

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on March 5, 2008, at 9:00 a.m., in the Lane Auditorium of the County Office Building on McIntire Road, Charlottesville, Virginia.

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

ABSENT: None.

OFFICERS PRESENT: County Executive, Robert W. Tucker, Jr., County Attorney, Larry W. Davis, Clerk, Ella W. Jordan and, Deputy Clerk, Meagan Hoy.

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

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

Agenda Item No. 4b. Recognition: Resolution recognizing Monticello High School Football Team State Championship.

Mr. Boyd said he would read the following resolution into the record before presenting it to Coach Brud Bicknell, his staff and team members at Monticello High School.

RESOLUTION

- WHEREAS,** Monticello High School is a Region II, Division 3, high school located in Albemarle County competing in the Jefferson District; and
- WHEREAS,** Monticello High School became the home of the Mustangs when it opened its doors in 1998; and
- WHEREAS,** the Monticello varsity football program began from scratch and in its first year had a record of zero wins and 12 losses; and
- WHEREAS,** under the able leadership of Coach Brud Bicknell and his fine assistants, the football program was built from the bottom up, laying the foundation for present and future successes; and
- WHEREAS,** the Monticello Mustangs have been to four playoffs in their short history; and
- WHEREAS,** whereas Coach Bicknell and his assistants have achieved an enviable record of 69 wins and 40 losses during the past ten years, but more importantly have instilled in their players good character, good sportsmanship and athletic excellence; and
- WHEREAS,** the Monticello Mustangs won their first state football championship on December 8, 2007, by defeating defending state champion Richlands Blue Tornadoes 35-22 at Liberty University in Lynchburg, Virginia, ending its season with a record of 13 wins and one loss;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby recognizes, commends and congratulates the Monticello principal, athletic director, coaches and student-athletes for their contributions to the football program at Monticello High School and their leadership in setting the high standard for excellence both on and off the football field:

Principal, Billy Haun; Athletic Director, Fitzgerald Barnes; Head Coach, Brud Bicknell, Assistant Coaches: Steve Ivory, Tom Estepp, Tom Sutliff, William Maddox, Wilbur Young and Rodney Redd.

2007 Varsity Football Team: Richard Aguilar, Steven Ankney, Garrett Banks, Hines Banks, Derek Belew, Chris Black, Jace Brady, Mark Brady, Alex Brown, Whitley Brown, Gyasi Carr-Holland, Ivan Childress, Yanek Childress, Chris Coiner, Naseer Conway, Trent Dorsey, Tommy Draper, Mike Evangelista, Brandon Garland, Harrison Goynes, Michael Graham, Josh Guskind, Takeem Hedgeman, Tyler Herring, Nathan Irving, Darrick Johnson, Derrick Johnson, Zane Johnson, Sylvester Jordan, Dylan Kavanagh, Brian Koonce, Daniel Lieb, Shawn Lively, Anthony Matos, Shawn Mays, Jake Miles (Captain), Marvin Mills, Tyler Mitchell, Michael Monroe, Robert Moorhead, Dennis Morris, Jermaine Morris, Zach Palmer, Jacob Pelton, Nic Rogers, Sam Roller, Nolan Rowland, Corey Rush, Emmanuel Scott, Ethan Shiflett, John Spauls, Roosevelt Thomas, William Thompson, Bobby Wells-Trice, Lawrence Walker, Khiry Washington, Clarence Williams, Shawn Winfrey, Matt Workman, Michael Wynnyk and Wheeler Young.

Agenda Item No. 4a. Recognition: Proclamation recognizing March, 2008 as Mediation Month.

Mr. Boyd read the following proclamation into the record and then presented same to Ms. Bonnie Brewer. Ms. Brewer thanked the Board and said mediation is a wonderful service which is underutilized and the Mediation Center would be happy to offer their services at any opportunity necessary.

MEDIATION MONTH

WHEREAS, mediation is a process of dispute resolution that offers short-term and long-term benefits which ultimately promote harmony and understanding among a diverse and multi-faceted population; and

WHEREAS, mediation provides a cost-effective confidential alternative to litigation to resolve disputes between individuals, groups, and institutions throughout the County of Albemarle; and

WHEREAS, the County of Albemarle has sought to assist its citizens in the process of dispute resolution by recognizing programs that allow mediation participants to best decide the resolution of their dispute; and

WHEREAS, mediation is globally accepted as a way to creatively approach conflict through personal expressions, education and empowerment to decide among various outcomes;

NOW, THEREFORE, BE IT RESOLVED, that I, Kenneth C. Boyd, Chairman of the Board of Supervisors of Albemarle County, proclaim

MARCH 2008

as

MEDIATION MONTH

in the County of Albemarle and call this observance to the attention of all our citizens.

Agenda Item No. 5. From the Board: Matters Not Listed on the Agenda.

Mr. Slutzky said there has been a problem in his district for quite a while with barking dogs. A resident was housing about 30 dogs which barked incessantly. Due to complaints received the County's Zoning Department checked into the situation. They filed an action but the Board of Zoning Appeals overruled staff's recommendation. In their opinion residents can have as many dogs as they want, as long as they are pets. The day after this decision was rendered the resident in question bought 10 dog tags so now she has 10 pets barking incessantly in the urban area. Some neighbors have said they will have to sell their homes if it does not cease. He said it is tempting to ignore the issue of barking dogs because it is politically complicated. The BZA took its position because the County's ordinance is silent as to the number of dogs that are too many to be housed in a residential district. Other localities have set five pets as the limit while others have set three as the limit. He asked if the other Board members are willing to have staff make recommendations as to a cap on the number of dogs that can be kept without regard to whether or not they are pets.

Mr. Davis said there are two issues involved. The Board has already asked staff to look at an ordinance concerning barking dogs. There is also the issue as to the number of dogs, or pets, that are accessory to a residential use. He said a number of urbanized localities regulate the number of pets in their area. The County Attorney's office has prepared a resolution of intent if the Board is interested in having the Planning Commission look at a Zoning Ordinance amendment. The Board can initiate that process today if they wish to do so, and Mr. Mark Graham may wish to address the Department's work plan at this time.

Ms. Thomas said she has a constituent who is in the same desperate situation, but in a subdivision in the rural area. However, that area is in one of the adopted leash areas. This person has suggested that the Board consider attaching new action to the leash law ordinance. The area in question is in Peacock Hill where a person has a dog which has been adjudicated to be a dangerous dog and this person pays fines every time the dog is loose. She said that sometimes there are situations the Board cannot deal with.

Mr. Slutzky said in the rural area the people living in a subdivision can request that the subdivision be placed under the leash law.

Ms. Mallek said if the Board looked at the situation from a Noise Ordinance point-of-view it would help more people. Several people have contacted her in the last month that do not live in a subdivision, but are affected by a neighbor's pet. If there are situations where animals are left out at night, and nobody can sleep, she thinks that is an issue the Board should discuss.

Mr. Davis said rather than considering this matter piecemeal, he would suggest that staff present information about both questions at the same time. It is a mixture of the Zoning Ordinance and police power. Ms. Thomas' suggestion is complicated because the "running-at-large" subdivisions are not delineated in the Zoning Ordinance. However, he does think it would be best to deal with this comprehensively.

Ms. Thomas said (lightheartedly) that she found an article in a magazine from California where all the boards of supervisors were challenged as to what they were doing to be more environmentally conscious. These boards considered podcasting as a way that citizens do not have to commute to board meetings. One thing this Board does not encourage is that citizens can ride a bicycle to Board meetings. Also, these other boards bring their own water bottles and fill them up at the meeting from a water fountain, thus avoiding the use of plastic water bottles.

Mr. Rooker mentioned the recent Supreme Court decision regarding the Northern Virginia Transit Authority and their finding that the funding mechanisms for that authority are unconstitutional under State law. He does not think that decision will impact local efforts to create a local RTA. There are a number of ways it could be done. Taxes could be imposed at the state level and have the revenue directed to the transit authority. Other things are being talked about which are broader, such as a gasoline tax.

Mr. Rooker said that at the last PACC meeting, there was a joint presentation by the City, County and UVA Environmental Departments about what each is doing to conserve energy and more green area. If there is time on a future agenda, he would like for the entire Board to see the presentation.

Ms. Mallek said she hopes progress is being made by staff on the question of mitigation and clarification of buffers and stream crossings.

Mr. Boyd said that matter is scheduled on the March 12th agenda for discussion.

Ms. Mallek said there was a strong outpouring from people living in the Bleak House Road area when they saw that road appear as a paving project on the County's list of unpaved roads. Many residents have made it clear to her that they do not want the road paved.

Mr. Boyd said the VML sent out a scoring mechanism to be filled out by localities indicating what they are doing to lower emissions; he asked that staff fill in the form.

(Note: Mr. Boyd called the next item out of agenda order.)

Agenda Item No. 7. Consent Agenda. Mr. Rooker offered **motion** to approve Items 7.1 through 7.4 on the Consent Agenda, to pull Item 7.5 for a separate vote, and to accept the remaining items for information. The motion was **seconded** by Mr. Slutzky. Roll was called, and the motion carried by the following recorded vote:

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

Item 7.1. Approval of Minutes: March 21A, August 1, August 8, October 3, October 10 and November 27(A), 2007.

Mr. Dorrier had read the minutes of October 10, 2007, pages 1 to 30 ending at Item #14, and found them to be in order as presented.

Mr. Rooker had read the minutes of October 10, 2007, pages 30 beginning with Item #14 to the end, and gave the Clerk one typo correction.

Mr. Dorrier had read the minutes of November 27, 2007, afternoon meeting, and found them to be in order as presented.

By the recorded vote set out above, the minutes which had been read were approved. The remaining minutes will be moved to a future agenda for approval.

Item 7.2. Resolution to accept roads in Massey's Woods Subdivision into the State Secondary System of Highways.

At the request of the County's Engineering Department, the Board adopted the following Resolution:

RESOLUTION

WHEREAS, the street(s) in **Massey's Woods Subdivision**, as described on the attached Additions Form AM-4.3 dated **March 5, 2008**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Massey's Woods Subdivision**, as described on the attached Additions Form AM-4.3 dated **March 5, 2008**, to the secondary system of state highways, pursuant to §33.1-229 and §33.1-82, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

The road described on Additions Form AM-4.3 is:

1. **Massey's Woods Road (State Route 1008)** from the intersection of Dudley Mountain Road (Route 760) to the cul-de-sac, as shown on plat recorded in the Office of the Clerk of the Circuit Court of Albemarle County in Deed Book 974, page 692, with a 50-foot plus right-of-way width, for a length of 0.15 miles.

Total Mileage – 0.15 miles

Item 7.3. Resolution to accept FY 2006-07 landowners' offers to sell conservation easements.

It was noted in the Executive Summary that on September 5, 2007, the Board approved all seven appraisals from the FY 2006-07 class of applicants and approved extending invitations to acquire easements on the two highest ranked properties – Strawberry Hill Farm and the Clayton Farm properties. ACE regulations require each landowner who desires to sell a conservation easement to submit a written offer to the County to sell the easement for a fixed price, determined by an appraisal and subject to an adjustment based on the owner's adjusted gross income. The easement is also subject to the terms and conditions contained in a proposed deed of easement negotiated by the parties. The regulations require that, if the Board accepts the offer, it must do so in writing and only after an action by the Board authorizing acceptance. The Board is not required to accept an offer to sell a conservation easement. Either the Albemarle County Public Recreational Facilities Authority (PRFA) or the Virginia Outdoors Foundation (VOF) may be co-holders of the easements.

The County has received offers to sell conservation easements from the owners of Strawberry Hill Farm and Clayton Farm. The Strawberry Hill Farm easement will be co-held by the VOF and the Clayton Farm easement will be co-held by the PRFA.

<u>Owner</u>	<u>Tax Map-Parcel Number</u>	<u>Easement Value</u>	<u>Grant</u>	<u>Co-holder</u>	<u>DR's Eliminated</u>
Strawberry Hill Farm (Cismont)	TM 50, Parcel 45 (329.920 acres)	\$1,130,290	\$565,000	VOF	16
Clayton Farm (Crozet)	TM 56, Parcel 69 (228.500 acres)	\$1,429,350	\$400,000	PRFA	10

Acquisition of the Strawberry Hill Farm and Clayton Farm easements would result in the following resource conservation benefits:

- Protection of 558 acres of farm and forestland;
- Elimination of 26 development lots;
- 5,304 feet of protected State road frontage (including 3,761 feet on a County Scenic Highway);
- 3,000 feet of protected stream and river frontage;
- 9,705 feet of common boundary with other protected lands (including 6,743 feet on Beaver Creek Reservoir);
- Protection of 330 acres of "prime" farm and forestland;
- Protection of Strawberry Hill Farm which has significant tourism value;
- Preservation of two productive, working farms;
- Clayton Farm is in the watershed of both the South Fork Rivanna River Reservoir and Beaver Creek Reservoir.

A summary of all the conservation values protected by the ACE Program after seven rounds of applications is found in Attachment C (on file). This attachment also shows the conservation values for each of the seven classes.

The purchase of these easements will be funded by \$1,387,543 appropriated by the Board for the ACE class of FY 2006-07, \$93,041 in unused funds carried over from previous years, and \$965,000 of supplemental matching funds to be received from the Virginia Office of Farmland Preservation and the Preservation Trust Fund. The Office of Farmland Preservation will provide at least \$400,000 in funds for the purchase of the Clayton Farm easement and the Preservation Trust Fund will provide \$565,000, or 50 percent of the cost for acquiring the Strawberry Hill Farm easement. The total funds available for acquiring the two easements will be approximately \$2,445,584.

Since the total cost for acquiring all seven easements from this applicant pool exceeds the FY 2006-07 ACE budget, the Board, at its September 5, 2007, meeting, accepted the ACE Committee's

recommendation to purchase easements on the two highest ranked properties – Strawberry Hill Farm and Clayton Farm. Even with the supplemental matching funds from the State agencies, there are inadequate funds available to pay the full easement value for Clayton Farm. However, the owner of Clayton Farm has agreed to sell the easement for \$1,315,350, which is \$114,000 less than the full easement value.

Funding for the purchase of conservation easements comes from the CIP-Planning-Conservation budget (line-item 9010-81010-580409) and the CIP-Tourism-Conservation budget (line-item #9010-72030-580416) which funds ACE properties with “tourism value.” Staff recommends that the Board adopt the Resolution accepting the applicants’ offers to sell conservation easements for Strawberry Hill Farm and Clayton Farm to the County for the prices specified and subject to the terms and conditions contained in the proposed deeds of easement, and also authorize the County Executive to sign the final deed of easement for each property.

(Discussion: Ms. Mallek said she is glad to see this item on the agenda. She hopes there can be a speedier process for these easements in the future. The Clayton easement was approved and accepted last October, so the Claytons’ have had to wait a long time for their check, and she thinks it is way too long.)

By the recorded vote above, the Board adopted the following resolution accepting the applicant’s offers to sell conservation easements for the Strawberry Hill Farm and Clayton Farm to the County for the prices specified and subject to the terms and conditions contained in the proposed deeds of easement, and also authorized the County Executive to sign the final deed of easement for each property.

**RESOLUTION ACCEPTING OFFER TO SELL
A CONSERVATION EASEMENT UNDER THE ACE PROGRAM**

WHEREAS, the County has received an offer to sell a conservation easement under the ACE Program from the owner(s) of each of the following properties:

Strawberry Hill Farm TM 50, Parcel 45 (329.920 acres)

Clayton Farm TM 56, Parcel 69 (228.500 acres)

WHEREAS, the owner(s) offered to sell a conservation easement on the respective properties to the County for a fixed purchase price, subject to terms and conditions set forth in the proposed deed of easement enclosed with the County’s invitation to offer to sell, subject to any further revisions deemed necessary by the County Attorney, and agreed to by the owner; and

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors hereby accepts the offer to sell a conservation easement for each of the properties described above, and authorizes the County Executive to execute all documents necessary for completing the acquisitions.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby directs the County Attorney to send copies of this resolution to the owner(s) of the properties identified herein, or their contact persons.

Item 7.4. Requested FY 2008 Appropriations.

It was noted in the Executive Summary that the Code of Virginia § 15.2-2507 stipulates that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget. However, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The total of this requested FY ‘2008 appropriation is \$96,937.00. A budget amendment public hearing is not required because the cumulative appropriations will not exceed one percent of the currently adopted budget. This request involves the approval of three new FY ‘2008 appropriations as follows:

- One appropriation (No. 2008-052) in the amount of \$2,835.00 for donations to various school projects;
- One appropriation (No. 2008-053) totaling \$77,576.00 for a grant received from the Virginia Recreation & Trails Fund for the Rivanna Greenway – Free Bridge Connector; and
- One appropriation (No. 2008-054) totaling \$16,526.00 for a Department of Criminal Justice Grant received by the Commission on Children and Families.

(Note: Descriptions follow.)

Appropriation No. 2008-052, \$2,835.00. Revenue Source: Local Revenue (Donations) \$2,835.00. At its meeting on January 24, 2008, the School Board approved the following appropriations:

Woodbrook Elementary School received a donation from Rosemary McCrudden and Gray Watson in the amount of \$250.00. The donors have requested that this donation go toward the Ann Watson Bookroom at Woodbrook Elementary School.

Burley Middle School received a donation in the amount of \$2,085.00 from an anonymous donor. The donor requested that this contribution be used for the art club at Burley Middle School.

At its meeting on February 14, 2008, the School Board approved the following appropriation:

Greer Elementary School received a donation in the amount of \$500.00 from the Landsverk/Klarman family. The donor requested that this contribution be used for educational needs at Greer Elementary.

Appropriation No. 2008-053, \$77,576.00. Revenue Source: State Revenue (Grant), \$77,576.00.

Albemarle County has been awarded a Virginia Recreation and Trails Fund grant in the amount of \$77,576.00 for the construction of the Rivanna Greenway – Free Bridge Connector project. The total project cost is anticipated to be \$96,970.00. The local match portion of the grant, in the amount of \$19,394.00, will be funded from the existing appropriation in the Capital Improvements Program-Tourism cost center for the Greenway Program. No additional local funds are required.

Appropriation No. 2008-054, \$16,526.00. Revenue Source: Federal Revenue (Grant), \$16,526.00.

The Department of Criminal Justice Services has awarded the Commission on Children & Families a grant in the amount of \$16,526.00 with a local match of \$1,836.00 for a total grant award in the amount of \$18,362.00. This grant will provide training and the implementation of promoting greater accountability in the juvenile justice system including the increased accountability for juvenile offenders. Local match monies will be provided by both the City and County through their contribution to the Commission on Children & Families. No additional local funds are required.

Staff recommends approval of this budget amendment in the amount of \$96,937.00 and the approval of the FY '2008 Appropriations No. 2008-052, No. 2008-053 and No. 2008-054.

By the recorded vote set out above, the Board approved a budget amendment in the amount of \$96,937.00 and approval of FY '2008 Appropriation Nos. 2008-052, 2008-053 and 2008-054 as set out below.

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2008-052
 DATE: 03-05-08
 EXPLANATION: Education Donations, School Board Meetings 01/24/08 and 2/14/08

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	2000	18100	181109	Donation	J2	2,335.00		
1	2212	61411	800200	Furniture/Fixtures - New	J1	250.00		
1	2251	61339	601300	Inst/Rec Supplies	J1	2,085.00		
	2000		0501	Est Revenue			2,335.00	
			0701	Appropriation				2,335.00
2	2000	18100	181109	Donation	J2	500.00		
1	2204	61101	601300	Ed/Rec Supplies	J1	500.00		
	2000		0501	Est Revenue			500.00	
			0701	Appropriation				500.00
					TOTAL	5,670.00	2,835.00	2,835.00

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2008-053
 DATE: 03-05-08
 EXPLANATION: Virginia Recreation & Trails Fund Grant - Rivanna Greenway - Free Bridge Connector

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	9010	24000	240447	Dept Con/Rec-Rec. Trails	J2	77,576.00		
1	9010	72030	950026	Greenway Program	J1	(19,394.00)		
1	9010	73020	950520	Rivanna-Free Bridge Connr	J1	96,970.00		
	9010		0501	Est Revenue			77,576.00	
			0701	Appropriation				77,576.00
					TOTAL	155,152.00	77,576.00	77,576.00

COUNTY OF ALBEMARLE
 APPROPRIATION NO. 2008-54
 DATE: 03-05-08
 EXPLANATION: CCF - Dept of Criminal Justice Grant

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	1578	33000	330001	Federal Revenue	J2	16,526.00		
2	1578	51000	512000	Transfer - Other Funds	J2	1,836.00		
1	1578	53161	110000	Salaries	J1	847.77		
1	1578	53161	210000	FICA	J1	70.23		
1	1578	53161	312210	Contracted ServicesJ1		9,314.00		
1	1578	53161	350000	Printing & Binding External	J1	1,900.00		
1	1578	53161	500100	Travel/Training	J1	6,230.00		
	1578		0501	Est Revenue			18,362.00	
			0701	Appropriation				18,362.00
1	4400	54101	110000	CCF - Salaries	J1	(918.00)		
1	4400	54105	550100	CCF - Travel/Training	J1	(918.00)		
1	4400	93010	930200	Transfer - Grant Funds	J1	1,836.00		
					TOTAL	36,724.00	18,362.00	18,362.00

Item 7.5. Albemarle County Public Recreational Facilities Authority Request for Funding.

The Board had received a letter signed by Ms. Sherry Buttrick, Chairman, and Mr. Joe Cochran, Vice-Chairman, Public Recreational Facilities Authority, requesting an appropriation of up to \$5,000 to pursue an independent legal opinion on the potential violation of the Harris open space easement on Turner Mountain. The Authority feels the spirit and intent of the easement has been violated and wishes counsel on the matter and on possible litigation.

(Discussion: Mr. Boyd said he would like to have this item subject to a separate vote. He will not support this request. Staff has given the Board good legal advice on this matter, and he does not think it would be a good allocation of County money to double-check the County's legal department and Zoning staff.

Mr. Rooker said this is a situation where an easement has two holders of the easement; the County and the Albemarle County Public Recreational Facilities Authority. Those two entities will not always agree. If a party holds an easement but does not have the funds to enforce that easement, it is a hollow thing. There is some disagreement in this case between the County and the ACPRFA about how this particular easement should be interpreted and enforced. He thinks the Board needs to recognize that the PRFA is a separate entity, and they have a right to legally do what the Board asks them to do by having them hold the easement. He will support the request. He said the Board members actually discussed this request before it became an agenda item.

Mr. Slutzky said he would like to ask how process wise the Board can discuss this matter in closed session. Mr. Davis said he and Mr. Slutzky can talk about it during a break in the meeting. If it is an appropriate topic for a closed session, he can add it to the motion for the closed session later today.

Mr. Slutzky said he supports allocation of this money. Independent of the fact that he would like to see something good come of it, he thinks the Board has a separate responsibility to the other party to cover their cost in this situation.

Mr. Boyd said his objection was caused by the use of the word "litigation" in the request. He was in favor of simply hiring a real estate attorney to evaluate the interpretation of the easement, but an attorney can always be found who is willing to litigate anything. That could create a lot of expense, and he does not know how the County would be involved.

Mr. Slutzky said that \$5,000 will not buy a lawsuit. If the PFRA made their decision based on advice from their counsel to litigate, whether or not he sees the merits, he thinks the Board has a separate responsibility to support their wishes because of the conflict issue. He would support the request even if there were litigation involved that he thought was fruitless, which he does not believe is the case here.

Ms. Thomas said if there are to be conservation easements held by a body specifically created to hold the kind of conservation easements which come with rural preservation development zoning, someday something like this will come up. She is supportive of the PFRA having an attorney in this situation.

Mr. Boyd said he appreciates what the PRFA is doing and is not implying that he is opposed to conservation easements, but this one was worded badly and it is being corrected. He does not feel it is a needed expense.

Ms. Thomas said she believes there are a lot of easements which are worded the same way, so this may not be the last that is heard on this matter.

Mr. Rooker said he thinks there has been a misreading of the letter from the PFRA. This letter asks for money for a "legal opinion" on the potential violation of the Harris open space easement on Turner Mountain ... and possible litigation. He said the Board would not be authorizing money for the purposes of litigation, only for an opinion. He thinks the opinion will cost a lot less than \$5,000. If the Board wanted to, he would support adding to a motion for approval that funds are not being authorized for actual litigation. He thinks that should be a separate decision.

Mr. Boyd said he can support that suggestion.

Mr. Rooker said the letter only asks for money to obtain an opinion on whether there has been a violation.

Ms. Thomas said she does not think the Board should tie its hands in what might turn out to be a negotiation.

Ms. Mallek felt that would take away any leverage the Board might have.

Mr. Rooker said this is only a request for up to \$5,000 for a legal opinion.)

At this time, Mr. Rooker offered motion to approve Item 7.5, an appropriation of up to \$5,000 (Resolution of Appropriation is set out below) to pursue an independent legal opinion on the potential violation of the Harris open-space easement on Turner Mountain. The motion was seconded by Ms. Mallek. Roll was called, and the motion carried by the following recorded vote:

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

COUNTY OF ALBEMARLE
APPROPRIATION NO. 2008-077
DATE: 03-05-08
EXPLANATION: Albemarle County Public Recreation Facilities Authority - Independent Legal Opinion

TYPE	FUND	DEPT	OBJECT	ACCOUNT DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
1	1000	11010	300201	BOS - Legal Services	J1	5,000.00		
1	1000	95000	999990	BOS Contingency	J1	5,000.00		
TOTAL						10,000.00	0.00	0.00

Item 7.6. Copy of letter dated February 11, 2008, from John Shepherd, Manager of Zoning Administration, to Michael W. Hudson, re: OFFICIAL DETERMINATION OF PARCELS AND DEVELOPMENT RIGHTS - Tax Map 100, Parcels 1 (property of Michael W. Hudson) – Samuel Miller Magisterial District, **was received for information.**

Item 7.7. Update on Crozet Downtown District Zoning Text Amendment (ZTA-2007-005) and possible Zoning Map Amendment.

It was noted in the Executive Summary that the Crozet Master Plan identifies the need for zoning changes in order to fully implement the Plan's land use recommendations and goal of economic vitality for downtown Crozet. Based on the urging of Crozet business and property owners, along with the endorsement of the Crozet Community Advisory Council, the Board initiated a project to amend the Albemarle County Zoning Ordinance for downtown Crozet when it adopted a resolution of intent and approved funding in September, 2006 in order to hire a consultant. The Crozet community specifically requested that zoning regulations related to land uses, building height, building setbacks, step backs, parking regulations, landscaping requirements and exterior lighting requirements be addressed by either an overlay zoning district or a new zoning district for downtown Crozet.

In May 2007, the consultant team of Community Planning + Design, in conjunction with Milt Herd and Bruce Dotson, began work with the Crozet community. The consultant team worked with staff, a Project Steering Committee established with members of the Crozet Community Association, Crozet Community Advisory Council and Downtown Crozet Association representatives. Most importantly, the consultant team engaged the Crozet citizens in a series of community meetings to develop zoning concepts. The concepts that resulted from this work were presented and discussed in a series of Planning Commission work sessions which began in September, 2007. The entire public process to date for this project is summarized in Attachment B (on file).

Based on the results of the public process and its subsequent review, the Planning Commission recommended a draft outline of zoning regulations for a new Crozet Downtown Zoning District, along with boundaries for a potential County-initiated zoning map amendment. Staff will discuss these recommendations with the Board in a work session on March 17, 2008.

The Board approved \$75,000 for consultant fees for the project on September 6, 2006. The consultant's contract for the project has ended. At the Board's March 17 work session, staff will provide information on any anticipated budget impacts associated with the recommended zoning text amendments and zoning map amendments for Downtown Crozet. This update is provided as a status of the work done to date. On March 17, staff will review the details of the recommendations and seek direction on the next steps in the process.

This report was received as information only.

Item 7.8. Update on Code of Governance Work Session.

It was noted in the Executive Summary that on December 12, 2007, Mr. Mike Chandler, Director of Education, Citizen's Planning Education Association of Virginia, facilitated a "Code of Governance" work session for the Board to discuss operations and procedures that may benefit the Board in the upcoming year. He presented data from prior Board meetings, discussed Board minutes, podcasting and the Board's current Rules of Procedure. Based on the information presented, Mr. Chandler suggested changes the Board might wish to consider to improve its meeting procedures in the future.

Mr. Chandler observed that Board members are prepared for meetings, are open to different opinions, get along well with each other, and are respectful to the public, county staff and each other. He further noted that Board members listen well, work well as a group and explore and study issues before offering solutions. However, he did note that the length and number of Board meetings has increased over the years. He suggested that Board meetings could be improved if the Board adhered to the agenda schedule and if actions were clearly identified before meetings adjourned. He further suggested that the Board add either a third meeting each month or periodically schedule a day for work sessions. Also, the Board should consider updates to its "Rules of Procedure," invest more authority to the Chairman for meeting process as well as identify additional ways to help focus discussions.

It was staff's understanding that the Board agreed to the following:

- 1) Regarding the agenda item, "From the Public: Matters Not Listed for Public Hearing", the Board requested that the Clerk develop clear written instructions for members of the public who wish to speak under this item and that these instructions be projected on the screen during that portion of the meeting.
- 2) To adopt "Small Board" procedures and incorporate them into the Board's Rules of Procedure in January, 2008 with the exception that motions still be seconded before voting.
- 3) Hold a third day meeting each month on an as-needed basis, primarily designated for afternoon work sessions.
- 4) The Chairman should informally recognize which Board member is speaking in order to assist with meeting decorum, minute preparation and podcasting clarity.
- 5) Review examples of summary style minutes to determine whether the Board would want to change from the "near" verbatim minutes to summary minutes now that the Board's meetings are podcast.
- 6) At the end of the Board's discussions on agenda items, the Board's Chairman should summarize the Board's directions to staff.

Since the work session on a Code of Governance, Items 1 through 4 have been adopted and/or incorporated into Board meetings. In January 2008, the Board amended its Rules of Procedure to adhere to Small Board rules with the noted exception that a second is still required on all motions. Staff has made minor adjustments in the agenda format to improve the meeting schedule. Item 5 regarding whether the Board should move to summary minutes since meetings are available on podcast, requires additional review and discussion. Improvements in Item 6 have increased staff's understanding of the Board's directions.

No Board action is required on this item. A Board work session is currently scheduled in May to review samples of summary minutes and to discuss whether the Board wishes to change from "near" verbatim minutes to only summary minutes.

This report was received for information only.

Item 7.9. Copy of notice from the Commonwealth of Virginia, Auditor of Public Accounts, of audit of Statement of Assets and Liabilities of Shelby J. Marshall, former Clerk of the Circuit Court of the County of Albemarle, for the period June 1, 2007, through December 31, 2007 (on file in the Clerk's office), **was received as information.**

Item 7.10. Copy of notice from the Commonwealth of Virginia, Auditor of Public Accounts, regarding review of Commonwealth collections and remittances of the Director of Finance and Sheriff of the County of Albemarle, for the year ended June 30, 2007, **was received as information.**

At this time, the Board returned to Agenda Item No. 6. From the Public: Matters Not Listed for Public Hearing on the Agenda, which had been accidentally skipped earlier.

Mr. Leonard Schoppa, president of the Alliance for Community Choice in Transportation (ACCT), said this organization is committed to making possible alternative modes of transportation for all people in the community. They are concerned about the number and severity of accidents involving pedestrians on both Rio Road East and West. This is a warning sign that the community needs to do more to protect citizens attempting to walk across roads. Citizens have no incentive to walk to intersections if pedestrian crosswalks are not marked. Berkmar Crossing is five lanes wide, unmarked, with no island in the middle, no pedestrian signal and no overhead lights. At Albemarle High School there is a marked crosswalk which is six lanes wide with no island; the distance is longer because it is on a diagonal. The crossing of Rio Road at Fashion Square Mall/Albemarle Square is six lanes wide, unmarked. There are no marked crosswalks on Hydraulic Road and Rio Road from Albemarle High School to North Street in the City. ACCT worries that the community will not be able to achieve goals with things like bus rapid transit if people cannot walk from bus stops to nearby shopping, jobs and homes.

Mr. Slutzky said there is a significant risk to crossing Rio Road, especially near Route 29. There are plans in place to put a crosswalk at Rio Road where Hillsdale Drive crosses it going into Northfields Subdivision. He met with Mr. Butch Davies recently and was told there are moneys possibly available next year to address this issue in the growth areas. If other Board members agree, he would ask that staff compile a list of places that need a crosswalk so the Board could prioritize that list and tackle the issue of how to get funds for these crosswalks.

Ms. Thomas said since staff is down 16 positions making it hard to add to the work load, she wonders if ACCT would be interested in presenting the Board with a list of places that in their opinion need crosswalks. After presentation of such a list, staff would have to develop criteria and action items for the Board, but that might be a good use of an organization that has identified danger spots.

Ms. Mallek said she thinks the TJPDC could also be useful in developing such a list. She hopes citizens will continue to alert the County about such places.

Mr. Rooker said the University has done a good job of marking their crosswalks with florescent signs in the middle of the road. If the County starts to tackle the crosswalk problems, it should look at

ways to make them obvious. One thing ACCT has talked about is to paint bike lanes a different color so everyone is aware of what that lane is for. It has been done in other communities. There was a pedestrian study done for the Route 29 North corridor about 10 years ago. It identified a number of potential pedestrian improvements along that corridor. That should be looked at because it deals with some crosswalk areas on perpendicular roads to Route 29.

Mr. Tucker said if the Board wants to take a comprehensive look at the problem, all development areas would be included. He said ACCT could help the County focus on priority areas.

Mr. Boyd said he likes Ms. Thomas' idea that ACCT bring this forward recognizing that there is not a lot of money available.

Mr. Slutzky said Ms. Thomas raised a relevant point. However, he would not want to abdicate the Board's responsibility to identify places that need to be addressed simply because it does not have the will to fund the staffing necessary to get all of these things done. These areas need to be identified and there need to be suggestions on how to move forward and decide on financial aspects.

Mr. Rooker said he thinks a list of 10 to 12 projects should be developed, and then try to get them funded year by year.

Ms. Thomas said there is the Hillsdale project that she thought was about to break ground soon.

Mr. Slutzky said that will get one crossing at Hillsdale and Rio funded from safety improvement funds.

Ms. Thomas said the entire distance of Hillsdale Drive has crossings and safety islands which have already been designed.

Mr. David Benish, Chief of Planning, said the Hillsdale Drive project is being designed now. There were complications acquiring rights-of-way from Squire Hills and Fashion Square Mall so the project was broken into phases and where the right-of-way is available they hope work can begin this summer. There are four crosswalks in that section of Hillsdale Drive. Also, there will be a crosswalk at Hillsdale Drive and Northfields Road. As to other areas, a crosswalk is being constructed at Cale Elementary School at this time. A number of plans and documents have identified sidewalk and sidewalk crossing needs. One of those documents was an enhancement grant application about eight years ago with funds to be used to complete unfinished, unconnected sections of the sidewalk system. It established priorities within the development areas for those projects. Information from community groups about other areas will also be helpful. The TJPDC committee can be helpful, but staff already has information and priorities to work from. At the work session on the Secondary Road Plan later today, Mr. Sumpter will make suggestions on setting aside funding to do some projects. Technically, there is a "pot of money" in the Secondary Road Plan that can be used for that purpose. It is being used for the crosswalk at Cale and is how the "pork chop" constructed near Hydraulic and Solomon Roads was funded.

Mr. Boyd said the Board would like for staff to work with ACCT and the other organization to make some suggestions on this matter.

Mr. Kip Newland of the Advanced Mills Neighborhood Association thanked the Board for their work on the safety of their neighborhood. Unfortunately, the process is back to "square one" and they ask that the Board remain vigilant as the process begins again. He made some suggestions he believes will help to accelerate the Advanced Mills Bridge project, such as: take the old bridge down now instead of waiting until January; accelerate the request for a contract; have VDOT make sure the Federal money is actually available; and, think about the aesthetics now. He said Mr. Butch Davies has set up a meeting for the neighborhood with VDOT on March 18 to discuss the present situation with the project. He invited the Board members to attend.

Mr. Gary Grant said he is a resident of Bleak House Road. He appreciates Ms. Mallek mentioning that some residents do not want to have the remaining portion of this road paved.

Ms. Mary Laymen said she lives on Bleak House Road. Her husband asked for the Rural Rustic Road designation at the public hearing. They live 7/10ths of a mile from Buck Mountain Road and 9/10ths of a mile from the paved section of Bleak House. They have lived there for five years and had hoped the RRR request would help to get the road paved without additional right-of-way. There are safety issues with the existing road.

Mr. Slutzky said this isn't the first time the Board had received differing opinions from the residents who live along a road. He asked if there is a practical way to solve this situation. He said staff might send out a letter to the residents most directly affected by the condition of the road and ask if they have a strong bias about paving.

Mr. Boyd said he thinks that is already a part of the process.

Mr. Benish said for a regular road construction project there is either a notification process or a requirement for donation of right-of-way. The Board reviews a list of projects eligible to move forward through the planning process. Regular road paving projects are not done unless there is a 100 percent

dedication of right-of-way and that is the way the community is engaged to insure willingness to pave that road. For unpaved roads, in lieu of that process, the Board adopted a policy several years ago that requires staff to notify all adjacent property owners, provide a notice on the road through signage to notify the driving public that there is a potential paving project, and solicit comments from the public. Staff evaluates those comments and lets the Board know if there are concerns or opposition to the project. At that point in time, the Board can decide if the project moves forward. There have been several unpaved road projects which worked through this process and the Board chose not to have the roads paved; Catterton Road is the most recent example.

Ms. Mallek suggested that the Earlysville Area Residents' League be asked to raise this issue through their newsletter which will go out about six weeks from now.

Mr. Benish said citizens can make their comments at the public hearing on the Six-Year Secondary Road Plan. If the Board knows there is a concern about a project, that project can be deleted from the list.

Mr. Boyd said he thinks it would be appropriate to raise this subject during the Board's work session on the Road Plan later today.

Agenda Item No. 8. Advocates for a Sustainable Albemarle Population (ASAP) Scope of Work for the "Optimal Sustainable Population Size" Research Project.

Mr. Jack Marshall from ASAP spoke. He presented this request to the Board last June and asked the Board for a \$25,000 contribution toward a total project budgeted at \$90,000, which now stands at \$110,000. This would help the community get a better sense of its optimal sustainable population size. There are seven categories of studies in the overall project; first-rate scientists are involved. The Board set aside \$25,000 with conditions that: a) ASAP would submit a scope of work (that has been done); b) ASAP would match the funds (they have more than matched those funds); c) ASAP would use the County money only for studies to assess the biological carrying capacity (two studies have been isolated, although there could be more. They have developed an accounting system with firewalls so that County money would only be used for that and nothing else.); and, d) the Board would approve the consultants (they have forwarded to the County resumes of the two consultants). The first consultant is Dr. Claire Jantz, a faculty member at Shippensburg University, who is focused just on this issue and who would be the main consultant for the eco-system services element. Second is Dr. Mathis Wackernagel, Director of Global Footprint Network, Oakland, CA, and a co-creator of Environmental Footprint Analysis. He is excited about collaborating on this system because it would look at his environmental footprint analysis approach in a new way.

Mr. Marshall said ASAP believes this project is a step forward in the County's effort to work toward a truly sustainable community. The product of the exercise is knowledge and the knowledge is incomplete and imperfect, but it will be obtained by objective researchers with exacting standards and transparent approaches. The result of these groundbreaking studies will not produce definitive answers to questions of public policy. They are not focused on saying what a public policy should be, nor will the results be above controversy. It is puzzling that knowledge alone seems to be threatening to opponents of this idea. The study should help understand issues of paramount importance to the future of Albemarle County and help move toward a more informed way to go about planning and decision-making. He then offered to answer questions.

Mr. Slutzky said in October, 2006 he embraced the idea of redefining how the community deals with land use planning. The objective was to develop process tools for the County to use. Instead of deciding how to accommodate human activity on the land, first the County would look at the ecological asset that needs to be protected, and then human activity would be accommodated in a way that is protective of those ecological resources. That kind of green infrastructure planning is a new paradigm. At this time, it lacks knowledge and process tools. When ASAP suggested they might be willing to undertake some of the work necessary for the County to achieve that new paradigm of land use planning, he embraced it with enthusiasm and still does today.

Mr. Slutzky said at the time Mr. Marshall presented the request for funding, he went back and listened to the podcast of the meeting and read the Board's minutes. He thinks he did a mediocre job of articulating at that time his apprehensions, so he would like to make those clear today. He thinks it is imperative that: 1) the community undertake this work to determine the eco-system services that are provided from the ecological systems; 2) the County understand its ecological footprint; and, 3) there be a deeper understanding of the air and the water elements because they are the most sensitive. ASAP's body of work proposes to address the scientific considerations. His concern was and still is that the Board would be funding an advocacy group to do the work because the County would not be doing this work itself. The Board must be careful when using public money, but this is for a good public purpose. His concern is that if an advocacy group undertakes not only the scientific elements, but the softer social science elements, they have the inherent characteristic of being more vulnerable to influence. That will be part of the controversy if the Board has ASAP take on all of this work on its behalf.

Mr. Slutzky said he would like for the Board to fund the hard science part of this study. Mr. Marshall has said ASAP has a plan for segregating the work into two different elements. He is willing to support this request only under the circumstance that the body of work dealing with the hard science is completed, presented to the Board in draft form, reviewed by the Board, and then ultimately made final before any additional work is done. In other words, Items 1 through 3 in the extensive work plan should be done now with the County's money, but that is all ASAP should undertake until those items are done.

Once that is done and the Board is satisfied with the outcome, if ASAP in an independent effort wanted to embark on a mission to address Items 4 through 7, he would be fine with that. Some people in the community might find Items 4 through 7 to be valuable. He would not want those items funded with taxpayer money, and he would not want them to occur concomitantly. Unfortunately, he thinks they would compromise the political legitimacy of an extremely valuable body of scientific work.

Mr. Slutzky said, in short, he is trying to say that he thinks this is extremely valuable for the community, and if ASAP could agree – he thinks the consultants they have identified are quite worthy from his review of their credentials and some conversations – to do only Sections 1, 2 and 3 of their proposal in their entirety before starting to do the remaining four items, he could be comfortable supporting the allocation. If there is an insistence on the part of ASAP to do these things simultaneously, even if the money is sequestered, he could not support this proposal. He asked how the other Board members feel.

Mr. Boyd said he is sorry he let Mr. Slutzky go ahead with this speech because he thinks there are some members of the public present who would like to speak about this issue, and he would like to hear their comments before the Board gets too far into the conversation. He just wondered if there were questions for Mr. Marshall, rather than making a statement.

Mr. Marshall said the question is whether ASAP would be willing to cut the study in half, and the answer is “no.” To use a metaphor, they are the blind man trying to define an elephant. The elephant is an optimal, sustainable population size. They don’t know how to go about that. They are grappling at ways to define it.

Mr. Rooker said Mr. Slutzky has said he does not mind if ASAP does the second part of the study, but he just wants the first part of the study done first, and a draft of that sent to the County before the second part of the study is undertaken. The County would be participating in funding that first part. He said ASAP may view that as part of the whole, and it may end up being that, but from the County’s perspective, it is not. The Board is interested in funding the scientific component. The Board wants a report on that scientific component and does not want its investment in the scientific component to “bleed over” into the less objective components of the study.

Mr. Slutzky said he also does not want to be compromised politically. Mr. Marshall said he does not understand the compromise. First, doing the studies all together would not delay the studies on the biological carrying capacity. Second, the foundation is giving ASAP the money they described in this study as one package.

Mr. Rooker asked if the study could be done in phases. Mr. Marshall said they probably could do that, but Mr. Slutzky is asking that the completion of the study be postponed for at least a year. He does not know how their foundation would respond. Initially, they gave ASAP the money for a year. He really does not understand the “hard”, “soft” dichotomy Mr. Slutzky made. One of the soft studies is the economic cost of growth. There are hard costs and ASAP will be working with people who know budgets and it is not arguable.

Mr. Slutzky asked if a business person or a finance person will determine the economic cost of growth. Mr. Marshall said the two people who will be the administrative heads of this study are Mr. Ed Stennett (he wrote a book filled with economic data on the costs of growth nationally and in Maryland) and Mr. Jeff Werner (familiar with local costs of growth). For all of these studies, they hope to create a team that includes local business people, and shareholders in the results of these studies.

Mr. Boyd said if the idea is to come up with a sustainable population figure (he opposes setting any cap), economic needs will need to be looked at in the way of jobs and the economy. You can’t look at eco-systems in a vacuum; there cannot be a thriving community if there is no economy. He does not think there needs to be an ultimate population.

Mr. Slutzky said the Zoning Ordinance defines an ultimate population.

Mr. Boyd said that is a fluid document. The Board has been talking about TDRs and a lot of other things that will change in the future as the County grows. He thinks setting a population cap and building the future of this Board, other boards, and people in the future based on that number is a waste of money.

Mr. Rooker said no one has suggested the Board adopt a cap on population. Part of the ASAP study is to come up with what they think is an optimal population. Optimal does not mean it is capped.

Mr. Boyd asked the value of the study.

Mr. Rooker said the County can either operate on the best available information or can “put its head in the sand.” He would rather operate on the basis of more knowledge than less knowledge. He thinks it can be helpful when the Board is making decisions about land use. Whether this Board would ever adopt a new section in the Comprehensive Plan about an optimal population would be a decision to be made at that time. The things the Board has talked about funding provide it with valuable tools for making land use decisions. More is being provided by other parties for this study than the County would put into it.

Mr. Boyd said the Board goes to great lengths to keep up with the evolution of technology and science. He thinks that is the better approach rather than setting an ultimate population and building procedures now against unknown future technology.

Ms. Mallek said when the Board makes zoning decisions now it has no knowledge about the natural resources being paved over. She thinks the Board needs that information.

Mr. Slutzky said he is less focused on the phrase "maximum sustainable population." In October, 2006 the Board talked about ecological systems that provide service value but which are vulnerable to intrusions of human action. He wants to understand the point at which there is the potential for precipitous decline in the provisions of those eco-system service values. If the Board were worried about nitrogen issues, there is cap beyond which there is a significant decline in the bio-diversity of organisms which gives the outcome of a dead body of water. The contribution to that can come from vehicle miles traveled, intrusions of animal feces in the streams, different kinds of human actions that result in the same outcomes. The Board could make a decision to accommodate more human population in terms of vehicles miles traveled by deciding to keep cows out of streams. This study will not give a firm number for a maximum sustainable population, but it will illuminate the variables that should inform decisions about not only how much development to allow, but more importantly where it should be allowed to occur. For him, the three scientific pieces will give a lot of information that can be used when making those new land use planning paradigm decisions. For him that is a rich value to the community, and taxpayer dollars are being leveraged to get the information. This will be cutting edge work when it is done, but it will not define a maximum population. It will inform land use planning decisions.

Mr. Marshall said that on page 5 there is a paragraph that says "it should be noted that any calculation of the community's optimal sustainable population size is not immutable. It will evolve as community values change, as technology improves, as environmental conditions are altered, as better data and analytical methods become available. Thus, estimates of the right size should be revisited periodically, possibly in conjunction with updates of local comprehensive plans." He is not saying this is a number or range forever. It must be adjusted.

Mr. Boyd asked why throughout the proposal it talks about obtaining an optimal science. As far as he is concerned, ASAP is an advocacy group that advocates population control. All of the people on the committee are ASAP people, except for Mr. Werner.

Mr. Marshall asked the point of Mr. Boyd's remark.

Mr. Rooker said he is comfortable with the first three parts of the proposal, and there is a good group of scientists and skilled people involved that would provide the County with valuable information about community resources and the limits they have to sustain impacts.

Mr. Dorrier said he thought the County already had some of this information. The County tries to protect rivers and streams now through the Zoning Ordinance. What will ASAP tell the County that it does not already know? He is having trouble determining if the County will get something from this study that really helps it. Public money will be spent on this study when there are huge demands in the way for fire, police, rescue squads and schools. What will that money produce for the County? On Page 17 of the proposal it says: "For the build-out population, provide several cost estimates based on: ... modeling the potential mix of development possible under current planning and zoning. From these could be inferred a 'ratio' of residential to non-residential mix" He said this seems to be developing something that will conflict with the present Zoning Ordinance, and the County will end up supporting something which works against what is already being done.

Mr. Rooker said the Board is not being asked to support anything other than a one-time expenditure of money that it previously allocated to obtain information. How the Board uses that information is up to it. If the County did this itself, it would be more costly than obtaining it through this process. This is not a decision to do anything other than to pay for putting together some scientific information on the resources in the County and the various ways those resources get impacted.

Mr. Boyd said it is a decision to spend County resources on one project while denying County resources being spent on others. The decision the Board is making is that it feels this is more important than other things which will not be funded in the budget. It is a small amount of money, but \$24,000 goes a long way. He heard yesterday about the \$13,000 for the Workforce Group that will not be funded, so the Board will not invest in Workforce, but will invest in ASAP.

Mr. Rooker said the Board put \$250,000 in an Economic Development Fund that has been just sitting, and not a dime has been spent to date. Maybe the Board could take \$25,000 from that fund for this study.

Mr. Slutzky said the Board has already allocated the \$25,000 for this study.

Mr. Rooker said these are not new dollars; this is last year's budget.

Mr. Slutzky asked if Mr. Boyd was going to take comments from the public on this item.

Ms. Mallek said there is an opportunity, particularly in No. 7, to use people in the local area who are good sources of information. Many people have said the County is relying on residential growth, but it needs to rely on productive and business growth, and this is a way to bring these stakeholders into a valuable process to help with that economic issue. She thinks there would be valuable and statistical information in the study.

Mr. Slutzky said his concern with the economic component is that the ASAP proposals talk about estimating build-up populations based on proposed zoning and other land use policies. There is a

significant amount of "wobble room" written into the actual work plan for Item 7. The body of work represented by Item 7 will be valuable to the County; staff has already looked closely at the economic impacts of growth because they must advise the Board of the economic implications of density increases. He does not see in the proposal as drafted that Item 7 gets the Board what it wants. He is concerned about being politically vulnerable to attack only because it is a bit imprecise and is not as scientifically driven. He thinks the Board should fund the first three items because that will be valuable information for the Board to have. That is additive to what the Natural Heritage Committee has been working on. Hopefully, there can be collaboration with that committee. While the subject matter in Item No. 7 may be valuable to the Board, it is potentially problematic to have it done by an advocacy group in the context of the three hard science projects. The County will be leading the country if it undertakes this body of work. There will be people around the country who will admire Albemarle County and follow its leadership for trying to embed ecological considerations into its land use decision-making process. He wants to be sure it is done right from the beginning. It is risky to have an advocacy group do it, but ASAP has identified good methodology and good people to do the work, and if they just do that there will be some good outcomes.

Ms. Mallek said Nos. 1, 2 and 3 are likely to cost more than \$25,000. She wonders if the Board members are flexible about the demand to see-saw the work on the rest and disrupt the one-year proposal of the Foundation, and have them focus on 1, 2 and 3 and not put in arbitrary boundaries.

Mr. Slutzky said the Board does not know that that organization will have any problem delaying. Their website sets out a clear objective for their work. For whatever reason, they have funded this study to the County's benefit; he welcomes that. If the Board will be investing taxpayer money, he still thinks it has to be done prudently. He would like to stick with the first three items in the study.

Mr. Rooker said there could be two separate steering committees having two different projects going on at the same time.

Mr. Slutzky said if both parts are done by ASAP at the same time, it will be hard to separate them. He said the Board needs to use this money to buy it some knowledge that will be valuable without that information being compromised or tainted. It is risky to have an advocacy group undertake something like this on behalf of the County, and he just wants to minimize the dangers of doing that.

Mr. Marshall said ASAP came to the Board and asked the County to do the work. The Board said staff resources were not available to do it. ASAP said it would try to do it, and came back to the Board with this proposal. Any of these studies can be adjusted. If the Board thinks ASAP can assess the economic costs of growth in better ways than have been outlined in the proposal, they would be willing to work on that. He said Mr. Slutzky's proposal catches them by surprise. They tried to meet the conditions which were stated clearly in June for matching funds by giving those who would match the funds a description of the project. Now, the Board is saying that is not what it meant at all. He is both embarrassed and puzzled if ASAP has to go back to the people who gave the money and tell them only part of the proposal will be done.

Mr. Rooker said he does not understand Mr. Marshall. The Board is saying the proposal should be done in two phases, and the first phase which the County would be putting money into, needs to be completed in at least draft form before the second phase is undertaken. It is a timing issue.

Mr. Slutzky said since Mr. Marshall is saying he has been caught off-guard and is surprised, that he and Mr. Marshall actually met to discuss this more than a month ago. At that time, he reiterated his views and Mr. Marshall had said he did not remember it that way from the original discussion. He had said if he was not clear previously, he is being clear now. If there was any uncertainty in Mr. Marshall's mind a month ago, he was made aware at that time that Mr. Slutzky was focused on doing just the three hard science studies.

Mr. Marshall said he sent Mr. Slutzky a lengthy e-mail in response to that discussion but he did not get a response.

Mr. Slutzky said he made his feelings very clear at the time. Because Mr. Marshall said he was blindsided today, he wanted the record to show that that was not the case.

At this time, Mr. Boyd asked if any member of the public would like to speak about this agenda item.

Mr. Neil Williamson, Free Enterprise Forum, said they are not in opposition to knowledge, but are opposed to government funding for the ASAP proposal. He did not understand at the last meeting on this subject that ASAP had to present a script of work, but that the Board wanted to approve that script of work. He thinks the timing the Board is discussing would be part of the approval process for that script of work. Also, the Board needs to approve the consultant team that ASAP intends to engage. He also thinks the Board needs to consider whether it is in agreement with that team which it will partner with. He thinks the key element is the script of work and whether it accurately captures what the Board wants. He believes the consultants selected, based on his research, are solid and if the Board reviews the work they have done it will know the result of the study. That is okay; it is scientifically backed. They can defend it, but he thinks other consultants can come forward and defend another side. In his review of the California consultant's website yesterday, one thing they were triumphing was an article in *The Telegraph* on February 28 in Britain. It claimed the need for a national population control policy. In the end, that is what this is about; government funding for population control. This is the first step, and he asks that the Board vote "no."

Mr. Tom Olivier said he is a member of the ASAP project team, but is also Conservation Chair of the Piedmont Group of the Sierra Club, and he will speak on behalf of that organization. The Sierra Club has been seeking to protect the environment for over a century; its Piedmont Group has over 1200 members. From the beginning they have supported the ASAP project but think it would be imprudent to proceed with planning without knowing more about the issues raised in this project. People who do not agree with ASAP have expressed support for the project because these are things about which more should be known. It is foolish to proceed with planning in these challenging times without examining them. He said Mr. Boyd has noted that there are interconnections between biological issues and economic issues. The question before the Board today is a narrow one. Has ASAP met the conditions for release of the \$25,000? He said the Sierra Club believes that ASAP has met those conditions and they believe it is time for these funds to be released. He does not understand the notion of taint between the biological and social studies. He personally has degrees in both biology and anthropology and he has never had the sense that studies in one discipline have tainted his work in the other; actually they have been very helpful in the public process context. Also, he thinks it is important to distinguish between advocacy groups and partisan organizations. It is important in bio-diversity conservation efforts that one advocates for certain things believed to be good yet behave according to scientific standards. Looking at ASAP, they have gone out of their way to find qualified people to perform this study. Also, ASAP has recognized the complexities of some of the issues. Many are concerned about air quality, and ASAP's preliminary look into this suggests that perhaps population size may not be that tightly connected to air quality. ASAP is not pushing a particular agenda. Finally, the time separation is a new condition and should not be applied. The Sierra Club is troubled by the idea that a local government would try to dictate to any non-governmental organization what matters of public interest it might examine with its own resources.

Mr. Jeff Werner said he was speaking for the Piedmont Environmental Council. He will not offer suggestions as to which way the Board should vote on this question. With the endorsement of Mr. Williamson the Board seems willing to participate in pro-growth organizations in this community, so it is interesting to hear these arguments against participating in an organization that looks at the impact of growth. Whenever he talks to organizations, he always suggests they look at a community's comprehensive plan. This Board has participated in the sustainability accords, and one of the adopted provisions was to strive for a size and distribution of human population that would preserve the vital resources of the region for future generations. That is not PEC speak, it is not ASAP speak, that came out of the County's Comprehensive Plan. He would like to respond to some things said today because he found them insulting personally and professionally. To have someone suggest that his relationship with ASAP or Mr. Jack Marshall is the first step at government-mandated population control is ridiculous. There is no provision in the State Code or Federal Code that would allow the Board to suddenly "shut the door." Such fear mongering is inappropriate for this discussion. He served on the Rural Area Work Group for a year, on the Mountain Protection Committee for two and one-half years and they came up with proposals that are yet to be implemented. He thinks everyone intellectually knows that population has boundaries. There is only so much water and food available. If population exceeds food, population declines. Intellectually all understand what Mr. Marshall and ASAP are saying. He is a member of the County's Fiscal Impact Committee. Mr. Marshall approached him and asked if he would help in an advisory committee on the fiscal impact side of things. That is all it is, to offer a filter as they look at what kind of economists to consider. He has tried to be helpful and offer his knowledge where he can, but he takes issue with any suggestion that he is in this because he has bought into population control.

Mr. Jay Willer, from the Blue Ridge Homebuilders Association, spoke next. His background has been in technical research and policy and government activities. He said the value of research is in large part delivered by the quality of the product you get, but also the clarity of the people doing that research. He said some of the things being talked about in terms of data analysis might be useful to the Board, but the utility of that work will be more useful publicly in the Board's discussions if it is done in a way so there is no question of its objectivity.

Mr. Slutzky said under Item No. 7d, ASAP worded it to say "The purpose is to calculate the economic costs (or benefits) attributable to population growth." It does not say to objectively evaluate the cost and the benefits. His concern is that subtle signals like putting the word "benefits" in parenthetically will potentially impact how the public receives the objectivity of the body of work. That is the kind of unintended bias that can creep into an economic analysis or a public preference analysis. That is the crux of why he is advocating strongly that the Board approve only the first three items because he thinks they provide valuable information.

Ms. Thomas said she likes to play the role of someone who can bring together different ideas and figure out a way to move forward when there are differences of opinion. If they are starkly different there is no way to do that. If you think this is a way to get funding for population control, then there is no way anything she can craft will be able to overcome that. If you think it is tainted because it is being done by ASAP she will remind all that ASAP suggested that the County do the study. In fact, the Board did not think there was any funding available. If the Board members think \$25,000 is too much to spend, they should decide what amount they would be willing to support; the study would certainly cost more if done by the County, so she rejects some of the information given today. Years ago she was making a presentation to this Board on behalf of the League of Women Voters and was told by a Board member that the Board could not listen to the League because they were basically a bunch of faculty wives. She is slow to suggest that something brought to the Board by a community group is tainted by the fact that the Board does not agree with all of their goals and it did not handpick who is in that organization. She also shares the concern about government dictating to a local group. She thinks the Board should have the right to say what can be done with the County's \$25,000, but she is not sure that right extends into what they should do with the entire project. The Board can dictate or encourage that ASAP do the first three steps and report back to the Board before going to Items 4 through 7. It is something she thinks would bring knowledge to the table that the County does not have now. She was on the Sustainability Council

when it met every week for a while with a very diverse group of people. That Council tackled some of these problems, but did not have the basic underlying scientific knowledge or facts to go further. That was going to be their next step, but Federal funding for sustainability councils ran out and that is where it ended.

Ms. Thomas said she is in favor of adopting what has been brought to the Board today. She thinks it will bring value to what the Board will be talking about for a number of years into the future. She has seen other counties base their comprehensive plan on their ecological footprint. That is the use she would put this study to. She does not know that an optimal population size adds anything to a value all by itself. She has been struggling because it appears that the Board is divided, and there is one person who will never vote for it, and three members who would vote for it the way it is worded now, and two members who want it put into phases. There is an organization in front of the Board which has not approached their funding people with the idea of phasing, so they are not sure if that wipes out funding. The County would actually be getting more than its money's worth out of the study, therefore, it depends on them getting that outside money. She asked if someone else had a motion they would like to try.

Mr. Slutzky said he will **move** that the Board approve the appropriation of the \$25,000 to ASAP for the purpose of completing Items 1, 2 and 3 in their work plan under the condition that the body of work that has been presented to the Board today be bifurcated into two projects (or two phases of a single project), that the first three be completed and delivered to the Board as a draft, and the draft be accepted prior to the beginning of the body of work on Items 4 through 7 in the work plan.

The motion was **seconded** by Mr. Rooker.

Ms. Thomas asked for reaction as to whether this motion kills the project. If she casts a vote for this, she wants to know if it is possible, or if it will be impossible.

Mr. Rooker said he would suggest that the Board vote on Mr. Slutzky's motion. If for some reason, ASAP finds they cannot phase the work the way it has been discussed, they can come back to the Board. He thinks there is a clear majority to approve that motion. He thinks they would be able to order the work in the way the Board has requested. He thinks they have indicated that they are ready to go ahead with the study without the County's participation if they have to do that. He thinks it is important that the Board give them something to work with at this point.

Mr. Boyd asked Ms. Thomas if she would like to see a vote up or down on the project in its totality first and then as this motion states.

Mr. Rooker said he would like for this motion to be voted on as stated.

Ms. Mallek said she had a question. Since there are different groups of people working on these two phases, would Mr. Rooker consider telling ASAP they could not start the second phase, but understand that the presentation of Phase I would be made publicly first, and give the Board and public a chance to react before the other half were brought forward, but not deny the people working on that to go forward.

Mr. Slutzky said he is not comfortable doing that.

Ms. Thomas said that would be telling a private group what it shall not do. Could they not even have committee meetings to discuss who they would have for consultants for the Nos. 4 through 7?

Mr. Slutzky said a committee meeting to discuss something they might do in the future is arguably different from undertaking the work itself. He is uncomfortable with engaging a consultant and moving forward with the project. His concern is that the final product the Board is investing in might potentially be compromised. He is eager to get the first three done. He agrees with the approach to the work described in the work plan, and the quality of the consultants they propose to engage. But, he has to confront his constituents and explain how the Board funded ASAP to do this work. He can defend it by saying they were asked to do an objective scientific inquiry on these three narrow tracks. He is only a little apprehensive about it because he values the way in which ASAP has approached the work. He is wary of the Board investing public money to go beyond those first three items.

Ms. Thomas said she understands that, and asked that the motion be read back to the Board.

Mr. Slutzky said his **motion** is that the Board approve an appropriation of \$25,000 to ASAP for the purposes of undertaking the first three items out of seven articulated in their work plan, but as a condition of that appropriation the Board requires that ASAP provide it with a draft document that is the completed study of those first three pieces before ASAP begins to undertake actual work on the remaining four items.

Ms. Thomas said she would like to insert a word – that is, before ASAP formally begins the other stage (she does not think the Board can tell ASAP what they can do in discussions and committee meetings because that is more of a gag order than the Board has any right to put on an organization. "Formally" means they have not actually formed the groups or actually hired the consultants, and so forth.).

Mr. Rooker interrupted to suggest that instead of using the word "formally" to insert the words "before they expend funds on the remaining phases of the project." In that way, ASAP can do all the work

it wants to do internally without expending funds. His concern is the expenditure of taxpayer money. He thinks Mr. Slutzky was trying to make sure that the taxpayer money is only spent on the first three items.

Ms. Thomas said she thinks he is more concerned about the tainting of the results of the first three.

Mr. Slutzky said it is a little bit of both, and they are subtly two different things. He is uncomfortable with ASAP doing the study if they chose to do Items 4, 5, 6 and 7 with their own staff as a formal undertaking and chose not to engage outside consultants to support their efforts. He is concerned that would compromise the credibility of the study.

Ms. Thomas asked if Mr. Slutzky would be willing to have a word like "formally" inserted.

Mr. Slutzky said he is fine with that because he thinks that would be appropriate. He is not seeking to shackle ASAP's efforts to continue their mission. He does not want to see a parallel study being done.

Mr. Dorrier asked what the County would get for \$25,000 from the first three items.

Mr. Slutzky said he is expecting a draft report of the efforts articulated in Items 1 through 3. They will have their consultants and experts do the things that are laid out in Tasks 1, 2 and 3, and they will issue some kind of a report document that summarizes their findings and it may include some recommendations, but it will be a body of work that is the result of Items 1, 2, 3 and 4 as described in the work plan.

Mr. Dorrier asked if ASAP will come back and ask for another \$25,000 for Items 4 through 7.

Mr. Slutzky said if they chose to do that they could do so, and the Board could decide that request on its independent merits. He would probably be disinclined to approve any such request.

Mr. Rooker said given the discussion today he doubts that ASAP would come back and ask for further funding. With the money this Board previously committed to this project, and with the money the City has committed to it, and with private foundation money, he thinks they have the money to do both phases of this project. He said there was a motion, and he had **seconded** same.

Mr. Boyd called for a roll call on the motion; the motion **passed** by the following recorded vote:

AYES: Ms. Mallek, Mr. Rooker, Mr. Slutzky, Ms. Thomas and Mr. Dorrier.

NAYS: Mr. Boyd.

(Note: The Board approved, by a vote of 5:1 (Boyd), the appropriation of \$25,000 to ASAP for the purpose of undertaking Items 1, 2 and 3, as outlined in ASAP's work plan, with the condition that ASAP provide the Board with a draft of the completed study of those three items, for Board acceptance, prior to ASAP formally undertaking work on the remaining Items 4 through 7 in their work plan.

(Note: The Board recessed at 10:53 a.m., and reconvened at 10:59 a.m.)

Agenda Item No. 9. Request to set public hearing to allow EMS Revenue Recovery.

Mr. Bryan Elliott, Assistant County Executive, gave a PowerPoint presentation to the Board on this request to set a public hearing on an EMS ordinance for April 9, 2008. His comments are contained in the Executive Summary for this matter which is on file in the Clerk's Office with the permanent records of the Board of Supervisors, along with a copy of the PowerPoint. He said the Committee which worked on this program could not come to an agreement about how revenue should be distributed. While negotiations are ongoing, staff would recommend that the Board go forward with a public hearing on this ordinance.

Mr. Boyd said there are a lot of issues surrounding this matter that he would like to not be a part of this discussion today.

Mr. Rooker asked if the only decision to be made today is whether to set this ordinance for public hearing.

Mr. Boyd said that is correct.

Ms. Mallek said in order to be judicious and move forward slowly, she will suggest that the public hearing be delayed. There was a meeting last Wednesday with all of the stakeholders, and it was their first meeting since November, 2007. It was the first time that many of them had heard a lot of the information directly as a group, rather than one on one. She thinks it would be to the Board's benefit to have a unified, countywide process move forward eventually. That group needs to meet without having the pressure of an impending public hearing over its head. New information is coming forward, and the committee needs to hear that with an open mind.

Mr. Slutzky asked if Mr. Tucker had built into the budget an assumption that the Board will go forward with this billing. He asked if the public hearing is delayed in deference to Ms. Mallek's request if

that will create a fiscal crisis. Mr. Tucker said staff will have to deal with how to fill that financial gap during the budget work sessions.

Mr. Rooker said there are two things involved. One is adoption of an ordinance, and the other is distribution of the revenues generated by such a program. Is there a reason why negotiations cannot continue after adopting an ordinance that enables the County to put the program into place? The ordinance would just enable a program being put into place; it would not require that the program be put into place.

Ms. Thomas said she thought the concern of the volunteers went beyond the question of how the proceeds would be distributed. Many people are concerned about the aspects of the program, and not just distribution of the proceeds. Is Mr. Elliott saying the volunteers have agreed to the process of billing, and it is just the distribution of the proceeds that is the question? Mr. Elliott said based on what the study group published in September, 2007, the only outstanding question in that report had to do with the revenue distribution. He cannot say what the volunteer squads might say at this time, but to his knowledge, the keystone issue is how the revenue is dispersed back into the EMS system for the County.

Mr. Rooker said there is a distinction between putting a program into place, and adopting an ordinance that enables the Board at some point in the future to put the program into place.

Ms. Mallek said she feels that if the Board waits a month to hold the hearing it might value the public's opinion more than it has been valued on this question. If the Board went forward with a countywide collection, it would be financially five times the success rate than if the Board did something now that endangered that process, and then go forward with a small section financially later.

Mr. Slutzky asked if Ms. Mallek were suggesting that staff bring the same question back to the Board in a month just to give more time for further discussions by the committee.

Ms. Mallek said "yes."

Mr. Boyd said he appreciates Mr. Rooker's comments, because those are his thoughts also. He does not see that this action should impact the negotiations. He met one time with the Advisory Group and it was his impression that while there is some question about moving forward, there are other questions about what it would do to the volunteers and their fundraising efforts. He got the impression that all volunteer companies are on board with part of it; it is only the distribution issue that is still the question. He does not think the Board setting a public hearing which is more than a month away would impact those negotiations. It does not mean the Board would have to implement the program at all. This has been talked about since 2006, so he thinks the Board should go ahead and set the public hearing.

Ms. Thomas said if the Board holds a public hearing in April and the volunteers still feel the same way, the Board will probably have a room full of people saying this should not be done. If delaying the public hearing would get the volunteers to say they are ready to go ahead with this program, she thinks the Board would be far ahead in the process.

Mr. Elliott said the majority of the members of the work group are the chiefs of the companies. Last week, they were presented with staff's recommendation for distribution of the revenues from this program. In turn, they must go to their respective boards for action, and then bring that information back to the work group. The idea of delaying the public hearing for a month may not work even if closure were made on what everyone perceived to be an equitable distribution of the revenue. If the Board held a public hearing next month, it would have the framework in place. When negotiations were completed, the Board would not have to turn around and hold a public hearing on the ordinance. That is another view of how this process could proceed.

Mr. Dorrier asked if the group also deals with the presidents and treasurers of the rescue squads. Mr. Elliott said the representatives on the regional study committee were primarily the chiefs and a representative of the other boards, but it was not representative of the entire boards.

Mr. Boyd said he does not think setting a public hearing would impact those negotiations. It might even put emphasis on getting those groups together to make a decision.

Ms. Mallek said she thinks the group that met last Wednesday could be called together again quickly. Those are the people most affected by the program. They are the people who do the work. The Board needs to do something in a meaningful way to address their concerns, not just carry on with its own concerns and expect them to come along, or be told later that a decision had already been made. She knows that it is a matter of perception, but perception is powerful.

Mr. Dorrier said he supports Ms. Mallek one hundred percent. He met with volunteers of the Scottsville rescue squad and fire department and the perception expressed was that the County was not communicating with them. Mr. Tucker suggested that a hearing be set on May 14; he thinks it would be good to have a definite date in mind.

Ms. Mallek said she would like to bring this discussion up again at the April day meeting. That will challenge the communities to make good use of the month of March. She does not want to say today that the hearing will be scheduled for May 14. She would like to have a chance for progress to be made.

Mr. Rooker said he does not think a month will make a huge difference.

Mr. Boyd said the Board will take **no action** on this request today; it should be included on the April agenda for further discussion.

Agenda Item No. 10. Piedmont Virginia Community College (PVCC) Annual Presentation, Dr. Frank Friedman.

Mr. Boyd asked that the presentation be brief, if possible, since the Board meeting is running behind schedule.

Dr. Friedman introduced the Chairman of the PVCC Board, Mr. Charles Gross and Albemarle County member Ms. Donna Plasket. He said the terms of three of the County's four board members will expire in June. He asked that the appointment process be started early. In terms of keeping the presentation short, enrollment keeps going up, and he wishes funding would go up also. He talked with the Governor yesterday about one of the issues before the General Assembly. This past fall, PVCC had 223 more students than it has ever had in any semester since the college was founded; there were 4674 students. Each semester sets another record as the college serves the community. The portion from Albemarle keeps going up; Albemarle residents account for about 38 percent of total student enrollment.

Dr. Friedman said a large part of their student population is in dual enrollment with the high schools. Last semester 400 high school students from Albemarle County took college courses through PVCC. They took them at no cost to the school system and no cost to their families; the dollar value of just the fall classes was \$125,000 at PVCC's tuition rate. That value transferred to a university would be about triple that amount. They are providing a service that helps the students and families in the community.

Dr. Friedman said as to facilities, thanks to State funding they have completed renovation of the main academic building. It is a huge improvement. The Library was also renovated with private funds. They hope to go to bid for the new Science Building next month. That is one of the issues caught up in the General Assembly right now.

Mr. Rooker asked the location of the new building. Dr. Friedman said as you enter PVCC Drive it will be on the right-side of the road just before the turn to the Dickenson Building. He mentioned that PVCC has a wonderful partnership with the Albemarle County School System. Last semester PVCC offered 13 classes at Albemarle High School at night and three classes at Monticello High School at night. With so many night students, they could not meet the demand for space on campus. This kind of partnership makes optimal use of facilities funded by the public.

Dr. Friedman said the most important issue he needs to mention is one he has mentioned before, and it has to do with the Monticello Visitors Center. Monticello is building a new Visitors Center on their side of Route 20. He thinks they will be vacating the current facility either in this calendar year or early in 2009. That opens up the issue of what happens with the building after that time. PVCC would like to take possession of that building and the land, including the parking lot, and incorporate it as part of PVCC's campus. He said there is a proposal in front of the PVCC Board to make it a Work Force Development Center. When he gave the figure of 4600 students that was just for the students in credit courses. Every year there are an additional 2500+ who are in non-credit courses. A lot of that is direct work PVCC does with businesses. They do direct contract training for which they are paid. The problem is that often they don't have the right space to do the training necessary. They could expand what is done for businesses if it had additional space, and that space was configured properly to do corporate style training.

Dr. Friedman said they would like to turn the visitor's center into such a facility because they have trouble accommodating the type of training wanted by employers. If the City and County approved the transfer of the property to PVCC, they would be ready to move their Work Force staff and operation into that building as is. Their intention is to get State funding to renovate and expand the building. The Governor included a little under \$7.0 million in his general obligation bond proposal for that project, but that proposal has not gone forward through the General Assembly so its fate is uncertain at this time. He guesses that the earliest they could get the money would be in about four years.

Dr. Friedman said he does not know what process the City and County would use to make this decision. He made this presentation to the City and received a fairly favorable response. City Council appointed two councilors to work with the Supervisors on this initiative. He offered to answer questions regarding this or anything else to do with PVCC.

Mr. Rooker asked what type of retrofitting would be required to make the building usable at its current size. Dr. Friedman said he does not know specifically. They know what they want, but would need to bring in an architect for redesign. They have been able to do with what they have, so for the first few years staff would move into the building as is and make it work. Their intention would be to make a much larger and more effective facility as soon as the funds were available.

Mr. Rooker asked the optimal time for this decision. Dr. Friedman said it would be helpful if the County and City could make the decision this spring. If Monticello keeps to its timeframe, as early as November PVCC could start planning for transition into the facility. They know there must be a decision about the future of the Convention & Visitor's Bureau which is also housed in that facility. He does not know why they would want to remain in the building after the Monticello Center moves out, but he has made it clear that if they wanted to remain in the building, PVCC would not evict them.

Mr. Boyd suggested this request be put on the agenda in the near future for discussion, and that staff furnish a report for the Board. After that information is received, he suggests the Board appoint two people to work with the City. He thanked Dr. Friedman for his report.

Ms. Mallek said she was appointed to the Work Force network and she asked if Dr. Friedman is forming a coalition to carry on with that work. Will some of those activities be in this new building? Dr. Friedman said that at one time PVCC operated the One-Stop Center for the Charlottesville region. For various reasons, they withdrew from that a few years ago. At this time, they have put together a consortium composed of PVCC, VEC, DRS and the Department of Social Services. This would be managed by PVCC at the One-Stop Center on Hydraulic Road; this has not yet been approved by the PVCC Board. He has been asked how the Work Force Center at PVCC would work with the Hydraulic Road operation. He said the main thrust of what would be done in the visitor's center would be the actual training; the classes, the seminars and the workshops. There is limited space at Hydraulic Road to do that. They would probably have a satellite operation at the One-Stop Center incorporated in that facility. It is more convenient for those who live in the southern part of the County.

Mr. Boyd said he and Dr. Friedman met with the Governor yesterday. They were informed that the whole system will be revamped at the State level and it will be put under the community college system. Dr. Friedman said there are many details to be worked out on that idea.

Agenda Item No. 11. Board-to-Board, Monthly Communications Report from School Board, School Board Chairman.

Mr. Brian Wheeler, Chair of the School Board, was present along with Vice-Chair, Diantha McKeel, and Superintendent, Pam Moran. Referring to School Board's funding request for FY '09, at the Supervisor's first public hearing on the FY '09 budget on February 20, the community voiced its support for public education and the School Board's request. He then handed to the Board copies of a series of spreadsheets listing various scenarios for potential reductions in the School Board's request (see copy of sheets on file in the Clerk's Office with the permanent records of the Board of Supervisors). He said it is important that they get feedback from the Supervisors on their budget request because the School System must make staffing decisions in March. At a minimum they need information about the CIP transfer proposed by Mr. Tucker. That would give them some indication of how far to go with reduction of force issues related to School staff. Usually they would have sent letters today to staff about next year's contracts. Human Resources is working with the Schools and will move that as far as possible into March, but in order for the School Board to make decisions on March 27 on contracts, they need to know something by the middle of the month.

Mr. Boyd said the Board will be holding a work session on March 12 and will discuss the School Board's budget at that time as well as the CIP.

Mr. Rooker said this was a helpful way of presenting the information to the Supervisors. He asked if within the scenario and the category, everything is prioritized. Mr. Wheeler said there are numerous initiatives and recommendations from the different advisory committees. Even fully funding the School Board's request does not fully fund things in the minds of many stakeholders. He said that year after year they receive recommendations to increase the number of gifted resource teachers to a certain standard, or increase the number of hours for nurses in the elementary schools. Those requests never even make it to the table. He thinks the School Board is on track to improve efficiency and effectiveness of operations; they are making cuts and restructuring the Central Office, they are willing to look at tough things such as high school schedules and electives. These things will help close the budget gap, but in the absence of new state or federal resources, they have to look to the Supervisors for adequate funding.

Ms. Thomas said the School Board seems to be less willing to look at redistricting of students to Walton Middle School than to charge for use of facilities (Scenario 2). Charging for facilities just shifts the costs to someone else. It usually shifts costs to nonprofits and others who use the schools, whereas redistricting is something that is totally in their control. Mr. Wheeler said they value partnerships with organizations like PVCC. He said he runs a nonprofit so when he uses one of the schools, he has to rent the building. Although the nonprofits in the community do valuable things, the School Board is also running a business. He said this is a policy question and one which the School Board will be discussing. He said the School Board has not shied away from redistricting; they are willing to do it based on needs. He said that a number of things on the lists in the scenarios are things they do not want to do as a "knee jerk" reaction to balance the budget; there will be studies to be sure they make the right decisions. The recent Utilization Study provided a lot of information to make smarter decisions, but there is a public process involved and a lot of questions to be addressed.

Ms. Moran said concerning redistricting, if something is tweaked in one area it sometimes causes problems in another. She thinks the School Board will look at the issue in a "master plan look" at the entire Division.

Mr. Slutzky said he would like to see a list of all the things the Schools should be doing, but are not able to do because of funding. Ms. McKeel said there are items the School Board feels it should be doing, but are not addressing at all as opposed to imposing cuts which indicates that something has been in place but is being reduced. She said Scenario 1 triggers all of the reduction in force. Reduction in force goes away with Scenario 2. She said the School Board is asking the Supervisors to partner with it so it can treat its entire staff responsibly. They ask that the Supervisors make a decision about the CIP funding issue as quickly as possible.

Mr. Boyd said the Supervisors have heard that is not the only option the School Board can use to make up its shortfall.

Mr. Rooker said he looked back over past budgets and noted that when times have been good, the Supervisors put a lot of extra money into the CIP. This is a particularly lean year. He has been outspoken against not allocating that additional penny to the CIP. At this time, he is in favor of not allocating the penny to the CIP and advising the School Board accordingly. Looking back over the past four or five years, the Supervisors have put into the CIP as much as \$8.0 or \$9.0 million in extra revenue because there was a surplus. This year there is no surplus.

Mr. Boyd said he has always been in favor of the penny reduction based on assurances from the County Executive that it does not impact future CIP planning.

Mr. Slutzky said he has a different point of view. He understands the arguments for reducing the transfer, but since there is not as much in the CIP as there should be, the Supervisors should not be reducing the allocation to the CIP because there is a need to fund various other things in the budget. He does not support taking the penny out.

Ms. Mallek said she would be happy to take the County Executive's recommendation for this year in the hope that progress can be made on the other funding issues another year and go ahead and allocate the penny to the schools.

Mr. Dorrier said he is in favor of shifting funds from the CIP to the Schools to support their needs.

Mr. Slutzky said he really wants to fund the schools, but he does not think that is the only way to do it.

Ms. Thomas said she thinks the Supervisors should have a work session on the CIP before she decides about taking that penny away. She has been a strong proponent of not taking the penny away because something similar was done a few years ago and it took many years to get back to where it was before.

Agenda Item No. 12. Albemarle County Service Authority/Rivanna Water and Sewer Authority Updates.

Mr. Gary Fern, Executive Director, Albemarle County Service Authority, was present. He said that recently in Crozet there was a slight problem with discharge piping at the Rivanna Water and Sewer Authority pump station. The problem was fixed very quickly and was back running by Sunday afternoon. It was a temporary fix. They are working on a more permanent solution and in two or three weeks it will be in place. The ACSA is in the midst of its budget process now. The proposed operating budget along with suggested rates will be presented to the ACSA Board soon. He offered to answer questions.

Ms. Thomas said she knows Mr. Fern is representing the County in negotiations with the City on how the costs of major projects will be shared. By law this Board cannot become involved in those negotiations, but he should let the Board know if it can provide any support.

Mr. Rooker said a constituent asked if one or more of this Board's members can sit in on a closed session of the Authority when they are deliberating, or discussing potential contract negotiations with the City. Mr. Davis said if the Board were invited to attend such a session, not more than two members could attend.

Ms. Mallek said she thinks it is unusual when the purchasers decide what the price will be. She finds that to be unique in the economic system. She will be interested to see how this moves forward.

Mr. Tom Frederick, Executive Director, Rivanna Water & Sewer Authority, was present. He said the RWSA is also involved in the budget process. Staff introduced a Capital Budget to the RWSA Board in January and they are anticipating action by the Board on March 24. Regarding capital projects, RWSA staff has worked with the County's Community Development Department to be sure their plans incorporate what the County's elected officials, as well as City's elected officials, have proposed in the way of plans and policies for the growth area. It has slowed down RWSA's process, but for a constructive reason. With respect to the Meadow Creek Interceptor they are moving into the right-of-way acquisition stage. They have a final alignment including a couple of sensitive areas. They are working with the Nature Conservancy on the section of Meadow Creek that will be rebuilt.

Mr. Frederick said RWSA staff proposed an operating budget last month and the rates are being advertised under a preliminary rate resolution. There will be a public hearing on May 19. As for the ACSA, the wholesale water rate increase will be slightly less than three percent for next year. For the sewer rate, the proposed increase is about ten percent. Based on regulations and requirements that utilities have to follow throughout the nation, in most places utilities have to invest more on the wastewater side than on the water side. What RWSA is going through now is playing catch up. He said the RWSA has not historically put in enough money or activity to be sure the wastewater collection system was up to the standards needed.

Mr. Rooker asked about utilization of the sewer system by North Pointe and also by Albemarle Place. Mr. Fern said ACSA staff met with developers in the North Pointe area. One thing that has to be

done is to decommission the Camelot Treatment Plant and then have a regional pump station put into operation. He said they started that process and later this month will be issuing an RFP for engineering consultants. They have the qualifications for selection of a consultant to begin the design of a regional pump station which they hope to have in operation by the end of 2009, at which time the Camelot Plant can be decommissioned. The emphasis now is to get an engineer engaged so they can move forward with the work.

Mr. Rooker asked if North Pointe cannot hook onto the system until that work is completed. Mr. Fern said that is correct. It was never intended that North Pointe would use the Camelot Plant.

Mr. Rooker asked if there is capacity in place between North Pointe and the ultimate treatment plant. Mr. Fern said it would be pumped from North Pointe south into Rivanna's Interceptors and then to the Moores Creek STP.

Mr. Rooker asked if the infrastructure between the point where it is pumped back to the treatment plant is adequate to handle the capacity contemplated. Mr. Frederick said in discussions with the ACSA, they are proposing to build this system from their regional pump station to connect to the so-called Powell Creek Interceptor in the southern Forest Lakes area. Their numbers indicate that before the build-out of North Pointe, the Powell Creek Interceptor will have to be upgraded, but at this time Powell Creek is running at about 25 percent of capacity, so there is capacity for the early years. Because of the many demands on the RWSA system, they are timing it so the Powell Creek project comes in time for the continued growth of North Pointe, but not to be done immediately. From Powell Creek the flow comes into the Rivanna Interceptor that initially follows the South Fork, and then below the confluence it follows the Rivanna River itself through Free Bridge and down to the Moores Creek Treatment Plant. That line was built with a lot of capacity in it. With the inflow and infiltration reductions proposed as part of RWSA's capital improvement plan, that capacity can be sustained for years.

Mr. Rooker asked if hook-up fees are sufficient to pay capital costs so the capital costs caused by growth are not added to the user rates. Mr. Fern said that is done as a matter of course.

Mr. Rooker asked about Albemarle Place. Mr. Fern said that recently they discussed with the developers how their water and sewer systems will work internally before discharging to the RWSA.

Mr. Rooker asked if capacity issues are involved. Mr. Fern said there are capacity issues with the Meadow Creek Interceptor, but based on their schedule and the schedule for that interceptor it should work out fine.

Ms. Thomas asked if the Moores Creek Interceptor upgrade depends on State funding. Mr. Frederick said the State budget has not been adopted yet, and there has been talk that the General Assembly will adjourn next week and then be called back into session to deal with budget issues. The Governor's latest proposal was to cut \$15.0 million from the Water Quality Improvement Fund for the Chesapeake Bay for wastewater treatment plants. There is money in the fund now because projects have not yet advanced to construction, but there are grant commitments which exceed the money in the fund. Even though the RWSA was one of the early utilities that got a grant agreement, it does not help. They have been told that everybody who has spent money and deserves reimbursement will receive a check until the money runs out. In terms of trying to finance a major capital improvements project, it requires everybody in the state to have two financial plans. Somebody needs to talk with the legislators about this situation.

Ms. Thomas said the public does not pay attention to mitigation when talking about the long-range water plan. There are 200 acres of riparian land that will be reconstructed as part of the mitigation when the water level is raised at Ragged Mountain. She asked if that mitigation has to wait for the raising of the water level. Mr. Frederick said RWSA is in the early design phase of that now. In Virginia, the mitigation has to be in place in order to incur the actual impacts. They can be building the dam without necessarily curing the impacts because the impacts occur when the water is impounded. In order to fill the reservoir, the mitigation projects have to be in place.

Mr. Boyd thanked Mr. Fern and Mr. Frederick for the updates.

Agenda Item No. 13a. VDOT Monthly Report/Advance Mills Bridge Update.

Mr. Allan Sumpter, VDOT Residency Administrator, asked if any Board members had a question about the monthly report which was furnished to them in written form.

Ms. Thomas said she would like to thank Mr. Sumpter for the huge sign which has been placed on Dry Bridge. She said anyone crossing that bridge will know it is going to be closed tomorrow.

Mr. Sumpter gave a PowerPoint presentation outlining the next steps for the Advanced Mills Bridge project. He said the decision is to have an accelerated permanent bridge project. That can be done by reducing the scope of the project and building a replacement bridge with modern improvements to the approaches. This enables VDOT to build a prefabricated truss bridge of legal capacity with two lanes in the same location. The existing bridge will need to be removed along with the abutments and piers; new abutments and piers will need to be constructed. Originally when other alternatives for a permanent bridge were discussed, the scope involved different alignments and road improvements of about 1000 feet on each side of the bridge.

Mr. Sumpter then outlined the milestone timelines which are listed in the PowerPoint presentation (a copy of this presentation is on file in the Clerk's Office with the permanent records of the Board of Supervisors).

Mr. Sumpter said VDOT will be working on Durrett Ridge Road between March and June; this work consists of stabilization of the gravel surface, operations improvements such as guardrails and signs, and restoration of a small bridge. The work on the roadway itself will be accomplished using State forces. When they start this work they want to be confident the weather will allow them to do the work without creating too muddy of a mess, and that the tar and gravel can be applied and cured properly.

Ms. Thomas wondered if there is a way to let the public know the small bridge will be closed before they actually enter on that road. Mr. Sumpter said he will discuss this possibility with the VDOT traffic engineer. This work will require that the road be closed for a couple of days, so they will coordinate this with the County School System and other County staff as appropriate. He talked with the bridge engineer this morning and was told the materials have been ordered.

Mr. Sumpter said to summarize this project, the cost of the bridge is projected at \$3.0 million, a savings of \$2.0 million; \$400,000 was already allocated to the project in the Secondary Six-Year Plan. He said the County is not being asked to supplement the project with additional County funds.

Mr. Slutzky asked if the remaining costs are coming from Federal money. Mr. Sumpter said they are from VDOT's Federal Bridge Funds allocated at the District level.

Mr. Slutzky asked if for some reason the Federal moneys do not become available if the VDOT will pay these costs from State moneys until the money can be reimbursed by Federal money or might that delay the project. Mr. Sumpter said there are technicalities involved in how the money is reimbursed. In going through this timeline with the Commissioner and the Secretary, VDOT is committed and the funds will be available for the construction.

Mr. Sumpter said using the truss bridge will maintain the characteristics of the historic district. As to replacement of the small bridge on Route 641, it is such a small project that they may be able to accomplish it with a box culvert. VDOT will continue to look at that project. He said VDOT has put together a team which will meet to make sure everything stays on schedule at the district level. He will continue to update the Board on this project monthly. There has been a request to hold a community meeting in order to share information about the project; the homeowners' association is working to schedule such a meeting on March 18 at the Mount Zion Baptist Church.

Agenda Item No. 13b. Transportation Matters not Listed on the Agenda.

Mr. Rooker asked that Mr. Sumpter speak with Mr. Bill Letteri about the Georgetown Road Project before he leaves the meeting today. He would also like to see an overlay map showing existing easement information and right-of-way limits.

Agenda Item No. 14. Closed Meeting. At 12:32 p.m., **motion** was offered by Ms. Mallek that the Board adjourn into a closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia under Subsection (1) to consider appointments to boards, committees and commissions; under Subsection (3) to consider the acquisition of real property necessary for two public safety facilities; under Subsection (7) to discuss with legal counsel and staff specific matters requiring legal advice relating to an inter-jurisdictional agreement; and, under Subsection (7) to discuss with legal council and staff specific matters requiring legal advice relating to a conservation easement.

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

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

Agenda Item No. 15. Certify Closed Meeting. The Board reconvened into open session at 2:17 p.m.

Motion was immediately offered by Ms. Mallek that the Board certify by a recorded vote that to the best of each Board member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting were heard, discussed or considered in the closed meeting.

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

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

Agenda Item No. 16. Boards and Commissions: Vacancies/Appointments.

Mr. Slutzky offered **motion** to:

Appoint Ms. Teri Kent to the Rivanna Solid Waste Authority Citizen's Advisory Committee, with said term to expire December 31, 2009.

Appoint Mr. Jason Woodfin to the Natural Heritage Committee, to fill an unexpired term which will end on September 30, 2009.

Reappoint Mr. Clarence W. Roberts to the Police Department Citizens' Advisory Committee, with said term to expire March 5, 2010.

Reappoint Mr. Stephen Smith to the Police Department Citizens' Advisory Committee, with said term to expire March 5, 2010.

Appoint Ms. Justine Jackson to the Piedmont Workforce Network, said term to expire June 30, 2011.

Appoint Ms. Sue Goldman to the Piedmont Workforce Network, said term to expire June 30, 2009.

Appoint Ms. Wanda Kucera as the Scottsville District representative on the Board of Social Services, with said term to expire December 31, 2011.

Reappoint Mr. Elton Oliver as the Scottsville District representative on the Albemarle County Industrial Development Authority, with said term to expire January 19, 2012.

Appoint Mr. James E. Colbaugh as the Scottsville District representative on the Albemarle County Service Authority, with said term to expire December 31, 2011.

Appoint Mr. John Martin as the White Hall District representative on the Albemarle County Service Authority, with said term to expire December 31, 2011.

Reappoint Mr. Clarence Roberts as the Rivanna District representative on the Albemarle County Service Authority, with said term to expire December 31, 2011.

Appoint Ms. Constance "Owie" Samuels to the Region Ten Community Services Board, to fill an unexpired term which will end on June 30, 2009.

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

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

NAYS: None.

Agenda Item No. 17. Six-Year Secondary Road Program, Work Session.

Mr. David Benish, Chief of Planning, said the Board held a work session on January 9, 2008, on the Six-Year Secondary Road Priority List. At that meeting, the Board gave staff general directions toward a public hearing document which was to focus on unpaved road projects within or directly adjacent to the Development Areas. Also, the Board wanted to continue to fund the Rural Rustic Road projects that are in the planning process and get those projects completed. The Board also directed staff to keep the Old Ivy Road project at the current priority approved in the 2007 Priority List (priority #6). Staff has drafted a priority list which does all of those things.

Mr. Benish said the Rural Rustic Road Paving Projects currently under development which would be completed over the next fiscal year are:

- Red Hill School Road – Route 760 from Route 29 to Route 712
- Old Green Mountain Road – Route 722 from Route 6 to Route 723
- Estes Ridge Road – Route 806 from Route 663 to Dead End
- Walnut Level Road – Route 668/765 from Route 810 then to the dead end of Route 765.

Mr. Benish said the amount of funding necessary to complete those projects expends almost all of the available funds in the next fiscal year. That was based on anticipated allocations prior to the budget cuts previously mentioned. Completion of those unpaved road projects will not have an impact in the budget until the following fiscal year because these projects are primarily in the rural area.

Mr. Benish said as to paving projects in the Development Areas, the Board indicated that the Dickerson Road project should be prioritized over the Rio Mills Road project. Staff has provided information about the cost implications of the Dickerson Road project. There are two costly bridge projects which are a part of that project so staff has provided some information about breaking that project into two parts. Based on funding allocations for the next fiscal year all money will be going to other projects. Neither of these projects would be moving forward for another year, so the Board has that time in which to make a final decision on priorities. Staff has set up Dickerson Road as the highest priority.

Ms. Thomas said she understands a bridge has now been closed on Dickerson Road and there is another bridge as well. How does that fit into anything being discussed now? Mr. Benish said there are two bridges, the steel truss bridge over the North Fork Rivanna River and a wood-deck bridge over Jacobs Run. He said the two bridges were not listed in the improvement projects incorporated into the cost of the road paving project. They are part of a larger road paving project. He said VDOT staff recommended that if the Board moves forward with the road paving projects, the bridges be included in those projects.

Ms. Thomas said she thinks the Board needs more information about Dickerson Road and its bridges. Mr. Benish said he understands the bridges can be upgraded.

Mr. Sumpter said the Dickerson Road truss bridge is approaching the stage of being on "life support." There are some serious issues, primarily with the superstructure and some of its substructure. From VDOT's standpoint improvements can be made to get it back up to the weight ton it was prior to its being dropped as a result of the last inspection. It had an eight-ton weight limit, but that was lowered to three tons. VDOT plans to do the improvements as quickly as possible with maintenance funding of approximately \$400,000.

Mr. Slutzky asked if the bridge would remain in that state for about two years before being replaced. Mr. Sumpter said there is no timeframe set for a replacement bridge.

Mr. Slutzky asked about the \$7.2 million allocated to the bridge improvement.

Mr. Rooker said that is the cost of the total road improvement, not just the bridge. Mr. Sumpter said the little bridge is a cost of about \$2.0 million. He will clarify that by saying that making improvements along Dickerson Road – to pave the roadway and reconstruct the two bridges - together is a total of about \$11.0 million. One bridge is listed for a cost of \$7.0 million while the other bridge is listed for \$2.0 million.

Mr. Slutzky said if that is the case, it is bizarre. What is the width proposed for the two replacement bridges? Mr. Sumpter said there will be two lanes.

Mr. Slutzky asked how many feet are entailed. Mr. Sumpter said there would be 18-foot travelways with shoulders. Most of the bridges now are a standard 24-feet wide after shoulder widths are added.

Mr. Slutzky said there are millions of dollars associated with this price tag which he does not understand.

Ms. Mallek said the length of the bridge over the North Fork Rivanna is very long because of wetlands.

Mr. Slutzky said it is shown at 2400 feet. He said the Route 29 span over that same watercourse further down the River is only 300 feet, so it cannot be eight times as long as that span. Mr. Sumpter said there are a lot of hydraulic issues associated with a larger bridge that will need to be addressed.

Mr. Rooker said those bridges will have to be replaced at some point. He wonders whether there could be a study indicating how valuable Dickerson Road is as a parallel road to Route 29. There is quite a lot of development that it connects with, so it might be wise if money could be obtained from the Bridge Fund to get that project done rather than to allocate money to other unpaved roads. Mr. Benish said that is the direction the Board set at the work session.

Mr. Slutzky said he would prefer that the Rio Mills Road project be deleted from the plan. He wonders if the Board really wants to go forward with the four rural area roads this year. Would the Board be better to move that money over and accelerate the paving of Dickerson in the hopes of finding some other way of funding the two bridges? Also, he would like to see why those two bridge projects are so expensive. Mr. Sumpter said he will need to get more information about the cost of the bridges.

Mr. Slutzky asked if right-of-way acquisition is involved. Mr. Sumpter said they are both one-lane bridges now, so some right-of-way would be needed.

Ms. Thomas asked if there is still the category of funding called "Industrial Access." This road runs along the back of the University Research Park. Mr. Sumpter said it is now called Economic Development funding, but he does not think the road would qualify for those funds because they are limited to a new access points; the University property has access at another point.

Mr. Slutzky asked if other Board members would be interested in discussing removing those four rural roads from this plan for this year.

Mr. Boyd said he would like for Mr. Benish to explain the formula again. The Board cannot swap the money dollar-for-dollar between the two projects. He asked if some of that funding would be lost.

Ms. Thomas said it is an unpaved road project. Mr. Sumpter said that is true. Funding for the bridges will be available several years out in the plan. There will be a significant period of time before they can be under construction. From VDOT's standpoint, he would strongly caution the Board about not proceeding with roads where commitments have been made for rural rustic projects this year.

Ms. Thomas asked that Mr. Sumpter explain that reasoning. Mr. Sumpter said the citizens have been told the projects will be done. There are benefits to VDOT with getting these roads improved so it can save on maintenance dollars in the long term.

Mr. Slutzky asked if there are public safety issues on these four roads. Mr. Benish said there are such issues on a number of them.

Mr. Slutzky said it sounds like leaving the four in place makes sense, but the Board should look at what it wants to do with the next such projects. Mr. Sumpter said to accomplish the Rural Rustic Road Projects with State forces is probably one-fourth of the cost it would be to do them in the traditional way. The RRR program is a good way to get the most for the dollar.

Mr. Rooker said on the Dickerson Road project, until bridge money is available, the Board might consider taking the \$2.0 million being putting into the County's CIP for transportation and use it to pave that road. It will many years of unpaved road funds to get enough money to do that project. He mentioned that there is going to be a 44 percent reduction in Secondary Road Funds over the next six years.

Mr. Sumpter said he wanted to discuss the information received from the Secretary of Transportation. There was a briefing to the Commonwealth Transportation Board in February about revenue revisions due to the slowing of the economy, the repeal of the abusive driver fees, etc., and how that will impact the transportation program and Secondary System funding for the 2009 to 2014 period; funding will be reduced by 44 percent from the projected allocations that were being used as this plan was being developed. In the next fiscal year that amounts to a \$1.19 million reduction or around \$5.0 million for the entire period.

Mr. Rooker said there was information included in the Board's packet today concerning the reductions. It mentions the Culpeper District and lists the current plan for Albemarle at \$2.51 million for FY '09 and then a reduction of \$1.195 million leaving \$1.356 million in Secondary Road funds. Mr. Sumpter said the numbers that VDOT has been using for Albemarle started with \$5.0 million in total for this year for secondary roads. The \$2.5 million referred to is the State portion of that plan remembering that the plan is made up of Federal moneys, etc., so the reduction is from the State portion, and that impacts the overall road program because it uses those State dollars to match Federal dollars.

Mr. Rooker said the chart is not self-explanatory, so it would be helpful if they explained what is being presented, and the Board also needs a chart showing net after loss of Federal allocations. Mr. Sumpter said he is working on getting those. He is supposed to be getting additional details and will pass them to County staff. He said that laying out all information available it shows the reduction would be a net 44 percent reduction.

Mr. Rooker said that will be less money than what the County got 15 years ago. It looks like the same thing will be happening in the Primary System also. Mr. Sumpter said the Primary and Urban System reductions are projected to be 44 percent as well.

Mr. Rooker asked how transit will be affected. Mr. Sumpter said transit allocations will be reduced approximately 10 percent.

Mr. Boyd said it would be helpful to the Board in these discussions to know the allocation of dollars. Mr. Sumpter said funding allocations change every year. They are not final until the CTB adopts its overall plan, usually in June. VDOT wants the Board to establish its overall priority of these projects and then they will program the money to try and achieve those priorities.

Mr. Slutzky said even though Bleak House Road is not in the plan it has been placed on the Rural Rustic Road priority list ahead of projects that are funded because of their traffic counts. He wants to be sure there is no risk of it being paved based on that without the Board deciding to do so. Mr. Sumpter said nothing will happen on Bleak House Road until the Board puts it in the plan.

Mr. Rooker said the dollars the Board is allocating this year are based on what it thought the allocation would be prior to the time the Board got the letter he mentioned earlier.

Mr. Sumpter said he would explain the impact of the allocation based on what he is seeing with the Board's current priorities. The Meadow Creek Parkway project is still funded. VDOT is actually showing a surplus for that project at this time which is good considering some of the issues surrounding the school property. The estimate was about \$25.5 million, and there is about \$28.7 million in the bank now for the project. That is a State-funded project - totally state funds. The Board's next priority is the Jarmans Gap Road project which is a Federal matching project. In order for a project to be put out to advertising it must have full funding by the year in which it is completed, and that is estimated to be FY 2012. Before these draft allocations apply, there will be a surplus for that project based upon the allocations given. At this time it appears that it will be \$1.5 to \$2.0 million short and that would have to be supplemented some other way. He hoped the Board would consider looking at the Revenue-Sharing Program for that project this year.

Mr. Benish said that next week the Board will be asked to request \$2.5 million for the Jarmans Gap Road project in State Revenue-Sharing funds. If those funds are awarded, that will make up the difference for this project.

Mr. Slutzky asked if the County is competing with other jurisdictions for these funds. Does the County have to put in matching funds? Mr. Benish said that \$1.5 million of the \$2.5 million is in the match.

Mr. Slutzky asked if the \$1.5 million will give a high enough priority to get this project funded. Mr. Benish said it did last year, but there are complications with the Revenue-Sharing program as well. Mr. Sumpter said the Revenue-Sharing Program by State Code is set at \$15.0 million annually for the entire State. He has not received any information as to what the level is this year. The County is making an application for FY '08. If talking about finishing the project in FY '12, there are still nearly four years in which to fill in the gaps.

Mr. Rooker said the Revenue-Sharing Program used to be funded on a 50/50 basis, but now the County must put up \$1.5 million to get \$1.0 million. Mr. Benish said there is a change pending before the General Assembly that could reverse priorities. Now, the highest ranking projects are the ones in which the locality offers more than a dollar-for-dollar match. There is a proposal that the highest priority for funding be in projects that are administered by a locality, with the second highest being those that provide additional funding. Mr. Davis said the bill has passed the House and Senate but has not been signed by the Governor yet. Mr. Benish said the bill will be retroactive to January.

Ms. Mallek asked what that means. Mr. Benish said it means that Albemarle is no longer in the highest tier of priority. Up until the day Mr. Davis reviewed the Executive Summary the policy was that the localities that provided more than a dollar-for-dollar match would be in the highest tier for funding. This new bill has shifted the funds to the second highest tier.

Ms. Mallek asked about the first category. Mr. Benish said it means the locality administers the construction of projects.

Mr. Slutzky asked if the City of Charlottesville would always be ahead of the County because they do that. Mr. Davis said the Board could ask for Revenue Sharing Funds and identify a road where the County would manage the construction. That would place the County in a higher category.

Ms. Thomas said she assumes the State will run out of money before they get to the second tier. Mr. Benish said that was not true last year; all requests were funded.

Mr. Slutzky asked if under the new bill the County will not have to be responsible for construction of all roads, but simply have to agree to be responsible for the management of this particular project. Mr. Benish said that is true.

Mr. Slutzky asked if the Board wanted to make that switch now. Mr. Benish said staff is not prepared retroactively to do that this year. Jarmans Gap Road is well along the path for construction. It is the project that needs the funding.

Mr. Sumpter referred to the Jarmans Gap Road project and said even with the 44 percent reduction applied, there will not be a huge gap. Funding will come to that project from the regular program over the next three or so years. There will be more opportunities to work on an application to get those funds applied to this project.

Ms. Thomas asked if road construction will not start until the Board can guarantee the money is in hand. Mr. Sumpter said in order for a project to be advertised, full funding must be available in the fiscal year in which the project is completed.

Ms. Thomas asked if that can be done at this point. Mr. Sumpter said for Jarmans Gap Road, with the cut that is projected, it appears the project will be about \$1.0 to \$2.0 million short of accomplishing that.

Mr. Slutzky asked if the Board reallocated funds from the four Rural Rustic Road projects to Jarmans Gap Road, would that be enough. Mr. Sumpter said in looking to the out-years, the County's current program is showing about \$500,000 each year to apply toward that. The whole problem does not have to be resolved in this fiscal year. Mr. Benish said he thinks the shortfall can be captured given the intervening years. For the purpose of this exercise, the way the projects are prioritized they will get either secondary funding or CIP funding to insure they are done. There are two-plus additional years which will allow the County to adjust to the new Revenue-Sharing Program to ensure the County is at the highest priority. The shortfall of \$1.7 million could technically be covered by the transportation fund if necessary. He thinks the Board may have other uses for that money, but that is a potential reserve which would help cover that cost.

Mr. Boyd asked if the \$1.5 million for the matching fund is already set aside. Mr. Benish said \$1.0 million is set aside, and the other \$500,000 will come from the CIP Transportation Fund.

Mr. Benish said this is a valuable discussion, but the purpose of this work session is to set priorities to give staff directions as to how to get the projects implemented. He noted that Dickerson Road is the highest priority unpaved road project once the projects which are in the planning process are completed. That is consistent with trying to address the bridge and parallel road paving project. After that one, the next project would be Rio Mills Road or some other project.

Mr. Boyd said he struggles each year with putting priorities on unobtainable projects. When the Board last discussed Dickerson Road, it found many projects where funds were being accumulated for projects which probably would never be funded. He thinks it is important to discuss whether Dickerson Road is obtainable, or whether it will be waiting forever for funding.

Mr. Rooker said that is why he suggested taking money which has been set aside in the CIP for transportation and funding that road. The question is whether the County can get the money to do the bridge component of that project. Mr. Sumpter said as far as Dickerson Road is concerned, the money will be accumulated and in the bank to construct the roadway portion far in advance of the bridge. Bridge funds will come from the District, and in looking at all of the bridge allocations throughout the District, that funding is in the out years.

Ms. Mallek asked if it would be possible to replace the bridge at its current size because of the traffic using it. Mr. Sumpter said he can look at options for the scope of the project.

Mr. Slutzky said it is on the boundary of a growth area.

Ms. Mallek said it is used by commuter traffic so the road is very directional, which brought up this question. Mr. Sumpter said looking at the traffic projections for the Advance Mills area and considering the discussions held with VDOT's State Bridge Engineer and its State Design Engineer, he does not think the Department will support any one-lane structure.

Ms. Thomas asked if any State bridge funds ever go to new bridges. New bridges are needed in the community at a number of key points. For the Fontaine Avenue/Sunset Road connector, the road can be built on either side, but then there is a bridge needed. Mr. Sumpter said the Meadow Creek Parkway contains new bridges which are being funded out of regular construction funds. Looking at bridge needs throughout the entire District, it would be difficult to justify a new bridge and make it a higher priority than a bridge needing reconstruction.

Mr. Benish said there is the larger question of the County's program for unpaved roads. Some of the changes given to staff at the last work session came from the Planning Commission's recommendations. Staff has made no specific suggestions as to how to adjust the plan because based on current funding, there is a little "breathing room" before any reprioritization program for unpaved road has a financial impact. He said the Planning Commission is accurate in terms of its general consistency with the plan. The Comprehensive Plan identifies certain things for roads in the rural areas which the County would want to achieve. There is a significant maintenance issue for VDOT that has not been discussed with the Board yet. Criteria for deciding what roads are eligible are the possible minimum or maximum threshold of traffic volumes, location of roads, etc. Should consideration be given to roads with a traffic count of only one hundred vehicle trips given the limit of funds? Safety is a significant issue. Current criteria tries to gauge the safety of a roadway by looking at traffic volumes, the width of the shoulder and the width of the cross-section of the travelway, but they may not be sufficient to determine a safety issue. Mr. Sumpter said he has been looking into concerns about roads brought to VDOT by the School System. In locations where there might be a tight curve, VDOT will try to do a spot improvement.

Mr. Benish said the last issue is whether the State will allow the County to not use allocated funds for unpaved roads. Would the County be penalized for not doing so?

Ms. Thomas said it will be years before the County would face that situation if Dickerson Road and Rio Mills Road are included. Mr. Benish said it may be a question of the State determining there is a road of higher importance than a priority set by the County. There is a possibility that State law would allow VDOT greater discretion to expend that funding above what the County's priorities are for unpaved roads.

Mr. Boyd said in the terms of the Rustic Rural Road program, it is cheaper for the State to do the RRR program than it is to maintain them as a gravel road. It is a financial situation.

Ms. Thomas said the Board does not talk much about bicycling. Bicyclers in the rural areas write letters against paving because that speeds up automobile traffic so much the roads become too dangerous for them to use. It does not fit in the format here, but if the Board is going to think about what value people find living in the rural area, an increasing number of people want to use their bicycles there.

Mr. Rooker said people who want to use their bicycles should participate in the public information process.

Ms. Thomas said she always suggests that bicyclers attend the Board's public hearings, but they seldom do. As to requests for paving, she has been concerned for years that it only takes one request for a road to be listed. There could be many people who live on that road who do not want to have the road paved. She thinks staff should just tell the person requesting the paving that there is no money available, and until things change drastically in Richmond the road will never get paved. Mr. Benish said staff actually does say that now.

Mr. Boyd said when people living along Stony Point Pass invited him out to a meeting to show support for the paving of that road, he said there is no money to do it.

Mr. Benish said the Rural Rustic Road Program is a different from the rest of the priority list. Staff lets people know that just having the road on the list will not mean the road will be funded. Based on County policies, regular road paving projects are not considered if any right-of-way is required. Even with voluntary dedication, there have been projects that did not move forward because of public opposition. What the Board is considering today only starts the process of considering whether a roadway would ever be funded. For the RRR Program, in the notification process staff tries to ascertain whether there are concerns about paving. He said this list is just a starting point and does not mean the road will actually be paved.

Mr. Boyd said he would like to summarize what is being requested of the Board today. First, staff wants to know whether the Board wants to continue with the four RRR projects which are already in the process.

Mr. Rooker said he would favor doing that. He thinks there is plenty of time in which to find the money for the Dickerson Road paving project. Mr. Sumpter said he will send the Board members a breakdown of all the issues involved with that project.

Mr. Boyd asked if there are other changes the Board would like to make to the list presented by staff today.

Mr. Rooker said he thinks it accurately states the Board's current priorities. He said nothing deep on the list will get funded, so to discuss the projects would be an exercise in futility.

Mr. Boyd said the Board is still committed to its three primary projects, Meadow Creek Parkway, Jarmans Gap Road and Georgetown Road.

Mr. Benish said staff will be looking at the larger issue of RRR projects and paving projects for next year's review when potentially the priorities will have an impact on funding.

Mr. Boyd asked what the Board should do about the Bleak House Road project since citizens have expressed concerns about it. Mr. Benish said the request for Bleak House Road was received in 2005 and was placed on the regular road paving list. This past year it was determined it was eligible as a RRR project and because of its traffic volume was placed high on the RRR list. In moving forward to complete the RRR projects on the list, confusion was created by not putting it at the bottom of the list.

Ms. Thomas said the first regular paving priority on the list that does not have a "VDOT yes" beside it is Pounding Creek Road. That is a road with a fairly high traffic count and a road where landowners are developing their land as fast as they can. She thinks it is a perfect example of a road that should not be paved because it is a very rural, winding, narrow, but charming road. The reason it is on this list is because properties along the road are being developed, and those landowners would like to be able to say it will be a paved road. She thinks it is the opposite of the Board's Rural Policy to pave a road like that.

Mr. Boyd asked if just one person calling in can get a road put on this list. Mr. Benish said if there is a request and it enters on the list, staff prioritizes it relative to other projects in terms of its importance based on what is perceived as measurements of safety.

Mr. Sumpter asked if Mr. Benish is suggesting that by next year the Board will have discussed the hierarchical structure before staff presents this list again. This could redistribute the roads which will never be paved into a different order. Mr. Benish said the Board may want to rethink its goals, the real cost issues and implications of these requests/projects, and how safety issues are defined.

Mr. Boyd said since he has been a Board member, the Board has already done that one time. Mr. Sumpter said that for VDOT, Doctors Crossing, Midway Road and Gillums Ridge Road are in its plan now. But, there will be no funding for them in the next six-year period. It would be the preference of VDOT that those projects not be shown on its list, but only on the County's list. VDOT wants its list to only show projects which are receiving funding.

Mr. Slutzky said he still suggests that Rio Mills Road be moved much further down on the list so there is no confusion that it will be next in line after Dickerson Road. Hopefully, that road will be closed off and rendered useless by a bridge on Berkmar Drive. Mr. Sumpter said in the VDOT plan, Rio Mills Road is listed just below Dickerson Road because it is receiving funding.

Mr. Slutzky asked how it can be receiving funding if there is not enough money for the Dickerson Road project. Mr. Sumpter said in the past small amounts of money were spread over many projects.

Mr. Slutzky asked how much money is shown for that project. Mr. Sumpter said there is previous funding for Rio Mills of about \$943,000.

Mr. Rooker said he thinks that money should be used for something else now before inflation eats it up.

Ms. Mallek said the Board recently discussed taking all of the money which had been accumulated for Rio Mills Road and putting in on Dickerson Road. Mr. Benish said that is true. Mr. Sumpter said some of that money can be shifted. Under VDOT's scheme, they were showing that the road portion of Dickerson Road would be funded in total by FY 2010-11. They would then put the balance of the unpaved road money on Rio Mills.

Mr. Slutzky said Rio Mills should be moved out of that queue so there is no risk of it showing up as being funded. To the extent there is over \$900,000 parked somewhere for that project, the Board would rather reallocate that non-money to Dickerson Road.

Mr. Slutzky asked the amount of money set aside for Dickerson Road now. Mr. Sumpter said there will be funding of \$1.0 million. Mr. Benish said he thinks some of the money for Rio Mills is for costs already incurred by VDOT for design, etc. Mr. Sumpter said there may be some costs there, but it will not be a large amount.

Mr. Rooker said it sound like there is enough money now to go ahead with the paving of Dickerson Road. He thinks it can be paved without doing the bridges. He sees no reason not to go ahead with the paving. Mr. Sumpter said it will take some administrative work to show that it would not cause a safety risk. That would have to be looked at and approved before proceeding in that direction.

Mr. Slutzky said after seeing the numbers on what it will cost to address the two bridges, maybe there would be a way to do the work on the one bridge whose weight limit has been dropped dramatically. Maybe a repair or replacement could be done with the moneys. Mr. Sumpter said he will look at the funding between those two projects and how the money might be moved. As far as VDOT's plan is concerned, he will remove the projects which are not actually receiving funding.

Mr. Slutzky asked if he will also be moving the money from the Rio Mills project to Dickerson Road. Mr. Sumpter said if that is the case, Rio Mills will not be shown in the VDOT plan either.

Mr. Rooker said he thinks work should begin on Dickerson Road as soon as possible before inflation starts costing a lot.

Mr. Boyd asked that Mr. Sumpter send the Board something showing how much money is allocated on all these roads. He asked Mr. Benish if he had the information he needs to prepare for the public hearing. Mr. Benish said staff will prepare a list of the unfunded projects, and move the Bleak House Road request down on the current priority list. He asked if the Board had a consensus about moving the Rio Mills Road project.

Mr. Rooker said it is still a project; only the funding is being moved, and it does not show on this list.

Mr. Slutzky said he would move it down on the project list so the public does not think it is next in line. Mr. Benish said it is the only other urban project, which is the highest criteria.

Mr. Rooker said the Board has talked about getting unpaved roads in the growth area paved.

Mr. Slutzky said if Rio Mills Road becomes two dead-end roads, which is what will happen if this plays out, then it would not be on the list.

Mr. Rooker said it will not be funded without the Board voting to do so no matter where it is on the list. Mr. Benish said it will be left as shown on the list, and then if the Board decides to take action later, it can do so then.

Agenda Item No. 18. From the Board: Matters Not Listed on the Agenda.

Mr. Rooker suggested the Board send a letter to the local Legislators regarding the elimination of transportation funding to localities. The Board needs to understand what is going on by distributing the letter received by the Board to them. It is appalling.

Mr. Dorrier asked if the Governor and the Legislature are holding a Special Session to talk about road funding.

Mr. Rooker said the Board needs to get their constituents to yell and scream because transportation funding is being eliminated to localities. The Board needs to let its Legislators know it is outraged, and that it is unacceptable. The Board also needs to send a letter to the Governor.

Mr. Dorrier said VACo is actively working on this matter.

Mr. Boyd said he understands the need for the letters, but feels the Board will become like the little boy crying wolf. Mr. Tucker said letters help, but when the individual Board members take time to make telephone calls to the Legislators, it is a bigger help.

Ms. Thomas said she thinks the letters should include examples of what will not be done without these funds.

Mr. Rooker said if the Board intends to talk about the IMPACT issue, he thinks it should do so now rather than waiting until late tonight. His general view about this matter has been expressed in the past. If the other Board members decide to do so, he is willing to attend the meeting as a Board member.

Ms. Thomas said that last year she argued against attending. Although it was awkward, the IMPACT group held up their end, and did not "boo" at the Board members when most of them filed out of the meeting. IMPACT has made changes and is trying to accommodate the Board's concerns. She does not like the way IMPACT requires a commitment. She asked if any Board member is willing to say they will commit \$500,000 to the Housing Fund given that the Board is just beginning budget work sessions. She thinks that is a process better suited to some other government where it is expected that public humiliation will be used in order to get commitments. That does not work in this community. There has never been a group that felt they had to go to that length to get the Board to take its job seriously. She thinks IMPACT has tried to accommodate the Board and will allow each member to speak for two minutes. She thinks the law is standing in the way of the Board members going and speaking for two minutes and saying what

she just said. She cannot make any commitment at this time. She thinks the Board has to go ahead and do something in spite of the law; Mr. Davis has said the Board members can attend if it convenes a Board meeting first.

Mr. Rooker said today's meeting can be adjourned to that date. Mr. Davis said it just needs to be a public meeting.

Ms. Thomas said she is basically changing her mind from last year. She thinks the Board should reconvene this meeting at that time and place.

Mr. Rooker said he has no big objection to doing that. He worries about "the slippery slope" process because the Board might start getting requests to convene its meetings before various groups.

Ms. Thomas said she agreed with Mr. Rooker last year, but she thinks the IMPACT group is trying to meet the Board half way.

Mr. Rooker said he has a question which he raised to Mr. Davis and that is whether or not there is a violation of church and state going on. The last time IMPACT had this meeting the whole first part of it was religious.

Mr. Boyd said he and Mr. Slutzky did not see that because they had been sequestered.

Mr. Rooker said he also was sequestered, but Ms. Mallek was present.

Ms. Thomas said they have promised that the Board members will not be sequestered.

Mr. Slutzky said he was actually out in front, and he was not comfortable with that issue.

Mr. Rooker said Mr. Davis told him that one prayer is not a big deal, but the first part of the meeting was virtually all religious. He said the Board would be convening a meeting in a religious setting. He just wonders if that is advisable.

Mr. Slutzky said he also has thought about that issue. A way to address it would be to have the Board members sit and when that phase is out of the way and it gets down to the politics of the meeting, the Board could convene its meeting at that point. Mr. Davis said the Board members just have to be careful not to endorse or support a religion as part of its governmental structure. There is a lot of gray area there. To the extent the Board can bifurcate the religious from the political that is what it should do.

Mr. Rooker said the Board could not open its meeting until after that component of the meeting was over, and then it could adjourn its meeting immediately after its part of the meeting ended.

Mr. Slutzky said he thinks that if the Board members sit without engaging in dialogue it is not in violation of the open meeting act because it is not engaged in its public role. Mr. Davis said it becomes a meeting when the Board is there for the purpose of discussing or transacting business. If the Board members were just attending without participating, there would be no problem with the FOIA Act.

Mr. Slutzky asked about being on the stage without engaging verbally. Mr. Davis said when the Board puts itself in a position where it is going to be participatory in the meeting, it is in risk of violating the Act.

Mr. Slutzky said somebody should talk with the IMPACT group and make that issue clear.

Mr. Rooker asked Mr. Boyd if he will attend the meeting.

Mr. Boyd said he has some of the same reservations he had last year. He questions the rationale behind asking for an opinion from the Board as opposed to asking for an up or down vote; that part is still in there. They will still ask for a "yes" or "no" answer to the question of whether it will advocate for \$500,000 and, more specifically, where that \$500,000 will come from. He said that is intimidation and is a tactic which he does not think is good for anybody, religious or not. He said national organizers have come into the community and done this; everybody has to recognize that.

Ms. Thomas said she will say she cannot make any commitment.

Mr. Rooker said he will say "no." He supports their agenda. He supports the desire of the organization to improve conditions for people who are in poverty in the community. He thinks those are issues which need to be addressed, but just spending \$500,000 of taxpayer money without first having a staff report, or before having a discussion among the Board members, or without looking at the budget and determining what can or cannot be funded this year is not a commitment he can make at this time. He will consider it during the budget process.

Mr. Boyd said he has been thinking about abstaining.

Mr. Slutzky said IMPACT may chose to take that as a "no", but that is their prerogative. His inclination is to spend his two minutes explaining to them the inherent problem. When he met with their representatives, he mentioned that they have not suggested how the Board can accomplish the commitment they are requesting. He will say he is personally committed to addressing the 20 percent of the community that is in poverty, and a \$500,000 increase in the budget for affordable housing makes

sense, and in principle is something he supports. The problem is that it will have to come in the form of an increase in taxes or a cut of something specific. Absent input from them as to how this can be accomplished, they are "tying his hands behind his back."

Mr. Rooker said IMPACT needs to say where the money should come from for the idea they are advocating. He actually told them last year that they should come in and advocate for an increase in the tax rate to get that done. They said "no."

Mr. Slutzky said he will ask them to do that. He did not want the other Board members to be blind-sided by this, and will say to them that since they have not identified a specific source of these funds, they must want the tax rate to be increased.

Mr. Dorrier said they know there is moral support for the request, but if the Board cannot fund the entire School budget, how can it fund affordable housing?

Mr. Rooker said the County is already spending about \$1.0 million a year on housing. This would be in addition to that amount.

Mr. Slutzky said the joint City/County/University Task Force on which he is privileged to sit has had some interesting and serious conversations about this issue. He thinks there may be some meaningful recommendations coming from that process that may be supported by the Housing Committees as well.

Ms. Thomas said IMPACT really wants the Board to set the money aside, wait for that report and then do whatever is suggested by the report.

Mr. Boyd said he thought IMPACT wanted the money put into the Treesdale project.

Mr. Rooker said that was just an example they gave; if \$500,000 was put aside for the next two years that would lower the rents of the people in the buildings by \$200 a month. If that came before the Board in a concrete proposal, it is certainly something to be considered, but that will not necessarily be a recommendation of the task force.

Mr. Slutzky said it would be only one of many recommendations and they will all be expensive.

Mr. Boyd said in answer to Mr. Rooker's question, he will attend the meeting. The Board does not need to adjourn to March 10 now because it has to adjourn to a budget work session on Monday and can adjourn from that meeting. Mr. Davis said as a process requirement, the Clerk will need to take minutes of that meeting.

Mr. Boyd said he discussed that with Ms. Jordan today.

Ms. Thomas asked if one of the Board members could do that since she would not want to make the Clerk go to that meeting. Mr. Davis said as long as someone takes minutes that would be okay.

Mr. Rooker said the City is also involved. The Board's meeting will open and take place, then the City's part will take place, so perhaps the meeting can be recorded.

Mr. Slutzky asked if someone will podcast that meeting. Mr. Davis said there is no legal requirement that the minutes do anything other than recognize who is in attendance, and recognize any motions and votes taken, and contain a general summary of what is discussed.

Mr. Slutzky said if the Board is going to vary from its policy, he will **move** that the Board choose in this instance to have abbreviated minutes that simply report the minimum requirements of the Code.

Mr. Rooker said a motion is not needed to do that. Mr. Davis said as long as staff gets the essence of the discussion that is fine.

Mr. Boyd asked if he should stand and convene the meeting. Mr. Davis said there is no legal requirement that a meeting be convened. It is whatever the Board is comfortable doing.

Mr. Slutzky said for First Amendment reasons he thinks the Board should convene a meeting.

Mr. Boyd said he will wait until just before the Board is asked a question to do so. Mr. Tucker reminded Mr. Boyd that when the meeting is closed, the Board will have to adjourn to March 12 at noon for lunch with the School Board and then a budget work session.

Ms. Thomas said she represents the Board on the Piedmont Sustainable Woods group although she has never been officially appointed to do so. They are attempting to find a way to help people better manage their woods so they are profitable for the landowner and provide exotic woods for the homebuilder.

Ms. Thomas said she serves on the High Growth Coalition. It is involved with the proffer impact fee issue. Those who contacted their legislator did a good job because this was regarded as something that was "greased" and it was not. She said it "squeaked" through the Senate and that woke up everyone,

so it is something that will need to be worked on in the coming year. It was carried over because the Speaker of the House wrote a letter to each county saying they should only increase proffers by cost-of-living increases. Also, he said to work with the statewide homebuilder's association to see if something can be done so everybody is happier with the proffer system or turn it into an impact fee. She was recently reminded that proffers were instituted because developers were complaining that they could not get approvals from local government. It was the developer's idea to have a proffer system.

Mr. Rooker thanked Ms. Thomas for her work on S.B.768 because she was active in the group that was ultimately responsible for the bill being put off for a year to give time to get something drafted that is more palatable.

Ms. Thomas said when the local legislators (Senators) had a chance to vote, they did vote the way local government would have wanted them to vote so that is nice to report.

Ms. Thomas said the Historic Preservation Committee wants to increase its membership. She asked that the Board members think of people who have an interest and talent in different aspects of historic preservation.

Ms. Thomas said the Rivanna River Basin Commission is doing some interesting studies about what is causing the siltation of Albemarle's reservoirs and rivers. As an example, a recent study showed that the scouring of the creek beds is underestimated in all the models that have been put together for the Chesapeake Bay.

Ms. Thomas said the Thomas Jefferson Planning District Commission is hosting a Regional Housing Conference on March 13, 2008. The conference will bring together different professionals, developers and advocates to deal with housing issues.

Mr. Boyd said he has received information concerning available dates for this year's VACo Regional Courthouse meeting. The Board members will receive information later from the organizers of the meeting.

Mr. Boyd said he would like to bring up an issue which has been in the press recently, and that is the City/County Revenue Sharing Agreement and its impact on the County budget this year and in future years. The article he read gave some of the arguments always used about the Agreement - it is a good deal because the County would be losing \$19.0 million worth of revenues, whereas it will soon be paying \$17.0 million to the City. He said the County is also maintaining roads, paying for the master planning process, the police, emergency services, schools, etc. for this area, which is a great expense. The County would not be expending that money if the City had annexed that land area. He read the Agreement recently and it stated that it was intended to cover some of the social and economic needs of urbanization. In the last 26 years the County has become urbanized and is having to pay a lot of that cost, but is still paying the City also. The County has paid in addition to the Revenue Sharing moneys, about \$600,000 for the last eight years to provide assistance with the County's urban area fire services. The City is asking that the County put more money into affordable housing. He thinks the Board should approach the City about renegotiating this contract since he thinks it is unfair to the County given the situation today.

Mr. Boyd said he recognizes that the City would have little interest in sitting in on those conversations. However, he thinks the Board has some bargaining chips that he would like to mention. He understands some think the Board that instigated this Agreement was not legally authorized to do so, that it was not a legal contract for them to get into. That is a theory he has heard. In addition, he said the Board might consider a technique the City used successfully to bring the Supervisors to the table to talk about what it felt was a solid contract concerning solid waste, and that was to hold back funding. It took five years to renegotiate that contract, but it was done. He would not recommend holding back payment to the City, but he thinks the Board could cap this year's payment at a potential \$10.0 million and hold back a portion in an effort to bring the City to the table. He would like to get a legal opinion as to whether that is a legal stance regarding that potential.

Ms. Thomas said the Agreement was voted on by the public.

Mr. Rooker said there was a public referendum on the question. If the Board wants to discuss the legality of the contract it can be done in closed session rather than bantering around publicly the legalities of the contract. After that discussion, the Board might decide what is appropriate to do.

Mr. Dorrier said the Agreement states that the money given to the City will be used for infrastructure needs in the City. He questions whether that money is being spent for infrastructure needs or for their general budget.

Mr. Rooker said he has read the general description of the purpose of the Agreement, and there is no requirement that the funds be sequestered in a different account and identified as to the source of the expenditure. There is no way to make a case that they are using the proceeds for the general purposes described in the Agreement.

Mr. Boyd said he thinks legal issues should be discussed in Closed Session. However, it has cost the County almost \$147.0 million over the past 20 years the Agreement has been in place; over the next eight years that number will double if it just stays constant and does not go up more. This is a huge expense and he thinks the Board should look at what he considers to be the unfairness of it. That is what the City told the County during the discussions about the Solid Waste Agreement. They withheld their payments for five years; he is not advocating that the Board do anything of that extent.

Ms. Thomas said she wishes Mr. Boyd had thought of this about four years ago when the City started withholding their money; the Board could have withheld an equal amount of money.

Mr. Rooker said the difference is that the City's obligation was to the Rivanna Solid Waste Authority. It was up to the RSWA whether or not to bring action to collect that amount. This case is different in that this is an obligation of the County to the City. He doubts they would sit back and not take legal action quickly if the Board decided to withhold amounts due under the contract. He thinks the Board should explore legally what it is required to do under that contract, and the strengths and weaknesses of the Agreement.

Mr. Boyd said from reading the Agreement it appears to him that the repercussions for not paying is that they could annex the County, and they cannot do that now by State Code.

Mr. Slutzky said without getting into the legalities he would like to say that the most significant problem with the Agreement is that the County does not acknowledge that its effective tax rate is 58 cents and not 68 cents. Basically the County bought off the City so they would not annex in which case the County would have had a higher tax rate and also lost revenues. He is not convinced County citizens are worse off by virtue of this Agreement. Considering the fact that the County operates on a tax rate of 58 cents as opposed to the City which has a tax rate of 90+ cents down from over a \$1.00, some true economic benefit has actually inured to County citizens by virtue of their participation in this Agreement. It is weird that soon after the Agreement was signed the Legislature changed its mind and put a moratorium on annexation. He is not sure this was entirely a bad deal for the County. He would like to characterize the County's tax rate as being what it is, an effective rate of 58 cents. He would not make the assumption that it is bad for the citizens economically. Having said that, he would welcome the opportunity to better understand the legal intricacies of the arrangement, which he thinks the Board should discuss soon in Closed Session. If, after that discussion, the Board chose to discuss this further, the conversation should be brought back to the public.

Ms. Thomas said when she was on WINA yesterday morning, somebody called in and talked about the Revenue Sharing Agreement because it had just been mentioned in the newspaper. They bluntly asked if County taxpayers receive value for their dollar. She said "yes" and this person said he would never again vote for her, and the conversation ended. She thinks that because there is a healthy City in our midst, the County does not recognize how much worse off it could be. However the City uses their money (she thinks they use it for capital improvements), the County profits from having a healthy city that does not have a tax rate that is extremely higher than the County's so it drives people out. It is much healthier than most cities in the State where the surrounding counties literally "sucking the strength out of the city." She was chair of the City/County Cooperation Study Committee that came up with the original idea, but that was a long time ago.

Mr. Rooker said where the Agreement puts 10 cents on the County's tax rate, it would put 30 cents on the City's tax rate. The City would have to raise their tax rate by 30 cents to make up the revenue. He agrees with what Ms. Thomas has said. It is important that there be a financially healthy thriving city in the middle of the County. One of the problems the County has is a problem of its own choosing. That problem is that 70 percent of the land in the County is in its land use program so the County collects less in taxes on that property than the 10 cents it pays to the City.

Mr. Boyd said he is not saying the County should not contribute to some of the issues mentioned by Ms. Thomas, and he agrees that it is to the County's advantage to have the City thrive. The way it is set up now there is virtually no cap on the agreement (there is a cap, but the County is paying the cap every year).

Ms. Thomas said the County would be paying more if there were not a cap.

Mr. Boyd said he thinks the Agreement should be developed a different way and based more on services the City provides for the County. He does not think the City is providing \$13.0 million worth of services to the County now, and it will not be \$17.0 million in the future.

Mr. Rooker said the Agreement did not contemplate the City would provide any services for the County.

Mr. Slutzky said he understands cost burdens are placed on the City by virtue of the County's urbanization.

Mr. Boyd asked for an explanation of how that happens.

Mr. Slutzky said a blatant example is when the City spends money on capital projects such as roads that County citizens drive on as they go to work in the City.

Mr. Boyd said they get the tax revenues from those businesses, and he does not think the County needs to supplement that. Who is supplementing the people from the City who come into the County to work?

Mr. Slutzky said he thinks that if the choice was that the City annexed the County and hit the County with its true tax rate, County citizens would be worse off financially.

Mr. Boyd said he wants a study and some actual numbers to find out what it is costing the County to provide the urban needs of Route 29 North and Pantops at this time.

Mr. Slutzky said he would like to make it clear that this question was put out to a referendum and the citizens voted on it. Ignoring the legal issues that may or may not exist could unravel it and it is a commitment the County made to the City and it should be honored.

Mr. Dorrier said everybody is making the assumption that an annexation attempt would have been successful and would have taken in all of the area the City wanted. He does not think that can be proven conclusively. This is the second highest agreement in the State between localities. It is more money being paid by one locality to another than in any other county in the State. One of the things the taxpayers tell him is that if the County has to pay the ten cents to the City every year, they should have some say over what they do with the money. They don't so it is taxation without representation because the Board does not control what they do with the money. He said an agreement is not forever; even the Constitution can be amended. He thinks the formula needs to be looked at, and a different formula suggested.

Mr. Rooker said a contract requires that two people agree to it. If the contract is to be amended both parties have to get a benefit from that amendment or it does not get amended. He wonders if the Agreement can even be amended without a referendum.

Mr. Davis said "probably not."

Mr. Rooker said if someone has a creative idea about what the City might substitute for those payments maybe there is a reason to undertake the exercise.

Mr. Dorrier said the City has a surplus every year, so should it not be used to help the County.

Mr. Rooker said he would suggest that Mr. Dorrier sit down with City Council and have that conversation and see how open they are to the concept.

Mr. Slutzky said this is not the only point of interaction between Albemarle County and the City of Charlottesville. They are collaborative on many fronts. Currently, there is an active discussion taking place about how to create a regional transit authority, the County shares with them the Rivanna Solid Waste Authority, etc. There is a lot of mutual benefit, and as a result, rather than have this conversation go on forever, he suggests the Board convene this to a Closed Session to look at any possible legal issues. He is not all that interested in taking this on because he does not think it is realistic.

Mr. Boyd said that will end the conversation today.

(Note: At 4:13 p.m., the Board recessed.)

Agenda Item No. 19. The meeting was called back to order at 6:02 p.m. by the Chairman.

Agenda Item No. 20. Pledge of Allegiance.
Agenda Item No. 21. Moment of Silence.

Agenda Item No. 22. Recognition: Proclamation recognizing Virginia Festival of the Book.

Mr. Boyd read the following proclamation into the record, and then presented same to Ms. Nancy Damon.

VIRGINIA FESTIVAL OF THE BOOK

WHEREAS, Albemarle County is committed to promoting reading, writing, and storytelling within and outside its borders; and

WHEREAS, our devotion to literacy and our support of literature has attracted over 1,000 writers and tens of thousands of readers to our VIRGINIA FESTIVAL OF THE BOOK; and

WHEREAS, the VIRGINIA FESTIVAL OF THE BOOK celebrates the power of books and publishing; and

WHEREAS, businesses, cultural and civic organizations, and individuals have contributed to the ongoing success of the VIRGINIA FESTIVAL OF THE BOOK; and

WHEREAS, the citizens of the County of Albemarle and Virginia, and the world, have made the VIRGINIA FESTIVAL OF THE BOOK the best book festival in the country;

NOW, THEREFORE, I, Kenneth C. Boyd, Chairman, on behalf of the Albemarle Board of County Supervisors, do hereby proclaim Wednesday, March 26, 2008 through Sunday, March 30, 2008 as the Fourteenth Annual

VIRGINIA FESTIVAL OF THE BOOK

and encourage community members to participate fully in the wide range of available events and activities.

Agenda Item No. 23. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Pastor Harold Bare, President of the Hope Community Center, asked the Board to join in discussions about helping to make a difference in the lives of homeless people in the community.

Agenda Item No. 24. **PUBLIC HEARING** to receive comments on the County Executive's FY 2008-2009 Recommended Budget.

Mr. Boyd noted for the public the Board's rules for speaking at a hearing before the Board. He then asked the County Executive to make his presentation.

Mr. Robert Tucker, County Executive, made a PowerPoint presentation. His comments are on file in the Clerk's Office with the permanent records of the Board of Supervisors, and can also be heard on the County's Podcasting network.

Immediately following that presentation Mr. Boyd opened the hearing and asked the first speaker to come forward.

Rev. Ricky White said he is the Senior Pastor at Union Run Baptist Church in Keswick. He is requesting that there be a positive response to the request from the IMPACT group that the Board members attend its meeting on March 10 at University Hall. He said the Board members will be given an opportunity to voice their thoughts at this rally about affordable housing and health issues, particularly dental services. They ask that the Board actively participate in the process on March 10 and give its stand on the issues.

Mr. Boyd said at the Board's session this afternoon it was decided that the Board would attend that meeting on March 10.

Mr. Jim Morris said he is a County taxpayer. He said that more than 50 percent of the revenue that comes into his home goes to various taxes. There are several organizations, including the Board of Supervisors, which have the opportunity to create obligations that he has to fund. He understands that all of these ideas and programs are important, but he hopes the Board understands that he has been steadily moving up on that ladder to where over 50 percent of their income goes to taxes in various forms. When he first came to Albemarle there was a Sheriff's Office which cost the taxpayers \$1.0 million a year. Tonight he is told that the expenditure for public safety is \$28.0 million. He does not believe there has been that kind of improvement in services. There are a lot of programs in the Police Department, and Ms. Humphris made him attend the Police Academy so he would understand the department better. He does not believe the citizens are getting value for their money. Everything that Mr. Tucker showed earlier are mandates which the Board has voted on in the past including the amount of money given to Charlottesville. He asked that the Board be cautious with the money it is spending. He thinks the County is moving steadily in a direction which is bad.

Mr. Dennis McAuliffe said he is a member of the IMPACT group. They think affordable housing needs in Albemarle County for families who are in the 30 percent of median income range are in a crisis. There were 700 people on the waiting list for Section 8 vouchers between November, 2007 and January, 2008. Families who make \$40,000 a year in Albemarle struggle. He quoted from a report which said that there are 4300 people in Albemarle that earn under 100 percent of poverty which is about \$20,000. At the Board's meeting on December 12, 2007, Mr. Ron White, Chief of Housing, stated that the biggest need for affordable housing in the County is for those making less than \$30,000 a year. Mr. McAuliffe said IMPACT would like for there to be more resources to meet the housing needs of the working, poor families. They ask that the County allocate \$500,000 in the FY '09 budget to create additional housing opportunities for families earning under the 30 percent AMI. Now is the time for all to work together to meet the needs of those families.

Mr. Stanley Woodfolk said he is the pastor of Evergreen Ministries and co-president of IMPACT. He thanked the Board for saying it will attend the meeting next Monday at U-Hall. He thinks the Board's presence at the IMPACT meeting will be significant. He read from a letter his daughter had sent to the Board.

Mr. W. Rod Gentry said he is a board member of the Piedmont Workforce Network which has been supported for a long time by Albemarle County. He is asking that the Board support their request this year for \$13,805. They believe a regional approach to workforce development within Planning District

10 would serve Albemarle County as part of Workforce Area 6. He said the Governor was in the community recently to open the Workforce Center on Hydraulic Road. It is a step forward to put all of the resources which are most valuable to the community in one spot. It will provide County citizens with everything they need to be fully employed in Albemarle County. He said the Workforce Center, in a reorganization process, is no longer under VEC but will fall under the community college system, which they feel is a huge step forward.

Mr. Keith C. Drake said he is chairman of the Albemarle Truth in Taxation Alliance. He said there has been disinformation put forth about the tax rate. He showed a couple of charts (on file in the Clerk's Office with the permanent records of the Board of Supervisors) and explained that in 2005 the tax rate on real property was 76 cents which was lowered by State law to 61 cents, and then the Board increased the rate to 74 cents. That was a tax increase of 23.7 percent. The same thing happened in 2007. The beginning rate was 74 cents which was lowered by State law to 58 cents, and the Board increased that rate to 68 cents, or a 19.5 percent increase. He said it is not fair to compare rates year after year. There are different rates because they are based on different assessments. He asked what would have happened to the tax rate since the year 2000 if there had been no increase in property assessments; that rate would be \$1.51 to generate the same tax revenue. He said being truthful about taxation and budgeting is the basis for making better use of the citizens' tax money. The ATTA has worked this year to identify ways in which the government can operate more efficiently. This organization is not the "low tax people", or the "right tax people", but its demands that the citizen's tax dollars be spent wisely.

Ms. Amy Gore said she is a parent representative for Crozet Elementary School. She is present to ask that the Board fully fund the Schools' budget. In particular, she asks that the Board consider adopting the transfer of the one cent from the CIP Fund so the Schools will not lose some of their best teachers to localities that can pay higher salaries. There are certain expenses which despite the best efforts of the School Board members they have not been able to curtail. There are also expenses related to mandated programs over which the School board has no control. As a parent, she is not satisfied with the School budget. She asked that the Board put the tax rate back to what it was before it was lowered last year. The Schools do not have the resources they need now to do the job they are being asked to do.

Ms. Charlotte Hogue said she is a lifetime resident of the County. She said the Board needs to use the word "no" more and more when raising the tax rates and approving the spending of the taxpayer's money. Not everyone living in the County gets an automatic yearly increase in salary or retirement. Many people are on fixed incomes. The economy is not good now and will continue to decline. The Board needs to look at all departments and cut staff and budgets. She said the School System want more money each year even though the number of students is not increasing proportionately. Do teachers deserve a higher percentage salary increase than other workers? Do the schools need such a large administrative staff and classes not essential to learning how to read, write and do basic math? Buildings with curved walls cost thousands more, but do not contribute to the education of the students. Also, she thinks parents should pay part of the costs for books, bussing and sports. The Board could make other cuts by charging year-round fees for use of libraries and recreational facilities such as pools, lakes, parks and walking trails. Only a small percentage of the taxpayers use such facilities. It should not be hard to say "no" to the ever increasing wish list the Board receives each year. She said the taxpayers cannot pass an increase to their income like the County does. It is unfair to those who have spent their entire life here making the County what it is, and being forced to move out by excessive spending and continuously rising, double digit tax increases. It is the Board's duty to make wise decisions.

Mr. Tom Strassburg said the payment of competitive salaries for teachers and the funding of such social justice programs as affordable housing are all important. He asked if it can be done without putting the burden on the back of the property taxpayer. He would like to suggest that the Board start to look at things that will enable them to do that. One example is the Hollymead Fire/Rescue Station. He thinks it was needed and the other two which were mentioned in the newspaper today will be needed eventually. He suggested going back to the drawing board and designing firehouses instead of architectural wonders. It is a beautiful facility, but can the County in these economic times afford that sort of thing at the cost of teacher salaries and housing for the poor. He showed pictures of the internal features of this facility and asked about the long-term maintenance costs of such a facility. Originally the budget for that facility was \$3.7 million. It turned out be \$5.4 million for the site work and cost of construction, but it did not include the cost of furniture and equipment. That was another \$300,000+. That was a \$1.7 million increase over the original proposal or \$333 per square foot. He thinks the County has to do better than that in terms of net costs. All have to tighten their belts in today's economy, but it should not be done at the expense of the more important priorities the Board and County should have.

Mr. Robert Hogue said since the last budget meeting in February more economists are predicting a recession. Across the United States 10 percent of homeowners owe more on their mortgage than the value of their home. That is the highest percentage since the Great Depression. Personal savings are at their lowest rates. Economists are warning that after housing prices, the next problem for the economy is personal debt. The nation is in financial trouble. What happens in the rest of the nation affects those in Albemarle County. He suggested that parents pay transportation and athletic fees since not everybody in the County has children attending Albemarle County schools. The budgets for both the local government and the schools should be checked for benefits versus costs. Tough decisions have to be made about what to cut.

Ms. Martha Harris showed some charts and referred to school transportation costs. She said it interests her because it is a \$10.0 million item in the budget. It also was identified by the Resource Utilization Study as a primary area for cost savings since it is almost seven percent of the entire School budget. Improved efficiency in this area does not have to impact the classroom. The RUS study showed

that Albemarle has the highest cost per mile compared to comparable localities of similar size. Her point is that it would be a painless way to put more dollars in the classroom.

Mr. Steven Majewski said he is a professor at the University of Virginia (he made a PowerPoint presentation). He said a way to look at education spending is the per pupil expense. The RUS showed that the cost of educating each Albemarle pupil is 15.3 percent above the statewide average. The excess cost stands out starkly when compared to other peer school divisions. Albemarle's per pupil cost is higher than peer school divisions which pay about 10.5 percent below the statewide average. Albemarle County pays 35 percent more than Roanoke County to educate a K-12 student. He said one might argue that what matters is value to dollar, so what are the citizens getting for the higher educational cost. He showed a chart comparing the fraction of students passing the Standards of Learning test. When compared to the statewide median (80.5 percent) passing rate, Albemarle does pretty well, but so do all the other school divisions in the County's peer cohort. Among these peers Albemarle falls in the middle of SOL achievement. If Albemarle is obtaining similar results, what is driving the higher costs paid? He said the K-12 teachers may be the most valuable educational asset, but their salaries are not the source of inflated educational costs. Something else in the other 64 percent of the budget is driving the over-expense. He said the RUS made some suggestions as to other places in the budget where some fat might be trimmed. For example, they noted an overly top heavy organizational chart with a significantly generous number of administrators. He said the mission and purpose of the Department of Community Engagement has been called into question by members of the community and the RUS identified this as a place where greater efficiency can be found. Finally, the study stresses that the School Division must be committed to removing unqualified employee performance staff who not only cost the County money, but send the wrong motivational message to those school division staff who are doing their jobs well.

Mr. Peter Wurzer said since 2000 real estate taxes have doubled. County operating spending has increased 76 percent. This is in contrast to an 11 percent increase in population. The next five years do not look promising; the Schools forecast a budget increase of about \$44.0 million. The County's Five-Year Financial Plan shows a shortfall of about \$13.0 million to that budget. There will be more demands. Looking at what has happened since last November, the direction of revenues is going the wrong way. There are two ways to handle this problem. One is to search for more revenues. State finances are not good; Washington is in even worse shape. Lastly, the level of real estate tax increases on an historical basis has been unsustainable. He said another way to approach this problem is to focus on current spending. He recommended that recommendations of the RUS be quickly and decisively implemented. He credited the School Board and the Superintendent for having the foresight to have a fresh set of eyes look at their business. He suggested that local government do the same thing. He thinks each County department should have a ten percent reduction in spending, and that the public be allowed to debate that as well. Each department should have measurable objectives. Opportunities with neighboring communities to combine resources should be explored. Lastly, the financial management systems need to be upgraded and integrated so everyone in the County has real time information.

Ms. Mary Huffard Kegley Scott said she is president of the County Parent's Council. She said strong public schools equal a strong community. One cannot succeed without the other. The School Board has diligently addressed the budget shortfalls. It is now at the point of cutting core programs and services to students who will not succeed as they have in the past with these cuts in place. At the heart of the classroom is the teacher. In February many of these teachers spoke. They said they limit the amount of trash in their classroom because of a lack of custodial services and empty their own trash cans. They tape together library tables with duct tape and offer their time after school to students who are struggling and need extra support. It is disconcerting that some citizens who do not have children in the public schools currently may consider reducing the quality of education. The proposal to redirect funds from the Capital Improvement Fund is key now. Without funding from the CIP the School Board and the Superintendent will have to begin staff reductions next week. The last teachers hired would be the first let go. These teachers are the future of the system. If they are lost now they will not come back later. As a school volunteer she sees firsthand how the proposed budget cuts will impact children in the classroom. An increase in class size at any level is a blow. The school bus replacement cycle is already at 13 years. Since students are transported daily over 12,000 miles, 13 years seems like a long time. Gas prices have been referenced tonight, but it is an economic reality the School Board cannot control. Without the funds, the education system which is so well regarded to attract businesses and newcomers to the community will fall below acceptable levels. She asked that the Supervisors fund the School Board's request for a CIP transfer, plus \$900,000 additional in revenues to keep the schools and community strong.

Ms. Karen Collier said she is president of the PTO at Monticello High School. She has a child at MHS who is looking for a college to attend. Not having a school counselor available to direct this search would make a huge impact on his search. She said the counselor works with the student and his family for four years developing career plans and working with the student on his educational and post-high school plans, as well as counseling the student when needed. She said a reduction in the number of school counselors would decrease the number of personal contacts with students. In the School's 2005-09 Strategic Plan one of the goals was to be recognized as a World-Class educational system. At this time, the school counseling program is recognized as one of the best in the State. Albemarle County has been able to implement the national counselor standards for school counseling programs. The current program allows counselors to better prepare students for successful futures. These counselors are student advocates who support family education. She supports full funding of school counselor positions in the high schools.

Ms. Margie Shepherd said she is a teacher and County resident. Having people make a case for the budget every year is not a great way to operate County government. In other states the School Board sets its budget and the tax rate is adjusted accordingly. Most of the time, the system here works well, but every seven-plus years the Supervisors are swayed by a noisy group who want to pick on teachers and

the poor. To pick on teachers and the poor is wrong. Having the Supervisors cut six cents from the tax rate last year was also wrong. Now she has heard that these people want to take away VERIP benefits also. The VERIP retirement plan took the place of the County having to pay for sick days. She has worked for 36 years and has a year and a half of sick days saved up. Paying for those would save money. She thinks the Supervisors need to consider what the people of the County want them to support and what they have set as goals in their own Strategic Plan. She said Goal 1.1 is to work with the School Board to help them attain a world-class educational system by 2009. She said the Supervisors need to meet their goals and keep their promises. Albemarle wants to be the best county in Virginia, not the one that attracts every miser with a grudge. She asked that the Supervisors do the right thing and restore the six cents.

Ms. Martha Fox said she is the PTO president at Henley Middle School. They ask that the Supervisors support Dr. Moran's budget and Mr. Tucker's proposal to transfer a penny from the CIP. She said a price cannot be put on the children in the County who attend the schools, or on the teachers. This is something that cannot be measured. The choices of the Supervisors reflect the values of the County citizens in terms of what they want for the future.

Mr. Tom Twomey said he is a member of the IMPACT group. He has met with each Board member in their small group meetings. Before IMPACT selected housing as an issue, it was already recognized that there was a housing crisis in the area. In the last two years, they have learned more about this crisis. The TJPDC provided them with a "State of Housing" report and Albemarle provided them with a Poverty Report. They have brought focus on the increasing number of school children becoming homeless. They know it is urgent to resolve this crisis now. The Charlottesville Housing Advisory Committee voted unanimously to recommend that City Council provide a dedicated funding stream to provide for more housing. The joint Charlottesville/Albemarle/University Housing Task Force has recognized the urgency of creating more safe decent housing for the poorest working families. He has enjoyed working with the individual Board members and thanked them for agreeing to attend the IMPACT meeting next week.

Ms. Johanna Woodchild said she is a member of the IMPACT group. She spoke about the affect of homelessness on children. She said that eventually all will pay for this situation in the form of health care and prison costs, among other things.

Ms. Peggy Anderson said she is a math teacher at Western Albemarle High School and asked that the Supervisors approve the School Board budget. She talked about things being done at WAHS to deal with major problems in the County. They have students who get to high school and cannot read. These children come to class and put down their books because they are ashamed. The Schools want to be a world-class educational system so they need the finances necessary to do that. At WAHS they are trying to put together a literary program to teach kids to read, and which will teach the teachers to teach these kids. They need the Supervisors' help. She has lived in Albemarle for over 20 years; her kids went through Albemarle County schools. They were honor students and received a wonderful education. She is a teacher and gets paid pretty good, she is not asking for a raise. She is asking the Supervisors to help her do the job she is paid to do.

Ms. Anne Geraty said she knows the Supervisors have the thankless job of balancing competing interests of the citizens in planning for the future. Everyone cannot be made happy, but the Supervisors have to make a decision about what is right. While the decision is difficult, she thinks it is also clear cut. She thinks the right decision would be to reverse the tax cut that was made last year in reliance on burgeoning real estate values and affirm the needs of a growing county. This budget crisis would be different if the County did not already have one of the lowest tax rates in the state. This tax rate is more designed to serve the undemanding needs of a rural area than the pressing needs of an area that hosts the best new music venue in the United States among other such distinctions. She said the needs of the County are so numerous it is difficult to list them all. At present, there is an economic downturn, but it is not the cause of the present budget crisis. Last year's tax cut should never have been made. Her plea tonight is that the Supervisors fund the schools adequately. At the last budget hearing she said she had spent \$180.00 of her own money to buy school supplies for her classroom. It was her choice to do so, but she does not think it is fair that she should have to defend her job and those of others who work to educate the children. It is demoralizing. The \$180.00 she spent is the exact amount of the annual tax savings from last year's tax cut to the owner of a median priced house. Her annual, out-of-pocket expenses each year to make up for that savings to the taxpayer would fund a trip to the Caribbean. Her husband views her passion for teaching as an essentially expensive volunteer activity. Considering the affluence of Albemarle, the Supervisors are saving people the cost of a beer and a pizza while it is asking many who do more and more getting all children to meet minimum competency levels, as well as challenging the bright ones, to limp along on salaries that are shrinking in value. Many fear for their jobs, fear for their retirement funds and spend money out of their own pockets to fund the County's needs. She asked that the burden be spread more equitably.

Ms. Mary K. Dobmeier said she is a second year physical education teacher at Henley Middle School. She also teaches an AVID elective class in one of her planning periods without compensation. AVID stands for Advancement Via Individual Determination. This program serves the bubble population that AYP targets. All of these seventh grade students have been promoted from standard to advanced level classes. They are engaged in a regular curriculum that does not come unsupported. As the AVID teacher she encourages, supplements and teaches these students the importance of advocating for themselves and others. However, she is here tonight to advocate for other teachers. Many junior staff members are looking for positions in other places. Initially, she was excited to teach in Albemarle County. The commitment to new teacher recruitment, dedication to new teacher wages and retention programs, all combined to be a powerful influence, but that influence has faded as staffing allocations have been passed out. The younger, less experienced, motivated and dynamic teachers are being warned that their

positions may not exist next year. She does not think this is a good way for the County to show that it values its employees. Hearing in February that you might not have a job in August develops a sense of panic and urgency. It was the Supervisors that made education a priority, and made a commitment verbally and financially to retain new teachers. Going back on that commitment will not only continue to effect current employees but future ones also. She asked that the Supervisors do their part to help the schools succeed by holding onto the determined teachers that they worked hard to bring here. She asked that those present in support of students and teachers stand.

Mr. Chris Schoenwalde said he is a County resident, and a "budget hawk." He respects everyone who has come tonight to advocate for their individual positions. He came to support the position of the Truth in Taxation group. The core of its message is that it is not how much you spend but how you spend. There are efficiencies to be had. The School Division is facing a budget shortfall this year. Improving the efficiency of the School Division's transportation system can save \$1.5 million. Another way to save would be to not give the \$600,000 talked about to Charlottesville for protection on Pantops, which is in addition to the \$13.0 million they will get as part of protection money against annexation which they can't do anymore anyway. He said teachers are the most valuable resource the community has to develop its future. They need to have the tools necessary in those classrooms, but not at the expense of the property owners in the County. Not all property owners are wealthy. A lot of people live close to the poverty level. What happened last year was not a tax cut. It was a 20 percent increase in taxes. He asked that the County's money be spent wisely, without making the teachers suffer.

Mr. Charlie Trachta said that after the meeting on February 20 he was accused of going over to the dark side. He will say again that he supports and respects most teachers. He has said this for the last ten years. His complaint is with high paid administrators who are failing the students. Each child should be helped to reach their full potential, as written in the School Division's literature. Instead of helping students, some administrators say "no." If a child in a wheelchair were denied assistance there would be an uproar. If the handicap is not so obvious, but it is still recognized by the State and the Federal government, as well as AHS, AHS administration would try to deny any help unless legally forced to do so. The School System says it is world-class, but for the last two years he has found it to be a system that will use every legal ploy to refuse help if they don't want to give it. The assistance he requested would not have cost AHS a dime. It only amounted to understanding that some children learn differently. If he has gone over to the dark side it is due to the AHS administration telling him to go away and other such things. Does a world-class system take a child out of a high level class and offer a standard class so they do not have to deal with an issue which could be taken care of by common sense and understanding. Before the Supervisors raise the tax, it should have the School Board audit the system to see where they are wasting funds on top heavy, high-paid administrators who do not do their job. If he is to pay for a world-class system, that is what he wants, not an adequate one. Cut out the wasted fat and there will be the money for needed programs and for the teachers.

Ms. Sydney Giacalone said she is a seventh grade student at Jack Jouett Middle School currently enrolled in the strings program. She came tonight to ask that the Supervisors provide more money to the School Board so the strings program can remain in Albemarle County schools. Her friends, grandparents, aunts, uncles and parents are more than willing to pay higher taxes because they feel education is important including the strings program. She believes it would be a tragic loss to Albemarle County schools to eliminate the strings program.

Mr. Dave Oberg told a story about his losing weight and the phrase "tighten your belt." He said this is relevant because the educational system is a breakfast. If one cuts out breakfast, they will get fat. On paper, cutting the budget seems like a great idea, but when that is done long-term costs actually increase. There were complaints about spending \$9,000 per student, but no complaints that more than \$20,000 is spent on each inmate each year. Costs per student can be cut, but no one has suggested cutting that cost per inmate. He said that if the Supervisors cut the School budget it will create more inmates, so the budget might be cut today, but the decisions being made now will affect the County for the next 10 to 15 years. In 10 to 15 years when the prison population goes up, there are kids who don't know how to get a job, they will look back on today and say "I wish we had had breakfast."

Ms. Karen Marcus said she is the principal at Crozet Elementary School. She is speaking in support of the Superintendent's and School Board's budget. They have worked countless hours developing a budget to support their Strategic Plan. That budget is a direct expression of the values of this community. She would like to comment on some of the affects of a reduced budget. If the K-1 TA amount is reduced by 15 minutes as proposed, the consequence is that seven children will each have 15 minutes less of individual, one-on-one instruction to help them learn to read more efficiently. If computer replacement funding is inadequate, the replacement cycle will cause technology to decrease and compromise the children's ability to function in a global economy. If intervention prevention funds are inadequate, the neediest children will not receive the extra time and attention critical to their learning. It will decrease the County's ability to meet NCIB goals. Recent knowledge in how children learn is critical and professional development funds are critical to that effort to keep all school staff current and updated. In response to comments made earlier, she said the School Board has already begun to implement reductions in the transportation budget by expanding the replacement cycle for busses. She said only the Supervisors' can lessen the impact these budget decisions will have on the children.

Mr. Madison Cummings said he is currently the chair of the Commission on Children and Families. He said both the Federal and State government have been stingy with funding. He thinks the schools should continue to move in the direction of a world-class education, and also feels that all the programs in County government will need money. He urged the Supervisors to consider some reasonable, justifiable tax increase that makes sense to everybody.

Ms. Mary Spencer said she is the PTO Co-chair for Meriwether Lewis Elementary School. She asked that the Supervisors do what they can to fully fund next year's education budget. The School System has already been affected by the reduction in last year's tax rate. If there is a further decrease in their budget, they would not be able to claim they are a world-class education system. She heard that if there is no additional funding from Local Government, there could be reductions in kindergarden and first grade teaching assistants (these are the only classes at MLS that have teaching assistants), increasing middle and high school class sizes and buying fewer textbooks. Last year the principal at MLS introduced the idea of initiating an international baccalaureate program at the school. Today, they no longer hold out any hope of starting such a program in spite of the fact that 196 school systems across the country have these programs in place, including Fluvanna County. Her real reason for being here tonight is that due to the increased pupil population at MLS they need full-time music, art and PE teachers, plus an assistant principal. For next year they have already met their enrollment projections so this mandates that these positions be increased to full-time status. She asked that the Supervisors fully fund the School System's budget.

Ms. Frances Racette said she is a teacher at Monticello High School. She thinks the budget for the School System should be fully funded even if taxes must be raised. She has talked with many people who have the following concerns: adequate teacher pay; an increase in class size; and, the possibility of charging to ride the school busses.

Ms. Denise Karaob said she is speaking for all the children in Albemarle County who could not attend this meeting tonight and who cannot vote. Every year the County goes over the same ludicrous budget arguments to give the kids an education that is there right. It is not their fault the County has increased housing developments without regard to building the needed infrastructure before the housing is approved. That infrastructure should not be paid for by the schools. She thinks the Schools' budget should be directly supported by buildings and developers. If the Supervisors have to make budget cuts in the future due to over-development they should not pick on the children that do not have a vote. She asked that the budget be fully funded.

Mr. Rooker interrupted to ask that he make a statement while there are a lot of citizens present. He said the Supervisors received a notice today from the Commissioner of Transportation that the Secondary and Primary road funds for Albemarle will be cut by 44 percent for each year for the next six years. He said the Secondary Road Funds the Supervisors thought they would receive were already less than they were 10 years ago. During that time, the cost of construction has more than doubled. What is being seen in the transportation budget is something that has also been going on in other areas of the budget, something called devolution (passing down expenses to the localities). He said the Supervisors are having to put transportation expenses (formerly paid by the State) on the backs of property taxpayers. It is wrong, but the Legislature will get away with it if the citizens do not contact them and let them know that they need to properly fund the areas of budgets they are supposed to fund. For decades in Virginia, the State has paid for transportation and the localities build and pay for their own schools. He brought this up because the people present tonight need to contact their legislators and say they need to do something about this.

Mr. Steve Gissendanner said he is the Albemarle Education Association representative. Some of the statistics mentioned tonight were interesting. High transportation costs have been mentioned, so in response to the Resource Utilization Study the School Board froze the bus replacement cycle until they can study the suggestions in that study. He said Albemarle already keeps busses longer than the State recommends. Also, for safety reasons, the State does not recommend that cars be used to transport kids, which was a suggestion of the study. He does not know if there are too many people in Central Office staff, but the School Board did cut \$400,000 from that budget. Someone asked earlier tonight if there is a need to teach anything other than the basics, reading, math, and science. He would answer "yes." Last night there was a report on TV quoting research which says that education in music is very close to performance in math. He said that what Mr. Rooker said about funding from the State for transportation is the same thing that is happening with the SOQs. The State is playing "voodoo economics" and the burden to fund the SOQs is going to be substantially greater next year due to some "under-the-table" hidden formula changes. He said the decisions the Supervisors make this year will impact the decisions it is forced to make next year, so those decisions should be made carefully.

Ms. Sue Friedman said she is a resident, a taxpayer, a parent without a child in the schools, but who cares about her future. She asked if the Supervisors know that real estate values are correlated to quality public education. She cares about her real estate value continuing to go up, it is her retirement plan. She said businesses chose and stay in communities that value and fund quality education. Quality education is not the minimum or the average because it is preparing young people to be leaders in tomorrow's global society. Each and everyone will likely need health care in their future and they will want quality community-based health care. More than one-half of the projected job increases in the next five to ten years are in the health care field. They require education, training and certification beyond high school, but not a bachelor's degree. If the students today are to be prepared to take care of us tomorrow they must have an above average education. The leaders of tomorrow are sitting in the schools today. The members of the Supervisors are here today as leaders of the County because of where they were 20 or thirty years ago. She would like to have great leadership 20+ years from now and it will not come from a mediocre education. There is no stronger value that can be put on the future than education, and that is up the Supervisors. She came to support them in any way needed to make sure they make the right decision for her future.

Ms. Barbara Edwards said she is a resident, taxpayer and the principal at Broadus Wood Elementary school. She has been an administrator in the School System for 10 years. More than one family has told her they moved to Albemarle without a job because they wanted a better opportunity for

their child. She said it is the quality of the teacher that makes a difference in classroom performance. Albemarle needs to maintain the current quality of teaching; in order to move to world-class it needs to be able to compete in hiring the best and brightest new teachers. Her school was recently recognized by the Governor for achieving the Virginia Board of Education VIP Excellence Award. This was accomplished by the hard work of all staff members. Currently, teachers are able to give students individual attention because of class size. Increasing that class size will not help teachers in maintaining teacher/student relationships. These relationships are upheld in the County's current mission statement. She said kindergarten and first grade TA support is crucial to support for the teachers, the cornerstone of the educational system. She asked that the Supervisors support the School Board's proposed budget.

Ms. Amy Morris said she has taught at Broadus Wood Elementary School for eight years. She is speaking in favor of fully funding the School Board's budget. She knows that some feel the major objective of the budget is to lower taxes. Making an investment in public schools and government is not just an investment in crayons, textbooks, salaries and pencils. It is also an investment in the quality of care that is received in the emergency room, the response time of the Police Department, the quality of service received in restaurants, the care with which groceries are bagged at the grocery store, and the educational opportunity that your children and grandchildren will receive. She asked that the Supervisors invest in that opportunity.

Ms. Lisa Bowen said she is president of the Virginia L. Murray Elementary School PTO. She and her husband own and operate a small custom home building business. The housing market is in trouble now. They have had to make difficult decisions to navigate their way through the last 18 months. They have moved, sold their vehicles, and let go of long-time employees because production is way down. As families make difficult financial decisions as the value of their home goes down, and with the price of gas going up and jobs going away, they don't need the government sticking their hands deeper in their pockets. She said the public school system is not the first and only place the Supervisors should look to cut costs. Children require the highest quality education with the most qualified instructors to compete in a global economy. Children must be more productive to fund the tax-and-spend cycle the country is in. The Supervisors have a responsibility not to spend the taxpayers into oblivion and a responsibility to protect the public education system that is such an asset to the area.

Mr. Tom Olivier said for the past 20 years he and his wife have raised sheep at that farm in the Scottsville District. As someone with strong connections to Albemarle's open spaces he is concerned about the adequacy of the proposed budget. There are four frozen planning positions leaving only two rural area planners to deal with the planning issues of 400,000 acres of open space. There is evidence that the current planning shortages are already hampering protection of open spaces. The Rural Areas Section of the Comprehensive Plan calls for hiring a staff person to help develop local ag-markets. In 2007 funds were finally committed in the budget for this position. However, before the position could be filled, hiring was frozen. This position needs to be filled. With the decline in County revenues, staff support for the County's Natural Heritage Committee (of which he is a member) has been reduced to nearly zero. The chair of this committee sent an e-mail yesterday saying the Committee does not feel it can be effective without increased staff support. The Natural Resource Chapter of the Comprehensive Plan was last updated in 1999. Virginia law requires updates every five years. Work on that chapter was expected to be again in late 2008, but with revenue reductions it has been delayed further and no one knows for how long. A lot of things have happened since 1999. When looking at this proposed budget, he sees vital programs being neglected. In retrospect, the decision by the Board last year to reduce the tax rate was unfortunate. He asked that the real estate rate be set at a level which will unfreeze all of those vacant planning positions that support education, affordable housing and other critical programs.

Mr. Wayne Martin said he is a father and a systems engineer at the hospital. He came tonight to advocate for advanced needs for schools. His child attends Murray Elementary and he has a three-year old who will be following him. He attended a meeting there today for an educational intervention – the child is in the first grade, but is doing so well he is learning algebra. After being at this meeting tonight, he has found that no one is talking about getting money for advanced classes, but the stake of education itself. That is disappointing. He hopes the Supervisors will fully fund all the Schools' needs. His child is six. They are working hard at Murray to keep him within his classroom with his peers, but giving him work that challenges him personally. From time-to-time they put him in classes with fourth or fifth graders using the same teacher who is teaching that math class, something that can be done within the public schools that could compete with private schools. He thinks that is something all parents would support. He is extremely satisfied with Murray Elementary and is shocked that public schools are this good. He hopes the Supervisors fully fund the Schools' needs; it is very important.

Ms. Carmen Garcia said she has three children attending the public schools. She finds it hard to believe she is before the Supervisors again to plead, beg, implore, even pray if necessary, that the proposed school budget is fully funded. Every year the Supervisors patiently listen to all of the disgruntled, worried and anxious parents and the educators ask them to support the schools and the children who represent the future of the community. Although revenues are not as high as expected, it does not justify compromising the quality of the education the children are receiving. A good education makes a difference in a child's life; it is also expensive. She mentioned the numerous volunteers who donate their time to support the teachers and staff but who also raise funds to supplement programs that otherwise would not be financed by the school budget. She hopes they can count on the Supervisors' support.

Ms. Rachel Stonewall said an increase in funds is an increase, not a decrease, it is not a cut. More money in the County budget this year does not mean cuts are imminent, it means truces need to be made, and obsolete, ineffective and inefficient programs and administration need to be cut. She said the School Board is not going to cut teachers, they will find efficiencies in other areas. If everyone really believes that money equals quality education and brilliant children, then the D.C. students, St. Louis

students and other similar school districts would be churning out geniuses. They spend an extreme amount of money on their students, but those students still struggle; money does not equal brilliance. Money needs to be spent in smart ways by working with the programs that work and cut the ones that do not work. She asks that the County find ways to spend its money efficiently and do the right things with the money available. She asked that the School Board and administrators work smarter and more efficiently. She thinks they can do that because they will get as much money this year as they got last year.

Ms. Stacy Walker said she is a teacher at Monticello High School. There is one issue with the budget that is time sensitive. It is the transfer of CIP money into the operating budget. The issue needs to be dealt with in the next week since if the transfer is approved, the schools will not have to raise classroom sizes. They need to know now, or a reduction in force will take place soon. If teachers get their "walking papers" the schools not only lose the physical person, but also all the money and time spent to train and mentor this person. Albemarle spends approximately \$4671 for a new teacher in the system for basic recruitment costs, participation in the New Teacher Academy, professional development, new teacher support and basic materials start-up. All of this helps to keep the retention rate high. Saying the transfer may be made, but a decision will not be made until April, is not good enough. By then, many of the teachers who have been let go will have found a new position in a different locality. The reason to approve this money transfer is for the students. In the high schools a .5 increase in class size equates to an increase of three or four students in important core SOL classes. It bothers her that she has read in the newspapers that the Board of Supervisors said the Schools budget is spiraling out of control. She listed examples of things over which the School Board has no control such as the cost of fuel, utilities, and keeping teacher salaries competitive. She said Albemarle County citizens have said many times that the schools are number one on their list. The students educated today are the caretakers of tomorrow.

Mr. Steve Koleszar said there was a quote in the Daily Progress today by the Supervisors' Chairman, Mr. Boyd, who said they have to make a choice between adequate services and fiscal responsibilities. He does not think there is a choice between adequate services and fiscal responsibilities; it is a choice between adequate services and a low tax rate. Inadequate services are not fiscally responsible. If there were a seven-minute response time for emergency services, and people had to spend hundreds of dollars more for fire insurance, that would not be fiscally responsible. There have been traffic accidents in the County where tow trucks got to the scene before the police. There is a terrible deficit in services in this County. In many places, public safety and fire services are inadequate. If the Southern Connector Road were ever built, it would save him about two miles each day. Twelve miles a week at 50 cents a mile cost him \$6.00 a week or \$300.00 a year. That is more than 10 cents on his tax rate. He thinks the County can afford to have great services. If the County continues to offer inadequate services to the citizens, they should rightfully be upset.

Ms. Stacie England said she is a citizen and works at Yancey Elementary. Her position is funded through a Federal Grant Program so her job is not at risk in this budget. She just attended a conference put on by the State Department of Education where they were shown examples of many school divisions which are exemplary. One of the speakers said that throwing money at a problem does not always cure it. However, she will say that if the schools are not funded, many problems will be created. The superintendent of one of the exemplary examples spoke and said they have improved their scores by 20 percent over the last few years. Their cost per pupil is higher than that in Albemarle. He spoke about the tax base in that locality and it did not seem to be as good as that in this area. Their free and reduced lunch rate was lower than that in Albemarle, and to her, the other statistics he showed did not show they have the same kind of student needs, especially at schools like Yancey Elementary. If the schools are not funded, and the students do not have enough of a rigorous education with the right kind of relationships with teachers, etc. there will be more problems in the future, and they will be more difficult to solve.

With no one else from the public rising to speak, the public hearing was closed.

Mr. Boyd asked if individual Board members had comments to make at this time.

Mr. Slutzky said a significant number of people stood up when someone said they wanted the Board to restore the 74-cent tax rate. To the extent that anyone wishes to communicate their views to the legislators about the 44 percent reduction in the transportation budget and the many other cuts coming to the County from Richmond, it would be useful to say what should be cut or say that you are willing to pay increased taxes. He said there seems to be a sentiment in Richmond that the purpose of their being there is to make sure taxes do not go up. He thinks that is part of the problem being struggled with both locally and at the State level, plus the Federal level.

Mr. Thomas said it sounds like the Board is whining when it says to go to the State level. It has become very popular at the Federal and at the State level to push responsibilities down to the local level. It is something that gets them reelected, so why shouldn't they do it? Then, it is the Board of Supervisors that has the public hearing with people saying the real estate tax burden is heavy. The real estate tax is basically a lousy tax because it does not pay any attention to how much money you made this year, it only pays attention to what your neighborhood's housing values were this year. That may not reflect your family's situation at all. That is basically what the Board has to depend on to fund the schools and the other local services. She said the State is trying something this year which will not show up in this year's budget. They are trying to change the standards of quality measurement methods. It will squeeze local government more and more from year to year. The good news is that everyone at the State level seems to consider education as something worth supporting. The bad news is that they are doing it in a way that will put more burdens on the local taxpayers. So, if you are sending them a letter or e-mail, remind them that you are going to watch the way in which they support education and that you will not be favorably impressed if they end up putting more tax burden on the local taxpayer.

Mr. Rooker said he understands the proposed change in SOQ funding is that it could cost Albemarle more than \$2.0 million a year in education funds for five years out.

Ms. Mallek thanked everyone for coming and sharing their wishes with the Board. As a new member on the Board it is important for her to hear directly from the citizens.

Mr. Slutzky said a number of people presented PowerPoint presentations tonight, so he would personally appreciate getting a copy of them.

Mr. Boyd thanked everyone for coming out tonight. He said it is important for the citizens to participate in this process. This has been a difficult year for the Board. He thinks the shortfall in the School Board's budget has been raised by \$1.0 million based on shortfalls at the State level. He asked the School Board recently how much more can be done locally to make up the shortfall in the State budget. Every time their numbers go down, or are adjusted, then the School Board is back saying the Board of Supervisors has to make up that amount. There are competing issues for the Supervisors to deal with; emergency services, affordable housing, police services, etc. He thinks all the Board members intend to work some way to fund the School System adequately.

Mr. Rooker said the cost of unfunded Federal and State mandates to the locality last year was more than \$50.0 million of the budget.

Agenda Item No. 25. Adjourn. At 8:25 p.m., with no further business to come before the Board, upon **motion** by Mr. Rooker, the meeting was adjourned to March 10, 2008, at 1:00 p.m. in Room 241. The motion was **seconded** by Mr. Slutzky. Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

Chairman

Approved by the Board of County Supervisors

Date: 10/08/2008

Initials: EWJ
