

A meeting of the Board of Supervisors of Albemarle County, Virginia, was held on October 3, 2007, at 9:00 a.m., in the Lane Auditorium 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, Assistant County Executive, Tom Foley, Director of Planning and Community Development, Mark Graham, Chief of Planning, David Benish, and Clerk, Ella W. Jordan.

Agenda Item No. 1. The meeting was called to order at 9:03 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. From the Board: Matters Not Listed on the Agenda.

Ms. Thomas commented that State requirements that stipulate the Board must hold an entirely new separate public hearing if there is a change to a proffer is tying our hands and making the process very cumbersome and lengthy.

Mr. Rooker agreed, adding that the legislation has backfired as the re-advertisement policy is actually hurting the public and not helping them.

Ms. Thomas suggested the Board consider allowing public comments at its work sessions to allow input during the process instead of only at the public hearing.

Mr. Dorrier commented on the Village of Rivanna Master Planning procedure. He asked if other Board members had received emails on the subject. He suggested a committee be appointed to provide into the process.

Mr. Rooker responded that the Planning Commission would formulate a recommendation after their next meeting as to how to handle this; they have not yet made that recommendation.

Mr. Benish added that the Commission has agreed that some local group to advise on this would be beneficial, and County staff would be recommending to them how to form such a body.

Agenda Item No. 5. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Mr. Mark Harris addressed the Board, stating that he operates a small landscape and irrigation business in the County, with six full-time and four part-time people now operating at 50 percent because of water restrictions. He stated that the County Water & Sewer Authority has taken the path of least resistance and cut them down to nothing, which eliminates the possibility of serving clients who need landscaping. Mr. Harris said that he has to pay to have water brought in so he can keep the plants alive that they have already put in.

Mr. Tom Oakley of TM Turf addressed the Board, stating that local companies have been discriminated against during the recent water restrictions. He said that the State has legislated that there should be an exception for new plantings and/or an environmental and economic impact. Mr. Oakley said that the Virginia Turf Grass Council estimated that this particular industry generated \$5 billion a year, employed 424,000 people, and had a total of 1,699,000 acres under care. He stated that they are asking for a 30 to 45 day growing period depending on circumstances, and he asked what had been done to address the water needs of all the new housing and retail development. Mr. Oakley suggested a five-tier system for water usage. He noted that the green industry does recycle its water as well as support the local community as citizens.

Mr. Tim Reese, who works for a local landscaping company, addressed the Board and stated that four of the eight restrictions imposed by the Service Authority have exceptions. He noted that the limitation on watering of outside plants and vegetation "shall not apply to commercial greenhouses or nursery stocks..." Mr. Reese said that the Service Authority seems to want to make it inconvenient for people to water their plants, and incomplete projects are leading to widespread erosion. He emphasized that not watering has an incredibly negative impact where erosion is an issue as well as an impact on the industry, which he is involved in because he really loves it. Mr. Reese said that weather is just another bump in the road. He said that these restrictions were put into effect months ago.

Mr. Bruce Baxter addressed the Board, stating that he is with an erosion control company, where they often use hydra-seeding to stabilize a steep hillside, and the minimum need is 3,000 gallons of water

per acre. He emphasized that ponds and streams are often not enough so they are reliant on the Water Authority.

Mr. Bob Freeman of Aquarius Irrigation Supply Company addressed the Board, stating that his business is to supply vendors with irrigation supplies, and they are the only branch dealing with a "no water" restriction. He said that although they have been in business since 1969, Aquarius came to Charlottesville only a year ago because clients were getting supplies from Richmond.

Mr. Kenny Shiflett of Foothill Irrigation addressed the Board, stating that he has been in business for 15 years and employs ten people. Mr. Shiflett said that he feels the industry was singled out as the car wash and concrete companies are still allowed to operate and they use water.

Mr. Duane Snow addressed the Board, noting that he appreciates all they do to help keep the County running smoothly. Mr. Snow said that one of the major issues is the erosion problem as plants die when they are not watered properly. He added that it is impossible to establish ground-cover as well and that generates even more severe problems.

Mr. Boyd thanked him for his service on the Architectural Review Board, noting that Mr. Snow would be leaving the area soon.

Ms. Carol Church of Southern States on Proffit Road addressed the Board, noting that watering restrictions have had a tremendously negative impact on the nursery and the landscape trade and their customers. She said that there is approximately \$40,000 of retail plant material that needs to be sold. Ms. Church explained that the new watering guidelines require night watering, and the only method that can be done at that time is overhead irrigation which is not very efficient. She said that a touch and go watering wand should be allowed to be used during the day as it is very efficient; current restrictions should be permitted to use a conservative method such as that. Ms. Church noted that sales volumes are down: grass seed was down 20 percent in September; straw is down 25 percent; flower and vegetable seed is down 20 percent; fertilizer is down 40 percent; garden chemicals are down 20 percent and nursery products are down 30 percent. She noted that staff has been reduced 20 percent. Ms. Church added that their water bill is getting ready to double, and it is crippling to our business.

Mr. Dale Dudley of D&D Lawn Care, which employs 35 people, expressed his concern about the water restrictions. He noted that some of the restrictions actually waste water. Mr. Dudley said that the restrictions seem to be geared just to the green industry where other industries have been spared or offered relief.

Mr. Scott Price, manager of a landscape division of a large company in Charlottesville, addressed the Board, emphasizing that they use water very efficiently. He said that just because they are highly visible as users of water does not mean they should be penalized more than other industries. Mr. Price asked for distinction between what is a drought issue and what is a supply issue, noting inconsistency with responses from the Service Authority. He emphasized that they are unable to complete several projects because of the restrictions, and the advertising is adversely affecting perception of the green industry, even though they are not the most egregious consumers.

Mr. Corbin Snow addressed the Board, noting that he is president and owner of Snow's Garden Company in Charlottesville. He mentioned that his grandfather started the business in 1912. Mr. Snow reported that the effects of restrictions from the drought of 2002 placed specifically on that industry were devastating. He said that their retail garden center sales plummeted 80 percent during the fall and winter months, and new landscaping leads came to a screeching halt. Mr. Snow stated that they had to lay off employees for the first time ever, and his father pulled through by getting loans to keep the business afloat. He said that since that time, they have invested in the company and have made capital improvements and invested in advertising. Mr. Snow said that it is not possible to stockpile water for a drought year, and long-range computer models say that the problem will only get worse. He emphasized that erosion further reduces this ability and also pollutes the Chesapeake Bay.

Mr. Jeff Werner, speaking for himself, addressed the Board. He said that unless the drought itself goes away, this problem cannot really be resolved. Mr. Werner stated that his family has been collecting water in buckets so that they can take showers and flush toilets, and there are many others who are cutting back dramatically on their water usage.

Mr. John Martin addressed the Board, stating that the issue raised here is a business problem, and perhaps some drought insurance would help these companies. He said that this is a water supply issue, and 20 percent of potable water delivered has been for irrigation purposes. Mr. Martin said it is not these people's fault; that is what the demand is. You have to ask yourselves what's creating this demand and what do we do about this. He also said that the Service Authority prices water for irrigation dirt cheap and has a policy of allowing for separate meters for irrigation, which allows them to pay a price for water

but not sewer. Mr. Martin said irrigation water is cheaper than the water you drink. He commented on the level of dysfunctionality between the Service Authority and other local government bodies, and the need to reexamine the relationship between the elected government and the Rivanna Water and Sewer Authority and the Albemarle County Service Authority.

Ms. June Comer addressed the Board, noting that she lives near the intersection of Plank and Miller School roads. She said that Batesville is known for being a heavily trafficked and speeding area, adding that the intersection has heavy traffic coming from Route 151 to Route 29 and traffic coming from Route 250 and Route 29. Ms. Comer suggested flashing warning signs on the Miller School Road ahead of the curve and signs placed on those roads showing there is an intersection ahead as well as making the street light solar powered and clearing sand off the road in the winter.

Ms. Lynn O'Donnell addressed the Board, stating that she is in the green industry, and emphasizing that shut-off valves, hoses, and sprinkler heads/wands should be used for watering new plants. She said that using a three-gallon bucket is inefficient because of runoff.

Ms. Lesley Sewell addressed the Board, stating that water is very valuable to the green industry. She noted that the industry is very beneficial to the State's economy with greenhouse/nursery businesses being the fourth largest agricultural commodity in Virginia now with \$185 million in revenues annually.

Mr. Cliff Fox addressed the Board and discussed a proposed greenway segment to Crozet Park through the Daily Family property. He stated that the Daily's will agree to a temporary license agreement if the County agrees to relinquish its right to eminent domain any of their land for the greenway. He asked the Board if they could find a way to relinquish its right to any eminent domain action on the Daly property.

Mr. Slutzky asked what could be done to spread awareness of cutting back on water usage among the general public so the green industries can continue to operate as they should, adding that perhaps the Service Authority could raise water rates.

Mr. Rooker responded that there is some exception for nurseries watering their own plants, so the restrictions are on individual homes where irrigation and plant-watering are not allowed. He noted that has led to consumers not buying plants, and he stated that he has a well and is not buying plants or watering his lawn right now. Mr. Rooker said that that industry has been hit hard by the drought, and the Authority should consider things like the touch and go wand, but it does get more difficult when it gets down to the consumer level. He said that the criteria that they establish are objective criteria, they're not political criteria, and he thinks that's important. Mr. Rooker added that it is inappropriate to second-guess the Authority when they are spending all their time focusing on the drought and its related issues, but he said he would talk to his representative on the Authority to see if there are ways the results can be achieved without a disproportionate impact.

Mr. Wyant agreed, but he said that a requirement to cut water usage and the methods recommended may be inefficient.

Ms. Thomas commented that what needs to be considered for the long-term is what plants can survive a drought as this is probably a problem that will have to be dealt with in the future. She cited the difficulties encountered during the 2002 drought.

Mr. Rooker added that the process of getting an increased water supply is a tedious job that requires getting the regulators to accept a plan that the community agrees on, which the Authority has done very, very well with, and environmental organizations have also supported the approach. He added that there are some groups in the community who are starting to work against the plan.

Mr. Boyd commented that they have no control over Mother Nature, and the regulatory agencies will only move so quickly. He said that he would like for the Authority members to meet with representatives from the green industry to perhaps arrive at some compromise.

Mr. Tucker suggested that a focus group be established as many of these people have addressed the Authority as they did at this Board meeting.

Mr. Reese said that they have created a Committee and met with Gary Fern, who wants to meet with them again, adding that it is important to have Board involvement as well with the focus group. He said that when the warnings were issued, the Authority wanted to save five percent but went right after the green industry and saved eight percent in the first week.

Mr. Slutzky noted that residential users tend to waste water because they saturate their lawns and there is runoff.

Mr. Reese said that other communities have implemented measures such as odd/even day watering days. He said it is going to take a huge effort. He added that the only way to get drought-tolerant plants, such as black-eyed Susan's, established is by watering.

Mr. Boyd suggested that they keep working with the Authority and the focus group.

Agenda Item No. 6. Consent Agenda.

Mr. Rooker **moved** for approval of items 6.1 through 6.6 on the Consent Agenda, and to accept the remaining items for information. Mr. Slutzky **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

Item No. 6.1. Approval of Minutes: November 1, 2006; April 4 and June 20, 2007, **removed from the Consent Agenda.**

Mr. Slutzky asked that his portion of the minutes of April 4, 2007 be pulled.

Mr. Boyd asked that his portion of the minutes of November 1, 2006 be pulled.

By the above recorded votes, the minute of November 1, 2006 (pages 17 – end), April 4, 2007 (pages 18-end) and June 20, 2007 were approved as read.

Item 6.2. FY 2007 Appropriations.

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

In the past, Code of Virginia § 15.2-2507 required a budget amendment public hearing when the amendment exceeded one percent of the total expenditures shown in the currently adopted budget or the sum of \$500,000, whichever is lesser. Effective July 1, 2007, this code section was amended removing the "or the sum of \$500,000 whichever is lesser" from this requirement, therefore, a budget amendment public hearing will only be required after the cumulative appropriations exceed one percent of the currently adopted budget.

The total of this requested FY 2007 appropriation is \$498,500.00. A budget amendment public hearing is not required.

This request involves the approval of one (1) new FY 2007 appropriations as follows:

- One (1) appropriations (#2007092) totaling \$498,500.00 for general fund over expenditures in FY 2007.

Staff recommends approval of the FY 2007 Appropriation #2007092.

Appropriation #2007092 \$498,500.00

Revenue Source: General Fund Balance \$ 498,500.00

Several general government departments will require an additional appropriation to cover FY 2007 expenditures. This request will appropriate \$498,500.00 from the General Fund Balance to the following departments:

- Circuit Court Jurors and Books/Subscriptions \$ 4,500.00
The Circuit Court saw an unusually high number of multi-day jury trials during FY 2007 that resulted in the line item for juror expenses to be over-expended. In addition, a new Circuit Court judge was appointed during FY 2007 resulting in an increase in books and subscriptions costs.
- Commonwealth's Attorney Salaries, Overtime wages, FICA \$ 45,000.00
The Commonwealth's Attorney's office was over budget due to a clerical error that resulted in an insufficient amount of funding being distributed to this office during the mid-year salary review of merit and reclassifications. In addition, two employees received annual leave pay-offs during FY 2007, and two employees received pay-offs of accumulated comp time.
- City Fire Contract \$ 55,100.00
Based on the City Fire Contract terms, the FY 2007 payment due the City exceeded the appropriated budget.

- Regional Jail \$ 350,000.00
 The regional jail's budget was within projection however, the County's share of inmate population in proportion to other member entities was higher than anticipated resulting in the County's share of expenses being over the County's budget.
- Inspections \$ 2,500.00
 Worker's Compensation
 Worker's Compensation Insurance was under budgeted.
- Facilities Development \$ 2,000.00
 Miscellaneous Expenses
 The Office of Facilities Development was created in late FY 2007 and was from existing funds within the General Services' operating budget. Start up costs of this new department were slightly higher than anticipated resulting in an over expenditure for FY 2007.
- Soil & Water Conservation \$ 2,400.00
 Salaries and FICA
 Salary and FICA for the one County-funded position exceeded the FY 2007 appropriation.
- Refunds \$ 37,000.00
 Tax, Auto Decals, and Business License

(Discussion: Mr. Slutzky asked about the County's share being higher than anticipated in the Regional Jail, resulting in the need for additional appropriations.

Mr. Tucker replied that there is a correlation between the County's arrest ability, which has improved over time, so inmate population is increasing. He said it can change during the year, and that is what the Board is seeing here.

Ms. Thomas asked about the error with the Commonwealth Attorney's office. Mr. Tucker indicated it was a clerical error, and he is not sure whether it happened on their end or the County's end.

Mr. Boyd commented that perhaps some of the fund balance that would go into the CIP should be considered to help resolve the anticipated budget shortfall.

Mr. Tucker responded that staff is comfortable with not keeping some of the money as expected for the fund balance.)

By the recorded vote set out above, the Board approved the FY 2007 Appropriation #2007092.

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2007092
 DATE _____
 BATCH# _____

EXPLANATION: FY07 Overexpenditures

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
1	1000	21010	580900	Circuit Court-Jurors & Witnesses	J	1	2,000.00		
1	1000	21010	601200	Circuit Court-Books & Subscriptions	J	1	2,500.00		
1	1000	22010	110000	Commonwealth Attorney-Salaries	J	1	32,000.00		
1	1000	22010	120000	Commonwealth Attorney-O/T Wages	J	1	11,000.00		
1	1000	22010	210000	Commonwealth Attorney-FICA	J	1	2,000.00		
1	1000	32050	560600	City Fire Contract	J	1	55,100.00		
1	1000	33020	700002	Regional Jail	J	1	350,000.00		
1	1000	34050	270000	Inspections-Worker's Comp. Ins	J	1	2,500.00		
1	1000	41110	580000	Facilities-Misc Expense	J	1	2,000.00		
1	1000	82030	110000	Soil & Water-Salaries	J	1	2,000.00		
1	1000	82030	210000	Soil & Water-FICA	J	1	400.00		
1	1000	92010	580301	Refunds-Tax Refunds	J	1	22,000.00		

Circuit Court of Albemarle County in Deed Book 1654, page 503-507, with a 50-foot plus right-of-way width, for a length of 0.10 miles.

Total Mileage – 0.21

Item No. 6.4. Petty Cash Resolution to Add a Petty Cash Fund for Hollymead Fire Station.

The Executive Summary states that Virginia Code Section 15.2-1229, provides that the County may adopt a resolution to establish petty cash funds not exceeding \$5,000 to be used to transact daily County business.

The Board of Supervisors last established petty cash funds by a Resolution adopted on June 6, 2007. Staff recommends adoption of a new Resolution to create an additional \$250.00 petty cash fund for the Fire and Rescue Department at the Hollymead Fire Station. This new petty cash fund will allow for the payment of minor expenditures related to station operations.

Staff recommends that the Board adopt the attached Resolution to add a petty cash fund at the Hollymead Fire Station and reestablish the existing petty cash funds.

By the recorded vote set out above, the Board adopted the following Resolution to add a Petty Cash Fund for Hollymead Fire Station.

RESOLUTION

WHEREAS, Virginia Code §15.2-1229, provides that the governing body of any county may establish by resolution one or more petty cash funds not exceeding \$5,000 each for the payment of claims arising from commitments made pursuant to law; and

WHEREAS, the Board of Supervisors adopted a Resolution on June 6, 2007 establishing petty cash funds; and

WHEREAS, the Board of Supervisors now desires to amend and establish certain petty cash funds for the above stated purpose.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of Albemarle County, Virginia establishes the following petty cash funds:

Finance Department	\$ 4,350.00
Social Services	200.00
Community Development	100.00
Police Department	1,800.00
Sheriff's Department	100.00
Fire and Rescue	150.00
Fire and Rescue - Monticello Fire Station	250.00
Fire and Rescue – Hollymead Fire Station	250.00
Commonwealth's Attorney	300.00
Parks & Recreation	<u>100.00</u>
Total	<u>\$ 7,600.00</u>

Item No. 6.5. FY 2007 End-of-Year Preliminary Financial Report.

The Executive Summary states that the attached Preliminary Financial Report provides information on the County's General Fund operations and Fund Balance as of June 30, 2007. The financial report includes a bar chart that compares current fiscal year revenue and expenditure data with data from the previous fiscal year.

A. Attachment A: General Fund Financial Report:

a. Revenues:

Revenues, excluding Transfers and Fund Balance Appropriations, total \$195.803 million, \$1.437 million, or 0.7%, less than revised appropriations (hereinafter "Budget"). Combined with the use of \$2.139 million in transfers from other funds and \$9.690 million in fund balance, Revenues, Transfers, and Use of Fund Balance total \$207.632 million, \$2.257 million, or 1.1%, less than Budget. Following is a brief revenue analysis for the fiscal year:

- Real Estate Tax revenues total \$97.239 million, \$3.721 million, or 3.7%, less than Budget. The shortfall is due to the reduction of the real estate tax rate from \$0.74 to \$0.68 for tax year 2007.
- Personal Property Tax revenues, exclusive of PPTR, total \$16.810 million, \$0.203 million, or 1.2%, more than Budget. The excess is due to the revised PPTR allocation rate resulting in increased collections.
- Sales Tax revenues total \$13.426 million, \$0.374 million, or 2.7%, less

than Budget. Statewide taxable sales for April through June have declined 0.6% compared to the prior year due to the economic slowdown currently being experienced throughout the Commonwealth. The state has reduced its official FY08 forecast from an increase of 5.2% to 2.8%.

- Business License revenues total \$10.078 million, \$0.956 million, or 10.5%, more than Budget. Revenues are based on prior year operations when the economy was stronger.
- Food and Beverage Tax revenues total \$5.438 million, \$0.288 million, or 5.6%, more than Budget. The excess is due to the continued strength of the convenience food preparation industry.
- Other Local Tax revenues total \$10.363 million, \$0.964 million, or 10.3%, more than Budget. The excess is due to increased Bank Franchise tax revenues resulting from additional bank branches located in the County, audit activities, and vehicle registration fees.
- Other Local Revenues total \$5.798 million, \$0.849 million, or 17.2%, more than Budget. The excess is primarily due to increased traffic fines, interest earnings, and police and sheriff fees, offset by reduced inspection related revenues.
- State Revenues total \$23.393 million, \$0.129 million, or 0.5%, less than Budget. The shortfall is primarily due to decreased PPTR funding offset by additional state funded positions for Constitutional Officers.
- Federal Revenues total \$4.627 million, \$0.405 million, or 8.1%, less than Budget. The shortfall is due to less than anticipated public assistance reimbursements.
- Use of Other Funds total \$2.139 million, \$0.820 million, or 27.7%, less than Budget. The shortfall is due to the new Telecommunications law which became effective January 1, 2007. E911 revenues previously received separately are now reported as Communications Sales and Use Tax combined with former Consumer Utility Tax revenues on landline and wireless communication services. The tax is now assessed by the state on cable services formerly untaxed by the County. This tax is now collected by the state and allocated back to localities based on fixed FY06 locality revenues. The change negatively impacted FY07 revenues.
- Categories with variances of less than \$0.100 million have not been analyzed for this report.

b. Expenditures:

Expenditures, including transfers, total \$204.789 million, a \$5.099 million, or 2.4%, savings from Budget.

- Departmental expenditures total \$71.768 million, a \$3.624 million, or 4.8%, savings from Budget. After proposed reappropriations of \$1.985 million for uncompleted projects and outstanding purchase orders, the net savings is \$1.639 million, 2.2%.
- The Transfer to the School Division is 100% of Budget.
- Non-departmental expenditures total \$10.317 million, a \$1.455 million, or 12.4%, savings from Budget. This reflects savings in Contingency Reserve expenditures of \$1.491 million.
- Transfers to the Capital and Debt Service funds total \$31.538 million, a \$0.020 million savings from Budget.

c. Revenues less Expenditures:

This report indicates that there will be \$2.842 million in unexpended revenues, transfers, and use of fund balance at the end of the fiscal year. The \$2.842 million is comprised of:

- Revenues and transfers experiencing a \$2.257 million shortfall.
- \$5.099 million in expenditure savings.

B. Attachment B: General Fund Budget Comparison Report:

The chart report tracks changes in revenues and expenditures.

- Revenues in all categories except Other Local Taxes and State Revenue increased over last year. Both decreases approximate \$0.100 million.
- Expenditures in all categories increased over last year.

C. Attachment C: Fund Balance Report:

The report indicates that the County:

- Has an Audited FY06 Fund Balance of \$25.079 million as of June 30, 2006,
- Appropriated \$9.690 million for FY07 projects,
- Has a remaining FY07 Fund Balance of \$15.388 million as of June 30, 2007,
- Estimates Preliminary Revenues in Excess of Expenditures of \$2.842 million,
- Reserved \$13.000 million for cash flow purposes,
- Approved \$0.347 million for FY08 projects,
- Has Proposed Commitments of \$3.675 million, and
- Has Projected Unobligated Funds of \$1.209 million as of October 3, 2007.

D. Discussion of FY07 Unobligated Balance:

The Board's approved policy allocates 100% of surplus revenues and 60% of departmental expenditure savings (after all current year committed amounts from fund

balance are appropriated) to the CIP Fund for future capital needs, capital repairs and maintenance items, and/or debt service. The policy further states that the remaining 40% of expenditure savings may be used for other projects at the Board's discretion and approval. The policy was developed to establish guidelines for the use of end-of-year excess revenues and expenditure savings.

There are no surplus revenues for FY07. The Preliminary CIP transfer will be calculated based on 60% of expenditure savings determined as follows:

Expenditures Savings	\$5.099
Less Budgeted Initiatives and Proposed Reappropriated Purchase Orders and Uncompleted Projects	<u>2.282</u>
Net Expenditure Savings	<u>2.817</u>
60% expenditure CIP transfer allocation	<u>\$1.690</u>

This is a Preliminary estimate that will be finalized when the fiscal year audit is completed.

Staff recommends 1) Acceptance of the Preliminary June 30, 2007 End-of-Year Financial Report; and 2) Approval of the CIP transfer pending final audited financial results of operations.

By the recorded vote set out above, the Board accepted the Preliminary June 30, 2007 End-of-Year Financial Report and approved the CIP transfer pending final audited financial results of operations as recommended by staff.

Item No. 6.6. Cancel public hearing to grant water line easement to the Albemarle County Service Authority across property owned by the County located on Tax Map Parcel 045B1 necessary for the replacement of a water line along Clarke Lane in the Woodbrook Subdivision.

By the recorded vote set out above, the Board cancelled the public hearing to grant water line easement to the Albemarle County Service Authority across property owned by the County located on Tax Map Parcel 045B1 necessary for the replacement of a water line along Clarke Lane in the Woodbrook Subdivision.

Item No. 6.7. Proffer Management – First Quarterly Proffer Report-Cash Proffer Activity **was received by the Board for information.**

The Executive Summary states that on January 3, 2007, the Board requested that cash proffer activity be reported on a quarterly basis. As part of the overall Proffer Management Program, Community Development staff has been working with Finance and the Office of Management and Budget to keep the public and affected County departments informed of all cash proffer activity. Additionally, the County is mandated by Virginia Code Section 15.2-2302.2 to provide an annual report of all cash proffer revenues and expenditures as well as the amount of future cash payments proffered in all rezonings approved during that fiscal year to the State Commission on Local Government.

The management of cash proffers has become a significant component in the County's administration of proffer monitoring and proffer compliance. The County has implemented new procedures to monitor cash proffers, including the utilization of monthly spreadsheets produced by Finance that will be available on the proffer database on the County website and will also be sent to affected stakeholders. An overview of the report and spreadsheet that will be provided to the State Commission on Local Government is attached (Attachment A), as well as the Cash Proffer Fund Activity Report for FY 2006-2007 (Attachment B).

In FY 2006-2007, the County collected \$1,189,182 in cash proffers. Of the monies collected: \$629,538 is allocated for general capital improvement programs, \$355,000 for affordable housing, \$131,300 for roads or other transportation improvements, \$11,000 for schools, \$53,000 for parks and recreation and \$9,344 for stormwater management.

In FY 2006-2007, the County expended \$181,772 in cash proffers. The monies were spent as follows: \$109,666 for the 29 North Corridor Transportation Study, \$12,690 for improvements to Stone Robinson School, \$9,415 on stormwater improvements and \$50,000 for the Western Park Master Plan.

In FY 2006-2007, \$1,631,100 in cash proffers was approved with rezonings. More detailed information regarding cash proffer revenue, expenditures and allocations is located on Attachments A and B.

Proffer funds are one source of revenue for funding the approved CIP. Monies received by proffers fund capital improvements which would otherwise be funded by general tax revenue. Currently one dedicated full-time staff person is assigned to monitor and collect proffered funds.

This report is provided for information and no action is required. The Annual Survey to the State and Cash Proffer Activity for Fiscal Year 2006-2007 is provided for the convenience of the Board and those interested in the cash proffer program. Since this is the first report of information to be provided on a quarterly basis, staff requests the Board to note any desired changes to the report.

Item No. 6.8. Copy of 2007 Statement of Assessed Values for Local Tax Purposes for

Railroads and Interstate Pipeline Transmission Companies as prepared by the Department of Taxation **was received by the Board for information.**

Item No. 6.9. Copy of certified 2007 Statements of Assessed Values for electric, gas, telecommunications and water companies for Albemarle County, including listing of Motor Vehicle Carrier companies subject to annual Rolling Stock Tax for 2007, as prepared by the State Corporation Commission, Public Service Taxation Division **was received by the Board for information.**

Item No. 6.10. Copy of letter dated September 11, 2007, from Ronald L. Higgins, AICP, Manager of Zoning Administration, to Lawrence J. Martin, Trustee, BMC Land Trust, *re: OFFICIAL DETERMINATION OF DEVELOPMENT RIGHTS -- Tax Map 30, Parcel 10 (one tax parcel that is composed of two parcels of record- Property of BMC Land Trust) Section 10.3.1. – White Hall Magisterial District* **was received by the Board for information.**

Item No. 6.11. Copy of letter dated September 11, 2007, from Ronald L. Higgins, AICP, Manager of Zoning Administration, to Yellow Mountain LLC, *re: OFFICIAL DETERMINATION OF DEVELOPMENT RIGHTS -- Tax Map 70, Parcels 31, 32A & 32B (Property of Yellow Mountain LLC) Section 10.3.1. – White Hall Magisterial District* **was received by the Board for information.**

Item No. 6.12. Copy of minutes of the Albemarle County Service Authority for April 19, May 24, June 21 and July 19, 2007 **was received by the Board for information.**

Agenda Item No. 7. Board-to-Board, *Monthly Communications Report from School Board*, School Board Chairman.

Ms. Sue Friedman, Chairman of the School Board, addressed the Board, acknowledging Brian Wheeler and one parent council member, were also present. She shared the annual progress report and outcome measures, noting that in the last six years AP enrollments have increased from 788 to 1,677. Ms. Friedman said that the schools have gone from 61 dual-credit enrollments to 676, and they want to continue to grow that number. She stated that the last "Make a Difference Day" had 936,000 volunteer hours contributed by students in one day, and this year's would be held on October 27th. Ms. Friedman reported that SOL state pass rate goal is 71 percent, but the schools' goal is 90 percent. She said that the writing pass rates for elementary are at 92.8 percent; 88.1 percent at the middle schools; and the high school rate is 93.1 percent.

Ms. Friedman mentioned that in a partnership with Parks & Recreation and an anonymous donor, the schools are over halfway done with funding new sports fields, and the City is in a similar situation. She said that schematic designs for Brownsville, Greer, and AHS renovations have been approved and are on-track and under-budget. Ms. Friedman noted that all schools have been accredited by the Virginia Department of Education, and there are 29 different categories that have to be met with No Child Left Behind (NCLB); Albemarle Schools have met 28 of those. She also said that their curriculum framework is pending approval, stating that the focus would be on problem-solving.

Mr. Dorrier asked about page 31 of the Annual Report, which showed a dropout rate increase from 5.8 percent to 9.8 percent.

Ms. Friedman responded that the definition and process of calculating those rates has changed, and it needs to be explained by someone within the school system such as Dr. Benson.

Mr. Slutzky asked about calculating the NCLB unfunded mandates.

Ms. Friedman replied that they have done it in previous years, and they would do it again in the near future.

Mr. Rooker suggested asking for someone to look into using alternatives to turf fields as the standard now is to use grass fields in colleges.

Ms. Friedman responded that they have been working with Mr. Wyant to talk with some NFL experts, and the University of Virginia and Luckstone is offering their expertise as well.

Agenda Item No. 8a. Transportation Matters: Primary Road Plan Priorities.

Mr. Benish reported that the primary interstate transit system improvements have been prioritized by the County for a number of years, and staff has provided a draft with updates and new recommendations for this fiscal year. He summarized that there are only two substantive changes: a recommendation for pedestrian crossings on Routes 29 and 250. Mr. Benish explained that most other changes are more of issues of clarity and updating the status of current recommendations. He said that staff struck "authority" under the study request and left it as "entity." Mr. Benish also added that the University architect's office has offered a project to improve Route 250 West that is consistent with a study done with the City/County and MPO 13 years ago; that project has already been prioritized in the Six-Year Plan.

Ms. Thomas asked about prioritizing bridges.

Mr. Benish replied that of the bridges done in the County now, several have now been upgraded, and the primary ones are in fairly good shape. He said that a point could be made to the State to assist with bridge improvements in general, but this plan focuses mostly on primaries.

Ms. Thomas commented that the Route 250 bridge is being repaired for the second time now because it is not wide enough.

Mr. Alan Sumpter said that the higher district-wide six-year program plans (STIP) would soon include bridges rather than having them in the secondary plans. He suggested having projects identified now and recommended as priorities for the County, so that they would be in place when the rollover process occurs.

Mr. Rooker suggested having staff compile a list of bridges in need of repair or replacement and develop some criteria for how those projects are rated. He said that several bridges have over 1,000 vehicle trips per day, and some of those bridges have a rating of 50 or less out of 100 total, such as the Broomley Bridge.

Mr. Boyd asked for confirmation that this would also include railroad bridges.

Mr. Tucker replied that it would.

Mr. Slutzky suggested a comprehensive list of all bridges that VDOT has determined need attention.

Mr. Sumpter said that he met with Mr. Benish and Juan Wade in the fall, and they discussed priorities at that time. He explained that the new process would be for new recommended projects as the others are already included.

Mr. Rooker emphasized the importance of picking a line for cutoff based on the rating each bridge has.

Mr. Benish responded that he would create a new category called "bridge improvements" to make a general statement about providing funding. He explained that the rating system currently includes sufficiency, location within development areas or rural areas, traffic volumes, and road category such as arterial collector.

Mr. Wyant noted that there are a number of bridges that are of concern to the Fire & Rescue stations as some of those vehicles can not cross them.

Mr. Benish replied that they would continue to address that in the secondary plan, but it would have to be a gradual process.

Mr. Sumpter mentioned that the final version of the Six-Year Plan would not be approved until June 2008.

Mr. Boyd said that he would not mind presenting the proposals on behalf of the County.

Mr. Rooker commented that he would likely attend for the MPO.

Mr. Benish said that staff always attends the hearing.

(Note: The statement is set out below:)

**ALBEMARLE COUNTY RECOMMENDED PRIORITIES FOR SYIP, FOR PRIMARY ROAD, TRANSIT
AND ENHANCEMENT IMPROVEMENTS
(NOVEMBER, 2007)**

The following are Albemarle County's priorities for each federal funding allocation and each sub-allocation of the Surface Transportation Program (STP) funds. Attachment A provides a more detailed explanation of the priority projects.

I. Surface Transportation Program (STP Projects)

Undertake projects in The CHART-UNJam 2025 Regional Transportation Study (adopted May 3, 2004). These include:

1. Construct Meadow Creek Parkway from Route 250 Bypass to Rio Road, including the interchange at the Route 250 Bypass. The CTB should make every effort to provide adequate funding and resources to maintain the current construction schedule;
2. Improvements to Route 29 North Corridor:
 - a. Funding of 29H250 Phase II Study, Option B design recommendations. These improvements include an extra ramp lane on Route 29 North onto the Route 250 Bypass and an extra lane on Route 29 from Hydraulic Road (in the City);
 - b. Widening improvements to Route 29 North--construct third lane on northbound and southbound lanes, from South Fork Rivanna River;
 - c. Construct Hillsdale Drive extension from Hydraulic Road to Greenbrier Drive in the City of Charlottesville; and

- d. Construct Berkmar Drive extension.
3. Widening of Route 20 South, from I-64 to Mill Creek Drive, including bike lanes and sidewalks.
4. Improvements to Route 250:
 - a. Improve two intersections on Route 250 West: the Tilman Road Intersection (Route 676) and the Owensville Road intersection (Route 678). Otherwise, maintain the current two-lane road configuration from the Bypass to Yancey Mills;
 - b. Improve Route 250 East corridor as recommended in the Pantops Neighborhood Plan (improvements to interchange, pedestrian crossings, parallel road and new bridge/crossing at Rivanna River); and
 - c. Improve Route 250 West from Emmet Street to the Route 29/250 Bypass.
5. Improve Route 240 in accord with the recommendations of the Crozet Master Plan:
 - a. Implement sidewalk plan (per Downtown Sidewalk and Parking Study and Crozet Master Plan);
 - b. Create bike lanes to and in downtown;
 - c. Construct Eastern Avenue, to include the Lickinghole Bridge and a railroad crossing; and
 - d. Construct Main Street east from Crozet Avenue.
6. Widen Route 20 North, from Route 250 to Elks Drive/Fontaine Drive intersection, including bike lanes and sidewalks.
7. Undertake improvements recommended in the Southern Urban Area B Study, including improvements to Fontaine Avenue and construction of Fontaine Avenue to Sunset Avenue connector road.
8. Improve two intersections on Route 20 (Valley Street) in Scottsville: the Warren Street intersection and the Hardware Street intersection.

II. Transit Improvements

1. Regional Transit Authority - Funding to support establishing a regional transit entity with expanded service to Albemarle County and Charlottesville.
2. Expand Existing Service - Funding to expand existing transit service capacity for CTS, JAUNT, RideShare, including capital projects to enhance capital operations (such as bus pull-outs, shelters, etc.).
3. Funding for Transit Operational Costs - Fully fund the State's existing formula share of transit operating costs or provide fuel subsidies in the face of rapidly escalating fuel costs.
4. Inter-City Rail – Improve and increase inter-city rail service to Albemarle County. The County continues to support the funding and implementation of the TransDominion Express as a means to provide improved inter-city rail service within the State.

III. Bridge Projects

Bridge priorities identified by Albemarle County, VDOT Local and District Offices.

1. Route 651, Free State at Norfolk Southern RR
2. Route 743, Advance Mill at North Fork Rivanna
3. Route 708, Dry Bridge Road at Buckingham Branch RR
4. Route 677, Old Ballard Road -Buckingham Branch RR
5. Route 616, Black Cat Road - Buckingham Branch RR
6. Route 637, Dick Woods Road – Ivy Creek
7. Route 641, Frays Mill Road at Marsh Run
8. Route 795, Presidents Road at Hardware River
9. Route 614, Sugar Hollow Road at Moormans River
10. Route 649, Proffit Road at Norfolk Southern RR

IV. Safety Improvements

1. Construction of pedestrian walkways along primary roads in the County's Urban Neighborhoods and Development Areas as part of road widening/improvement projects. Absent major road improvements, the following roads are prioritized for improvement:
 - a. Route 240 in downtown Crozet;
 - b. Pedestrian crossings at strategic locations on Rt 29 North.
 - c. Route 250 East in Pantops-extend from the existing sidewalks and provide pedestrian crossings at strategic locations;
 - d. Route 250 West from the City limits to the Farmington/Ednam entrance;
 - e. Route 20 South from City limits to Mill Creek Drive extended.
2. Safety improvements in Crozet area including Route 240 underpass.
3. Reconfigure intersection of Route 22 and Route 250. This project is included in the current SYIP. Provide adequate funding and resources to maintain the current construction schedule.
4. Intersection improvements on Route 250 West at 1) Tilman Road and 2) Owensville Road (noted above).
5. Develop functional plans, including an analysis of safety improvements for Route 22 and Route 231.

V. Enhancement Projects/Safe Routes to School Program

1. Pedestrian Streetscape improvements in downtown Crozet.
2. Beautification of entrance corridors.
3. Construction of bikeway, pedestrian, and greenway improvements as prioritized in the

Jefferson Area Bicycle, Pedestrian and Greenways Plan and the County's Comprehensive Plan.

4. Development of portions of the Rivanna River Greenway path system.
5. Removal of non-conforming billboards.
6. Continued support of Scottsville Downtown Streetscape Improvement Project.

VI. National Highway System (NHS)

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

VII. Congestion Mitigation and Air Quality Improvement Program

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

* * * * *

Attachment A

ALBEMARLE COUNTY RECOMMENDED PRIORITIES FOR SYIP, FOR PRIMARY ROAD, TRANSIT AND ENHANCEMENT IMPROVEMENTS (NOVEMBER, 2007)

The following are Albemarle County's priorities for each federal allocations and each sub-allocation of the Surface Transportation Program (STP) funds.

I. Surface Transportation Program (STP)

Standard Projects:

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

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

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

Meadow Creek Parkway/Route 250 Bypass Interchange. The County also supports the construction of the Meadow Creek Parkway interchange at the terminus of the Parkway with Route 250 in the City of Charlottesville. This interchange is essential to the safe and acceptable future traffic operation of this high volume intersection. The County is grateful for the funding earmarked in the Federal Transportation Bill for this interchange. It is recognized that this interchange project, and its funding, is a separate but related project from the Meadow Creek Parkway mainline project. ***The County requests that the CTB make every effort to provide adequate funding and resources to maintain the current construction schedule for this project.***

Northern Free State Road (formerly Meadow Creek Parkway Phase II) is being funded in VDOT's Six Year Secondary Road Plan for the county. The County is now studying the concept/alignment of this road as part of the Places 29 Study, ***an integrated land use and transportation master planning study for the Route 29 North corridor.***

2. **Route 29 North.** This highly urbanized area continues to grow and transportation system improvement needs continue to increase. The County, City, VDOT and the MPO have completed Phase I and Phase II of the 29H250 (US 29 – Hydraulic – 250 Bypass Intersection) Study. The County appreciates continued VDOT and Commonwealth Transportation Board support of initiatives in the Route 29 North corridor. The County, in coordination with the MPO, is currently utilizing VDOT, developer proffered and County general funds to study the concept/alignment of Route 29 North as part of a larger transportation network study for the County's northern development areas from the City

limits to the Greene County line. This study, a component of the County's Places 29 Study, will include a comprehensive and integrated evaluation of both transportation and land use issues and planning to establish a series of land use recommendations, transportation network improvements and multi-modal approaches that will support the northern development areas and the Route 29 Corridor.

- a) The County requests that VDOT plan for the funding of the 29H250 Phase II Option B design recommendations, which emphasize improving Route 29 to serve regional trips and changing the character of Hydraulic Road. between Route 29 and the Route 250 Bypass. These improvements include an extra ramp lane on Route 29 North onto the Route 250 Bypass and an extra lane on Route 29 from Hydraulic Road (in the City).
- b) The County requests funding for a third lane northbound and southbound on Route 29 from the South Fork Rivanna River to north of its intersection with Hollymead Drive. These improvements would tie into a third lane recently constructed in each direction along Route 29 as part of major land development projects at the Hollymead Town Center. This new third lane section, and other road improvements in the area, was funded by the developer through zoning proffers related to the project's approval. There are significant peaks and valleys in Route 29 through this area that create an existing dangerous condition and this will only worsen as traffic increases as development occurs in this area in accord with the Comprehensive Plan. This section of road already experiences a high level of vehicle accidents, particularly in the area of Forest Lakes South. Completion of this section would essentially complete the three phases of improvements to Route 29 from Hydraulic Road to Airport Road that were originally programmed in the Six-Year Plan in 1988. These and other Comprehensive Plan transportation system recommendations envision future development to be served by a transportation network that ultimately provides a complete system of urban streets and supports walking and biking and comprehensively links all land uses.

Other projects listed in CHART in the northern study area must be actively pursued and completed. These projects include:

- c) the Hillsdale Drive Extension Project;
- d) Berkmar Drive Extended.

Also, while funding has previously been dropped for Route 29 improvements north of the South Fork Rivanna River, transportation system improvements as identified by the County in its Comprehensive Plan are imperative to this area.

3. Complete preliminary engineering and undertake the widening of Route 20 South from I-64 to Mill Creek Drive. Incorporate sidewalks and bike lane facilities into these improvements. This is a curvy section of road in the County's Urban Area that serves the traffic from Monticello High School and has experienced several accidents with fatalities in recent years.
4. There are three areas of emphasis the County requests be addressed on Route 250:
 - a) The County does request funding for the improvements of the Tilman Road intersection at Route 250 and the Owensville Road/Route 250 intersection (possible round-about at Ownesville Road). Otherwise, the County recommends maintaining the present two-lane configuration of the corridor with any short term or spot improvements being as non-intrusive and consistent as possible with the special character of this scenic by-way.
 - b) VDOT has completed a similar study of Route 250 East from Free Bridge to the Fluvanna County line. This study's findings have been presented to the Albemarle County Board of Supervisors. The County is considering the recommendations of this study as part of the Neighborhood Planning process "Pantops Urban Area Neighborhood Master Plan." This Pantops Plan focuses on creating a neighborhood plan that integrates land use and transportation planning to establish land use recommendations, transportation network improvements and multimodal approaches that will support neighborhood development. Draft recommendations include improvements to the I-64 interchange, pedestrian crossings, parallel roads and a possible new bridge/crossing of the Rivanna River connecting to the City, and limited widening of Route 250.
 - c) Improve Route 250 West from Emmet Street to the Route 29/250 Bypass. This section is covered by the joint Ivy Road Design Study conducted by the City, County and University of Virginia and originally recognized for improvement in the Lewis Mountain Neighborhood/University Heights (Area B) Study. Any plans for the improvement of this section of Route 250 West need to be coordinated among the City, County and University.

5. Undertake improvements that will benefit/improve Route 240 in Crozet in accord with recommendations from the recently completed Crozet Master Plan.
 - a) Implement sidewalk plan (per Downtown Sidewalk and Parking Study) and Crozet Master Plan.
 - b) Create bike lanes to and in downtown.
 - c) Construct Eastern Avenue, to include the Lickinghole Creek Bridge and a railroad crossing.
 - d) Construct Main Street east from Crozet Avenue.
6. Undertake the widening of Route 20 North from north of Route 250 East to the Elks Drive/Fontana Drive intersection. Incorporate sidewalks and bike lane facilities into the west side improvements. The County has also listed these improvements under "Safety" priorities. To date, the County has constructed sidewalks on the east side of Route 20 from Route 250 to Fontana Drive.
7. Undertake improvements recommended in the Southern Urban Area B Study recently completed in coordination with the City of Charlottesville, County of Albemarle, and the University of Virginia. The Study recommends improvements to Fontaine Avenue and the construction of a new connector road between Fontaine Avenue and Sunset Avenue.
8. The Town of Scottsville has requested that VDOT improve Route 20 (Valley Street) at the intersection of both Warren Street and Hardware Street. VDOT had proposed these improvements in the 1970's, but the improvements were not completed. The improvements will enhance the safety of the traveling public in the Town.

II. Transit Improvements

1. Regional Transit Authority - Funding to support establishing a regional transit entity with expanded service to Albemarle County and the City of Charlottesville.
2. Expand Existing Service - Funding to expand existing transit service capacity for CTS, JAUNT, RideShare, including capital projects to enhance capital operations (such as bus pull-outs, etc.).
3. Funding for Transit Operational Costs - Fully fund the State's existing formula share of transit operating costs or provide fuel subsidies in the face of rapidly escalating fuel costs.
4. Inter-City Rail – Improve and increase inter-city rail service to Albemarle County. The County continues to support the funding and implementation of the TransDominion Express as a means to provide improved inter-city rail service within the State.

III. Bridges

The County has worked with VDOT to identify the top ten bridge projects for Albemarle County. The top three priorities on the list below have been listed on the County's Strategic Priorities for Secondary Road Improvements. All priorities were chosen from a comprehensive list of bridges located in Albemarle County found on Attachment D. This list includes the lowest sufficiency ratings for all bridge projects. These projects are, in priority order:

1. Route 651, Free State at Norfolk Southern RR
2. Route 743, Advance Mill at North Fork Rivanna
3. Route 708, Dry Bridge Road at Buckingham Branch RR
4. Route 677, Old Ballard Road -Buckingham Branch RR
5. Route 616, Black Cat Road - Buckingham Branch RR
6. Route 637, Dick Woods Road – Ivy Creek
7. Route 641, Frays Mill Road at Marsh Run
8. Route 795, Presidents Road at Hardware River
9. Route 614, Sugar Hollow Road at Moormans River
10. Route 649, Proffit Road at Norfolk Southern RR

The County strongly encourages the Commonwealth Transportation Board to fund all the bridge projects identified by VDOT and Albemarle County as needing to be upgraded.

IV. Safety Improvements:

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

1. Construct pedestrian walkways along various primary routes within the County's Urban Neighborhoods. Absent the incorporation of such walkways into full road widening/improvement projects, the following road sections are priorities for pedestrian walkways:
 - a) Route 240 in "downtown" Crozet;
 - b) Pedestrian crossings at strategic locations on Rt 29 North;
 - c) Route 250 East in the Pantops area as an extension to existing sidewalks and provide pedestrian crossings at strategic locations;

- d) Route 250 West from the City limits to the Farmington/Ednam entrance; and,
- e) Route 20 South from the City limits to Mill Creek Drive.

2. The County has placed a high priority on pedestrian improvements in the Crozet area. The County chose Crozet as the first community to be master planned based on the County's adopted Neighborhood Model. The County received TEA 21 funding in July 2004 for Phase I of the Crozet Streetscape Plan and continues to seek additional funding to undertake needed improvements (see Enhancement Project section). Another potentially eligible safety project is the improvement of the Route 240 underpass at the CSX Railroad tracks in Crozet (including pedestrian facility improvements).
3. Reconfigure intersection and install traffic signals at the intersection of Routes 22 and 250. This project is currently scheduled in the SYIP for construction. Provide adequate funding and resources to maintain the current construction schedule.
4. Improvements to Route 250 West in the Ivy area to address existing traffic circulation problems at the Tilman Road intersection and the Owensville Road intersection (as noted in I.4.a, above), including access to developed properties in this area. Of particular concern is the Tillman Road intersection (Route 676), which serves school bus traffic and has poor sight distance. These improvements should be undertaken in accordance with recommendations approved by the Board of Supervisors in the Route 250 West Corridor Study.
5. Functional plans, including an analysis of possible safety improvements, for Routes 22 and 231. The County remains concerned with overall public safety as it relates to traffic created by large trucks along these road segments, and encourages VDOT to consider all appropriate measures to ensure that trucks travel safely along these roadways in the future. The County has repeatedly requested VDOT to restrict through trucks on Route 22 and Route 231.

V. Enhancement Projects/Safe Routes to School Program:

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

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

VI. National Highway System (NHS)

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

VII. Congestion Mitigation and Air Quality Improvement Program

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

Agenda Item No. 8b. Transportation Matters: Advance Mills Bridge Update.

Agenda Item No. 8c. Transportation Matters: VDOT Monthly Report.

Mr. Alan Sumpter said Mr. Dean Gustafson, VDOT's Regional Operations Director for traffic engineering issues, cannot attend the November Board meeting; will need to reschedule to December.

Mr. Sumpter commented that crews have begun work on the rural rustic project on Gilbert Station Road.

Mr. Sumpter noted that on Broomley Road Bridge, he has asked for an aerial survey to be done to better gauge potential impacts to the connector roads on the far side of the bridge.

Mr. Rooker said that railroad companies maintain railroad bridges, but VDOT does the inspections, and railroad companies have an incentive to keep them at a low weight limit because it reduces maintenance costs. He also said that if VDOT replaces a bridge, they assume responsibility for maintenance so the railroad companies should help pay some of those costs for railroad usage.

Mr. Sumpter reported that there have only been two accidents reported since 1990 at the intersection in Batesville that the speaker mentioned, so it is not going to qualify for the flashing lights. He did say that rumble strips are an option, but they make a significant amount of noise and nearby residents tend to complain about that. Mr. Sumpter said that the sign modifications that VDOT is working on would help mitigate the situation.

Ms. Thomas expressed surprise that there have only been two accidents, and she agreed that driver inattention is problematic there.

Mr. Sumpter said that there have probably been a lot of calls to Board members about dust and washboarding on roadways, and the drought is impacting VDOT as well. He noted that in the Advance Mills and Free Union area, they have applied about 14,000 gallons of calcium chloride on roads there but that is a limited resource and rain can cause muddy conditions. Mr. Sumpter said VDOT is working on all of them as quickly as they can.

Mr. Boyd commented that the sign at the one-lane bridge underpass on Polo Grounds Road that says "Stop, honk, and proceed with caution" was a topic of conversation at a recent event he attended, adding that it seems a private company put up the sign.

Mr. Sumpter said that he would look into it. He also reported that two of the temporary bridge companies have submitted plans to David Pierce, that shows their beam dips and widths, and he is working on an approach for each.

Regarding the Advance Mills Bridge, Mr. Sumpter noted that the RFP's should be able to go out for advertisement before the environmental process is completed. He said that as part of the 106 process, the adjacent property owners, Advance Mills Homeowner's Association, Albemarle County, and the Federal Highway Administration (FHA) have been notified, and a meeting would be held in October or November, 2007 to discuss what steps would need to be taken to mitigate impacts. Mr. Sumpter said that the Department of Historic Resources was sent a letter on September 21st, and their 30 days would begin on September 24th.

Mr. Sumpter reported that the FHA is not participating in the temporary bridge costs, and they do not care what type of temporary bridge is put in, how it is designed, or how it is paid for, but they do care about what happens to the temporary bridge and the impacts to the district going forward to the permanent project. He said that the projects are funded separately, and the FHA urged VDOT to proceed cautiously so as not to jeopardize the funding for the permanent bridge.

Mr. Rooker noted that the permanent project is already being advertised.

Mr. Slutzky said that it is a technical point of clarity that the temporary bridge would be constructed while the evaluation for the permanent bridge was happening. He asked what would happen if the bridge was in a different location.

Mr. Sumpter responded that all three locations are still in an historic location, and the environmental process is keeping in the original timeframe planned.

Ms. Thomas encouraged staff to also keep the Historic Preservation Committee in the loop.

Mr. Benish replied that they would be using Tamara Ambler and Margaret Maliszewski as part of the process as well as himself and Mr. Wade.

Mr. Sumpter emphasized that the citizen information meeting would be held October 11th from 5:00 p.m. to 7:00 p.m. at Spring Hill Baptist Church on Frays Mill Road.

Board members thanked him for his work on this issue.

Mr. Sumpter thanked them for their assistance, noting that he has been in his position for one year.

Agenda Item No. 8d. Transportation Matters not Listed on the Agenda.

Mr. Dorrier asked about repaving of roads in Lake Reynovia Subdivision. Residents have expressed concerns that the surface is rough, not smooth. Mr. Sumpter commented that the surface is in a curing phase. He will provide additional information to Mr. Dorrier on that process.

Mr. Dorrier also asked about putting a crosswalk across Avon Street Extended at Cale Elementary School.

Mr. Sumpter responded that he would look into it, but there is no sidewalk to tie into as required by the Americans with Disabilities Act.

Mr. Wyant commented that his company has put some sidewalks in that area.

Mr. Slutzky noted that the line-painting on Rio Road going down the hill on the east side is probably the worst lining job that he has ever seen as the lines are all over the pavement.

Mr. Sumpter replied that there are issues with subcontractors that are being addressed.

Agenda Item No. 9. Overview of Jail Programs, Colonel Ronald Matthews.

Colonel Matthews addressed the Board, providing a briefing on the 30 plus programs offered at the jail. He introduced Captain Rodriguez, Chief of Security; Captain Rush, Commander of Operations; Commander Roland Beauford, Captain of Security; Mr. Coomer, Supervisor of Classification; Ms. Gray, Records Supervisor; Mr. Hammonds, Ms. Vance, Ms. Jones, and Ms. Diaz in the therapeutic field; Sgt. McLaughlin, Supervisor of Work Release; and Ms. Batten, Programs Director.

Colonel Matthews presented the Regional Jail's Mission Statement: The Albemarle Charlottesville Regional Jail is dedicated to the safe, secure, cost-effective, healthy, humane control and supervision of people committed to our custody to ensure inmates will return to the community with the goal of becoming productive, law-abiding members of society. He emphasized that the purpose of jail programs is to reduce recidivism, and that can only be done by changing the way people think. Colonel Matthews said they have programs in place that actually change the inmates behavior.

Colonel Matthews said that their capacity is 329, but as of Monday that number was 511. He explained that the urbanization of the area affected that number as did the reputation of the jail as being a good facility. Colonel Matthews said that from July 2005 to June 2006 the inmate population for Albemarle increased 25 percent, based on the number of days spent. He emphasized that if this trend continues, they will have to expand or build another jail. Colonel Matthews said that the jail's programs have a specific objective of getting people used to going work, filling out applications, and creating resumes.

Ms. Phyllis Batten addressed the Board, noting that in 2006-07 the jail serviced 272 inmates in GED, ABE, and ESL classes. She explained that they also have a special education class for students with learning disabilities, and they have five teachers in place with a variety of certifications. Ms. Batten added that 50 of those students received a GED, which is quite high, and they offer job training through work release. She reported that the jail offers employability classes which teach application and interview skills; victim impact classes; cognitive thinking and behavior modification classes; and healthy sexuality classes. Ms. Batten explained that phase two is a work-release phase that enables them to have jobs and a post-support system that is cooperative with other agencies. She said that the jail partners with PVCC for college courses. Ms. Batten noted that they currently have a construction academy class, and they just finished carpentry class and are planning a masonry class, through grants from the Department of Labor.

Ms. Batten reported that the Therapy Program is 18-months old, and it is very stringent and is implemented through the courts. She explained that there are also faith-based services, anger management classes, substance abuse education classes, and safe/health social skills for the general population and reentry; mental health services and self-esteem classes are also available. Ms. Batten reported that they do Inmate Art Exhibits at a number of locations, and proceeds from these exhibits go to organizations that are affiliated somehow with the inmate population, such as SARA and PACEM and next year, Literacy Volunteers of Charlottesville/Albemarle.

Colonel Matthews reported that the jail just started a crisis intervention program for police that helps divert people with mental health issues and keep them from coming to jail. He noted that they are the only facility in the State that has officers who are certified under the CIT program and that would continue to be expanded. Colonel Matthews said that they have a reentry program to help prepare people once they go back out into the community, but they are working with OAR and other organizations to help inmates find housing, employment, and education once they are released. He said all those things are going to be in place so they won't set them up for failure.

Colonel Matthews also said the jail is looking at creating a work industry in the jail that would create income that would go back into the facility. He reported that some students at the University of Virginia are doing a study on area jails and courts to see how they are working, with an effort to reduce prison populations; they should have some recommendations by the end of the year. Colonel Matthews announced the jail would be having an open house on October 21st.

Mr. Slutzky asked if convicted felons were eligible for employment with the County.

Mr. Tucker responded that there is no policy in place to prevent that, and how that criteria would be used might depend on the job. He added that Parks & Recreation has used people in the work-release program and have eventually hired them when they got out.

Ms. Thomas asked at what point they check for HIV.

Colonel Matthews responded that is not mandatory, only PPD tests.

Ms. Thomas pointed out that communities surrounding a jail suffer from increased infection rates for HIV, so it is a community concern not just a jail concern.

Colonel Matthews replied that that would require a long time to change the policy, and all of that testing would need to be done by inmates voluntarily. He noted that the AIDS services group does come in and speak with the inmates.

Mr. Rooker asked for a breakdown among the prison population: incarcerated but not yet convicted, misdemeanors, and felons. Colonel Matthews said that there are 428 felons and 70 misdemeanors, and most of the felons would eventually go onto the State system once they are convicted and sentenced.

Agenda Item No. 10. Case Study (Avon Park) on Affordable Housing Proffer Policy, Presentation by Jamie Spence.

Mr. Jamie Spence addressed the Board on behalf of Churchill Homes, stating that there were nine units as affordable at Avon Park, and their process involved finding those buyers early on, not waiting until the units were built. He also said that the income levels created a difficult situation for two-income families because their incomes will put them over the benchmark to qualify, so they ended up with eight singles and one family. Mr. Spence emphasized the importance of having a down payment assistance fund as well.

Mr. Greg Slater, Director of Sales and Marketing for Churchill Homes, addressed the Board, stating that he has never had a more rewarding experience in working with people trying to buy homes. He added that there were no incentives offered to realtors to bring them buyers, and Ron White came up with a form for buyers to inquire and/or qualify. Mr. Slater said that there were 50 applicants, narrowed down to 25, and then nine who actually qualified. He said that of the nine buyers, all of them were above 90 percent of the \$175,000; if they were sold at \$190,000 none of the units would have been sold. Mr. Slater said that many applicants were maxed out on debt-to-income ratio based on the VHDA automated approval system.

Both Mr. Spence and Mr. Slater mentioned that they worked closely with PHA and VHDA. Mr. Spence said that the sooner you can find more qualified buyers, the better success the program will have.

Agenda Item No. 11. Thomas Jefferson Planning District Commission Legislative Program, David Blount.

Mr. David Blount presented the highlights of the legislative program for 2007-08, stating that the priorities are: increasing CSA administrative funding dollars, requiring State contracting with residential providers, and requiring the Office of Comprehensive Services to track vendor rates and costs. He said that public education has focused on re-benchmarking for education costs, increasing teachers' salaries, land use and growth management, revising the impact fee/local revenue authority, transportation, and regulating smoking in public places.

At this time, Ms. Thomas **moved** for approval of the TJPDC Legislative Program with the understanding that suggested changes from the Board would be reflected in the final version. Mr. Rooker **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

Agenda Item No. 12. CIP Process Overview.

Mr. Bill Letteri, Facilities Development Manager, addressed the Board, stating that staff would like to review the CIP, discuss ideas for improvement, and seek guidance from the Board. He said that the process has four components: the capital needs assessment, the CIP (five years), a review procedure involving groups and committees, and final approval from the Board. Mr. Letteri said that the capital needs assessment attempts to address projects that are emerging as a result of program changes - board initiatives and master plan implementations - that result from space-need studies, assessments, master plans, and transportation studies. He said that initially there is just a broad look, and the capital program requires a greater level of analysis - site issues, options for the site, infrastructure needs, building types that are needed, and special equipment requirements.

Mr. Letteri stated that pricing has risen considerably, which has impacted plans and the CIP in general, and other localities are dealing with the same problem. He said that they want to fully study a project that is proposed for the CIP, and early on there is a window to influence the project and the cost, but that falls dramatically as a project proceeds. Mr. Letteri noted that the project review phase consists of a series of steps, and the Office of Facilities Development intends to provide expertise that leverages skills in the early review phase. He reported that the review team makes a recommendation for ranking of project but does not eliminate them at this point; it then it goes to the CIP Oversight Committee which is made up of two Board members, two School Board members, at large citizens, and staff to ensure that the projects are in line with long-term County goals and commitments. Mr. Letteri explained that they will

also rank the projects at that point and bring forward a recommendation on the projects and funding capacity; it then goes to the Planning Commission for review and approval and to the Executive Office for final recommendation and then to the Board.

Mr. Boyd asked if the Planning Commission phase is required by law.

Mr. Letteri confirmed that it was.

Mr. Rooker commented that when he was on the Commission, he asked the same question.

Mr. Letteri said that staff would recommend a more rigorous review by Facilities Development before it goes forward.

Mr. Slutzky noted that the construction costs are rising at such a rapid rate that it may be reasonable to build into the process the location of other facilities that could be used instead of building new ones.

Mr. Letteri responded that one suggestion for improvement is imposing a preliminary phase that verifies program needs, to examine alternative sites, and evaluate cost allocations. He also said that they have contemplated a steering committee that has Board member involvement, and each project would be assigned a formal project manager.

Due to the lateness of the hour, Mr. Boyd suggested resuming the discussion after lunch, as there are several public hearings scheduled.

Agenda Item No. 13. Closed Session.

At 12:36 p.m., Mr. Slutzky moved 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 (3) to consider two matters related to the acquisition of real property necessary to provide a park facility; under Subsection (7) to consult with legal counsel and staff regarding specific matters requiring legal advice relating to an inter-jurisdictional agreement, and under Subsection (7) to consult with legal counsel regarding probable litigation related to courthouse facilities.

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

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

Agenda Item No. 14. Certify Closed Session. The Board reconvened into open session at 2:07 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. Rooker. Roll was called, and the motion carried by the following recorded vote:

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

Agenda Item No. 15. Appointments.

Motion was offered by Mr. Wyant moved to:

Appoint William Daggett to the Architectural Review Board, with said term to expire November 14, 2008.

Appoint Mark Rooks to the Jefferson Area Disabilities Services Board, with said term to expire June 30, 2010.

Reappoint Raymond East to the JAUNT Board with said term to expire September 30, 2010.

Reappoint Dan Maupin, Montie Pace and Fred Shields to the Land Use Tax Advisory Board with said terms to expire September 1, 2009.

Reappoint Diana Foster and Phil Stokes to the Natural Heritage Committee with said term to expire September 30, 2011.

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

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

Agenda Item No. 12. CIP Process Overview. (**Discussion resumed**)

Mr. Wyant commented that the Oversight Committee looks ten years out.

Mr. Boyd said that there should be some model for future planning of space needs, which should be driven by population numbers.

Mr. Rooker responded that schools do have criteria that they used to assess space needs, and an appropriate task for the Oversight Committee would be to establish criteria that provide an objective look at future needs.

Mr. Foley stated that the Oversight Committee has been restructured over the last two years to look more closely at future needs and scrutinize fiscal capacity.

Mr. Slutzky said that he would like to have the opportunity to inform the process earlier on and evaluate the criteria and how it is being used.

Mr. Foley replied that the most significant policy document the Board approves is the Community Facilities Plan, which is a component of the Comprehensive Plan, and it has all the standards in it. He noted that two years ago it was approved by the Board as an updated document. Mr. Foley emphasized that the Comprehensive Plan sections are required by law to be updated every five years, and perhaps the standards can be brought forth at that time, but if they are changed they are considered CPAs and must go to public hearing.

Ms. Thomas suggested having the information easily available.

Mr. Tucker responded that perhaps the standard could be included with the project and square footage assessment.

Mr. Boyd suggested having information about just a few indices that drive the CIP.

Mr. Rooker said that staff is doing a better job of using that information than the Board is.

Mr. Foley commented that there are probably some things that need better standards, and in general it seems that the Board would just like to have the standards presented along with information. He indicated that the Oversight Committee would start providing that beginning next month, adding that there are definitely standards already in place.

Mr. Tucker noted that the evaluation process will take longer if more information is provided to the Board.

Mr. Rooker emphasized that the goals in the Comprehensive Plan are general goals, and decisions are made to try to reach those goals but there are fiscal constraints that impede that somewhat. He said that the five-year business plan is enabling the County to better project operational costs.

Mr. Tucker added that Bill Boucher indicated that Albemarle is one of the few counties that has maintenance costs built into the CIP.

Agenda Item No. 16. **Public Hearing:** 2008 Budget Amendment. (Notice of this public hearing was advertised in the *Daily Progress* on September 23, 2007).

Mr. Melvin Breeden, Director of the Office of Management and Budget summarized the following executive summary which was forwarded to Board members:

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

The total of these requested FY 2008 appropriations is \$55,387,978.02. Combined with the appropriations approved since July 1, the cumulative appropriation total exceeds one percent of the currently adopted budget requiring a budget amendment public hearing.

The proposed increase of this FY 2008 Budget Amendment totals \$57,342,962.49. The estimated expenses and revenues included in the proposed amendment are shown below:

ESTIMATED EXPENDITURES

General Fund	\$	2,173,465.20
Special Revenue Funds	\$	2,039,372.29
School Fund	\$	232,735.44
School Program Funds	\$	307,108.85
ECC Fund	\$	1,076,496.42
Capital Fund	\$	49,638,384.92
Stormwater Fund	\$	<u>1,875,399.37</u>
TOTAL ESTIMATED EXPENDITURES – All Funds	\$	57,342,962.49

ESTIMATED REVENUES

Local Revenues (Fees, Contributions, Donations, Proffers)	\$	1,125,666.77
State Revenue	\$	939,795.49
Federal Revenue	\$	543,378.75
Loan Proceeds	\$	14,515,274.00
General Fund Balance	\$	2,072,369.20
Other Fund Balances	\$	<u>38,146,478.28</u>
TOTAL ESTIMATED REVENUES – All Funds	\$	57,342,962.49

The budget amendment is comprised of thirty-one (31) separate appropriations, twenty (20) of which have already been approved by the Board as indicated below:

Approved July 11, 2007:

- One (1) appropriation (#2008001) totaling \$359,460.00 for a Department of Homeland Security Grant;
- One (1) appropriation (#2008002) totaling \$159,000.00 for a Riparian Buffer Restoration Grant;
- One (1) appropriation (#2008003) appropriating \$70,000.00 from the Glenmore Proffer for the Village of Rivanna Development Area Master Plan;
- One (1) appropriation (#2008004) in the amount of \$3,350.00 for a Circuit Court Clerk Records Preservation Grant; and
- One (1) appropriation (#2008005) in the amount of \$60,000.00 providing funding to Habitat for Humanity from the Crozet Crossings Housing Trust Fund

Approved August 1, 2007:

- One (1) appropriation (#2008006) totaling \$18,946.00 for the State Criminal Alien Assistance Program;
- One (1) appropriation (#2008007) totaling \$24,881.10 in additional AHIP funding;
- One (1) appropriation (#2008008) reappropriating \$49,976.16 for Community Relations;
- One (1) appropriation (#2008009) transferring \$82,200.00 for additional motor vehicles from the General Fund to the Motor Vehicle Replacement Fund;
- One (1) appropriation (#2008010) in the amount of \$100,000.00 for the Commission on Children and Families' Family Functional Therapy Grant;
- One (1) appropriation (#2008011) in the amount of \$4,793.00 for minor operating budget adjustments; and
- One (1) appropriation (#2008012) reappropriating \$1,865.00 in donated funds for Woodbrook Elementary School.

Approved September 5, 2007:

- One (1) appropriation (#2008013) totaling \$918,485.00 establishing the Commission on Children and Families FY08 budget;
- One (1) appropriation (#2008014) in the amount of \$12,000.00 for a Smoke Detector Grant;
- One (1) appropriation (#2008015) receiving \$3,800.00 in funding for an law student intern in the Commonwealth Attorney's office;
- One (1) appropriation (#2008016) totaling \$67,382.00 for the Foothills Child Advocacy Center grant;
- One (1) appropriation (#2008017) in the amount of \$1,000.00 for a school donation;
- One (1) appropriation (#2008018) reappropriating \$150,131.21 in local government grants;
- One (1) appropriation (#2008023) totaling \$10,000.00 for the JILL Study; and
- One (1) appropriation (#2008025) pledging \$50,000.00 in funding for the Boys & Girls Club capital project.

The eleven (11) new appropriations are as follows:

- One (1) appropriation (#2008019) reappropriating \$1,857,658.02 for outstanding purchase orders;
- One (1) appropriation (#2008020) totaling \$4,159.00 for a Police Department grants;
- Two (2) appropriations (#2008021 and #2008024) totaling \$12,328.00 for two Sheriff's Department grants;
- One (1) appropriation (#2008022) reappropriating \$46,392.69 for two uncompleted grants;
- One (1) appropriation (#2008026) reappropriating \$196,168.00 in uncompleted ECC projects;

- One (1) appropriation (#2008027) reappropriating \$1,575,243.91 in uncompleted General Government projects and \$152,933.90 for the Wellness Program in the Health Insurance Fund;
- One (1) appropriation (#2008028) reappropriating \$46,804,068.37 for general government capital projects;
- One (1) appropriation (#2008029) reappropriating \$1,875,399.37 for storm water projects;
- One (1) appropriation (#2008030) reappropriating \$2,834,316.55 for school capital projects; and
- One (1) appropriation (#2008031) appropriating \$32,679.21 to repair Monticello Fire Station apparatus from insurance proceeds.

A detailed description of these requests is provided on Attachment A.

Staff recommends approval of the FY 2008 Budget Amendment in the amount of \$57,342,962.49 after the public hearing, and then approval of Appropriations #2008019, #2008020, #2008021, #2008022, #2008024, #2008026, #2008027, #2008028, #2008029, #2008030, and #2008031 to provide funds for various local government, school, and capital projects and programs as described in Attachment A.

Appropriation #2008019 \$1,857,658.02

Revenue Source:	General Fund Balance	\$ 409,779.21
	Special Revenue Fund Balance	30,571.10
	800 MHz Radio Fund Balance	345,966.26
	Mobile Data Fund Balance	534,362.16
	School Division Fund Balance	229,870.44
	School Special Rev. Fund Bal.	307,108.85

Several departments had funding for projects approved in FY06/07 that had not been completed as of June 30, 2007. This request reappropriates the remaining balances for the uncompleted projects for which purchase orders were outstanding as of June 30, 2007.

Appropriation #2008020 \$4,159.00

Revenue Source:	Federal Revenue (Grant)	\$ 3,118.00
	Transfer from Police Dept.	1,041.00

The Department of Criminal Justice Services has awarded the Albemarle County Police Department a grant in the amount of \$3,118.00 with a local match of \$1,041.00, for a total of \$4,159.00. The purpose of this grant is to purchase software, training materials, and participate in training, to develop criminal investigations and eventual prosecutions. The local match of \$1,041.00 will be provided from existing appropriated funds within the Police Department's operating budget.

Appropriation #2008021 \$11,328.00

Revenue Source:	State Revenue (Grant)	\$ 9,000.00
	Transfer from Sheriff	\$ 2,328.00

The Virginia Division of Motor Vehicles has awarded the Albemarle County Sheriff's Office a grant in the amount of \$9,000.00 with a local match of \$2,328.00, for a total of \$11,328.00. The purpose of this grant is to fund the purchase and installation of two radar units (and associated equipment) and to pay for overtime and expenses for selective enforcement for all trained deputies in the use of radar.

Appropriation #2008022 \$46,392.69

Revenue Source:	General Fund Balance	\$ 4,690.71
	Federal Revenue (Grant)	35,445.55
	Grant Fund Balance	6,256.43

In an agreement with the Virginia Alcohol Beverage Control Board, the Albemarle County Police Department received \$7,000.00 to assist with overtime associated with the combating underage drinking at special events within the County. The grant balance of \$4,690.71 will be reappropriated for use in FY07/08.

The Department of Justice, through a federal Bureau of Justice Assistant Grant, provides funding for a primary case manager for foster children whose parent(s) are involved in the Family Treatment Court Program and for on-going Child Protective Cases whose parents are involved in the Family Treatment Court Program. This grant will continue and be completed on April 30, 2008. The grant balance of \$41,701.98 will be reappropriated for use in FY07/08.

Appropriation #2008024 \$1,000.00

Revenue Source:	Local Revenue (City)	\$ 100.00
	State Revenue (Grant)	\$ 900.00

The Office of the Attorney General awarded the Albemarle County Sheriff's Department a grant in the amount of \$900.00 with a local match of \$100.00 for a total grant award of \$1,000.00. The purpose of this grant is to purchase equipment and supplies to assist senior's in our area to "Say Safe". These efforts are in conjunction with the Jefferson Area Board of Aging, Alzheimer's Association, and the local Senior Citizens centers throughout the County. The local match will be paid for by the City of Charlottesville Police Department.

Appropriation #2008026 \$196,168.00

Revenue Source:	ECC Fund Balance	\$196,168.00
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The Emergency Communications Center had the following uncompleted projects at the end of FY06/07 that will need to be reappropriated to FY07/08:

- Dispatcher Telecommuting Option - \$20,000.00
- Computer Aided Dispatch and Records Systems Review - \$50,000.00
- Replacement of current ECC Building Security System - \$100,000.00
- Emergency Food Supplies - \$1,841.00
- Shelter Training for Local Agencies - \$3,000.00
- Replacement Server for the City and County Records Management System - \$7,327.00
- ACPO Emergency Medical Dispatch Program - \$14,000.00

Appropriation #2008027 \$1,728,177.81

Revenue Source:	General Fund Balance	\$1,575,243.91
	Health Insurance Fund Balance	\$ 152,933.90

The following departments had FY06/07 funds for specific projects that were uncompleted at June 30, 2007 and will require reappropriation for use in FY07/08:

General Fund

- County Executive - \$18,431.83 for strategic planning
- Office of Management & Budget - \$12,000.00 for financial forecasting model
- Magistrate's Office - \$6,917.82 for FY06/07 expenses that were not billed at June 30, 2007
- Juvenile Court - \$50,051.00 for FY06/07 operating expenses that were not billed at June 30, 2007
- Police - \$ 6,000.00 for uniforms for new police officers approved in FY06/07 but not hired until August 2007
- Fire Rescue - \$4,519.03 in donated funds for the Car Safety Seat Program
- Hollymead Fire Station - \$49,874.31 for uniforms and equipment for personnel not purchased by June 30, 2007
- General Services
 - \$24,489.78 for expenses relating to Keene Landfill
 - \$650,000.00 for the Rivanna Solid Waste Authority contribution
- Stormwater Management – \$261,193.14 for contract services
- Community Development/Planning
 - \$4,500.00 to augment Piedmont Workforce Network's research of workforce impacts of DIA
 - \$125,000.00 for Development Area Study
 - \$37,267.00 for groundwater monitoring
- Housing - \$5,000.00 for housing agencies study
- TJPDC - \$50,000.00 for the transit study
- CTS – Transit Study - \$20,000
- Economic Development Opportunities - \$250,000.00

Health Insurance Fund

- The Board approved the use of \$227,500.00 in funds from the Health Insurance Fund for the employee Wellness Program. Funds totaling \$152,993.90 were unexpended at June 30, 2007.

Appropriation #2008028 \$46,804,068.37

Revenue Source:	Local Revenues	\$ 420,250.77
	State Revenues	\$ 270,953.26
	Loan Proceeds	\$14,515,274.00
	Gen. Gov. CIP Fund Balance	\$31,597,590.34

This request reappropriates the remaining balances of General Government Capital Improvement projects that were uncompleted as of June 30, 2007.

Appropriation #2008029 **\$1,875,399.37**

Revenue Source: Storm Water Fund Balance \$1,875,399.37

This request reappropriates the remaining balances of Storm Water Management projects that were uncompleted as of June 30, 2007.

Appropriation #2008030 **\$2,834,316.55**

Revenue Source: School CIP Fund Balance \$2,834,316.55

This request reappropriates the remaining balances of School Capital Improvement projects that were uncompleted as of June 30, 2007.

Appropriation #2008031 **\$32,679.21**

Revenue Source: General Fund Balance \$ 32,679.21

In FY06/07, Monticello Fire Station had an insurance claim involving their 1993 Pierce Pumper. In June 2007, the County received a payment from VACo insurance in the amount of \$32,679.21 to pay for damages. The vehicle has been repaired and the invoice has now been received and will be paid in FY07/08.

Referring to Appropriation #2008023, Mr. Boyd said he thought the JILL study was only \$5,000 from the County.

Mr. Breeden said that the total expenditure is \$10,000, and JILL would reimburse the County one-half of the total.

Ms. Thomas asked about stormwater management contract services for \$261,000.

Mr. Breeden replied that there was a study done on that and that was the allocation. He also said that there are some CIP allocations and a small item for vehicle repair.

In response to questions about stormwater allocations, Mr. Foley explained that the Board approves \$600,00 to \$700,000 a year in funding for stormwater, and that money stays in a separate cost center so it is carried over each year for projects to be done. He said that there have been runoff problems that have required small lagoons to be built, and that has meant additional cost. Mr. Foley added that this trend would continue as new neighborhoods are built in more urbanized areas.

Mr. Boyd opened the public hearing. There being no comments, the public hearing was closed, and the matter was placed before the Board.

Mr. Rooker **moved** to approve the FY 2008 budget amendment in the amount of \$57,342,962.49 and to approve Appropriations #2008019, #2008020, #2008021, #2008022, #2008024, #2008026, #2008027, #2008028, #2008029, #2008030, and #2008031 to provide funds for various local government, school, and capital projects and programs. Mr. Dorrier **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2008019
 DATE _____
 BATCH# _____

EXPLANATION: Reappropriation of Outstanding Purchase Orders

					SUB LEDGER		GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT
				SEE ATTACHED DETAIL - General Fund	J	1		
				Finance - Administration		1,000.00		
				Voter Registration	J	1		
						38,070.00		

2111				Support					
See Attached Fund 2114				Media Services	J	1	11,985.00		
See Attached Fund 2115				Computer Technology	J	1	7,707.47		
See Attached Fund 2117				Professional Development	J	1	1,253.04		
See Attached Fund 2118				DPT Guidance & Evaluation	J	1	123,251.91		
See Attached Fund 2410				Executive Services	J	1	912.00		
See Attached Fund 2411				Community Engagement	J	1	7,483.13		
See Attached Fund 2430				Support/Planning Services	J	1	10,878.31		
See Attached Fund 2433				Building Services	J	1	17,637.27		
2	2000	51000	510100	Appropriation - F/B	J	2	229,870.44		
	2000		0501	Est. Revenue				229,870.44	
			0701	Appropriation					229,870.44
See Attached Fund 3104				Miscellaneous School Grants	J	1	2,675.00		
2	3104	51000	510100	Appropriation - F/B	J	2	2,675.00		
	3104		0501	Est. Revenue				2,675.00	
			0701	Appropriation					2,675.00
See Attached Fund 3202				E D Program	J	1	235.40		
2	3202	51000	510100	Appropriation - F/B	J	2	235.40		
	3202		0501	Est. Revenue				235.40	
			0701	Appropriation					235.40
See Attached Fund 3205				Pre-School Special Ed			44.02		
2	3205	51000	510100	Appropriation - F/B	J	2	44.02		
	3205		0501					44.02	
			0701						44.02
See Attached Fund 3907				Computer Equip. Replace	J	1	304,154.43		
2	3907	51000	510100	Appropriation - F/B	J	2	304,154.43		
	3907		0501	Est. Revenue				304,154.43	
			0701	Appropriation					304,154.43
TOTAL							3,715,316.04	1,857,658.02	1,857,658.02

<u>Fund</u>	<u>Cost</u>	<u>Object</u>	<u>PO#</u>	<u>Cost Desc</u>	<u>Object</u>	<u>Amount</u>
1000	12141	317000	20061169	FINANCE-ADMINISTRATION	OTHER PROFESSIONAL SRVCS	1,000.00
1000	13020	800100	20062071	DEPT OF VOTER REG & ELECT	MACHINERY & EQUIPMENT	38,070.00
1000	31013	601011	20061688	POLICE	AMMUNITION	282.60
1000	31013	601011	20061752	POLICE	AMMUNITION	11,744.50
1000	31013	800100	20061663	POLICE	MACHINERY & EQUIPMENT	4,606.00
1000	31013	800125	20061970	POLICE	FIREARMS & EQUIPMENT	9,590.00
1000	32011	800100	20062065	FIRE RESCUE-ADMINISTRATIO	MACHINERY & EQUIPMENT	7,598.13
1000	32012	601100	20060549	FIRE RESCUE-TRAINING	UNIFORMS & APPAREL	903.45
1000	32015	600400	20062054	FIRE/RESCUE-OPERATIONS	MEDICAL & LAB. SUPPLIES	201.95
1000	32015	600900	20060612	FIRE/RESCUE-OPERATIONS	VEHICLE & EQUIP. REPAIRS	11,820.31
1000	32017	601100	20062003	NORTHERN FIRE STATION	UNIFORMS & APPAREL	9,888.00
1000	42040	390001	20060481	GS SOLID WASTE/RECYCLING	CONTRACT SERV-K LANDFILL	7,965.60
1000	43001	580000	20061767	GEN SERVICES-ADMINIST DIV	MISCELLANEOUS EXPENSES	3,000.00
1000	43002	331200	20060286	GEN SERVICES-MAINT DIV	R&M EQUIP.-BUILDINGS	4,271.23
1000	43002	331200	20060619	GEN SERVICES-MAINT DIV	R&M EQUIP.-BUILDINGS	1,200.00
1000	43005	301210	20060816	STORM WATER MANAGEMENT	CONTRACT SERVICES	60,416.00
1000	43005	301210	20061616	STORM WATER MANAGEMENT	CONTRACT SERVICES	25,500.00
1000	43006	301211	20060543	GROUNDS MAINTENANCE	CONT SERV-MEDIAN MOWING	4,980.00
1000	43006	301221	20060543	GROUNDS MAINTENANCE	MAINT CONT - LANDSCAPING	10,033.00
1000	43006	331920	20060543	GROUNDS MAINTENANCE	POLO GROUNDS MAINTENANCE	935.00
1000	71012	332200	20041185	PARK MAINTENCE	MAINT. CONTRACT-BUILDING	1,950.00
1000	71012	540000	20060622	PARK MAINTENCE	LEASES AND RENTALS	327.86
1000	71012	800502	20061331	PARK MAINTENCE	MOTOR VEH-EXTRA EQUIPMENT	4,145.00
1000	71013	540000	20060622	P & R SUMMER SWIM PROGRAM	LEASES AND RENTALS	108.17
1000	81021	312105	20061650	COMM DEVELOPMENT ADMIN	CONSULTING SERVICES	53,317.33
1000	81021	312700	20061973	COMM DEVELOPMENT ADMIN	PROF. SER. CONSULTANTS	5,600.00
1000	81022	312342	20041801	PLANNING-CD	DEVELOPMENT AREA'S STUDY	62,974.83
1000	81022	312700	20060334	PLANNING-CD	PROF. SER. CONSULTANTS	8,275.00
1000	81024	312105	20061282	ZONING & CURRENT DEVELOP	CONSULTING SERVICES	55,000.00
1000	81024	312700	20061757	ZONING & CURRENT DEVELOP	PROF. SER. CONSULTANTS	4,075.25
9200	71012	800500	20061331	PARK MAINTENCE	MOTOR VEHICLES	30,571.10
4110	31050	312700	20050529	ECC-RADIO SYSTEM	PROF. SER. CONSULTANTS	2,912.50
4110	31060	312700	20030704	800 MHZ RADIO SYSTEM	PROF. SER. CONSULTANTS	45,186.13
4110	31060	800300	20060906	800 MHZ RADIO SYSTEM	COMMUNICATION EQUIPMENT	100,302.00
4110	31060	800300	20061612	800 MHZ RADIO SYSTEM	COMMUNICATION EQUIPMENT	4,000.00
4110	31060	800305	20030254	800 MHZ RADIO SYSTEM	RADIO SYSTEM	22,989.88
4110	31060	800308	20041445	800 MHZ RADIO SYSTEM	RADIO-SUBSCRIBER UNITS	170,575.75
4115	31065	312700	20060059	MOBILE DATA	PROF. SER. CONSULTANTS	6,000.00
4115	31065	800316	20041446	MOBILE DATA	MOBILE DATA PROJECT	527,387.46
4115	31065	800714	20061762	MOBILE DATA	TECHNOLOGY UPGRADE	974.70

1,320,678.73

<u>Fund</u>	<u>Cost</u>	<u>Object</u>	<u>PO #</u>	<u>Cost Desc</u>	<u>Object</u>	<u>Amount</u>
2111	61112	601300	20061660	CLASS/INSTRUC-ESOL	EDUC. & RECREATION SUP.	365.57
2111	61112	601300	20061890	CLASS/INSTRUC-ESOL	EDUC. & RECREATION SUP.	5,000.00
2111	61311	601300	20061891	IMPROV/INSTRUC-REG ADM	EDUC. & RECREATION SUP.	2,442.00
2111	61314	601300	20051956	IMPROV/INSTRUC-GIFTED ADM	EDUC. & RECREATION SUP.	5,330.27
2111	61330	312500	20060016	IMPROV/INSTRUC-SYST. PROJ	PROF. SER. INSTRUCTIONAL	4,464.61
2111	61330	312500	20061121	IMPROV/INSTRUC-SYST. PROJ	PROF. SER. INSTRUCTIONAL	10,000.00
2111	61330	580000	20061121	IMPROV/INSTRUC-SYST. PROJ	MISCELLANEOUS EXPENSES	14,992.00
2111	61330	601200	20060300	IMPROV/INSTRUC-SYST. PROJ	BOOKS & SUBSCRIPTIONS	1,335.75
2111	61332	601300	20061890	IMPRV/INSTR-LNG.ARTS 6-12	EDUC. & RECREATION SUP.	3,656.43
2111	61339	601300	20061813	IMPROV/INSTR-ART & MUSIC	EDUC. & RECREATION SUP.	1,175.68
2114	61101	602000	20062018	CLASS/INSTRUC-REGULAR	TEXTBOOKS	11,985.00
2115	61320	600710	20050373	INSTRUC/SUP-STAFF-MEDIA	PARTS & MATERIALS - DP	1,233.10
2115	62190	800700	20050371	ADM.-TECHNOLOGICAL SERVIC	ADP EQUIPMENT	190.80
2115	62420	520304	20061995	FACILITY MAINT-BLDG SERVC	TELECOMM.-DATA LINES	1,914.00
2115	62420	520304	20061996	FACILITY MAINT-BLDG SERVC	TELECOMM.-DATA LINES	4,369.57
2117	61311	540100	20060926	IMPROV/INSTRUC-REG ADM	LEASE/RENT-EQUIPMENT	1,253.04
2118	61337	301210	20060594	IMPRV/INSTR-PRGRAM ANALYS	CONTRACT SERVICES	1,150.00
2118	61337	301210	20061121	IMPRV/INSTR-PRGRAM ANALYS	CONTRACT SERVICES	83,854.31
2118	61337	601300	20060600	IMPRV/INSTR-PRGRAM ANALYS	EDUC. & RECREATION SUP.	13,247.60
2118	61337	800710	20061121	IMPRV/INSTR-PRGRAM ANALYS	DATA PROCESSING SOFTWARE	25,000.00
2410	62110	540100	20060203	ADM-SCHOOL BOARD SERVICES	LEASE/RENT-EQUIPMENT	456.00
2410	62120	540100	20060203	ADM-EXECUTIVE ADMINISTRAT	LEASE/RENT-EQUIPMENT	456.00
2411	61241	360000	20061772	INSTRUC/SUP-COMM RELATION	ADVERTISING	2,937.62
2411	62130	312700	20050771	ADM-COMMUNITY SERVICES	PROF. SER. CONSULTANTS	2,826.14
2411	62130	800700	20061871	ADM-COMMUNITY SERVICES	ADP EQUIPMENT	1,719.37
2430	62150	580500	20061919	ADM-SUPPORT/PLANNING SERV	STAFF DEVELOPMENT	10,090.70
2430	62150	800700	20061969	ADM-SUPPORT/PLANNING SERV	ADP EQUIPMENT	787.61
2433	62410	312300	20050052	FACILITY MAINT-MANAGEMENT	PROF. SER. ARCHITECTUAL	3,253.75
2433	62410	312700	20061541	FACILITY MAINT-MANAGEMENT	PROF. SER. CONSULTANTS	11,929.52
2433	62420	600700	20061184	FACILITY MAINT-BLDG SERVC	REPAIR & MAINT. SUPPLIES	1,552.00
2433	62420	601100	20061201	FACILITY MAINT-BLDG SERVC	UNIFORMS & APPAREL	902.00
3104	60253	800700	20061862	JOUETT MIDDLE SCHOOL	ADP EQUIPMENT	2,675.00
3202	61102	601300	20061803	CLASS/INSTRUC-SPEC ED	EDUC. & RECREATION SUP.	235.40
3205	61108	601300	20060303	CLASS/INSTRUC-PRESCH/HAND	EDUC. & RECREATION SUP.	44.02
3907	61101	800700	20050371	CLASS/INSTRUC-REGULAR	ADP EQUIPMENT	333.90
3907	61101	800700	20050509	CLASS/INSTRUC-REGULAR	ADP EQUIPMENT	238.50
3907	61101	800700	20050552	CLASS/INSTRUC-REGULAR	ADP EQUIPMENT	1,073.25
3907	61101	800700	20050878	CLASS/INSTRUC-REGULAR	ADP EQUIPMENT	2,509.65
3907	61101	800700	20060700	CLASS/INSTRUC-REGULAR	ADP EQUIPMENT	299,999.13

536,979.29

1,857,658.02

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2008020
DATE _____
BATCH# _____

EXPLANATION: DCJS Grant

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	1521	33000	330001	Grant Revenue - Federal	J	2	3,118.00		
2	1521	51000	512004	Transfer - General Fund	J	2	1,041.00		
1	1521	31013	550100	Travel/Training/Education	J	1	3,414.00		
1	1521	31013	601600	Data Processing Supplies	J	1	745.00		
					J				
1	1000	31013	930210	Transfer - Misc Police Grants	J	1	1,041.00		
1	1000	31013	550100	Travel/Training/Education	J	1	(854.00)		
1	1000	31013	601600	DP Supplies	J	1	(187.00)		
	1521		0501	Est. Revenue				4,159.00	
			0701	Appropriation					4,159.00
TOTAL							8,318.00	4,159.00	4,159.00

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2008021
DATE _____
BATCH# _____

EXPLANATION: Operation Strobe Blue grant for Sheriff Department

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
1	1214	21070	120000	Overtime	J	1	5,000.00		
1	1214	21070	601000	Police Supplies	J	1	6,328.00		
2	1214	24000	240010	Grant Revenues - State	J	2	9,000.00		
2	1214	51000	512004	Transfer from G/F	J	2	2,328.00		
	1214		0501					11,328.00	
			0701						11,328.00
TOTAL							22,656.00	11,328.00	11,328.00

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2008022
DATE _____
BATCH# _____

EXPLANATION: Reappropriation - Foxfield Overtime Grant and Family Treatment Court Grant

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	1000	51000	510100	Appropriation - F/B	J	2	4,690.71		
1	1000	31013	120310	PD - Overtime - Special Event	J	1	4,331.87		

1	1000	31013	210000	FICA	J	1	358.84		
	1000		0501	Est. Revenue				4,690.71	
			0701	Appropriation					4,690.71
2	1562	33000	330020	Federal-Family Treatment	J	2	35,445.55		
2	1562	51000	510100	Appropriation - F/B	J	2	6,256.43		
1	1562	53158	110000	Salaries - Regular	J	1	32,010.91		
1	1562	53158	210000	FICA	J	1	2,448.75		
1	1562	53158	241000	VRS Life	J	1	245.76		
1	1562	53158	332104	Maint Contract - DP Equip	J	1	1,555.00		
1	1562	53158	520300	Telecommunications	J	1	1,745.00		
1	1562	53158	540200	Lease/Rent - Buildings	J	1	1,486.68		
1	1562	53158	600100	Office Supplies	J	1	1,333.53		
1	1562	53158	800700	ADP Equipment	J	1	876.35		
	1562		0501	Est. Revenue				41,701.98	
			0701	Appropriation					41,701.98
TOTAL							92,785.38	46,392.69	46,392.69

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2008024
 DATE _____
 BATCH# _____

EXPLANATION: Sheriff's Department Grant

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	1514	18000	181316	Local Revenue - City PD	J	2	100.00		
2	1514	24000	240000	State Revenue	J	2	900.00		
1	1514	21070	600100	Supplies	J	1	1,000.00		
	1514		0501	Est. Revenue				1,000.00	
			0701	Appropriation					1,000.00
TOTAL							2,000.00	1,000.00	1,000.00

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2008026
DATE _____
BATCH# _____

EXPLANATION: ECC Reappropriations

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
2	4100	51000	510100	Appropriation - ECC F/B	J	2	196,168.00		
					J				
1	4100	31041	312210	ECC Admin-Contract Services	J	1	14,000.00		
1	4100	31041	331800	ECC Admin-R/M Buildings	J	1	100,000.00		
1	4100	31041	800700	ECC Admin-ADP Equip	J	1	20,000.00		
1	4100	31045	312500	Emerg. Svcs-Prof. Services	J	1	3,000.00		
1	4100	31045	600200	Emerg. Svcs-Food Supplies	J	1	1,841.00		
1	4100	31046	312210	CAD-Contract Services	J	1	50,000.00		
1	4100	31046	800700	CAD-ADP Equipment	J	1	7,327.00		
	4100		0501	Est. Revenue				196,168.00	
			0701	Appropriation					196,168.00
TOTAL							392,336.00	196,168.00	196,168.00

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2008027
DATE _____
BATCH# _____

EXPLANATION: Reappropriation of Uncompleted Projects

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
1	1000	12010	312390	Co. Exec. - Strategic Plan	J	1	18,431.83		
1	1000	12015	301200	OMB-Contract Services	J	1	12,000.00		
1	1000	21030	700003	Magistrate's Office	J	1	6,917.82		
1	1000	21050	700004	Juvenile Court	J	1	50,051.00		
1	1000	31013	601101	Police - Uniforms - New	J	1	6,000.00		
1	1000	32015	561415	Fire Rescue - Car Seat Prgm	J	1	4,519.03		
1	1000	32017	601100	Hollymead Fire - Uniforms	J	1	49,874.31		
1	1000	42040	390001	Gen. Serv.- Keene Landfill	J	1	24,489.78		
1	1000	42040	999851	RSWA Contribution	J	1	650,000.00		
1	1000	43005	301210	Stormwater Mgmt-Contract	J	1	261,193.14		
1	1000	81021	317000	Comm. Dev. - Prof. Services	J	1	4,500.00		
1	1000	81022	312342	Comm. Dev. - Dev. Area Study	J	1	125,000.00		
1	1000	81022	950172	Comm. Dev.- Groundwater	J	1	37,267.00		
1	1000	81030	580417	Housing Agencies Study	J	1	5,000.00		
1	1000	89000	562501	TJPDC-Transit Study	J	1	50,000.00		
1	1000	89000	580418	CTS - Transit Study	J	1	20,000.00		

1	1000	95000	999987	Economic Dev. Opportunities	J	1	250,000.00		
2	1000	51000	510100	Appropriation - F/B	J	2	1,575,243.91		
	1000		0501	Est. Revenue				1,575,243.91	
			0701	Appropriation					1,575,243.91
1	1020	91044	311004	Wellness Program	J	1	152,933.90		
2	1020	51000	510100	Health Ins. F/B	J	2	152,933.90		
	1020		0501	Est. Revenue				152,933.90	
			0701	Appropriation					152,933.90
TOTAL							3,456,355.62	1,728,177.81	1,728,177.81

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2008028
DATE _____
BATCH# _____

EXPLANATION: Reappropriation of projects and programs from FY07 General Government CIP

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
	See Attached			Information Technology	J	1	504,299.88		
				Court Facilities	J	1	579,056.49		
				General District Court	J	1	5,000.00		
				Juvenile Court	J	1	7,142,167.37		
				Clerk of Circuit Court	J	1	225,715.58		
				Public Safety	J	1	1,049,159.13		
				Police Department	J	1	906,664.93		
				Fire Department	J	1	115,307.17		
				Northern Fire Station	J	1	5,217,397.24		
				Pantops Fire Station	J	1	2,112,000.00		
				Monticello Fire Station	J	1	354,257.00		
				Volunteer Fire Dept	J	1	2,292,308.98		
				East Ivy Station	J	1	1,634,000.00		
				Volunteer Rescue Sq.	J	1	827,843.53		
				Engineering	J	1	1,689,439.18		
				Street Improvements	J	1	5,744,739.70		
				Crozet Streetscapes II	J	1	923,810.00		
				Sidewalk Program	J	1	1,495,186.41		
				Public Works	J	1	1,122,999.97		
				COB Phase II	J	1	2,467,713.60		
				Health Department	J	1	42,869.67		
				Parks & Recreation	J	1	2,862,034.33		
				Tourism	J	1	994,864.95		

				Libraries	J	1	3,899,787.59		
				Planning	J	1	2,394,640.06		
				Neighborhood Plan	J	1	200,805.61		
2	9010	16000	160536	City-Visitor's Center	J	2	95,296.32		
2	9010	18110	181128	Contributions	J	2	5,000.00		
2	9010	19000	190315	City Share-Eastern Study	J	2	174,954.45		
2	9010	24000	240800	Clerk'sTech. Trust Fund	J	2	270,953.26		
2	9010	41000	410500	Loan Proceeds	J	2	14,515,274.00		
2	9010	51000	510100	Appropriation - F/B	J	2	31,597,590.34		
2	9010	51000	512040	Glenmore Proffer	J	2	145,000.00		
	9010		0501	Est. Revenue				46,804,068.37	
			0701	Appropriation					46,804,068.37
TOTAL							93,608,136.74	46,804,068.37	46,804,068.37

GENERAL GOVERNMENT CAPITAL

<u>Cat</u>	<u>Fund</u>	<u>Dept</u>	<u>Object</u>	<u>Dept Desc</u>	<u>Object</u>	<u>Balance</u>
1	9010	12200	800700	INFORMATION TECHNOLOGY	ADP EQUIPMENT	\$209,604.34
1	9010	12200	800714	INFORMATION TECHNOLOGY	TECHNOLOGY UPGRADE	\$294,695.54
1	9010	21000	331000	COURT FACILITIES	REPAIRS & MAINTENANCE	\$128,337.74
1	9010	21000	950135	COURT FACILITIES	COURT SQUARE ENHANCEMENTS	\$45,000.00
1	9010	21000	950176	COURT FACILITIES	SALLYPORT	\$405,718.75
1	9010	21020	800100	GENERAL DISTRICT COURT	MACHINERY & EQUIPMENT	\$5,000.00
1	9010	21050	331000	JUVENILE COURT	REPAIRS & MAINTENANCE	\$107,384.52
1	9010	21050	800901	JUVENILE COURT	BUILDING RENOVATIONS	\$7,034,782.85
1	9010	21060	800708	CLERK OF CIRCUIT COURT	DOCUMENT IMAGING SYSTEM	\$225,715.58
1	9010	31000	800305	PUBLIC SAFETY	RADIO SYSTEM	\$37,903.14
1	9010	31000	800910	PUBLIC SAFETY	TRAINING CTR/FIRING RANGE	\$1,011,255.99
1	9010	31010	800714	POLICE DEPARTMENT	TECHNOLOGY UPGRADE	\$894,798.27
1	9010	31010	800733	POLICE DEPARTMENT	VIDEO EQUIPMENT	\$11,866.66
1	9010	32010	999999	FIRE DEPARTMENT	CONTINGENCY FUNDS	\$115,307.17
1	9010	32017	312350	NORTHERN FIRE STATION	ENGINEERING/PLANNING	\$54,554.10
1	9010	32017	312367	NORTHERN FIRE STATION	CONSTRUCTION ADMIN	\$50,270.00
1	9010	32017	601315	NORTHERN FIRE STATION	SAFETY EQUIPMENT/SUPPLIES	\$95,013.47
1	9010	32017	800200	NORTHERN FIRE STATION	FURNITURE & FIXTURES	\$91,171.00
1	9010	32017	800605	NORTHERN FIRE STATION	CONSTRUCTION	\$3,265,455.80
1	9010	32017	800741	NORTHERN FIRE STATION	I/T COST(EQUIP/FIBER)	\$35,000.00
1	9010	32017	800742	NORTHERN FIRE STATION	ALERTING SYSTEMS	\$106,000.00
1	9010	32017	811201	NORTHERN FIRE STATION	NORTHERN-ENGINE	\$616,515.00
1	9010	32017	811202	NORTHERN FIRE STATION	NORTHERN-LADDER TRUCK	\$619,751.50
1	9010	32017	999999	NORTHERN FIRE STATION	CONTINGENCY FUNDS	\$283,666.37
1	9010	32018	800605	PANTOPS FIRE STATION	CONSTRUCTION	\$390,000.00
1	9010	32018	800750	PANTOPS FIRE STATION	PURCHASE OF PROPERTY	\$1,722,000.00
1	9010	32019	800741	MONTICELLO FIRE STATION	I/T COST(EQUIP/FIBER)	\$139,257.00
1	9010	32019	811101	MONTICELLO FIRE STATION	MONTICELLO-AMBULANCE	\$215,000.00
1	9010	32020	810099	VOLUNTEER FIRE DEPT	VFD-CONTINGENCY	\$15,152.37
1	9010	32020	810401	VOLUNTEER FIRE DEPT	EARLYSVILLE-TK 49 & EQUIP	\$13,724.53
1	9010	32020	810402	VOLUNTEER FIRE DEPT	EARLYSVL-UTIL 47 & EQUIP	\$377,500.00
1	9010	32020	810603	VOLUNTEER FIRE DEPT	STONY POINT - ENG. 62	\$629,000.00
1	9010	32020	810610	VOLUNTEER FIRE DEPT	ST/PT-FACILITY UNGRADES	\$417,686.00
1	9010	32020	810801	VOLUNTEER FIRE DEPT	SEMINOLE-DESIGN/STUDY	\$14,746.08
1	9010	32020	810802	VOLUNTEER FIRE DEPT	SEMINOLE-SALAVE 87 & EQUIP	\$287,500.00
1	9010	32020	810803	VOLUNTEER FIRE DEPT	SEMINOLE - ENG 84	\$537,000.00
1	9010	32021	800750	EAST IVY STATION	PURCHASE OF PROPERTY	\$1,634,000.00
1	9010	32030	815101	AMBULANCE/RESCUE SERVICE	CARS-AMB. & EQUIP	\$260,108.85
1	9010	32030	815102	AMBULANCE/RESCUE SERVICE	CARS-SQUAD 133	\$300,000.00
1	9010	32030	815502	AMBULANCE/RESCUE SERVICE	WARS - AMB 501	\$178,000.00
1	9010	32030	815702	AMBULANCE/RESCUE SERVICE	SCOTTSV-AMB 707 & EQUIP	\$89,734.68
1	9010	41000	700006	ENGINEERING	IVY LANDFILL	\$331,719.43
1	9010	41000	800960	ENGINEERING	STREET LIGHTS	\$289,929.21
1	9010	41000	950039	ENGINEERING	MEADOW CREEK PARKWAY ENGIN	\$28,125.74
1	9010	41000	950059	ENGINEERING	KEENE LANDFILL CLOSURE	\$460,664.80
1	9010	41000	950061	ENGINEERING	MEADOW CREEK PATH	\$20,000.00
1	9010	41000	950110	ENGINEERING	RECORDS MANAGEMENT SYS.	\$559,000.00
1	9010	41020	950081	STREET IMPROVEMENTS	REVENUE SHARING ROADS	\$2,074,697.90
1	9010	41020	950115	STREET IMPROVEMENTS	AIRPORT ROAD LANDSCAPING	\$24,132.20

1	9010	41020	950136 STREET IMPROVEMENTS	TRANSPORTATION PL/CONSTR	\$2,881,083.30
1	9010	41020	950171 STREET IMPROVEMENTS	SUNRIDGE ROAD	\$8,808.54
1	9010	41020	950200 STREET IMPROVEMENTS	RT 22/250 INTERSECTION DV	\$145,000.00
1	9010	41020	950203 STREET IMPROVEMENTS	SCOTTSVILLE STREETScape	\$251,065.14
1	9010	41020	950204 STREET IMPROVEMENTS	EASTERN CONNECTOR STUDY	\$331,459.07
1	9010	41020	950501 STREET IMPROVEMENTS	TRAFFIC STUDY RT 250E	\$28,493.55
1	9010	41023	312350 CROZET STREET SCAPE PH II	ENGINEERING/PLANNING	\$428,810.00
1	9010	41023	800605 CROZET STREET SCAPE PH II	CONSTRUCTION	\$495,000.00
1	9010	41350	950038 SIDEWALK PROGRAM	RIO ROAD	\$137,089.00
1	9010	41350	950510 SIDEWALK PROGRAM	S. PANTOPS	\$512,000.00
1	9010	41350	950511 SIDEWALK PROGRAM	AVON STREET	\$73,000.00
1	9010	41350	950512 SIDEWALK PROGRAM	COB 5TH STREET	\$41,280.00
1	9010	41350	950513 SIDEWALK PROGRAM	HILLTOP TABOR	\$200,000.00
1	9010	41350	950514 SIDEWALK PROGRAM	ST GEORGE AVENUE	\$104,617.00
1	9010	41350	950515 SIDEWALK PROGRAM	RT 250/WESTMINISTER/ROLKIN	\$275,000.00
1	9010	41350	999999 SIDEWALK PROGRAM	CONTINGENCY FUNDS	\$152,200.41
1	9010	43100	800666 PUBLIC WORKS/MAINT. PROJ.	FACILITY MAINT.	\$521,392.91
1	9010	43100	950128 PUBLIC WORKS/MAINT. PROJ.	COB ENTRY CORRIDOR BEAUTY	\$41,998.10
1	9010	43100	950168 PUBLIC WORKS/MAINT. PROJ.	COB MCINTIRE RENOVATIONS	\$110,072.85
1	9010	43100	950169 PUBLIC WORKS/MAINT. PROJ.	ROADWAY LANDSCAPING PRGM	\$208,584.40
1	9010	43100	950174 PUBLIC WORKS/MAINT. PROJ.	HILLSDALE SIDEWALK/IMP	\$161,056.85
1	9010	43100	950189 PUBLIC WORKS/MAINT. PROJ.	COB-AUDITORIUM RENOVATION	\$79,894.86
1	9010	43101	312343 COB-MC RENOVATION PHSE II	SPACE NEEDS STUDY	\$9,780.00
1	9010	43101	312350 COB-MC RENOVATION PHSE II	ENGINEERING/PLANNING	\$202,713.60
1	9010	43101	580000 COB-MC RENOVATION PHSE II	MISCELLANEOUS EXPENSES	\$3,500.00
1	9010	43101	800200 COB-MC RENOVATION PHSE II	FURNITURE & FIXTURES	\$53,000.00
1	9010	43101	800605 COB-MC RENOVATION PHSE II	CONSTRUCTION	\$1,775,000.00
1	9010	43101	999999 COB-MC RENOVATION PHSE II	CONTINGENCY FUNDS	\$423,720.00
1	9010	51020	800673 HEALTH DEPARTMENT	HVAC IMPROVEMENTS	\$42,869.67
1	9010	71000	800940 PARKS & RECREATION	PARK ENHANCEMENTS	\$17,804.55
1	9010	71000	800949 PARKS & RECREATION	MAINTENANCE PROJECTS	\$45,994.06
1	9010	71000	950003 PARKS & RECREATION	CROZET PARK IMPROVEMENTS	\$1,571.56
1	9010	71000	950009 PARKS & RECREATION	SCOTTSV COMMUNITY CENTER	\$16,182.58
1	9010	71000	950044 PARKS & RECREATION	ATH. FIELD STUDY/DEVEL.	\$283,573.92
1	9010	71000	950074 PARKS & RECREATION	RECREATION FACILITIES	\$2,030,000.00
1	9010	71000	950121 PARKS & RECREATION	SIMPSON PARK	\$75,221.70
1	9010	71000	950152 PARKS & RECREATION	COMM.REC.FAC.NEEDS ASSMNT	\$12,655.86
1	9010	71000	950166 PARKS & RECREATION	PVCC - DOG PARK	\$10,000.00
1	9010	71000	950201 PARKS & RECREATION	MT SPRINGS FISHING ACCESS	\$196,000.00
1	9010	71000	950202 PARKS & RECREATION	CROZET GREENWAYS	\$95,340.00
1	9010	71000	950218 PARKS & RECREATION	STONE ROBINSON FIELD IMPV	\$12,690.10
1	9010	71000	950219 PARKS & RECREATION	WESTERN PARK MASTER PLAN	\$50,000.00
1	9010	71000	950515 PARKS & RECREATION	WESTERN PARK PLAN/DESIGN	\$15,000.00
1	9010	72030	568901 TOURISM	VISITOR'S BUREAU-MAINT.	\$190,602.65
1	9010	72030	580416 TOURISM	CONSERV. EASEMENT-TOURISM	\$114,190.33
1	9010	72030	950026 TOURISM	GREENWAY PROGRAM	\$113,258.42
1	9010	72030	950107 TOURISM	RIVER ACCESS IMPROVEMENTS	\$159,354.50
1	9010	72030	950111 TOURISM	GREENBELT-BOAT ACCESS	\$1,711.00
1	9010	72030	950177 TOURISM	BYROM FOREST PRESERVE	\$415,748.05
1	9010	73020	800949 LIBRARIES	MAINTENANCE PROJECTS	\$49,670.23
1	9010	73020	950114 LIBRARIES	CROZET LIBRARY	\$3,850,117.36
1	9010	81010	580409 PLANNING	CONSERV. EASEMENTS-A.C.E.	\$1,569,865.36
1	9010	81010	950136 PLANNING	TRANSPORTATION PL/CONSTR	\$6,000.00
1	9010	81010	950147 PLANNING	G.I.S. PROJECT	\$495,279.51
1	9010	81010	950162 PLANNING	CROZET PH1-ST SCAPES	\$153,552.26
1	9010	81010	950173 PLANNING	29N CORRIDOR STUDY	\$58,297.00
1	9010	81010	950178 PLANNING	CITY VIEW PROJECT	\$16,957.00
1	9010	81010	950199 PLANNING	MAIN STREET-CROZET	\$94,688.93
1	9010	81110	950550 NEIGHBORHOOD PLAN	PLACES 29 MASTER PLAN	\$135,000.00
1	9010	81110	999999 NEIGHBORHOOD PLAN	CONTINGENCY FUNDS	\$65,805.61
					\$46,804,068.37

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2008029
DATE _____
BATCH# _____

EXPLANATION: Reappropriation of projects and programs from FY07 Storm Water Management Fund

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
1	9100	41000	800975	STORM WATER CONTROL IMP	J	1	1,563,335.82	
1	9100	41000	950093	DRAINAGE STUDY/PLAN	J	1	24,969.86	
1	9100	41037	800975	IVY ROAD DRAINAGE IMPROVE	J	1	34,587.50	
1	9100	41058	800975	KEY WEST DAM	J	1	82,058.67	
1	9100	41059	800605	WOODBROOK LAGOON IMPROVEM	J	1	83,155.00	
1	9100	41060	800605	CLAUDIUS CROZET PARK	J	1	81,907.43	
1	9100	41061	800975	CROZET STREETSCAPES	J	1	5,385.09	

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2008031
DATE _____
BATCH# _____

EXPLANATION: Repair of Monticello Fire Station apparatus from insurance proceeds

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	1000	51000	510100	Appropriation - F/B	J 2	32,679.21		
1	1000	32019	600900	Monticello - Vehicle Repair	J 1	32,679.21		
					J			
	1000		0501	Est. Revenue	J		32,679.21	
			0701	Appropriation	J			32,679.21
	TOTAL					65,358.42	32,679.21	32,679.21

Agenda Item No. 17. **Public Hearing:** ZTA-2005-009 Density Bonus for Affordable Housing. Amend Sections 3.1, Definitions; 12.4.3, Low and Moderate Cost Housing; 13.4.3, Low and Moderate Cost Housing; 14.4.3, Low and Moderate Cost Housing; 15.4.3, Low and Moderate Cost Housing; 16.4.3, Low and Moderate Cost Housing; 17.4.3 Low and Moderate Cost Housing and 18.4.3, Low and Moderate Cost Housing of Chapter 18, Zoning, of the Albemarle County Code. This ordinance would amend Section 3.1 to add a definition of "affordable housing" and would amend the density bonus regulations for affordable housing in the VR, R-1, R-2, R-4, R-6, R-10 and R-15 zoning districts by changing the references to such housing from "low and moderate cost housing" to "affordable housing," by reducing the percentage of bonus units required to be affordable from 100% to 50% of the allowed bonus density, by increasing the period during which rental units must remain affordable from 5 to 10 years, and by establishing the minimum requirements for qualifying prospective purchasers and renters and the terms and conditions of the affordable rental period. (Notice of this public hearing was advertised in the *Daily Progress* on September 17 and September 24, 2007).

Mr. Ron White, Director of Housing, summarized the following executive summary which was forwarded to Board members:

On June 1, 2005, the Board of Supervisors adopted Resolutions of Intent to amend the County's Zoning Ordinance to reflect the recommendations of the Albemarle County Housing Committee for implementation of the County's Affordable Housing Policy, specifically to amend the density bonus regulations to promote production of affordable housing. The Housing Committee's original recommendation was to allow a 100 percent increase in density with one-half of the additional units being affordable.

Since that time, the Housing Committee and staff have worked with the Planning Commission to get a recommendation to the Board for adoption. Several work sessions were held with the Commission from August 2005 through October 2006 with a public hearing on August 15, 2006, at which the Commission did not take action. On June 13, 2007, a joint work session was held with the Commission and the Board.

The recommendation to amend the current density bonus provisions found in the Zoning Ordinance was first made by the Housing Committee as a strategy in the County's Affordable Housing Policy adopted in February 2004. Subsequent to the adoption of this policy, an ad-hoc Affordable Housing Policy Advisory Committee was created to assist the Housing Committee in defining implementation measures for the policy. The ad-hoc committee also recommended changes to the current density bonus provisions specifically to provide an incentive for developers to consider increased density in exchange for providing affordable housing. A number of interest groups were represented on the ad-hoc committee including developers, lenders, and nonprofit housing providers/agencies. The consensus of the group was that the existing density bonus which allowed up to a 30 percent increase in density but required that all of the units created by the additional density be affordable was not being utilized because it provided no incentive. The group and the Housing Committee recommended allowing up to a 100 percent density bonus with one-half of the additional units being affordable.

It was clear from the first two work sessions with the Planning Commission that a potential for doubling density administratively was not acceptable. However, the Commission did provide a favorable response to maintaining the 30 percent density bonus provision with one-half of the additional units being affordable.

Staff identified another weakness in the existing provisions in that it did not restrict who could buy and/or occupy the affordable units based on household income. The sales price and rental rates were restricted but the ordinance would allow anyone to purchase and/or occupy the units at those restricted prices. The proposed revisions to the ordinance will provide for the Office of Housing to approve purchasers of for-sale units created through the density bonus. The revisions also define affordable sales

prices and affordable rents on commonly-accepted indices consistent with the definitions proposed as revisions to the Affordable Housing Policy. The definitions have been recommended by the Housing Committee and are currently used for affordable housing proffers.

During the June 13 work session, at least two Board members and one Commission member indicated that revising the density bonus could create an ordinance that will work as opposed to the current density bonus which has been utilized on only a few projects although it was adopted some twenty years ago.

Mr. White stated that the recommended change in language would maintain the 30 percent density bonus, require that half of the additional units be affordable, but make clear definitions of sales price, maximum rents, and give the County the opportunity to approve the occupancy based on incomes. He also said that the term would be changed for affordable rental properties from five to ten years, and the Housing Committee has approved these recommended changes. Mr. White explained that the Planning Commission unanimously approved a motion to implement these changes, with the Village zoning designation removed so it would not be offered in rural areas, and also encouraged Energystar standards be used. He said that staff is recommending approval of this ZTA with or without the VR designation.

Mr. Davis said that the Planning Commission had an issue with the VR zone being included, and most of the recent large developments that have been approved are Neighborhood Model or Planned Development.

Ms. Thomas suggested making a motion that does not make changes.

Mr. Davis indicated that repealing it would require another public hearing, and there has never been an application for this in Village Residential as this is unlikely for affordable housing.

Mr. Tucker added that it is almost impossible because 60,000 square foot lots are required for VR, and some type of public utility would be needed. He said he thinks it is a moot issue. Mr. Tucker suggested approving this and then bringing it back.

Mr. Slutzky said that he has argued in the past to make the affordable housing stipulation last for a longer period of time, longer than ten years.

Ms. Thomas commented that if this went through a housing committee, those things should have been considered.

Mr. White pointed out that the original recommendation was for five years, and that was changed to ten years, which the Planning Commission supported. He added that two other ways to provide incentive for affordable housing would be taking money from the local housing fund and that would require a ten-year affordable restriction, and the Internal Revenue Service code provides a low-income housing tax credit program for 15-year restrictions. Mr. White said once we start putting the dollars in [ourselves], then we can start requiring longer terms and if it is enough of an incentive, we will get those longer terms.

Mr. Slutzky said one of the weaknesses in the proffer policy is the short period of time that the units are made affordable, noting that he would like the density bonus increased but with a stipulation of 15 years as affordable.

Ms. Thomas emphasized that the hope for development areas is that developers will come in and put in a Neighborhood Model, and the more offered to them in by-right, the fewer proffers will be given.

Mr. Rooker commented that this would likely not be applicable to large projects anyway.

Mr. White said that the Planning Commission invited in three developers for a work session and discussed the 30 percent, which was agreed upon by the development community and the Commission. He added that they did not discuss the longer affordability term, but the Housing Committee tried to get the 100 percent down to 50 percent, but the developers felt that would not be feasible by-right.

Mr. Davis noted that the density bonus is achieved by by-right cluster provisions in the R-zoned lots, but it is not widely used. He said that there are other categories that can be met to get the density bonuses as well.

Mr. Slutzky responded that this would not be the first time the Board came to a different conclusion than the Commission, and he reiterated his preference for a longer term for affordable housing designation.

Ms. Thomas said she is concerned about the term. She stated, however, that she does not want to create a disincentive for developers so she is happy to leave it as is for the time being.

At this time the Chairman opened the public hearing for comments.

Mr. Neil Williamson of the Free Enterprise Forum addressed the Board, stating that this is a potential market solution for affordable housing. He noted that this seems like a carrot, but he is not convinced the market needs the additional density even though this provides an incentive. Mr. Williamson said that there are other mechanisms that can help accomplish this as well, adding that there

was a recent article in the *Washington Post* where couples who qualified for affordable ended up not long after purchase making fairly large salaries.

Mr. Jeff Werner of PEC addressed the Board, stating that he agrees with Mr. Slutzky on the longer time period. He also said that there are many units already approved that could be built, and perhaps an option is providing a subsidy for market-rate housing; people with lower incomes such as teachers and police officers could be better compensated, and that would also help address the issue.

There being no other comments, Mr. Boyd closed the public hearing.

Mr. Slutzky asked Mr. White for an inventory of available units.

Mr. White responded that Mr. Cilimberg has developed a map of this, and he could bring it to the next meeting.

Mr. Slutzky said that he would like to reopen the issue of a timeframe in the near future.

At this time, Ms. Thomas **moved** to adopt the proposed ordinance amendments under ZTA-2005-009 excluding amendments to Section 12.4.3. Mr. Dorrier **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

Mr. Rooker asked for a Resolution of Intent to revise some of the language as discussed today. Mr. Davis indicated that staff would work on the exact wording and bring it back to the Board.

ORDINANCE NO. 07-18(2)

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, AND ARTICLE III, DISTRICT REGULATIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article I, General Regulations, and Article III, District Regulations, is hereby amended and reordained as follows:

By Amending:

Sec. 3.1	Definitions
Sec. 13.4.3	Low and Moderate Cost Housing
Sec. 14.4.3	Low and Moderate Cost Housing
Sec. 15.4.3	Low and Moderate Cost Housing
Sec. 16.4.3	Low and Moderate Cost Housing
Sec. 17.4.3	Low and Moderate Cost Housing
Sec. 18.4.3	Low and Moderate Cost Housing

Chapter 18. Zoning

Article I. General Regulations

Sec. 3.1 Definitions

Affordable housing. The term "affordable housing" means safe decent housing where housing costs do not exceed thirty (30) percent of the gross household income. For purposes of this definition, "housing costs" for homeowners are principal, interest, real estate taxes, and homeowner's insurance (PITI), and for tenants are tenant-paid rent and tenant-paid utilities with the maximum allowances for utilities being those adopted by the county's housing office for the Housing and Urban Development housing choice voucher program. For purposes of this chapter, an "affordable unit" is a dwelling unit that meets the definition of affordable housing.

Article III. District Regulations

Sec. 13.4.3 Affordable housing

For providing affordable housing units, a density increase of thirty (30) percent shall be granted, subject to the following:

- a. At least one-half of the additional housing units allowed by this density bonus shall be developed as affordable housing units.
- b. The initial sale price for sale units or the rental rate for a period of at least ten (10) years for rental units shall qualify as affordable housing under either the Virginia Housing Development Authority, Farmers Home Administration or Housing and Urban Development housing choice voucher program.
- c. If rental units, the developer shall enter into an agreement with the County of Albemarle restricting the rental rates of the affordable units for a period of at least ten (10) years or until the units are sold as affordable units, whichever comes first.

- d. If sale units, the developer shall provide the chief of housing with confirmation of the initial sale price for the affordable units prior to the issuance of building permits for the bonus units. (Amended 8-14-85)
- e. Manufactured homes for rent in an approved manufactured home park shall be considered rental units under this section provided they qualify as affordable housing under the Housing and Urban Development housing choice voucher program. (Added 3-5-86)
- f. Manufactured home lots for rent in an approved manufactured home park shall qualify for this bonus provided the developer enters into an agreement with the County of Albemarle that the lots shall be available for rent to manufactured home owners for a period of at least ten (10) years. (Added 3-5-86)
- g. Manufactured home lots for sale in an approved manufactured home subdivision shall qualify for this bonus provided the developer restricts the use of the lots to manufactured homes or other affordable housing for a period of at least ten (10) years. (Added 3-5-86)
- h. The decision to extend the periods beyond the ten (10) year minimum provided in subsections (b), (c), (f) and (g) shall be in the sole discretion of the developer.
- i. The occupancy of the affordable units shall be restricted to those households with incomes at or below eighty (80) percent of the area median income for for-sale units and at or below sixty (60) percent of the area median income for rental units. The chief of housing or his designee must approve all purchasers of for-sale units based on household income. Prior to issuance of the first certificate of occupancy for a building providing affordable rental units, the developer shall enter into a rental rate agreement with the county, approved by the county attorney, that delineates the terms and conditions pertaining to rental rates, occupancy and reporting during the minimum ten (10) year period.

Sec. 14.4.3 Affordable housing

For providing affordable housing units, a density increase of thirty (30) percent shall be granted, subject to the following:

- a. At least one-half of the additional housing units allowed by this density bonus shall be developed as affordable housing units.
- b. The initial sale price for sale units or the rental rate for a period of at least ten (10) years for rental units shall qualify as affordable housing under either the Virginia Housing Development Authority, Farmers Home Administration or Housing and Urban Development housing choice voucher program.
- c. If rental units, the developer shall enter into an agreement with the County of Albemarle restricting the rental rates of the affordable units for a period of at least ten (10) years or until the units are sold as affordable units, whichever comes first.
- d. If sale units, the developer shall provide the chief of housing with confirmation of the initial sale price for the affordable units prior to the issuance of building permits for the bonus units. (Amended 8-14-85)
- e. Manufactured homes for rent in an approved manufactured home park shall be considered rental units under this section provided they qualify affordable housing under the Housing and Urban Development housing choice voucher program. (Added 3-5-86)
- f. Manufactured home lots for rent in an approved manufactured home park shall qualify for this bonus provided the developer enters into an agreement with the County of Albemarle that the lots shall be available for rent to manufactured home owners for a period of at least ten (10). (Added 3-5-86)
- g. Manufactured home lots for sale in an approved manufactured home subdivision shall qualify for this bonus provided the developer restricts the use of the lots to manufactured homes or other affordable housing for a period of at least ten (10) years. (Added 3-5-86)
- h. The decision to extend the periods beyond the ten (10) year minimum provided in subsections (b), (c), (f) and (g) shall be in the sole discretion of the developer.
- i. The occupancy of the affordable units shall be restricted to those households with incomes at or below eighty (80) percent of the area median income for for-sale units and at or below sixty (60) percent of the area median income for rental units. The chief of housing or his designee must approve all purchasers of for-sale units based on household income. Prior to issuance of the first certificate of occupancy for a building providing affordable rental units, the developer shall enter into a rental rate agreement with the county, approved by the county attorney, that delineates the terms and

conditions pertaining to rental rates, occupancy and reporting during the minimum ten (10) year period.

Sec. 15.4.3 Affordable housing

For providing affordable housing units, a density increase of thirty (30) percent shall be granted, subject to the following:

- a. At least one-half of the additional housing units allowed by this density bonus shall be developed as affordable housing units.
- b. The initial sale price for sale units or the rental rate for a period of at least ten (10) years for rental units shall qualify as affordable housing under either the Virginia Housing Development Authority, Farmers Home Administration or Housing and Urban Development housing choice voucher program.
- c. If rental units, the developer shall enter into an agreement with the County of Albemarle restricting the rental rates of the affordable units for a period of at least ten (10) years or until the units are sold as affordable units, whichever comes first.
- d. If sale units, the developer shall provide the chief of housing with confirmation of the initial sale price for the affordable units prior to the issuance of building permits for the bonus units. (Amended 8-14-85)
- e. Manufactured homes for rent in an approved manufactured home park shall be considered rental units under this section provided they qualify as affordable housing under the Housing and Urban Development housing choice voucher program. ; (Added 3-5-86)
- f. Manufactured home lots for rent in an approved manufactured home park shall qualify for this bonus provided the developer enters into an agreement with the County of Albemarle that the lots shall be available for rent to manufactured home owners for a period of at least ten (10) years. (Added 3-5-86)
- g. Manufactured home lots for sale in an approved manufactured home subdivision shall qualify for this bonus provided the developer restricts the use of the lots to manufactured homes or other affordable housing for a period of at least ten (10) years. (Added 3-5-86)
- h. The decision to extend the periods beyond the ten (10) year minimum provided in subsections (b), (c), (f) and (g) shall be in the sole discretion of the developer.
- i. The occupancy of the affordable units shall be restricted to those households with incomes at or below eighty (80) percent of the area median income for for-sale units and at or below sixty (60) percent of the area median income for rental units. The chief of housing or his designee must approve all purchasers of for-sale units based on household income. Prior to issuance of the first certificate of occupancy for a building providing affordable rental units, the developer shall enter into a rental rate agreement with the county, approved by the county attorney, that delineates the terms and conditions pertaining to rental rates, occupancy and reporting during the minimum ten (10) year period.

Sec. 16.4.3 Affordable housing

For providing affordable housing units, a density increase of thirty (30) percent shall be granted, subject to the following:

- a. At least one-half of the additional housing units allowed by this density bonus shall be developed as affordable housing units.
- b. The initial sale price for sale units or the rental rate for a period of at least ten (10) years for rental units shall qualify as affordable housing under either the Virginia Housing Development Authority, Farmers Home Administration or Housing and Urban Development housing choice voucher program.
- c. If rental units, the developer shall enter into an agreement with the County of Albemarle restricting the rental rates of the affordable units for a period of at least ten (10) years or until the units are sold as affordable units, whichever comes first.
- d. If sale units, the developer shall provide the chief of housing with confirmation of the initial sale price for the low or moderate cost units prior to the issuance of building permits for the bonus units. (Amended 8-14-85)
- e. Manufactured homes for rent in an approved manufactured home park shall be considered rental units under this section provided they qualify as affordable housing under the Housing and Urban Development housing choice voucher program. (Added 3-5-86)

- f. Manufactured home lots for rent in an approved manufactured home park shall qualify for this bonus provided the developer enters into an agreement with the County of Albemarle that the lots shall be available for rent to manufactured home owners for a period of at least ten (10) years. (Added 3-5-86)
- g. Manufactured home lots for sale in an approved manufactured home subdivision shall qualify for this bonus provided the developer restricts the use of the lots to manufactured homes or other affordable housing for a period of at least ten (10) years. (Added 3-5-86)
- h. The decision to extend the periods beyond the ten (10) year minimum provided in subsections (b), (c), (f) and (g) shall be in the sole discretion of the developer.
- i. The occupancy of the affordable units shall be restricted to those households with incomes at or below eighty (80) percent of the area median income for for-sale units and at or below sixty (60) percent of the area median income for rental units. The chief of housing or his designee must approve all purchasers of for-sale units based on household income. Prior to issuance of the first certificate of occupancy for a building providing affordable rental units, the developer shall enter into a rental rate agreement with the county, approved by the county attorney, that delineates the terms and conditions pertaining to rental rates, occupancy and reporting during the minimum ten (10) year period.

Sec. 17.4.3 Affordable housing

For providing affordable housing units, a density increase of thirty (30) percent shall be granted, subject to the following:

- a. At least one-half of the additional housing units allowed by this density bonus shall be developed as affordable housing units.
- b. The initial sale price for sale units or the rental rate for a period of at least ten (10) years for rental units shall qualify as affordable housing under either the Virginia Housing Development Authority, Farmers Home Administration or Housing and Urban Development housing choice voucher program.
- c. If rental units, the developer shall enter into an agreement with the County of Albemarle restricting the rental rates of the affordable units for a period of at least ten (10) years or until the units are sold as affordable units, whichever comes first.
- d. If sale units, the developer shall provide the chief of housing with confirmation of the initial sale price for the affordable units prior to the issuance of building permits for the bonus units. (Amended 8-14-85)
- e. Manufactured homes for rent in an approved manufactured home park shall be considered rental units under this section provided they qualify as affordable housing under the Housing and Urban Development housing choice voucher program. (Added 3-5-86)
- f. Manufactured home lots for rent in an approved manufactured home park shall qualify for this bonus provided the developer enters into an agreement with the County of Albemarle that the lots shall be available for rent to manufactured home owners for a period of at least ten (10) years. (Added 3-5-86)
- g. Manufactured home lots for sale in an approved manufactured home subdivision shall qualify for this bonus provided the developer restricts the use of the lots to manufactured homes or other affordable housing for a period of at least ten (10) years. (Added 3-5-86)
- h. The decision to extend the periods beyond the ten (10) year minimum provided in subsections (b), (c), (f) and (g) shall be in the sole discretion of the developer.
- i. The occupancy of the affordable units shall be restricted to those households with incomes at or below eighty (80) percent of the area median income for for-sale units and at or below sixty (60) percent of the area median income for rental units. The chief of housing or his designee must approve all purchasers of for-sale units based on household income. Prior to issuance of the first certificate of occupancy for a building providing affordable rental units, the developer shall enter into a rental rate agreement with the county, approved by the county attorney, that delineates the terms and conditions pertaining to rental rates, occupancy and reporting during the minimum ten (10) year period.

Sec. 18.4.3 Affordable housing

For providing affordable housing units, a density increase of thirty (30) percent shall be granted, subject to the following:

- a. At least one-half of the additional housing units allowed by this density bonus shall be developed as affordable housing units.

- b. The initial sale price for sale units or the rental rate for a period of at least ten (10) years for rental units shall qualify affordable housing under either the Virginia Housing Development Authority, Farmers Home Administration or Housing and Urban Development housing choice voucher program.
- c. If rental units, the developer shall enter into an agreement with the County of Albemarle restricting the rental rates of the affordable units for a period of at least ten (10) years or until the units are sold as affordable units, whichever comes first.
- d. If sale units, the developer shall provide the chief of housing with confirmation of the initial sale price for the affordable units prior to the issuance of building permits for the bonus units. (Amended 8-14-85)
- e. Manufactured homes for rent in an approved manufactured home park shall be considered rental units under this section provided they qualify as affordable housing under the Housing and Urban Development housing choice voucher program. (Added 3-5-86)
- f. Manufactured home lots for rent in an approved manufactured home park shall qualify for this bonus provided the developer enters into an agreement with the County of Albemarle that the lots shall be available for rent to manufactured home owners for a period of at least ten (10) years. (Added 3-5-86)
- g. Manufactured home lots for sale in an approved manufactured home subdivision shall qualify for this bonus provided the developer restricts the use of the lots to manufactured homes or other affordable housing for a period of at least ten (10) years. (Added 3-5-86)
- h. The decision to extend the periods beyond the ten (10) year minimum provided in subsections (b), (c), (f) and (g) shall be in the sole discretion of the developer.
- i. The occupancy of the affordable units shall be restricted to those households with incomes at or below eighty (80) percent of the area median income for for-sale units and at or below sixty (60) percent of the area median income for rental units. The chief of housing or his designee must approve all purchasers of for-sale units based on household income. Prior to issuance of the first certificate of occupancy for a building providing affordable rental units, the developer shall enter into a rental rate agreement with the county, approved by the county attorney, that delineates the terms and conditions pertaining to rental rates, occupancy and reporting during the minimum ten (10) year period.

Agenda Item No. 18. **Public Hearing:** Finance Tax Ordinances. (Notice of this public hearing was advertised in the *Daily Progress* on September 17 and September 24, 2007).

Mr. Richard Wiggans, Director of Finance, summarized the following executive summary which was forwarded to Board members:

The 2006 and 2007 General Assemblies adopted several statutory changes that require updates to the Albemarle County Code. The attached ordinances bring the Albemarle County Code into compliance with the most recent changes to the Virginia Code.

The four proposed ordinances attached (one for each affected chapter of the Albemarle County Code) make revisions to nine different areas of the County Code. Most of the proposed revisions are needed to stay current with recent changes to state law.

- Sec. 1-120 Increases the penalty for returned checks:
This revision increases the penalty for returned checks from \$20 to \$35. This revision is also amended to track Virginia Code § 2.2-614.1(C).
- Sec. 8-305 Excludes excise taxes from BPOL receipts:
This revision clarifies that the motor fuels tax, whether paid directly or indirectly, is exempt from gross receipts for BPOL purposes. This revision is needed to comply with a 2007 amendment to Virginia Code § 58.1-3732.
- Sec. 8-601 Revises licenses for bondsmen:
Virginia Code § 58.1-3724 has modified the licensing of bondsmen in several areas. This revision will bring our local license requirements up-to-date with the more limited state enabling authority.
- Sec. 8-604 Repeals "small loan company" provisions from BPOL:
The "small loan company" provisions originated a long time ago when operations were significantly different. Over time, business practices have evolved to the point to where a "small loan company" is now deemed to be a financial service, which is governed by Albemarle County Code § 8-615 (c).
- Sec. 8-617 Caps BPOL gross receipts of gas retailers:
This revision sets a cap on the gross receipts taxes on fuel sales of gas retailers in the event that gas prices rise dramatically. While this cap may never be triggered, this revision is needed to comply with new Virginia Code § 58.1-3706(E).

- Sec. 9-410 Excludes certain public service companies from decal requirements: Virginia Code § 46.2-752 now exempts vehicles owned by public service companies having a fleet of at least 2,500 vehicles garaged in the Commonwealth from having to display any local license, decal, or sticker. This revision is needed to comply with a 2007 amendment to Virginia Code § 46.2-752(G).
- Secs. 15-910 & 15-911 Revises transient occupancy tax penalties: This change decreases the maximum penalty for transient occupancy tax from 30% to 25% or the amount of the tax, whichever is less; decreases the maximum penalty for failure or refusal to file a required transient occupancy tax return to 10% of the tax assessable or \$10.00, whichever is greater; and makes unlawful and punishable as a misdemeanor any willful failure or refusal to file any required transient occupancy tax return. This revision is needed to comply with Virginia Code § 58.1-3916.
- Sec. 15-1203 Excludes certain gratuities from food and beverage tax: Virginia Code § 58.1-3833 was revised to exempt discretionary gratuities (tips) and restaurant-imposed gratuity/service charges that do not exceed 20% of the sales price. This revision is needed to comply with a 2006 amendment to Virginia Code § 58.1-3833(E).
- Secs. 15-1213 & 15-1214 Revises food and beverage tax penalties: This change decreases the maximum penalty for food and beverage tax from 30% to 25% or the amount of the tax, whichever is less; decreases the maximum penalty for failure or refusal to file a required food and beverage tax return to 10% of the tax assessable or \$10.00, whichever is greater; and makes unlawful and punishable as a misdemeanor any willful failure or refusal to file any required food and beverage tax return;. This revision is needed to comply with Virginia Code § 58.1-3916.

The budgetary impact is anticipated to be minimal, a net decrease of less than \$5,000.

Mr. Wiggins said staff recommends that the Board, after the public hearing, adopt the attached four ordinances.

Mr. Davis recommended individual motions for each ordinance.

Mr. Boyd opened the public hearing. There being no comments, the public hearing was closed, and the matter was placed before the Board.

Item No. 18a. **To amend Chapter 1, General Provisions, of the Albemarle County Code** to increase the penalty from twenty dollars (\$20.00) to thirty-five dollars (\$35.00) if a check or other means of payment made to the County or any agency thereof is not paid by the financial institution on which it is drawn. The proposed effective date of this ordinance is January 1, 2008.

Mr. Rooker **moved** to adopt Ordinance No. 07-1(2). Ms. Thomas **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

ORDINANCE NO. 07-1(2)

AN ORDINANCE TO AMEND CHAPTER 1, GENERAL PROVISIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 1, General Provisions, is hereby amended and reordained as follows:

By Amending:

Sec. 1-120 Fee for returned checks

CHAPTER 1. GENERAL PROVISIONS

Sec. 1-120 Penalty for returned checks or other payment.

If any check or other means of payment tendered to the county or any agency thereof in the course of its duties is not paid by the financial institution on which it is drawn, because of insufficient funds in the account of the drawer, no account is in the name of the drawer, or the account of the drawer is closed, and the check or other means of payment is returned to the named payee unpaid, the amount thereof shall be charged to the person on whose account it was received, and his liability and that of his sureties, shall be as if he had never offered any such payment. A penalty of thirty-five dollars (\$35.00) shall be added to such amount. This penalty shall be in addition to any other penalty provided by law, except the penalty imposed by § 15-103 shall not apply.

(Ord. No. 97-1(1), 2-12-97; Code 1988, § 1-9; Ord. 98-A(1), 8-5-98; Ord. 07-1(2), adopted 10-3-07, effective 1-1-08)

State law reference—Va. Code § 2.2-614.1(C).

This ordinance shall be effective on and after January 1, 2008.

Item No. 18b. **To amend Chapter 8, Licenses, of the Albemarle County Code** to clarify that amounts received for motor fuels tax are exempt from gross receipts for purposes of the business, professional, and occupational license (BPOL) tax, to revise license provisions for bondsmen, to eliminate the requirement that small loan companies be subject to a license tax of two hundred dollars (\$200.00), and to cap gross receipts on fuel sales by gasoline retailers for purposes of their business, professional, and occupational license (BPOL) tax. The proposed effective date of this ordinance is January 1, 2008.

Mr. Rooker **moved** to adopt Ordinance No. 07-8(1). Ms. Thomas **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

ORDINANCE NO. 07-8(1)

AN ORDINANCE TO AMEND CHAPTER 8, LICENSES, ARTICLE III, DETERMINING GROSS RECEIPTS, AND ARTICLE VI, SCHEDULE OF TAXES, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 8, Licenses, Article III, Determining Gross Receipts, and Article VI, Schedule of Taxes, are hereby amended and reordained as follows:

By Amending:

Sec. 8-305 Amounts excluded from gross receipts
Sec. 8-601 Bondsmen
Sec. 8-617 Retailers or retail merchants

By Repealing:

Sec. 8-604 Loan agencies

CHAPTER 8. LICENSES

ARTICLE III. DETERMINING GROSS RECEIPTS

Sec. 8-305 Amounts excluded from gross receipts.

For purposes of determining a license tax, gross receipts shall not include any amount not derived from the exercise of the licensed privilege to engage in a business in the ordinary course of such business, and the following amounts:

A. Amounts received and paid to the United States, the Commonwealth or any county, city or town for the Virginia retail sales or use tax, or for any local sales tax or any local excise tax on cigarettes, or amounts received for any federal or state excise taxes on motor fuels.

B. Any amount representing the liquidation of a debt or conversion of another asset to the extent that the amount is attributable to a transaction previously taxed (e.g., the factoring of accounts receivable created by sales which have been included in taxable receipts even though the creation of such debt and factoring are a regular part of its business).

C. Any amount representing returns or trade-in allowances granted by the business to its customer.

D. Receipts which are the proceeds of a loan transaction in which the licensee is the obligor.

E. Receipts representing the return of principal of a loan transaction in which the licensee is the creditor, or the return of principal or basis upon the sale of a capital asset.

F. Rebates and discounts taken or received on account of purchases by the licensee. A rebate or other incentive offered to induce the recipient to purchase certain goods or services from a person other than the offeror, and which the recipient assigns to the licensee in consideration of the sale of goods and services shall not be considered a rebate or discount to the licensee, but shall be included in the licensee's gross receipts together with any handling or other fees related to the incentive.

G. Withdrawals from inventory for which no consideration is received and the occasional sale or exchange of assets other than inventory, whether or not a gain or loss is recognized for federal income tax purposes.

H. Investment income not directly related to the privilege exercised by a licensable business not classified as rendering financial services. This exclusion shall apply to interest on bank accounts of the business and to interest, dividends and other income derived from the investment of its own funds in securities and other types of investments unrelated to the licensed privilege. This exclusion shall not apply to interest, late fees and similar income attributable to an installment sale or other transaction that occurred in the regular course of business.

I. Amounts paid by real estate brokers to real estate agents as a commission on any real estate transaction shall be excluded from real estate brokers' gross receipts. Each real estate broker claiming the exclusion shall identify on its license application each agent to whom the excluded receipts have been paid, the amount of the receipts paid to each such agent, and the jurisdiction in the Commonwealth of Virginia to which the agent is subject to business license taxes.

(3-15-83, § 65; 6-13-73; 5-15-75; 4-21-76; 3-10-82; Ord. 96-11(1), 11-13-96, § 11-18; Ord. 97-11(1), 5-7-97, § 11-18; Code 1988, § 11-18; Ord. 98-A(1), 8-5-98; Ord. 07-8(1), adopted 10-3-07, effective 1-1-08)

State law reference--Va. Code § 58.1-3732.

ARTICLE VI. SCHEDULE OF TAXES DIVISION 1. GENERALLY

Sec. 8-601 Bondsmen.

Each person engaged as a bondsman shall be subject to the license tax, and other provisions, set forth herein:

A. Every person who shall, for compensation, enter into any bond or bonds for others, whether as a principal or surety, shall be subject to a license tax of one hundred fifty dollars (\$150.00), which shall not be prorated or transferred.

B. No professional bondsmen or his agent shall enter into any such bond or bonds in the county until he shall have obtained such license unless he has obtained such required license in another city or county, in which he engages in the business of bail bonding.

C. With the exception of any bondsman or his agent who has heretofore obtained a certificate and license under this section and whose certificate, license and right to act as a bondsman continues to remain in full force and effect, no such license shall be issued unless and until the applicant shall have first obtained a bail bondsman license from the Department of Criminal Justice Services.

(Ord. 96-11(1), 11-13-96, § 11-31; Code 1988, § 11-31; Ord. 98-A(1), 8-5-98; Ord. 07-8(1), adopted 10-3-07, effective 1-1-08)

State law reference--Va. Code §§ 58.1-3724

Sec. 8-604 (Repealed 10-3-07)

DIVISION 4. PERSONAL, PROFESSIONAL, BUSINESS OR REPAIR SERVICE BUSINESS, OCCUPATIONS AND PROFESSIONS

Sec. 8-617 Retailers or retail merchants.

Each person engaged as retailer or retail merchant shall be subject to the license tax, and other provisions, set forth herein:

A. Each person engaged as a retailer or retail merchant shall be subject to a license tax of twenty cents (\$0.20) for each one hundred dollars (\$100.00) of gross receipts, other than as provided in subsection (B) herein.

B. Each person engaged as a retailer or retail merchant shall be subject to a license tax of ten cents (\$0.10) for each one hundred dollars (\$100.00) of gross receipts for direct retail sales. For purposes of this section, a "direct retail sale" is defined as a retail sale made to a remote buyer ordering by telephone, internet, or mail, in which the item(s) sold is/are shipped by common carrier or by the U.S. Postal Service.

C. Retailers or retail merchants include, but are not limited to, the following:

- Aircraft or aircraft parts.
- Alcoholic beverages.
- Antiques.
- Auto accessory, tire, battery.
- Automobile graveyards.
- Auto sales, motor vehicle dealers.
- Bakeries, caterers.
- Bicycles.
- Boats, motors.
- Books, stationery.
- Building materials.
- Candy, nut stores.

Cigar, tobacco stands, newsstands.
Confectionery.
Custom tailor.
Dairy products.
Delicatessen.
Department stores.
Drapery, curtain, upholstery.
Drugs.
Dry goods stores.
Eggs, poultry.
Family clothing.
Farm equipment.
Filling stations.
Firearms.
Fish, seafood market.
Floor covering.
Florists.
Fruit stores, vegetable markets.
Fuel, ice.
Furniture.
Furriers.
Garden supplies.
General stores.
Gift, novelty, souvenir.
Grocery.
Hardware.
Heating, plumbing, electrical equipment.
Hog, grain, feed, seed.
Hosiery.
Jewelry.
Junk or secondhand merchandise.
Lightning rods.
Luggage.
Lumber goods.
Meat markets.
Men's and boy's clothing.
Millinery.
Motorcycle.
Musical instrument.
Office, store, appliance supply.
Optical.
Other clothing.
Paint, glass, wallpaper.
Photographic, supply, equipment.
Radio, television or household appliances.
Restaurants, eating places, nightclubs.
Secondhand stores, other than junk.
Scientific, medical supplies.
Shoes.
Soda fountain.
Sporting goods.
Travel bureau or tour agent.
Used cars.
Variety stores.
Workmen's clothing.

All other retail stores and retail merchants' occupations, businesses or trades not included herein and not otherwise taxed by this chapter.

D. In any case in which the Virginia Department of Mines, Minerals and Energy determines that the weekly U.S. Retail Gasoline price (regular grade) for PADD 1C (Petroleum Administration for Defense District - Lower Atlantic Region) has increased by 20% or greater in any one-week period over the immediately preceding one-week period and does not fall below the increased rate for at least 28 consecutive days immediately following the week of such increase, then, notwithstanding any tax rate on retailers imposed by this chapter, the gross receipts taxes on fuel sales of a gas retailer made in the following license year shall not exceed 110% of the gross receipts taxes on fuel sales made by such retailer in the license year of such increase. For license years beginning on or after January 1, 2006, every gas retailer shall maintain separate records for fuel sales and nonfuel sales and shall make such records available upon request by the local tax official.

The provisions of this subsection shall not apply to any person or entity (i) not conducting business as a gas retailer in the county the entire license year immediately preceding the license year of such increase or (ii) that was subject to a license fee in the county pursuant to Virginia Code § 58.1-3703 for the license year immediately preceding the license year of such increase.

The Virginia Department of Mines, Minerals and Energy shall determine annually if such increase has occurred and remained in effect for such 28-day period.

For purposes of this subsection, the following definitions shall apply:

1. "Fuel sale" or "fuel sales" shall mean retail sales of alternative fuel, blended fuel, diesel fuel, gasohol, or gasoline, as such terms are defined in Virginia Code § 58.1-2201.

2. "Gas retailer" means a person or entity engaged in business as a retailer offering to sell at retail on a daily basis alternative fuel, blended fuel, diesel fuel, gasohol, or gasoline, as such terms are defined in Virginia Code § 58.1-2201.

(3-15-73, § 55; 4-21-76; 3-10-82; Ord. 96-11(1), 11-13-96, § 11-68; Code 1988; § 11-68; Ord. 98-A(1), 8-5-98; Ord. 06-8(1), adopted 5-3-06, effective 1-1-07; Ord. 07-8(1), adopted 10-3-07, effective 1-1-08)

State law reference--Va. Code §§ 58.1-3703, 58.1-3706.

This ordinance shall be effective on and after January 1, 2008.

Item No. 18c. **To amend Chapter 9, Motor Vehicles and Traffic, of the Albemarle County Code** to exempt a public service company having a fleet of at least 2,500 vehicles garaged in the Commonwealth from being required to display a local motor vehicle decal or sticker.

At this time, Mr. Rooker **moved** to adopt Ordinance No. 07-9(1). Ms. Thomas **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

ORDINANCE NO. 07-9(1)

AN ORDINANCE TO AMEND CHAPTER 9, MOTOR VEHICLES AND TRAFFIC, ARTICLE IV, COUNTY VEHICLE LICENSES, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 9, Motor Vehicles and Traffic, Article IV, County Vehicle Licenses, is hereby amended and reordained as follows:

By Amending:

Sec. 9-410 Display of license decal, etc.

CHAPTER 9. MOTOR VEHICLES AND TRAFFIC

ARTICLE IV. COUNTY VEHICLE LICENSES

Sec. 9-410 Display of license decal, etc.

Decals or other stickers issued pursuant to this article shall be displayed on the vehicle in accordance with state law and regulation. A decal may not be attached to any motor vehicle, trailer or semitrailer for which it has not been assigned.

The display of a local decal or sticker shall not be required on any vehicle owned by a public service company, as defined in Virginia Code § 56-76, having a fleet of at least 2,500 vehicles garaged in the Commonwealth.

(Code 1967, § 12-99; Ord. of 2-14-90; Code 1988, § 12-31; Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06; Ord. 07-9(1), 10-3-07)

This ordinance shall be effective immediately.

Item No. 18d. **To amend Chapter 15, Taxation, of the Albemarle County Code** to decrease the maximum penalty for the late remittance of transient occupancy tax from 30% to 25% or the amount of the tax, whichever is less; to decrease the maximum penalty for failure or refusal to file a required transient occupancy tax return to 10% of the tax assessable or \$10.00, whichever is greater; to make unlawful and punishable as a misdemeanor any willful failure or refusal to file any required transient occupancy tax return; to decrease the maximum penalty for the late remittance of food and beverage tax from 30% to 25% or the amount of the tax, whichever is less; to decrease the maximum penalty for failure or refusal to file a required food and beverage tax return to 10% of the tax assessable or \$10.00, whichever is greater; to make unlawful and punishable as a misdemeanor any willful failure or refusal to file any required food and beverage tax return; and to exclude from being subject to the food and beverage tax any amount paid by a purchaser as a mandatory gratuity or service charge added by a restaurant in addition to the sales price to the extent that such mandatory gratuity or service charge does not exceed 20% of the sales price. The proposed effective date of this ordinance is January 1, 2008.

Mr. Dorrier **moved** to adopt Ordinance No. 07-15(2). Mr. Rooker **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

ORDINANCE NO. 07-15(2)

AN ORDINANCE TO AMEND CHAPTER 15, TAXATION, ARTICLE IX, TRANSIENT OCCUPANCY TAX, AND ARTICLE XII, FOOD AND BEVERAGE TAX, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 15, Taxation, Article IX, Transient Occupancy Tax, and Article XII, Food and Beverage Tax, are hereby amended and reordained as follows:

By Amending:

Sec. 15-910 Penalty for late remittance or false return
Sec. 15-911 Violations of article
Sec. 15-1203 Tips and service charges
Sec. 15-1213 Penalty for late remittance or false return
Sec. 15-1214 Violations of article

CHAPTER 15. TAXATION

ARTICLE IX. TRANSIENT OCCUPANCY TAX

15-910 Penalty for late remittance or false return.

A. If any lodging provider whose duty it is to do so shall fail or refuse to remit to the director of finance the tax required to be collected and paid under this article within the time and in the amount specified in this article, there shall be added to such tax by the director of finance a penalty in the amount of ten percent (10%) of the total amount of tax owed if the failure is not for more than one month, with an additional penalty of five percent (5%) of the total amount of tax owed for each additional month or fraction thereof during which the failure continues, such penalty not to exceed twenty-five percent (25%) of the taxes collected but not remitted, provided, however, the minimum penalty shall be ten dollars (\$10.00), or the amount of the tax assessable, whichever is less.

B. If any lodging provider whose duty it is to do so shall fail or refuse to file any return required by this article within the time specified in this article, there shall be added to such tax by the director of finance a penalty in the amount of ten percent (10%) of the tax assessable on such return or \$10, whichever is greater; provided, however, that the penalty shall in no case exceed the amount of the tax assessable.

C. It shall be unlawful for any person to willfully fail or refuse to file any return required under this article or to make any false statement with the intent to defraud in connection with any return required by this article. It shall be a Class 3 misdemeanor if the amount of the tax lawfully assessed in connection with the return is \$1,000 or less, and it shall be a Class 1 misdemeanor if the amount of the tax lawfully assessed in connection with the return is more than \$1,000.

(§ 8-43; Code 1988, § 8-51, Ord. No. 98-8(2), 6-10-98; Ord. 98-A(1), 8-5-98; Ord. 07-15(2), adopted 10-3-07, effective 1-1-08)

State law reference – Va. Code §§ 58.1 – 3916, 58.1-3916.1

Sec. 15-911 Violations of article.

Any corporate or partnership officer as defined in Virginia Code § 58.1-3906, or any other person required to collect, account for and pay over a tax under this article, who willfully fails to collect or truthfully account for and pay over such tax, and any such person who willfully evades or attempts to evade any such tax or payment thereof, shall be guilty of a class 1 misdemeanor. Conviction under this section shall not relieve any person from the payment, collection or remittance of the taxes or penalties provided for in this article. Any agreement by any person to pay the taxes or penalties provided for in this article by a series of installment payments shall not relieve any person of criminal liability for violation of this article until the full amount of taxes and penalties agreed to be paid by such person is received by the director of finance. Each failure or violation, and each day's continuance thereof, shall constitute a separate offense.

(Code 1988, § 8-52; Ord. No. 98-8(2), 6-10-98; Ord. 98-A(1), 8-5-98; Ord. 07-15(2), adopted 10-3-07, effective 1-1-08)

State law reference--Va. Code §§ 58.1- 3906, 58.1 - 3907; as to punishment for class 1 misdemeanor, see § 18.2-11.

ARTICLE XII. FOOD AND BEVERAGE TAX

Sec. 15-1203 Tips and service charges.

No tax shall be imposed under this article on (i) that portion of the amount paid by purchaser as a discretionary gratuity in addition to the sales price; (ii) that portion of the amount paid by the purchaser as

a mandatory gratuity or service charge added by the restaurant in addition to the sales price, but only to the extent that such mandatory gratuity or service charge does not exceed 20% of the sales price.

(§ 8-78, 12-10-97; Code 1988, § 8-78; Ord. 98-A(1), 8-5-98; Ord. 07-15(2), adopted 10-3-07, effective 1-1-08)

State law reference—Va. Code § 58.1-3833(E)

Sec. 15-1213 Penalty for late remittance or false return.

A. If any seller whose duty it is to do so shall fail or refuse to remit to the director of finance the tax required to be collected and paid under this article within the time and in the amount specified in this article, there shall be added to such tax by the director of finance a penalty in the amount of ten percent (10%) of the total amount of the tax owed if the failure is not for more than one month, with an additional penalty of five percent (5%) of the total amount of the tax owed for each additional month or fraction thereof during which the failure continues, such penalty not to exceed twenty-five percent (25%) of the taxes collected but not remitted, provided, however, the minimum penalty shall be ten dollars (\$10.00), or the amount of the tax assessable, whichever is less.

B. If any seller whose duty it is to do so shall fail or refuse to file any return required by this article within the time specified in this article, there shall be added to such tax by the director of finance a penalty in the amount of ten percent (10%) of the tax assessable on such return or \$10, whichever is greater; provided, however, that the penalty shall in no case exceed the amount of the tax assessable.

C. It shall be unlawful for any person to willfully fail or refuse to file any return required under this article or to make any false statement with the intent to defraud in connection with any return required by this article. It shall be a Class 3 misdemeanor if the amount of the tax lawfully assessed in connection with the return is \$1,000 or less, and it shall be a Class 1 misdemeanor if the amount of the tax lawfully assessed in connection with the return is more than \$1,000.

(§ 8-88, 12-10-97; Code 1988, § 8-88; Ord. 98-A(1), 8-5-98; Ord. 07-15(2), adopted 10-3-07, effective 1-1-08)

State law reference—Va. Code §§ 58.1-3916, 58.1-3916.1

Sec. 15-1214 Violations of article.

Any corporate or partnership officer as defined in Virginia Code § 58.1-3906, or any other person required to collect, account for and pay over tax under this article, who willfully fails to collect or truthfully account for and pay over such tax, and any person who willfully evades or attempts to evade any such tax or payment thereof, shall be guilty of a class 1 misdemeanor. Conviction of such violation shall not relieve any person from the payment, collection or remittance of the taxes or penalties provided for in this article. Any agreement by any person to pay the taxes or penalties provided for in this article by a series of installment payments shall not relieve any person of criminal liability for violation of this article until the full amount of taxes and penalties agreed to be paid by such person is received by the director of finance. Each failure, refusal, neglect or violation, and each day's continuance thereof, shall constitute a separate offense.

(§ 8-89, 12-10-97; Code 1988, § 8-89; Ord. 98-A(1), 8-5-98; Ord. 07-15(2), adopted 10-3-07, effective 1-1-08)

State law reference—Va. Code § 58.1-3907

This ordinance shall be effective on and after January 1, 2008.

Agenda Item No. 19. **Public Hearing:** To amend Chapter 15, Taxation, of the Albemarle County Code to adjust the eligibility requirements for tax relief under Article VII, Real Estate Tax Exemption for Certain Elderly and Disabled Persons. Specifically, the proposed ordinance amends Section 15-702, Definitions, to increase the acreage excluded from a taxpayer's net worth from five to ten acres; amends Section 15-704, Persons Eligible for Exemption, to increase the total combined income eligibility limit for taxpayers from \$50,000 to \$69,452 and the net combined financial worth eligibility limit for taxpayers from \$125,000 to \$200,000; and amends Section 15-705, Amount of Exemption, by increasing the percentage of real estate tax exempted based upon the amended total combined income and net combined financial worth factors. The proposed effective date of this ordinance is January 1, 2008. (Notice of this public hearing was advertised in the *Daily Progress* on September 17 and September 24, 2007).

Mr. Wiggins summarized the following executive summary which was provided to Board members:

Albemarle County has a Tax Relief for the Elderly and Disabled Program that provides a tax exemption for the elderly and/or disabled owners of real estate and mobile homes. The exemption is based on a matrix of income and net worth levels. The limits of the Program are dictated by state law.

During its discussion of the FY 2007/08 Budget, the Board directed staff to prepare an ordinance to increase the income and net worth eligibility limits and the acreage excluded from net worth calculations to the maximums allowed by state law.

As directed by the Board, staff has prepared an ordinance to amend the County's Tax Relief for the Elderly and Disabled Program that revises the current income and net worth matrix by increasing the allowable income limit from \$50,000 to \$69,452 and the allowable net worth limit from \$125,000 to \$200,000. The \$69,452 and the \$200,000 amounts are the maximum amounts allowed for Albemarle County under Virginia Code § 58.1-3211.

The ordinance also increases the acreage excluded from the net worth calculation. Currently, five acres are excluded from an applicant's net worth. The ordinance increases this exclusion to ten acres, the maximum amount allowed by state law.

The FY 08 budget funded \$678,638 for the Tax Relief for Elderly and Disabled Program. It is estimated that the budgeted amount will be sufficient to fund the proposed expanded tax relief Program. The actual cost for the Program for the last three fiscal years has been \$240,698 in FY 05, \$291,448 in FY 06, and \$406,009 in FY 07.

Mr. Wiggins said staff recommends that the Board, after the public hearing, adopt the ordinance.

In response to Mr. Dorrier's question about how many participants are in the program, Mr. Wiggins replied that there have been 500 to 600 people so far, with more expected as the levels are raised.

Mr. Boyd asked if it is possible for people to shelter an expensive home, since the value of a primary residence is not counted in net worth.

Ms. Thomas said that if there seem to be a lot of cases of abuse, that is concerning, and it would be helpful to know if there are loopholes in the program.

Mr. Wiggins offered to provide more detail on what types of homes are being excluded.

Mr. Wyant said that he has referred many people to the program who were not previously aware of it, even though it was in the tax updates.

Mr. Wiggins responded that they are in the process of creating the flyer announcement to go in the tax bills.

In response to Mr. Slutzky's question about additional relief measures, Mr. Davis reported that Charlottesville received enabling legislation through a charter amendment that allows them to do a different type of program, which they have implemented. He also reported that Alexandria is the only other locality that has this capability.

Mr. Rooker commented that he is in favor of this program, but there are other groups who might need the assistance just as much such as working single-parents.

Mr. Wyant asked what would be done if cases of abuse were discovered.

Mr. Tucker replied that the County would look for ways to close the loophole.

Mr. Slutzky asked if the Board was interested in pursuing the same enabling legislation as the City.

Mr. Rooker responded that he would like to see how much this impacts the budget. He noted that the Homestead Exemption legislation may pass, and the County would need to decide about that program as well, which is also going to impact the County from a fiscal standpoint.

Ms. Thomas suggested having the City share with the County their experience before expanding the program at all.

Mr. Boyd opened the public hearing. There being no comments, the public hearing was closed, and the matter was placed before the Board.

Mr. Dorrier **moved** to adopt Ordinance No. 07-15(1). Mr. Wyant **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

ORDINANCE NO. 07-15(1)

AN ORDINANCE TO AMEND CHAPTER 15, TAXATION, ARTICLE VII, REAL ESTATE EXEMPTION FOR CERTAIN ELDERLY AND DISABLED PERSONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 15, Taxation, Article VII, Real Estate Exemption for Certain Elderly and Disabled Persons, is hereby amended and reordained as follows:

By Amending:

Sec. 15-702 Definitions
Sec. 15-704 Persons eligible for exemption
Sec. 15-705 Amount of exemption

CHAPTER 15. TAXATION

**ARTICLE VII. REAL ESTATE TAX EXEMPTION FOR
CERTAIN ELDERLY AND DISABLED PERSONS**

Sec. 15-702 Definitions.

The following definitions shall apply in the interpretation and enforcement of this article:

(1) *Dwelling*. The term "dwelling" means a building occupied as a residence.

(2) *Income*. The term "income" means the total gross income from all sources comprising the amount of money received on a regular basis which is available to meet expenses, regardless of whether a tax return is actually filed, the money is taxable or deductible from the taxpayer's income tax return.

(a) Income shall include: (i) retirement payments, including the portion that represents the contribution of the retiree; (ii) nontaxable social security retirement benefits; (iii) disability payments; and (iv) rental income.

(b) Income shall not include: (i) life insurance benefits; (ii) receipts from borrowing or other debt; and (iii) social security taxes taken out of the pay of a retiree.

(c) The income of a self-employed person received from the business shall be the gross income of the business, less the expenses of the business.

(3) *Manufactured home*. The term "manufactured home" means a structure subject to federal regulation which is transportable in one or more sections; is eight (8) body feet or more in width and forty body feet or more in length in the traveling mode, or is three hundred twenty (320) or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure.

(4) *Net combined financial worth*. The term "net combined financial worth" means the net present value of all assets, including equitable interests, and liabilities of (i) the owners, (ii) the spouse of any owner, and (iii) the owner's relatives living in the dwelling. The term "net combined financial worth" shall not include: (i) the value of the dwelling and the land, not exceeding ten acres, upon which it is situated; (ii) the value of furniture, household appliances and other items typically used in a home; and (iii) the outstanding balance of any mortgage on the subject property, except to the extent that the subject property is counted as an asset.

(5) *Owning title or partial title*. The term "owning title or partial title" means owning the usufruct, control or occupation of the real estate, whether the interest therein is in absolute fee or is in an estate less than a fee, such as the holding of a life estate.

(6) *Permanently and totally disabled person*. The term "permanently and totally disabled person" means a person who is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death, or can be expected to last for the duration of such person's life.

(7) *Real estate*. The term "real estate" includes manufactured homes.

(8) *Relative*. The term "relative" means any person who is a natural or legally defined offspring, spouse, sibling, grandchild, grandparent, parent, aunt, uncle, niece, or nephew of the owner.

(9) *Taxable year*. The term "taxable year" means the calendar year for which the exemption is claimed.

(10) *Total combined income*. The term "total combined income" means the income received from all sources during the preceding calendar year by the owners of the dwelling who use it as their principal residence and by the owners' relatives who live in the dwelling. The following amounts shall be excluded from the calculation of total combined income:

(a) The first sixty-five hundred dollars (\$6500.00) of income of each relative who is not the spouse of an owner living in the dwelling and who does not qualify for the exemption provided by subdivision 9 c hereof.

(b) The first seventy-five hundred dollars (\$7500.00) of income for an owner who is permanently disabled.

(c) If a person otherwise qualifies for the exemption and if the person can prove by clear and convincing evidence that the person's physical or mental health has deteriorated to the point that the only alternative to permanently residing in a hospital, nursing home, convalescent home or other facility for physical or mental care is to have a relative move in and provide care for the person, and if a

relative does move in for that purpose, then none of the income of the relative or of the relative's spouse shall be counted towards the income limit, provided that the owner of the dwelling has not transferred assets in excess of five thousand dollars (\$5,000.00) without adequate considerations within a three (3) year period prior to or after the relative moves into the dwelling.

(2-15-73; 3-20-75; 11-9-77; 8-13-80; Ord. of 12-19-90; Ord. of 4-7-93; Code 1988, § 8-23; Ord. 98-A(1), 8-5-98; Ord. 03-15(2), 11-5-03; Ord. 05-15(4), 12-7-05, effective 1-1-06; Ord. 07-15(1), adopted 10-3-07, effective 1-1-08)

State law reference--Va. Code §§ 36-85.3, 58.1-3210, 58.1-3211, 58.1-3217.

Sec. 15-704 Persons eligible for exemption.

Persons who satisfy all of the following requirements are eligible for the exemption established in section 15-703:

A. The person claiming the exemption shall have either:

1. Reached the age of sixty-five (65) years prior to the taxable year for which the exemption is claimed; or

2. Became permanently and totally disabled prior to the taxable year for which the exemption is claimed.

B. The person claiming the exemption shall be a person owning title or partial title in the dwelling.

1. The person claiming the exemption shall own title or partial title to the real estate for which the exemption is claimed on January 1 of the taxable year.

2. A dwelling jointly owned by a husband and wife may qualify if either spouse is sixty-five (65) years of age or older or is permanently and totally disabled.

3. Except as provided in paragraph (B.2), the exemption shall not apply to a dwelling jointly owned by a person who is sixty-five (65) years of age or older or who is permanently and totally disabled (an "exempt person"), and a person who not an exempt person.

C. The person claiming the exemption shall occupy the dwelling as that person's sole dwelling.

1. The dwelling shall not be used for commercial purposes.

2. The fact that a person who otherwise qualifies for exemption established by this article resides in a hospital, nursing home, convalescent home or other facility for physical or mental care for extended periods of time shall not be construed to mean that the real estate for which the exemption is sought does not continue to be the sole dwelling of the person during such extended periods of other residence so long as such real estate is not used by or leased to others for consideration.

D. A manufactured home is real estate eligible for the exemption established by this article if the person claiming the exemption demonstrates to the satisfaction of the director of finance that the manufactured home is permanently affixed. Either of the following shall be evidence that the manufactured home is permanently affixed:

1. The person claiming the exemption owns title or partial title to the manufactured home and the land on which the manufactured home is located, and the manufactured home is connected to permanent water and sewage lines or facilities; or

2. Whether or not the manufactured home is located on land on which the person claiming the exemption owns title or partial title, the manufactured home rests on a permanent foundation and consists of two (2) or more units which are connected in such a manner that they cannot be towed together on a highway, or consists of a unit and other connected rooms or additions which must be removed before the manufactured home can be towed on a highway.

E. The total combined income shall not exceed sixty-nine thousand four hundred fifty-two dollars (\$69,452.00) for the calendar year immediately preceding the taxable year.

F. The net combined financial worth shall not exceed two hundred thousand dollars (\$200,000.00) as of December thirty-first of the calendar year immediately preceding the taxable year.

(2-15-73; 3-20-75; 11-9-77; 8-13-80; 6-12-85; 5-13-87; Ord of 12-19-90; Ord. of 4-7-93; Ord. 96-8(2), 12-11-96; Code 1988, § 8-26; 9-9-81; Ord. 12-19-90; Code 1988, § 8-26.1; Ord. 98-A(1), 8-5-98; Ord. 00-15(2), 9-20-00; Ord. 03-15(2), 11-5-03; Ord. 04-15(2), 12-1-04, effective 1-1-05; Ord. 06-15(3), adopted 11-1-06, effective 1-1-07; Ord. 07-15(1), adopted 10-3-07, effective 1-1-08)

State law reference--Va. Code §§ 58.1-3210, 58.1-3211, 58.1-3212, 58.1-3214, 58.1-3215.

Sec. 15-705 Amount of exemption.

The amount of the exemption established by this article from the real estate tax for any taxable year shall be as follows:

Percentage of Real Estate Tax Exempted

		Net Combined Financial Worth		
		\$0 to \$100,000	Over \$100,000 to \$150,000	Over \$150,000 to \$200,000
Total Combined Income	\$0 to \$30,000	100.0%	90.0%	80.0%
	Over \$30,000 to \$50,000	70.0%	60.0%	50.0%
	Over \$50,000 to \$69,452	40.0%	30.0%	20.0%

(2-15-73; 11-9-77; 8-13-80; Ord. of 12-19-90; Ord. of 4-7-93; Code 1988, § 8-27; Ord. 98-A(1), 8-5-98; Ord. 00-15(2), 9-20-00; Ord. 04-15(2), 12-1-04; Ord. 06-15(3), adopted 11-1-06, effective 1-1-07; Ord. 07-15(1), adopted 10-3-07, effective 1-1-08)

State law reference--Va. Code § 58.1-3212.

This ordinance shall be effective on and after January 1, 2008.

Agenda Item No. 20. From the Board: Committee Reports.

Item No 20a. Voting Credentials for VACo Annual Business Meeting.

Ms. Thomas **moved** to appoint Ken Boyd as the voting representative and Lindsay Dorrier as the alternate for VACO, adding that they should attend the nominating committee as well. Mr. Rooker **seconded** the motion. Roll was called, and the motion carried by the following recorded vote:

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

Ms. Thomas reported that there have been some recent issues regarding land held in conservation easement through the ACE Program, noting that this is a growing responsibility for the County that is placing increasing demands on staff.

Mr. Wyant noted that the County would be receiving an award from RideShare at a luncheon on October 16th at the OMNI in Charlottesville. Mr. Boyd said that he would be attending the luncheon to receive the award.

Mr. Rooker asked about current easement restrictions for properties in conservation.

Mr. Davis responded that it is a negotiated process, and ACE makes sure the minimum requirements are met although there are aspirational standards similar to what VOF has, but they are usually compromised to some degree.

Mr. Slutzky asked if the County could take a conservation easement that had nothing other than the retirement of development rights.

Mr. Davis replied that the minimum standards must be met in order for the County to hold that easement.

Ms. Thomas noted that she has been asked to make some presentations in West Virginia later this month about the County's conservation measures, such as ACE.

Mr. Rooker said that it is important to get before and after information with conservation easements.

Mr. Davis replied that a baseline study is always done.

Mr. Rooker asked about the status of the "Cool Counties" program.

Mr. Tucker said that staff, in particular, Sarah Temple of Environmental Management, would bring back an update on what is being done.

Mr. Rooker commented that there are measures that are reasonably feasible.

Mr. Rooker also said that he had received an article written by Whit Clement describing the new transportation acts and what they provide for, including impact fees.

Mr. Davis reported that Ms. Thomas and County staff attended a meeting back in July on how that was being examined by other localities, particularly Chesterfield, which is going to public hearing with their Planning Commission this week. He added that the process has become controversial, but they are going to try to get it in front of their Board in the next month. Mr. Davis said that where the Board wants to apply the measures will dictate how staff moves forward with it, noting that existing lots would be exempt from it. He added that there is some dispute as to whether "benefit" is the standard in all cases.

Mr. Rooker commented that it may not be perfect, but the longer the County waits, the more lots are exempt. He also reported that the University of Virginia is going to request County participation in funding the Route 250 Corridor plans by using revenue-sharing monies.

Mr. Boyd said that he is interested in discussions beyond the three primary projects to see what can be funded with revenue-sharing, citing Hillsdale as an example and the extra lane on 29 South and the ramp on Best Buy.

Mr. Rooker noted that Frank Cox had a time limit on his proffer for that stretch, and they need to amend it.

Mr. Davis said that the proffer was not for cash but was for the developer to actually make improvements, noting that it is hung up in the City.

Mr. Rooker responded that it was in debate, but the City has made clear that they want to do this project.

Mr. Davis said that the County proposed language months ago, and the developer wants to time this with the opening of Albemarle Place.

Mr. Tucker said that Mr. Cox has the language, and there is a deadline for the proffer itself.

Mr. Slutzky stated that the Safer Chemicals Committee is planning to come to the Board with a proposed policy for pesticides, herbicides, and non-toxic cleaners, hopefully by January. He said that some using the test chemicals were initially skeptical of the alternatives, but those using them are now finding many of them to be effective.

Mr. Slutzky also said that City Council unanimously approved the easement for the Meadow Creek Parkway project, including Hillsdale Drive. He plans to draft a resolution in response to Council's recent action for the Board's consideration next week.

Ms. Thomas stated that it would be valuable to have some fact examples of how the County has set aside funding for the projects.

Mr. Wyant commented that it would be helpful if the Official Determination letters included a map of the location of the parcels.

Mr. Boyd reported that there have been about 11 options presented for the Eastern Connector, which would likely be whittled down to nine options to go for public input, then narrowed down to three options.

Ms. Thomas asked if the County was still opposed to any option that goes south to Free Bridge.

Mr. Slutzky responded that is not considered an Eastern Connector, although it may be a decent road.

Mr. Rooker noted that the City does not want to consider anything south of the 250 Bypass as an Eastern Connector.

Ms. Thomas said that allowing an easy bicycle commute route would also relieve some traffic.

Mr. Boyd noted that he has an unanswered email about the Affordable Housing Task Force and who would be the independent chair.

Mr. Slutzky responded that Leonard Sandridge has designated the University Architect, David Neuman, as an active member, and Mr. Slutzky and Dave Norris would be representing their respective Boards. He said that all three would be meeting in the very near future to decide the chair.

Ms. Thomas said that someone needs to respond to Nancy O'Brien's letter.

Mr. Slutzky said that he would respond. Mr. Tucker agreed to provide a copy, adding that David Brown should also respond.

Mr. Dorrier said that Lake Renovia residents have asked him about Biscuit Run. Mr. Tucker informed him that the Board would receive continuous updates as the project moves forward.

Referring back to the Board's discussion on removing density bonus provisions for affordable housing from the Village Residential Zoning District regulations, Mr. Davis noted that the quickest way for a resolution of intent to be processed would be to ask the Planning Commission to take the initiative since they initially made the recommendation.

It was the **consensus** of the Board that staff review the needed changes and the Planning Commission initiate the ZTA.

Mr. Slutzky commented on the length of Board meetings.

Agenda Item No. 21. Adjourn. At 4:21 p.m., with no further business to come before the Board, Mr. Wyant offered **motion, seconded** by Mr. Rooker, to adjourn to October 10, 2007, at 2:30 p.m.

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

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

Chairman

Approved by the Board of County Supervisors

Date: 03/12/2008

Initials: EWJ
