas commented that there is limited amount that local government can do without the schools, so if it is going to be pursued it should be put on an agenda with them soon. She added that there is research that shows that daylighting improves students' learning capability.

Mr. Dougherty said that even if there is a 3 percent up-front cost for the LEED buildings, there are long-term savings that end up paying for the cost difference.

Mr. Boyd asked what it would take to re-price the \$100 million cost for school buildings.

Mr. Rooker commented that it sounds like the Board seems willing to look at certification as a goal, and staff has already worked cooperatively with builders and developers to forward the concept of LEED certification. The more the public is engaged, and the more they become aware of the value of going in this direction, the more the consumers will demand it. He thinks the builders are recognizing that this is something of value that may set them apart from other builders. He emphasized that the Board should focus on achieving concrete results from the time, effort, and money spent, not so much on the process.

Mr. Boyd commented that he is not convinced that government needs to step in and tell organizations such as BRHA that they can do it better.

Mr. Slutzky noted that the County does not want to stifle any builder's unique development of their own process or certification, and emphasized the importance of viewing the benefits that are not readily monetized.

Mr. Rooker mentioned that the California Sustainable Building Task Force found a payback of 10 times the initial investment of \$100,000 to incorporate green-building features, and turned into a million-dollar savings over 20 years.

Mr. Dougherty stated that there would likely be cost differences between building in Palo Alto, California versus Lynchburg, Virginia. He also said that the professionals – such as architects and engineers – need to integrate to achieve the best and most efficient possible product. Those professionals are here, but we do not have a lot of buildings that are built; we can only reference 14 that are certified in the state.

Ms. Temple added that the integrated design process is really paramount to the success of this whole thing.

Mr. Dougherty also said that this ties in well to value engineering, unless the green components are cut to save costs.

Mr. Slutzky pointed out that when he got LEED certification for his office space, they would have received comparable credit points to upgrade a \$45,000 HVAC system to geothermal, versus spending less money on putting bike racks in. He said that value-engineering might unwittingly undermine the goal as they are different strategies. He added that the National Landscape Architecture Organization is contemplating creating an equivalent to the LEED standard, but where the building envelope is taken in context with geographic considerations.

Mr. Rooker noted that some common sense things might not necessarily be on the checklist for certification, and the things that are presented by staff that impose little impact to budget and staff time should be pursued. Mr. Rooker also said that if projects such as the Crozet Library are going to include LEED certification, then staff should go ahead and know that so that elements can be worked into the project.

Ms. Thomas mentioned that the Crozet Library architecture firm does have a LEED-certified architect on the project team. She also noted that the current ordinance does not require green building standards above and beyond regular requirements.

Mr. Rooker commented that more builders want to do these things because customers want them, adding that he does not know to what extent the County wants to interject themselves into the process. He said that on the public side, there should be emphasis on education and working with the development community, such as getting certifications.

Mr. Dougherty indicated that there is a liaison with the Blue Ridge Homebuilders and they have gone to the Green Building Committee.

Mr. Tucker suggested that staff move forward with some of these ideas and bring them back, adding that he is hearing a consensus from the Board to move forward on County building projects to include Green Building initiatives and follow LEED certification, subject to funding and the financial review.

Ms. Thomas said that other goals might override LEED – such as finding sites that will allow for walkable distances to school.

Mr. Dorrier stated that if the cost differential is over three percent, he feels that it should be reviewed. Mr. Boyd responded that it would be reviewed anyway.

Agenda Item No. 9. FY 2005-06 Comprehensive Annual Financial Report (CAFR).

Mr. Dorrier reported that this is the annual audit as prepared by Jack Farmer of Farmer, Robinson & Cox and Richard Wiggins from the County. He indicated that he, Mr. Boyd, Roxanne White, and a School Board member serve on the review board and publish an annual report each year. Mr. Dorrier stated that this year three improvements were recommended: dealing with child nutrition, reconciling Excel workbooks with the County, and review of inter-fund transfer processes. He said that these are minor errors, and everything else is exemplary. Mr. Dorrier stated that education is the largest item, and 42 percent is available for spending as undesignated fund balance, with \$25.0 million this year (\$12.0 million assigned for future capital projects by the Board and \$13.0 million to go in a rainy day fund.)

Mr. Farmer stated that the financial statements have been give a clean opinion, and the audit was conducted in accordance with government audit standards and single auditing standards to ensure compliance with federal programs.

Mr. Rooker commented that he reads the statement as saying the assets (cash and investments) were \$18.0 million, and \$10 million was due from other governments. You really did not have \$25.0 million sitting in the bank. You had \$18.0 million sitting in the bank. He emphasized that those fund balances are not really money that's available to spend in current operations.

Mr. Farmer explained that it is the county's net working capital.

Mr. Dorrier **moved** to accept the 2005-06 Comprehensive Annual Financial Report, as presented. Mr. Rooker **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. 11. FY 2006 Department of Social Services Annual Report.

Ms. Brenda Daniel, outgoing chair of the Social Services Advisory Board, addressed the Board. She introduced former board member Lincoln Lewis and Sonja Jamies, who helped developed the report, and Kathy Ralston. Ms. Daniel acknowledged and thanked Roxanne White, who serves as liaison with the county. She said that in 2006, they were able to get "Friends of DSS" up and running, and they held one meeting prior to the General Assembly and one after the session. Ms. Daniel said that they serve as advocates for the department.

She explained that the timelines for processing Medicaid applications had a drastic increase from 2005 to 2006, and the department has met or exceeded goals in almost every area. Ms. Daniel added that the advisory board is aware of shortfalls, and the department believes they are due in large part to staffing shortages and increasing caseloads. She noted that the department has worked to form partnerships with other community agencies and individuals to pool resources and manpower, with several examples highlighted in the report. Ms. Daniel said that DSS gets support from Albemarle County but also leverages funds from other sources, for instance: \$64 million from state and federal programs in 2006.

Mr. Rooker asked how many total foster care placements occur in a typical year.

Ms. Daniel responded that there were 44 new foster care cases in 2006, with 39 of those requiring specialized placement for children with more intensive needs.

Ms. Ralston pointed out that specialized placements usually refer to older children and children who are more troubled. Once they hit three placements, the goal is not met, affecting the statistics related to meeting goals. She noted that when the goal is not met statewide, there are usually sanctions, and Virginia is on the verge of having to pay a federal sanction because of that. None of us are meeting these goals because they are just too challenging. Ms. Ralston mentioned that there have been legal changes in the juvenile justice system, meaning that some kids can only receive services if they come into foster care through the CSA system.

Ms. Thomas commented that it's marvelous that all eligible children have been enrolled in Medicaid, but it's terrible that there are 100 families on the waiting list for child care services.

In response to Mr. Rooker's question, Ms. Ralston pointed out that this is the first time there has been a waiting list in seven years, and prior to losing about \$250,000 in match funding, they were meeting goals.

Mr. Rooker commented that the welfare-to-work program does not work very well if you do not have child care.

Agenda Item No. 12. Bright Stars Annual Report.

Ms. Charity Hanes presented the Bright Stars Program report to the Board. She recognized Eileen Hilton, family coordinator at Greer; Terry Higgins, family coordinator at Stone Robinson; Mary Stevens, family coordinator at Scottsville; John Freeman, Assistant Director of Social Services; Kathy Ralston, Director of Social Services; and Roxanne White. Ms. Hanes emphasized the success of the program, noting that teachers in kindergarten and 1st grade indicate that these children are well-prepared for school. She said that in the fall of 2005, only 24 percent of children entering the Bright Stars class were able to pass or exceed the benchmark range necessary to be successful in kindergarten; when they were reassessed in May, 80 percent of them reached or exceeded the benchmark range. Ms. Hanes said that this year, when kindergarten students were assessed in language and literacy, 88 percent were able to reach or exceed benchmark goals. She said that prevention programs like Bright Stars aim to enhance the quality of life for children and families who are enrolled. They wish to increase their ability to be self-sufficient, access healthcare, qualify for adequate housing, create safe and stable living environments, prepare for employment opportunities that offer benefits and a career ladder, and engage in recreational and leisure time activities as well as think about lifelong learning activities.

Ms. Hanes added that in 2006, 90 to 100 percent of Bright Stars children were enrolled in either a public or private health insurance plan, so that they were not relying on costly services of hospital emergency rooms. These services were often facilitated by Bright Stars coordinators. She added that all Bright Stars participants have at least 60 minutes of gross motor activity every day, thereby reducing the risk for obesity and other chronic illnesses. Ms. Hanes also said that all children receive well-balanced meals and snacks daily, and all the parents have information on good nutrition to further reduce risks of illness and tooth decay. She added that the County will realize reduced education costs associated with grade retention, special education services, and will see an increase in high school graduation rates. Ms. Hanes also said that there will be reduced costs to the community related to criminal activity, substance abuse, and early teen pregnancy. She shared a story of a single-parent family that benefited from Bright Stars coordination, with improvements noted in the two boys' school attendance and the mother's meeting of monthly expenses by finding full-time employment.

Ms. Thomas asked what kind of cooperation the Bright Stars program was getting with elementary schools.

Ms. Hanes replied that they have a very strong relationship with the schools, and one of the advantages of this program is the collaboration.

Mr. Rooker asked if Albemarle's Bright Stars program had been contacted by Governor Kaine's preschool panel.

Ms. Hanes responded that things are evolving at the state level, and the County has met with representatives from the "Start Strong" council at regional meetings as well as ongoing contact by various media. She said that the State is looking for innovative programs that take some risks, adding that the County has received a \$70,000 grant from the Virginia Preschool Initiative to be awarded February 16th.

Ms. Daniel pointed out that the money the governor has tried to put in the budget for preschool next year is in trouble, so anything the Board could do to support this would help.

Mr. Rooker suggested sending a letter to the General Assembly.

Mr. Boyd commented that a lot of letters have been sent this year and that it seems like every time he turns around they have sent a letter.

Mr. Slutzky responded that every time they turn around the programs are cut.

Mr. Rooker added that there are thousands of bills floating around and the County weighs in on 10 or 12.

Mr. Davis suggested directing the letter to the Budget Committee.

Mr. Slutzky and Mr. Rooker agreed that representatives should be contacted directly in addition to committee members.

In response to Mr. Wyant's question about how schools are selected, Ms. Hanes explained that they are chosen based on who has the highest educational or social service needs. These are based on available space at the schools as well as things such as free and reduced lunch counts, reports to child protective services, and low income housing areas. She added that schools provide things such as classroom space, utilities, maintenance, and transportation as in-kind contributions. Ms. Hanes

emphasized that this is a prevention program that impacts many aspects of the community, noting that the hours are the same as K-5 (6.35 hours).

Agenda Item No. 10. Human Resources Annual Report.

Ms. Kimberley Suyes addressed the Board regarding Human Resources, noting that the County employed 119 new local government employees: 34 female, 36 male, 12 minorities and 58 non-minorities. She noted that recruitment from County referrals increased from 23 to 26, indicating that employees like where they work and are telling other people about it; turnover is at 6.28 percent, which is also quite low. Regarding EEO data, Ms. Suyes said that there are 261 females, 312 males, 90 minorities and 483 non-minorities, and said that Asians and Hispanics needed to be better targeted. She noted that 137 employees (24%) are over 50 years old, and 19 employees (3%) are over 60 years old, so the County can anticipate some upcoming retirements. Ms. Suyes said that Human Resources focused a lot on training last year, with at least one training per competency. She stated that employee satisfaction is assessed, and the reward and recognition program is being tracked as well.

Ms. Suyes explained that they have been holding "Wise Up Workshops" that address balancing life at work, long-term care and things of that nature. She said that HR had a 70 percent response rate with employee surveys, and the greatest improvements included the County's use of technology, the directors of departments regularly engaging employees in conversation, cooperation between departments, and employees regularly receiving information on the County's Strategic Plans, goals and progress. She noted that the Leadership Council put emphasis into areas previously identified as needing work, and also said that one of the things HR is focusing on is health, safety, wellness, Workers' Compensation and unemployment.

Mr. Boyd asked why premiums for Workers' Compensation have increased so much: \$141,000 to \$200,000 in the last three years.

Ms. Suyes responded that she is not sure, but she would look into it. Staff is focusing on safety issues that may reduce risks so there are fewer accidents. She said that the County has provided annual flu immunizations and mobile mammography.

Ms. Suyes reported that the County has also focused on organizational development with three objectives: creating infrastructure to support continuous and consistent learning for all employees, developing talent/skill sets, and creating partnerships to build technology skill sets. She reminded the Board that the County had given a 2.5 percent increase for classified scale and 3.9 percent for merit. The behaviors tracked showed 26.7 percent performed above and beyond normal duties, 21.4 percent exemplified teamwork, and 17.8 percent showed exemplary customer service. Ms. Suyes noted that HR continues to utilize feedback for the leadership council and management group, and is implementing the technology training programs that offer training in MS Office, Sharepoint, and eventually General Dynamics.

Mr. Boyd asked how much of the budget was dedicated to the Total Rewards program.

Ms. Suyes replied that the County spends \$50,000 total, or about \$87 per employee.

Regarding broad-banding, Ms. Suyes said that staff is researching it but she is not convinced that that is the best approach for the County.

Mr. Rooker commented that he liked the report, and liked the way things are broken down.

Mr. Boyd asked if information on sick leave could be brought forth to see if the wellness programs are working.

Ms. Suyes agreed, adding that having medical cost reductions is a positive reflection too.

Agenda Item No. 13. Appeal: SUB-2006-224, Rolling Meadows – Request for Private Street to serve 4 lots. Request for preliminary subdivision plat approval to create 4 lots on 18.62 acres zoned RA. Tax Map 56, Parcel 112. Located 900 feet west of Normandy Drive and 200 feet off the Rockfish Gap Turnpike (U.S. Route 250). (The Comprehensive Plan designates this property as Rural Areas in Rural Area 3.) White Hall District. (Deferred from December 6, 2006)

Mr. Fritz reported that the Planning Commission had denied a request for a private street serving four lots. The applicant met with VDOT, who confirmed that the applicant had provided a design that met standards for a public street within the alignment shown for the private street. He said that the private street results in substantially less earthwork than the public street, noting that the total length of the street is 1,070 feet.

Mr. Rooker said that the question is whether the public road would cause significantly more impact than the private road.

Mr. Wyant noted that a private road would be about 30 dump-truck loads of dirt, with the public road requiring about 100. It's a substantial change and going from a public to a private road effects the environment.

Mr. Boyd said that this is not officially a public hearing, but asked if anyone wanted to speak.

No one came forward, and the Board resumed their discussion.

Mr. Wyant **moved** for approval of the applicant's request for a waiver to allow a private street in Rolling Meadows. Mr. Rooker **seconded** the motion. 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. 15. Closed Session.

At 1:00 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 (7) to consult with legal counsel and staff regarding matters of pending litigation related to a law enforcement incident, and under Subsection 7 to consult with legal counsel and staff regarding specific matters requiring legal advice relating to an inter-jurisdictional service agreement.

The motion was **seconded** by Mr. Rooker. 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. 16. Certify Closed Session. The Board reconvened into open session at 2:13 p.m.

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. Dorrier. 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. 14. Appeal: SDP-2006-0071, Gillispie Preliminary Site Plan - Critical Slopes waiver/curb and gutter request. Request for Preliminary Site Plan to allow the construction of two (2) residential condominium units totaling 16,023 s.f., and 7 total dwelling units on 1.71 acres, and is zoned R4 (Residential). The property is described as Tax Map 61K, Parcels 10-0A and 10-0A2, and is located in the Jack Jouett Magisterial District at the end of Inglewood Drive, near its intersection with Hydraulic Road (Route 631). The Comprehensive Plan designates this property as Neighborhood Density in Urban Area 7.

Mr. David Pennock, Planner, said this is an appeal of a denial by the Planning Commission of a waiver for a critical slopes disturbance in order to construct the Gillespie Preliminary Site Plan. The site is located in the Jack Jouett District at the end of Ingleside Drive. The request is based on a preliminary site plan requesting construction of seven condominium units. It is an administrative review of the plan but part of it requires two waivers. One waiver is for a portion of curb and gutter not shown on the original plan. The other waiver would be for disturbance of critical slopes. Since the time of the original submittal, the applicant has indicated a willingness to construct the curb and gutter, so the only thing left to talk about is the critical slopes waiver.

Mr. Pennock said the site consists of about 30 percent critical slopes. This plan would necessitate disturbance of almost 60 percent of those slopes. Staff analysis of any critical slopes waiver is based on several factors including determination of critical resources that may be present on the site. There are five engineering analyses to determine if site design can accomplish the disturbance using sound engineering practices. Those items are summarized (see staff's report on file) with three recommendations based on the three criteria the Commission can use to grant waivers. Staff was not able to conclude that any of those criteria had been met, therefore, staff's recommendation was for denial of the critical slopes waiver.

Mr. Pennock said the applicant had submitted a packet of information which was forwarded to the Board. It included justifications that basically go through the original staff report. The applicant also submitted an alternative plan (Diagram "B"), but staff has not had time to do a full analysis of it. However, in preliminary review, that plan would also necessitate Commission approval of a critical slopes waiver.

Mr. Rooker said he understands that the plan was put forward by the applicant to show another way the project could be built. In his view it is worse than the plan he was asking be approved. Mr. Pennock said even though this plan would have almost as much disturbance of critical slopes area, some

of those areas would be exempted because they are for travelways, etc. Things like parking areas and grading related to buildings could not be exempted and could require a waiver.

Mr. Boyd asked if the critical slopes waiver is the only thing before the Board today. Mr. Davis said that is correct. Neither staff nor the Commission has made a final decision on the site plan, so the plan has not been denied at this point. The only thing before the Board today is whether to grant the critical slopes waiver for the application plan that was reviewed by the Commission. Mr. Cilimberg said the Commission agreed with staff regarding the critical slopes waiver. They did not feel it was consistent with waiver criteria, and the vote was unanimous.

Ms. Thomas said that part of this property drains to the south, and part to the north. Mr. Pennock said there was no dispute over the drainage areas as shown.

Ms. Thomas asked if the riprap channels are doing okay now. The applicant is suggesting that their decisions about the critical slopes were made based on engineering concerns. Since that will probably be part of the Board's thinking, she wanted more facts about how this situation works. She does not think there is more impervious surface on the south drainage, so if the riprap channels are working fine today on that section, that is not an engineering concern. She thinks the north drainage section should be taken care of with the detention basin. Mr. Pennock said the concern was based on the plan which concentrated flows in different patterns than had been done previously. Even if the outfall was the same volume in specific points than it had been previously, it was more concentrated. In other words, in some areas there was sheet flow and in other areas there were ditches. Based on the final plan, more of it was going to a concentrated point than had been going there before. That raised concern about possible offsite disturbance of the neighbor's property.

Mr. Boyd asked that Mr. Brooks address that from an engineering standpoint.

Mr. Glenn Brooks, County Engineer, said that the section coming out of the detention basin concerns staff. There is more water going in that direction, but it is managed now by the basin. There was also a distinction made because natural drainage divided the property in two directions. That natural drainage line was being moved so more was being collected in the back of the site and going through the basin in the channel now. The natural drainage divide has changed with the proposed plan.

Ms. Thomas asked if the applicant would be required to handle that drainage. Mr. Brooks confirmed that that was true. He said that a basin does not cure the problem, it helps the problem. There is still more water going in that direction and it is still collected in a pipe and discharged in a way that was not done naturally.

Mr. Boyd asked if that is Mr. Brooks's reason for being opposed to this request. Mr. Brooks said there were lots of reasons, and this was only one factor.

Mr. Wyant asked if the applicant can meet the requirements of an E&S19 plan. Mr. Brooks said that is hard to determine at this time since this is a preliminary plan.

Mr. Boyd said if there were no further questions for staff, he would ask the applicant to speak.

The applicant, Mr. Bill Daggett of Daggett & Gregg Architects, addressed the Board on behalf of the Gillespies. He said they hope to address the question of drainage which was most of the reason for recommending denial of the critical slopes waiver. They have asked for a letter of intent for the stormwater easement on the next property. That has been discussed thoroughly, but they have more information to add relative to the design of the property.

Mr. Daggett showed Diagram "D" in which about 60 percent of the site is qualified as critical slopes. Part of the issue that has been raised is that there is an exemption for building on critical slopes for accessways. He pointed out that there are only two ways to get onto this property. The first is at upper Inglewood Drive where there is an easement shared between this property and the adjacent property, but the configuration of the road prohibits a driveway entrance permit because there is no sight line. They are forced to come off of lower Inglewood Drive so in order to access the property they have to traverse the end of the property; no matter how they do it they have to cross critical slopes for access.

Mr. Daggett said it was suggested that since there are areas on the property in non-critical slopes that they look at those areas and come back with a plan that does not require building in the critical slopes. He showed a rendering of the property and explained which areas are buildable slopes by ordinance. They would essentially have to go through an existing house in order to meet the grades they are allowed. The buildings were broken into three sets so they would have areas for construction, but that would cause the applicant to cross the swale with a road which would cause them to build more impervious surface area to get parking to the three units that would be there. The applicant looked at this possibility, but it was a less reasonable solution.

Mr. Daggett then showed Diagram "B" which is called the alternative approach. He said this alternative was explained to the Commission verbally, but there was no diagram at that time. Effectively, this brings the accessways, sewer, etc. from the same direction into the site and turns it so they avoid going across the swale and builds the units on the "white" area. When they looked at this situation, they were crowding the house by putting it adjacent to the property line in order to stay off of the critical slopes, and yet they still disturb the critical slopes with the road.

Mr. Daggett said this takes him to what they proposed which was to swap the building and the road. That will increase the distance between the house at the lower section of the property and reduce the travelway by about 1,000 square feet, creating a situation where all of the units are facing into the open space. That gives a relationship between the buildings which is similar to the relationship everybody in the neighborhood has between each other now; they are looking at backyards. Under Diagram "B" everybody who now looks at the open space is looking at a parking lot. They felt it was a reasonable approach as opposed to what is seen in Diagram "B" because it is a better neighborhood model. It conceals the parking from everyone.

Mr. Daggett then showed another diagram which showed open space at the swale and a better relationship between neighborhoods. It provides more than 100 feet between their single neighbor to the south and the parking is concealed from that neighbor and the building is concealed from all the other neighbors. They felt these are positive aspects and are reasons why they should be permitted to attain a slopes waiver. He said stormwater management and issues were apparently why Engineering could not support the slopes waiver. He then asked Mr. Clark Gathright, his firm's engineer, to address the Board.

Mr. Gathright said he wanted to discuss two items relative to the plan and the slopes waiver request. He talked about requirements in the Zoning Ordinance for preliminary site plans. He said from the County's review of the plan in October, six of the eight comments made were final site plan requirements and not preliminary. The comments contained phrases such as "provide written documentation of how stormwater runoff is addressed" and this involves extensive calculations; they are not conceptual in nature. Another was "more specific design information as requested for the design and construction" i.e., details of a particular storm structure. Another one called for "timeframes for inspections for particular work" and he sees no relevance to either preliminary or final site plans. This is a means and methods issue to be worked out by a contractor after this plan is approved. This project is a prime example of why they need to adhere to the process set forth in the Zoning Ordinance. There are many other issues that determine the feasibility of a site's development. Only when such feasibility is established should their clients incur the expense of providing detailed engineering calculations.

Regarding excessive stormwater runoff, Mr. Gathright said Section 17-3.14 states that land and receiving waterways which are downstream from land development be protected from stormwater runoff damage. The applicant is exempt from that section if the land development disturbs one acre or less of land area. Excluding work in the right-of-way, their proposed disturbed area on the site plan is 1.07 acres, and approximately 20 percent of that disturbed area is associated with stormwater management and BMP construction. By adhering strictly to the ordinance, they can develop this project without providing any stormwater measures, i.e., if they do not add the 20 percent basin (bio-filter), they would not have to provide any control of velocity, even peak runoff. He said water quality measures are non-existent in this neighborhood so they thought some water measure was of importance. Other stormwater planning considerations concerned the drainage areas. Their site has 1.07 acres and it straddles two drainage areas which total about .48 acres. Of the two drainage areas, the larger one to the north is about .38 acres, and about two-thirds of their site contributes to that drainage area and contributes about 1.6 percent of the total impervious area. He then explained some of his engineering calculations.

Mr. Gathright showed pictures of the current drainage area and explained his engineering of the site. He emphasized that the stormwater flow from the site creates no jeopardy to damage downstream property. From a conceptual standpoint, there is no merit to obtaining easements or detailed design at this time. He said the drainage has no relevance on the critical slopes issue. Excessive stormwater runoff is primarily a concern for critical slopes if the runoff is above and across from these critical slopes. They do not have that since the water is in the swale at the bottom of the hill.

Mr. Wyant asked how much drainage area passes through this property coming in from the south where the head wall is placed. Mr. Gathright said where it passes off of their property it is about 30 acres now.

Mr. Wyant said that that drainage is just passing through the applicant's site, so if some mitigation were done it would help. He said Mr. Gathright showed a picture of the downstream area which is much steeper, and is not favorable to this site. Additional flow from this site will only make the situation worse. That stormwater is of concern to the adjacent property owner downstream. Mr. Gathright said he would like to point out that in his storm pipe routing calculations, water is running at 13 to 14 feet per second at the swale where it goes off of the property. Where the water discharges from the pipes, it is running at a speed of 10 feet per second so it is not faster than what is coming off of the property.

Mr. Wyant asked how stormwater will be handled at the proposed entrance into the property. Mr. Gathright said he has provided two Filtera Boxes along that travelway. On the site, there will be no significant decrease in impervious area over what's there now, and in the right-of-way, there is a significant paved area which will only be increased by about 1,400 square feet. He said his intent is to over-detain in the bio-filter swale for any extra runoff on that side.

Mr. Wyant said that Mr. Gathright talked about infiltration trenches being used for recharge. Mr. Gathright said he showed typical French drains on the back of the houses on the last plan to catch the back half of the buildings.

Mr. Wyant said that is being used for the rooftops and then for the asphalt and the change in grades, it will be taken care of through the bio-filters. Mr. Gathright said at this time, he plans on sending that to the bio-filter. He said that the one-acre exemption would allow him to leave the swale there. He could put another Filtera Box in the corner of his parking lot and the pipe that takes it back out to the swale takes them to .8 acres. There would be no need for significant grading to try and balance the cut and fill

on the site so as not to haul it away. He said there are other options. His point was that they are so close to not having to do anything, from a conceptual standpoint he thinks they should be able to go forward from the preliminary plan.

Mr. Wyant said the County is trying to protect critical slopes, so he is looking for something with less environmental impact if he allows critical slope use. If whatever is being done can be enhanced, that is the position he is looking for. Mr. Gathright said this will be the only water quality element in this entire neighborhood and that the bio-filter is about three times larger than it needs to be so that it might capture some runoff from houses to the north.

Ms. Thomas asked Mr. Gathright to point out the detention pond locations on Diagram "A". Mr. Gathright replied that "detention" is a strong word for this. He has essentially designed a bio-filter with some detention on top.

Ms. Thomas asked if it will receive drainage from the south watershed as well as from the north. Mr. Gathright said no. He noted that there are the two Filtera Boxes on the south end of the site, and they would catch the first half-inch of runoff and then filter it through a compost type medium.

In response to Mr. Boyd's question about maintenance of the bio-filters, Mr. Gathright indicated that the Filtera Boxes in many stormwater treatment structures are underground so they cannot be seen and can not tell if they are working. The bio-filters at this site are in the open, so if there is standing water seen there for any length of time, maintenance is needed. The soil in it can be replaced. Hopefully, as these things develop there will be mature trees and shrubs so they may or may not blend into the native environment, but it is a landscaping feature as well.

Mr. Boyd asked who maintains that bio-filter if it is not working. Mr. Gathright said there is a question about any stormwater structure that is built. For bio-filters, companies ask that you sign a service contract.

Mr. Boyd said as the County gets more bio-filters, he thinks it might come back on the County to take care of them. He does not want that to happen. Mr. Gathright said he does not see these as being any different from the old stormwater detention basins.

Mr. Davis said he would like to focus the Board's discussion since it does not typically handle many of these requests. He drew the Board's attention to Section 4.2.5 of the Zoning Ordinance which sets out three findings that could be made. If the Board makes any one of those findings, then it may grant the critical slopes waiver. If the Board cannot make any of those findings, the ordinance would not allow a critical slopes waiver to be granted. It's still an action that has some discretion in it, but that discretion can not be exercised unless one of those findings can be made.

Mr. Davis said there are a number of factors that can be considered in whether or not a critical slopes waiver is appropriate, and one of those factors is whether or not excessive stormwater results from the disturbance of the critical slopes. If the Board finds that disturbance of the critical slopes has created excessive stormwater, that is an issue which is separate from whether or not adequate detention measures can be imposed at the final site plan stage. If the Board finds there will be excessive stormwater created by disturbance of the critical slopes as proposed, it would not be appropriate to grant the waiver unless it finds in the criteria set forth in the ordinance that there is a valid public purpose for still granting that critical slopes waiver despite the excessive stormwater. He said the issue today is primarily the stormwater issue, but there are other factors which have been identified by staff. The Board needs to determine if that is a result of the disturbance of critical slopes, and whether or not an appropriate finding can be made that would allow the granting of the waiver.

Mr. Rooker said staff of the Engineering department recommended against approval of this waiver request. He asked if anything presented today has changed that recommendation.

Mr. Brooks said the applicant made a good presentation today, and he is sorry Engineering did not receive all of that information before they first reviewed the plan. He said it is hard to reply without going over the calculations. He would like to know, from a qualitative standpoint, if the critical slopes waiver were not granted would that large pipe pass through the site to collect stormwater and perhaps speed it up going into the neighbor's property?

Mr. Rooker read the comments of Engineering from the staff's report. He said a number of people living in the neighborhood were present to talk about the water problems they already have, problems they feel will be exacerbated by the amount of impervious surface and water coming off of this site.

Mr. Brooks said one other thing not mentioned is the erosion control measures at the perimeter of the site. When a site is developed this much, there is basically no perimeter at the property line, so it is hard to establish perimeter control measures that will keep the sedimentation measures well contained on the site. At that point they start asking for offsite easements.

Mr. Rooker asked if this waiver were approved and the plan presented showed less than one acre of disturbance, would they be exempt from having to do any of things talked about? The applicant made a case that if they disturbed less than an acre they were exempt from a number of the water quality, water volume requirements. Mr. Brooks said they would be exempt from the detention requirement which is for water quantity control. They are not exempt from water quality control. On the front of the site where they

are putting in the Filtera Boxes, there is no detention provided. They would still have to have those boxes for water quality. The bio-filter in the back would still have to be provided.

Mr. Rooker asked if they would be required to slow down the volume of water coming off the site. Mr. Brooks said Mr. Wyant referred to the State Code requirements for adequate channels. If it affects the downstream channel, some detention can be required to try and mitigate that impact.

Mr. Slutzky asked if a conditioned waiver can be granted. Mr. Davis said another way staff has dealt with issues like this in the past is to grant a critical slopes waiver conditional upon meeting certain standards. Staff has not identified those conditions should the Board wish to grant the waiver conditionally.

Mr. Rooker said this area has substantial water problems today. In this case, the site is being developed to its maximum. He thinks that is part of the problem. This site is sensitive with a lot of critical slopes in a neighborhood that does not generally have good water control measures. This proposal will basically max out the site which maxes out the impermeable surfaces. At this time, the reasons that staff recommended denial of the waiver are still present. He will not personally support this request because he is concerned that if this is built as proposed, it will significantly increase water problems to the surrounding neighborhood. He does not think there is any assurance that won't occur.

Mr. Slutzky asked if the applicant could withdraw the request, and let staff make recommendations for conditions that would be satisfactory to address the water issues, that would still allow the applicant to max out the site.

Mr. Rooker said there was mention of loss of aesthetic resources, so if a different plan with different information was presented, he would want it to go back to the Commission for review. He said there was unanimous rejection by the Commission of this waiver request and staff also recommended denial. He thinks the reasons for denial are still there.

Ms. Thomas said she walked over this site yesterday. She knows that in general the County needs to encourage in-fill so the development area will be where people live. It is not totally out of character with this neighborhood to have duplexes or triplexes. She looked at the plan and thought that if they cut off one unit at each end, they would affect less of the critical slopes and also fit better with the character of the neighborhood. She is favorably disposed to wanting this site to be developed as opposed to not wanting it to be developed. She thought that more of the drainage issues were being handled, so she is no longer as favorably disposed. The proposal uses so much of the land that there is no area left for the mitigation this site should have.

Mr. Wyant said he did not know how the applicant arrived at the drainage shown on the plan. He is concerned about the 30-inch pipe. That pipe will pass a lot of water and could cause damage to adjacent property. If that water could be handled differently, he would look more favorably on this request. He does not support a lot of curbs, gutters and pipes because the County does not do any detention with pipes. He is more for dispersing of water and the bio-filters, but the water still has to pass through pipes and the 30-inch pipe is the largest one on the plan. He said the applicant cannot work on the channel downstream because he does not have an easement.

Mr. Boyd said this is not a public hearing, but he asked if there was anyone present who would like to comment.

Mr. Dale Chadwick noted on a map the location of his house. He said there is an easement to get the water from this property down to his yard. He said someone built a catchment and it is a 30-inch tube that runs under his yard right next to his house. He said that maybe he owns that as well because no one takes care of it. He was surprised to see that he may also be the owner of two of the filter boxes. Mr. Gathright said they belong to the developer.

Mr. Chadwick asked who will take care of these boxes. Mr. Gathright said it would be the developer.

Mr. Chadwick said the existing house is not located on the site as shown on the plan; it is 15 feet from the boundary. He said that is a concern for Ms. Cullen who lives there because she is so close. She has some water coming through her basement.

Mr. Dorrier asked the location of the pipe in relation to Mr. Chadwick's house. Mr. Chadwick said in the middle of the property is an outlet and it comes through his property as a creek. They have an easement for the property where it starts, but not on his property, but they run the water on it. Someone put a catchment there, so the water comes down and there is a 15-foot drop with a big steel thing over the top of it. There is a 30-inch tube which runs from there down to the other creek where the water is dumped.

Mr. Dorrier asked if the 30-inch pipe bypasses Mr. Chadwick's property. Mr. Chadwick said it runs right through it; it is on his property.

Mr. Dorrier asked if it disperses on his land. Mr. Chadwick said it does disperse before it runs into the catchment, otherwise the water does not come out on his property. When the creek got full of debris up above, then water ran over the catchment and down through their side yard. He said that has only happened one time since they lived there.

Ms. Margaret Faye Engel said she is the property owner on the other side, so is at the top of the water flow. She thinks she will be entertaining a parking lot from her view. She said one of these two lots could be characterized as a ravine. The density of the development is the basis of her concern with the plan. She understands the County is all about development, but she thinks it is to the max, plus Solomon Place is being developed at the other end of Solomon Road.

Mr. Davis there are a couple of procedural things he would like to suggest. He said staff should be given an opportunity to further review the submittal that was made today. If the Board can develop a consensus on its position, it should then defer this matter until March 7 to allow staff to prepare written findings for the Board to adopt to support its decision. If the Board is inclined to support the waiver, appropriate conditions can be developed. If the Board is inclined not to support it, staff can develop appropriate findings to support denial.

Mr. Rooker said he thinks what was summarized in the staff's report indicates that the applicant cannot provide adequate perimeter erosion and sediment control measures to protect adjacent properties. The volume of water will increase coming off of this site. And, granting the critical slope waiver would result in significant degradation of the site or adjacent properties.

Mr. Slutzky said he was going to suggest that the Board defer this appeal, send it back to staff and ask them to review the new information. He would be interested in supporting this development at this location so long as the water control issue is adequately addressed by the proposal. He would request that staff present a series of conditions sufficient to adequately address the water issues. If that is possible and the applicant comes forward with a proposal to satisfy staff's conditions, when it came back he would be inclined to support it. Short of that, he would not.

Mr. Rooker said he is concerned because there is a proposal that completely maxes out the number of units on the site, and part of that site is a ravine. A lot of it is in critical slopes. He said Mr. Cilimberg notes that there would be no significant perimeter left on the site. He is not convinced that during rain storms there would not be significant runoff onto adjacent properties.

Mr. Slutzky said he thinks staff should be allowed to address that issue in a technical way and set out conditions that would need to be met to satisfy that standard. He said maxing out development of the property is another issue.

Mr. Dorrier said he thinks the request needs to be looked at carefully. He tends to agree with Mr. Slutzky and Ms. Thomas. He read from Paragraph 2 of Section 6.5 of the Code which says a conceptual site development creates several potential drainage problems. The conceptual SWM facility creates a concentrated flow from a 30-inch pipe that flows directly into the adjacent property. "Directly into" is the magic language. He said Mr. Chadwick said it flows through his property, so he does not know if that means that when it spills over it goes into this property, or flows through his property. He thinks there is more discussion needed about that issue. Also, the Board needs to know whether the pipe keeps the water in its boundaries or whether it overflows that pipe and then overflows onto distance property owners. The site is difficult, but it is in the development area. He thinks it should be developed and if that is possible without harming the neighbors, the plan should be allowed to go forward.

Mr. Rooker said there could be plans for this site that might be less intense. He is not saying the property is not proper for development of some kind. The proposed intensity on this site which contains substantial amounts of critical slopes, and which is already surrounded by properties that have water problems, is somewhat less than optimal. He thinks this plan is based on the fact that they think adjacent properties will be impaired.

Mr. Dorrier said a pipe was allowed in there to let it go past adjacent property.

Mr. Rooker said that was in the plan before; there was no change in that pipe. Staff pointed out that it increases the volume and velocity of water leaving the site. It concentrates the flow of water; it does not dissipate that flow.

Mr. Boyd asked Ms. Thomas for her comments.

Ms. Thomas said this plan shows too much disturbance of critical slopes so she does not believe the waiver should be granted. She suggested the applicant bring back a different plan since she feels this is a developable property.

Mr. Wyant said he is not supportive of this waiver, mainly because of the drainage going through the property. He asked staff and the applicant to look at that. An open channel, not a paved channel, would create less flow velocity. He does not know how the bio-filter would be worked in, but he would prefer that there not be a 30-inch pipe.

Mr. Boyd said as a point of clarification he does not think there is enough support for the waiver, but that does not preclude the applicant from putting together another plan and coming back. Mr. Davis said denial of the waiver would make the plan that has been submitted to the County unapprovable. The applicant can either amend this plan or submit a new plan to address the critical slopes issue.

Mr. Boyd said if someone wants to makes a motion, they need to decide if it is better for the Board to move forward on this, or let the applicant ask for a deferral. Mr. Tucker said if they submit a new plan it will have to go back through the Commission.

Mr. Davis said this plan has not been called up by the Commission, so it is a plan that is being reviewed by staff for all purposes other than the critical slopes waiver. Once the Board makes a decision about the critical slopes waiver, staff will proceed to give additional comments or denial of the plan depending on how the developer wants to deal with it. If the critical slopes waiver is denied and the developer wants to amend the plan, staff will review that amended plan. If they choose not to, it would be denied.

Mr. Boyd asked if the critical slopes waiver is denied forever if this appeal is denied. Mr. Davis said a second plan could ask for a critical slopes waiver. He said if the consensus of the Board is to not support the critical slopes waiver, he would recommend that the Board defer the appeal and let staff prepare a clear set of findings to adopt at a future meeting so the record would be clear as to the legal basis for denial.

Mr. Rooker asked that that take place. He then **moved** to defer this item until March 7, 2007. Ms. Thomas **seconded** the motion. Roll was called and the motion carried by the following vote:

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

Agenda Item No. 15. Closed Session. Mr. Boyd asked for a motion to go into closed session.

At 12:55 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; under Subsection (1) to discuss the appointment of an administrative position; under Subsection (7) to consult with legal counsel and staff regarding a matter of probable litigation relating to a law enforcement incident; and, under Subsection (7) to consult with legal counsel and staff regarding specific matters requiring legal advice relating to an inter-jurisdictional agreement.

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

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

Agenda Item No. 15. Certify Closed Session. At 2:09 p.m., the Board reconvened into open session.

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

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

Agenda Item No. 17. Appointments.

Motion was offered by Mr. Wyant to:

Appoint Mr. Jay Fennell to the Public Recreational Facilities Authority, with said term to expire December 13, 2009.

Reappoint Mr. Mitchell Neuman to the Industrial Development Authority with said term to expire January 19, 2011.

Appoint Ms. Julia Monteith to the Planning Commission as the U.Va. nonvoting member, with said term to expire December 13, 2008.

The motion was **seconded** by Ms. Thomas. 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. 18. **Public Hearing:** FY 2007 Budget Amendment. (Notice of this public hearing was advertised in the Daily Progress on January 28, 2006.)

Mr. Breeden said the proposed increase of this FY '2007 Budget Amendment totals \$570,718.74. It is comprised of six separate appropriations, one of which was approved by the Board on January 10,

2007. That was Appropriation No. 2007-051 totaling \$300,000.00 for the refund of the North Pointe Albemarle Housing proffer to the Charlottesville Area Community Foundation after the cash proffer was paid by a different funding source.

The five new appropriations are: Appropriation No. 2007-050 provides \$2,325.24 in funds for various Education programs; Appropriation No. 2007-052 provides \$245,343.50 in funding for the County's share of the Eastern Connector Study and recognizes \$245,353.50 in revenue from the City for their share of the project; Appropriation No. 2007-053 transfers appropriated funds from the Bright Stars program to the General Fund; Appropriation No. 2007-054 formally appropriates \$50,450.00 to JABA for Mountainside Senior Living; and Appropriation No. 2007-055 totals \$23,050.00 for consultant fees for the Emergency Communications Center. A detailed description of these requests is provided on Attachment A.

Staff recommends approval of the FY 2007 Budget Amendment in the amount of \$570,718.74 after the public hearing, and then approval of Appropriations No. 2007-050, No. 2007-052, No. 2007-053, No. 2007-054 and No. 2007-055 to provide funds for various Local Government, School, Capital and ECC projects and programs.

Appropriation No. 2007-050, \$2,325.24. Revenue Source: Donations \$2,325.24. At its meeting on December 14, 2006, the School Board approved the following appropriation request: Broadus Wood Elementary School received a donation in the amount of \$2,325.24 from the Broadus Wood PTO. This donation was made to facilitate a part-time Spanish teacher for Kindergarten and 1st grades at Broadus Wood Elementary.

Appropriation No. 2007-052, \$245,343.50. Revenue Source: City of Charlottesville \$245,343.50. At its meeting on October 5, 2005, the Board of Supervisors authorized staff to proceed with procuring a study for an Eastern Connector using a 50-50 cost sharing agreement with the City and requiring that the County's share of the study use no more than \$250,000.00 from the CIP. Staff has successfully procured this service at a contract cost of \$490,687.00. The County's share of the project will be funded with a \$245,343.50 transfer from existing transportation improvement funds appropriated in the Capital Improvements Program. Since the County will be issuing the contract for the full contract cost, this appropriation will also be recognized as revenue into the CIP due to the City's \$245,343.50 share of this project.

Appropriation No. 2007-053, \$-0-. During the FY '06/07 budget process, an additional Bright Stars Coordinator position was approved as a strategic initiative for the Department of Social Services. The funds for this position were budgeted 100 percent to the Bright Stars Fund; however, costs for the Bright Stars Program coordinator positions are shared on a 60/40 basis with Family Support. This appropriation will allocate 60 percent of the new coordinator position costs from the Bright Stars Fund to Family Support. No additional funding is required.

Appropriation No. 2007-054, \$-0-. Revenue Source: Board Contingency \$50,450.00. During the FY '06/07 budget development process, the Jefferson Area Board for Aging (JABA) requested \$50,450.00 from the County to support operations at Mountainside Senior Living. This funding was approved contingent on receipt of a business plan. JABA subsequently provided the County with a business plan that includes sustained county funding for Mountainside. This appropriation uses \$50,450.00 of the Board's Contingency to provide funding to Mountainside. Further details, including the history of funding for Mountainside, are included in a separate executive summary on the consent agenda.

Appropriation No. 2007-055, \$23,050.00. Revenue Source: ECC Fund Balance \$23,050.00. At its January 16, 2007 meeting, the ECC Management Board approved the transfer of funds in the amount of \$23,050.00 from the ECC Fund Balance Account to fund consultant studies for the Emergency Communications Center.

Since its opening in 2001, the ECC has experienced periodic problems with its UPS Battery System with numerous batteries being replaced over the past years. The electrical engineering firm of Simmons, Rockecharlie & Prince, who are quite experienced in data center backup power requirements and battery design, are being recommended to conduct this study for ECC at a cost of \$9,150.00.

RCC Consultants will review and recommend alternatives to ECC's present paging systems for Fire and Rescue. These paging systems have been in existence for over 20 years. The fire service uses low band technology and EMS uses high band technology. We are in the process of combining both agencies together which will require an updated system that they both can use. This upgrade will also allow integration with the new 800 MHz Trunking Radio System and allow some redundancy to be built into the system. The cost for this consulting service will be \$13,900.00.

Ms. Thomas said she wants to make sure the County does not get into the position it got into with the Community Foundation in paying for a proffer. She asked whether or not the proper controls are in place to ensure that would not happen again. It was supposed to be a charitable contribution, of which a proffer is not a charitable contribution. If the IRS questions the actions, it would not exactly be the County's problem; instead it would be the responsibility of the donor. Mr. Davis responded that the County had proceeded correctly in this matter. It took every possible step to make sure everyone was certain about why the money was presented and for what purpose. He does not think there was any confusion about the money. The County did everything properly.

Ms. Thomas clarified that if you are making a gift and want to get credit on your income tax, you cannot receive anything in return for it. When you make a proffer for a rezoning, you are in fact getting something in return for that proffer and so that is not a gift.

Mr. Davis said that the County determined the proffer would be satisfied, because it said the developer would cause that money to be provided to the County. Staff accepted it and made sure it was documented that it was being used for a proffer. The tax issues need to be dealt with by the contributors.

Mr. Tucker said the applicant did what he proffered to do.

Mr. Rooker noted that there has been a request that the County participate in a joint affordable housing fund with the City and managed by the Charlottesville-Albemarle Community Foundation. He was concerned that if they joined the fund, this would be viewed as a distribution as part of the County's share as to what they might get out of the fund for citizens.

Mr. Boyd stated that it was a donor-directed fund and thus not allocated directly by the foundation.

Ms. Thomas commented that the scope of study for the City of Charlottesville part of the Eastern Connector does not include transit alternatives and that distresses her. She emphasized that if the bridge over the Rivanna could include bus and bike lanes and not an auto road, it should be considered.

Mr. Boyd said that he was part of the first meeting, and they did discuss transit only options.

Mr. Slutzky added that at the MPO meetings, this road location has been viewed as a transit corridor as well as a road location. So now intent needs to be reflected in that contractual document with the contractors.

Mr. Boyd stated that he would follow up to ensure that that happens.

Mr. Tucker agreed to mention it to Mr. Graham.

Mr. Boyd commented that he had a chance to review the businesses plan, and while a team reviewed it and accepted it, they did not necessarily approve it. He added that the thing that bothers him is it has perpetual support from the County built into it, as he hopes the County could be phased out. He sees the \$50,000 contribution as approval for this year.

Mr. Rooker stated that he does not view it as support beyond this contribution, and the merits would need to be debated on an ongoing basis year by year. He does not believe that it is a long-term commitment, and also has concerns about the County being in the long-term care business.

Mr. Slutzky said that he would be inclined to support Mountainside on an ongoing basis.

Mr. Dorrier commented that he supports it, and the County needs to pay more attention to the issues related to aging.

Mr. Wyant noted that he met with some JABA Board members at Mountainside, and the facility has been greatly improved. He added that he did not get the impression they were seeking ongoing support.

Ms. Thomas stated that she got the impression that they were, adding that Mountainside was marketing to attract paid residents, although they tend to come there at the end of their lives. The average stay of those people is only 18 months.

Mr. Boyd commented that staff did not approve this last year, and he wants to make sure the wrong message is not sent to staff.

Mr. Dorrier emphasized the importance of maintaining a good relationship with JABA.

Mr. Boyd noted that he does not understand why those beds can not be full when there are other facilities with waiting lists.

Ms. Thomas responded that they are filling them but emptying them out just as fast.

Mr. Rooker **moved** for approval of the 2007 Budget Amendment in the amount of \$570,718.74 as advertised, and to approve Appropriations No. 2007-050, No. 2007-052, No. 2007-053, No. 2007-054 and No. 2007-055. Mr. Slutzky **seconded** the motion. 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.

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2007-050
 DATE: 02/07/07
 EXPLANATION: Education Donations

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	2000	18100	181109	Donation	J2	2,325.24		
1	2201	61101	132100	PT-Teacher	J1	2,147.36		
1	2201	61101	210000	FICA	J1	177.88		
	2000		0501	Est. Revenue			2,325.24	
			0701	Appropriation				2,325.24
					TOTAL	4,650.48	2,325.24	2,325.24

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2007-052
 DATE: 02/07/07
 EXPLANATION: Eastern Connector Study

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	9010	19000	190315	City Share - Eastern Connec	J2	245,343.50		
1	9010	41020	950136	Transportation Planning	J1	(245,343.50)		
1	9010	41020	950204	Eastern Connector Study	J1	490,687.00		
			0501	Est. Revenue			245,343.50	
			0701	Appropriation				245,343.50
TOTAL						490,687.00	245,343.50	245,343.50

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2007-053
 DATE: 02/07/07
 EXPLANATION: Transfer of Appropriation from Bright Stars to General Fund

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
1	1553	61122	110000	Salaries	J1	(27,166.00)		
1	1553	61122	210000	FICA	J1	(2,078.00)		
1	1553	61122	221000	VRS	J1	(3,521.00)		
1	1553	61122	231000	Health	J1	(2,461.00)		
1	1553	61122	232000	Dental	J1	(86.00)		
1	1553	61122	241000	Life Insurance	J1	(307.00)		
1	1553	61122	270000	Worker's Comp	J1	(114.00)		
2	1553	51000	512004	Transfer from G/F	J2	(35,733.00)		
1	1000	53150	110000	Salaries	J1	27,166.00		
1	1000	53150	210000	FICA	J1	2,078.00		
1	1000	53150	221000	VRS	J1	3,521.00		
1	1000	53150	231000	Health Insurance	J1	2,461.00		
1	1000	53150	232000	Dental Insurance	J1	86.00		
1	1000	53150	241000	Life Insurance	J1	307.00		
1	1000	53150	270000	Worker's Comp	J1	114.00		
1	1000	53013	930208	Tnsfr to Bright Stars	J1	(35,733.00)		
			0701	Est. Revenue			35,733.00	
			0501	Appropriation				35,733.00
TOTAL						(71,466.00)	35,733.00	35,733.00

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2007-054
 DATE: 02/07/07
 EXPLANATION: Formally appropriate funding for Mountainside Senior Living

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
1	1000	59000	563210	JABA-Mountainside	J1	50,450.00		
1	1000	95000	999990	Board Contingency	J1	(50,450.00)		
TOTAL							0.00	0.00

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2007-055
 DATE: 02/07/07
 EXPLANATION: Consultant Services for ECC

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
1	4100	31041	312700	Prof. Services-Consultant	J1	23,050.00		
2	4100	51000	510100	Appropriation - F/B	J2	23,050.00		
			0501	Est. Revenue			23,050.00	
			0701	Appropriation				23,050.00
TOTAL						46,100.00	23,050.00	23,050.00

Agenda Item No. 19. Business Plan (CIP), Work Session.

Mr. Foley addressed the Board, saying the focus of this discussion would be on cash versus other financing options as well as the FY '08-12 CIP. He said staff would go into the projects to see if the Board has particular questions or a need for more information. They are focusing on five years, not ten, and have added items to address infrastructure and transportation needs, but have not gone as far as what's going to come out of new Master Plans.

Mr. Foley said that in previous meetings they have planned for future capital needs, and the Board endorsed adhering to current financial policies. They are striving for a debt to equity ratio of 75 percent to 25 percent cash or equity. They are utilizing cash to fund maintenance or replacement, technology projects, and contributions to agencies that are doing capital projects. They are also establishing a minimum \$2 million capital reserve balance in the CIP fund. Mr. Foley stated that there were several questions left: to what extent should the County utilize lease-revenue bonds to finance its capital needs, under what conditions should the County consider use of general obligation bonds, and should the County continue to finance school projects through the Virginia Public School Authority.

He emphasized that the most important aspect of lease-revenue bond financing depends on whether a project is considered essential or desirable, and provided examples of each.

Mr. Davis added that lease purchase financing is subject to a non-appropriations clause, and if the County chose to non-appropriate, you do not have to pay the bonds. He said that things in the difficult to finance list are things that you could do without, and the others are essential to government operations.

Mr. Rooker asked about the rate differential.

Mr. Foley said that there are parks and libraries totaling \$50 million, and if school financing were removed there would also be \$50 million left in general government. He emphasized that voter approval is not necessary for lease-revenue, but is for general obligation bonds. Mr. Foley indicated that on essential projects, an AA+ rating would mean \$500,000 and \$1 million interest over 20 years of financing \$50 million. He added that that goes up significantly from the AA+, and preparation and staff time would be different for general obligation. It costs more for lease-revenue.

Mr. Davis added that the lease-revenue issuance costs would be the same, assuming you had the same number of issuances.

Mr. Rooker noted that the reason people do lease-revenue bonds is they can respond fairly quickly to an opportunity to demand, and a general obligation bond is a year and a half process.

Mr. Davis cited the 5th Street County Office Building as an example of the lease-revenue bond.

Mr. Foley said that there is a \$150,000 net cost impact over 20 years on \$50 million to continue with the VPSA approach and not have to go through a bond election. He added that you could save money with a AAA bond, but issuance costs could offset that. The VPSA is a good strategy for financing school debt, a very slight difference in cost.

Mr. Davis stated that other localities that have regular general obligation bond referendums typically include schools and there is a savings if you're doing general obligation bonds for other projects.

In response to Mr. Rooker's question about being locked into doing projects, Mr. Davis said that you could have a general or specific description, but the project has to be on that list before you can use the money for it.

Mr. Rooker said that you could almost get into a competitive situation if there are similar projects on a list.

Mr. Foley stated that you could group the items for schools with a total dollar amount. You really have a lot of flexibility in how you package it, and you have flexibility in the timing of which you use it. He added that eight years is an absolute, but you could get 10 with routine court approval.

Mr. Foley said that staff has made some decisions for clarification, and if the Board feels differently they can now make adjustments. He reported that they have taken projects that could have been financed by cash to get a better lease-revenue rate. Mr. Foley said that the worst rate would be a desirable project funded through lease revenue. He noted that the Northern Fire Station has been moved from cash to lease-revenue bond financing, which will have AA+ rating. The Crozet Library has been moved onto the cash list.

Mr. Foley said that with the beginning balance currently held by the County, plus the new revenue transferred into the CIP, the \$72 million could be handled in cash. The remainder of the total would have to be financed through some kind of debt.

Mr. Boyd commented that he has some philosophical problems with the CIP, noting the \$27 million for libraries over the next five years, \$9 million for ACE, and only \$10 million for transportation. He believes they need to think as a Board about how they want to rank these things and how they're shifting a lot of capital expenditures towards libraries.

Mr. Rooker noted that the \$23 million for libraries is all for the Northern Library.

Mr. Foley responded that there's another \$15-20 million in years 6-10, but the five years include the Northern Library. He noted that the oversight committee assessed the need for two libraries, and that decision was not made, so staff combined the cost of both of them together. Mr. Foley added that they are meeting with the library in a week to further discuss the need. He said that property costs are not reflected because there are proffered sites for libraries: one in North Pointe and one in South Forest Lakes.

Mr. Tucker mentioned that the need for such sites is often part of the discussion with applicants when rezoning requests first come to the County.

Mr. Rooker stated that he does not recall discussion of the Forest Lakes site when the North Pointe site was discussed, and perhaps that proffer could have been better used for something else.

Mr. Foley noted that the CIP that was previously adopted says that the County intends to put two libraries north of the City of Charlottesville, and only one piece of property was proffered. This year, discussions indicated that they might not both be needed. That's all being re-evaluated now because of questions that have come up about whether or not that is appropriate.

Mr. Boyd noted that the re-prioritization in the CIP has to do with the interjection of transportation expenses that are falling on localities.

Mr. Foley agreed, noting that staff is spending more time on it, as is the oversight committee. He said that they are trying to set some capital guidelines to force some decisions and right now they are in a very strong financial position. He believes that most of the decisions are political in the best sense. He added that the oversight committee can do the balancing with revenues on whether all of it can be afforded, and the full school board request can get in on the process. Mr. Foley said that the schools' total request is \$99 million.

Mr. Rooker noted that the Board does have that list from the schools.

Mr. Slutzky pointed out that there is a process to determine the funding for those, but the problem is the transportation costs as there is no formal process for that funding.

Mr. Rooker commented that in the past there has been a \$2.0 million placeholder which the Board would allocate to projects on an as-decided basis to accelerate and build a project.

Mr. Foley added that there is also the \$1.0 million in revenue-sharing set aside, but that obviously does not go far with transportation, even when combined with the placeholder money. He noted that the streetscape and critical connector projects are only funded at a small amount within what's being allocated now. Mr. Foley mentioned that the Master Plan items would also add to the lists, noting that there is enough money to build Eastern Avenue in Crozet. He emphasized that there is lots of cash going here and the County did not want to assume debt financing.

Mr. Slutzky said that transportation is only nominally represented, but it is the primary issue of concern.

Mr. Rooker stated that the question to decide is which projects in the six-year secondary road plan need to be accelerated.

Mr. Foley noted that there is enough money to fund Jarman's Gap and Georgetown Road which are not fully funded by the state.

He said that what was just reviewed does adhere to the County's capital funding guidelines, falls within the debt parameters set, and maintains a 75:25 debt to equity ratio. Mr. Foley said that it uses cash for the maintenance replacement technology and contributions, and also maintains a \$2 million minimum every year for the five years. In response to Mr. Slutzky's question about the 2 percent of assessed value/10 percent of revenue benchmark, Mr. Foley answered that it is significantly below policy and slightly below comparison with other AAA localities. He added that it funds most local government projects with cash and assumes continued VPSA funding for schools.

Mr. Foley emphasized that the Board needs to provide direction on desirable projects, and staff will show undetermined methods of financing in the CIP, because decisions on bond are not needed until next April.

Mr. Rooker mentioned that while the library board recommendations are important, the County should not base its decisions solely on their opinion and it is important to look at other localities as well.

Mr. Foley said that they are in the process of doing that right now. He added that the Crozet and northern growth area parks are also in the pipeline for discussion and decision-making. Mr. Foley stated that there is a standard in the Comprehensive Plan for parks based on population size, but there is no money in the CIP for property, and the land would hopefully be proffered. He noted that most of these projects can be done without a bond issuance in 2008, but the Board will ultimately have to decide how they'll pay for desirable projects of the future.

Mr. Davis explained that bond referendums must have a specific category or project and amount, and it is a yes or no vote.

Mr. Slutzky asked if voters could be given a choice of several allocation amounts, or nothing at all.

Mr. Davis said that you could have different packages that could be voted up or down.

Mr. Foley said that the strategic planning session in the fall would be a good time to talk about that.

Mr. Slutzky said that he is concerned about perpetuating a void, and he could not be supportive of something that had missing transportation pieces and placeholders that should be put into this CIP budget.

Mr. Rooker commented that there is a \$2 million allocation per year, and Board members can certainly recommend that it be increased.

Mr. Foley said that he believes they are policy decisions at this point. In response to Mr. Dorrier's question about state and federal monies, Mr. Foley said that most of the County's capital program is not funded that way.

Mr. Tucker added that there is no assumption of additional federal funding.

Ms. Thomas commented that it might be helpful to get information from Boulder, Colorado on their public transit funding prior to the next CIP work session.

Mr. Foley agreed to follow up on this.

Mr. Rooker said that before large amounts of money are allocated for mass transit, he wants to know how it would be used, noting the City's discontinuation of transit service into Greenbrier.

Mr. Boyd said that at some point there needs to be discussion of how the money is allocated.

Mr. Rooker stated that the Board has the authority to change the list.

Mr. Foley noted that there have not been specific targets that the school needs to meet, as it's been based on enrollment growth up to now.

Mr. Rooker said that the Board reviewed a CIP that was more than could be reasonably paid for, and the schools moved some things into the six to ten year category, constraining them in effect.

Mr. Foley said that if there are particular things the Board wants, this is the time for them to figure out how to approach the funding.

Mr. Tucker said that there is a lot more to be discussed, but staff has taken what the oversight committee has detected in funding gaps.

Mr. Boyd thanked the staff for all of their work, and said that guidelines need to be set that are in line with what the Board is thinking.

Mr. Slutzky suggested that the Board start with how much money should go into the CIP based on the 75/25 ratio, and then decide how to allocate it.

Mr. Foley noted that Davenport has indicated the County could do an 80/20 split, and Albemarle is being more conservative. He said that if the fund drops below \$2 million, it affects whether there is enough revenue from different sources.

Ms. Thomas stated that there must be a decision that the Board strongly supports to go to general obligation bond, adding that it would be a strategic decision to go that route, rather than policy.

Mr. Foley said that there will be times when a general obligation bond would be necessary. He noted that there is another CIP work session slated for March.

Mr. Rooker emphasized that just because something is in the CIP does not mean the county is committed to it.

Mr. Foley noted that this is being driven by the Board's Strategic Plan.

Agenda Item No. 20. From the Board: Committee Reports and Matters not listed on the Agenda.

Mr. Rooker reported that he had received several reports that Comcast is advertising services that are not provided once people sign up. Mr. Davis said that the County does not have any legal ability to regulate those issues, and some of the problems are related to internet service, which is not regulated by franchise authority. He noted that it would likely be something to get worked out in the market, and their customer service system so far seems to be lacking.

Mr. Rooker stated that the County could send a letter describing the complaints.

Mr. Boyd suggested having them before the Board. Everyone agreed.

Mr. Davis noted that if demands are made to cable companies they would likely be passed on to customers in rates. He said that the County cannot charge franchise fees.

Ms. Thomas said she is the Board's liaison to the ACE Committee. The Committee anticipates closing in March on the FY 2005 and FY 2006 applications, and is ready to proceed with FY 2007 applications. They are currently looking at standards and trying to figure out a way to give more incentive to the Mountain Area.

Ms. Thomas requested a copy of the three page summary on the Biscuit Run traffic summary.

Ms. Thomas commented on VDOT's use of parolees to pick up litter on roadsides. Mr. Davis clarified that these persons are not on parole, but are persons who were convicted of misdemeanors and given probation in lieu of jail time. He noted that there would need to be a designated county person in charge of supervising the operations, ensuring things such as timeliness, correct clothing, and equipment.

Ms. Thomas noted that the "Adopt a Highway" program seems to be dying out.

Mr. Rooker said that there is a program where prisoners clean up around major intersections, and it would be helpful to have something come back to determine the cost of the program mentioned by Ms. Thomas as the county would stand to gain a lot from it. Ms. Thomas asked staff to get more information on the possible community service opportunity for citizens on probation.

Ms. Thomas suggested Board members review the salary survey results for other boards of supervisors in Virginia provided by Liz Palmer.

Mr. Davis explained that the statute provides two methods for setting supervisor salary increases, and the Board currently uses the benchmark set by population brackets. If they set it at the maximum level, it can increase by no more than five percent each year. He said that the Board typically has set its wage increase at the same percentage given to County employees. It is set in May and effective July 1st. Mr. Davis said that the second method has no cap, but can only be used in years in which three Board members would be up for election and can be effective on January 1st.

Ms. Thomas said she enjoyed the County's recent Strategic Planning event, and was happy to see employees taking the opportunity to learn and participate.

Mr. Tucker agreed that it was very successful.

Mr. Boyd reported that he attended the Chairman's Institute put on by VACO, and found it very valuable, especially networking with other Board members from around the state.

Mr. Wyant asked for the name of the staff contact from Zoning who is overseeing the development of downtown Crozet and the Crozet Library. He also asked that any emails related to downtown Crozet be forwarded to him so that he can stay in the loop.

Agenda Item No. 21. Adjourn to February 14, 2007, 3:00 p.m.

At 5:29 p.m., with no further business to come before the Board, motion was offered by Mr. Dorrier, seconded by Mr. Slutzky, to adjourn this meeting until 3:00 p.m. on February 14, 2007. 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.

Chairman

Approved by the Board of County Supervisors

Date: 08/01/2007

Initials: EWC
