

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on April 2, 2008, at 9:00 a.m., Lane Auditorium, County Office Building, McIntire Road, Charlottesville, Virginia.

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

ABSENT: None.

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

Agenda Item No. 1. The meeting was called to order at 9:01 a.m. by the Chairman, Mr. Boyd.

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

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Agenda Item No. 4a. Recognitions: Presentation of Certificates to Albemarle Homeschoolers.

Mr. Boyd reported that two teams from the Albemarle Homeschoolers Network demonstrated their creativity in two diverse problem-solving categories at the regional "Odyssey of the Mind Tournament" held in March. Odyssey of the Mind is an international educational program that provides creative problem-solving opportunities for students from kindergarten through college. The competition theme was solving problems with earth systems and presenting it in a humorous fashion. The students then bring their solutions to competitions on the state and World level. Thousands of teams from throughout the U.S. and from about 25 other countries participate in the program. Mr. Boyd said that the solutions presented had elements of dance, music, theatre, science, art, and excellent scriptwriting abilities. He noted that the coaches remarked, "it is a sheer joy to see something fantastic emerge out of the differences." Mr. Boyd stated that the Homeschoolers will be participating in the state competition on April 5<sup>th</sup> in Northern Virginia.

Mr. Boyd and the Coach of the team, Mamtha Adiseshan, handed out award certificates, and recognized the Spontaneously Combusting Chipmunks Team and the Umpa Loompa Doughboys Team: Allisson Mueller, Athman Adiseshan, David Novotne, Joanna Mueller, Mariah Novotne, Mitra (Mitz) Germershausen, Mark McPherson, Robert Arthur, and Tara Adiseshan.

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Item 4b. Recognitions: Introduction of Karen Shepard, Executive Director, MACAA.

Ms. Karen Shepherd addressed the Board as the new Executive Director of MACAA, stating that she is from Omaha, Nebraska where she served as director of a similar agency. Ms. Shepherd noted that one of the missions of MACAA is to help people out of poverty into economic self-sufficiency, keep students in school, decrease the dropout rate, and limit the risk of juvenile delinquency. She hopes to work closely with the County in the future. She mentioned that she was an attorney for Legal Aid in Nebraska, and a school board member for 18 years.

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Item 4c. Recognitions: Proclamation recognizing April 2008 as *Month of the Young Child*.

Mr. Boyd recognized April 2008 as the "Month of the Young Child," in honor of the organizations that work together to improve the early learning opportunities for young children. He then read the following proclamation:

**"MONTH OF THE YOUNG CHILD" PROCLAMATION**

**WHEREAS,** the Central Virginia Association for the Education of Young Children is celebrating the **Month of the Young Child** in April, 2008, in conjunction with the Virginia Association for Early Childhood Education and the National Association for the Education of Young Children; and

**WHEREAS,** these organizations are working to improve early learning opportunities, which are crucial to the growth and development of young children and to building better futures for everyone in Albemarle County, Virginia; and

**WHEREAS,** all young children and their families across the country and in Albemarle County, Virginia, deserve access to high-quality early education and care; and

**WHEREAS,** in recognizing and supporting the people, programs, and policies that are committed to high-quality early childhood education as the right choice for children;

**NOW, THEREFORE, BE IT RESOLVED,** that I, Kenneth C. Boyd, Chairman, on behalf of the Board of Supervisors of Albemarle County, Virginia, do hereby recognize and proclaim

**APRIL, 2008**  
**as the**  
**"MONTH OF THE YOUNG CHILD"**

and encourages all citizens to work toward high-quality early childhood education for all children in Albemarle County, Virginia.

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Item 4d. Recognitions. Proclamation recognizing April 2008 as Fair Housing Month.

Mr. Boyd recognized April 2008 as "Fair Housing Month," and presented the following proclamation to Ron White, Director of Housing:

**FAIR HOUSING MONTH**

**WHEREAS,** April 2008, marks the fortieth anniversary of the passage of the Fair Housing Act of 1968, which sought to eliminate discrimination in housing opportunities and to affirmatively further housing choices for all Americans; and

**WHEREAS,** the ongoing struggle for dignity and housing opportunity for all is not the exclusive province of the Federal government; and

**WHEREAS,** vigorous local efforts to combat discrimination can be as effective, if not more so, than Federal efforts; and

**WHEREAS,** illegal barriers to equal opportunity in housing, no matter how subtle, diminish the rights of all;

**NOW, THEREFORE, BE IT RESOLVED,**

that in the pursuit of the shared goal and responsibility of providing equal housing opportunities for all men and women, the Board of County Supervisors of Albemarle County, Virginia, does hereby join in the national celebration by proclaiming

**APRIL, 2008  
as  
FAIR HOUSING MONTH**

and encourages all agencies, institutions and individuals, public and private, in Albemarle County to abide by the letter and the spirit of the Fair Housing law.

Mr. White addressed the Board, noting that the Piedmont Housing Alliance has been providing fair housing counseling and education for the last several years, beginning with a HUD grant several years ago. Mr. White said PHA will be holding a number of education sessions during the month of April. In May, they will be training the County's Department of Social Services. Mr. White encouraged anyone who is interested in learning about fair housing to attend one of the sessions.

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

Ms. Thomas said that the TJ Planning District Commission meeting tomorrow night will include a discussion on homelessness. She also stated that there will be a conference on the topic of homelessness on April 15<sup>th</sup> from 12:00 to 3:00 at the First Presbyterian Church located downtown. She said that the recent census came up with 292 countable homeless people as defined by HUD, but this probably does not capture the entire count of all homeless people in the community.

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Ms. Thomas said that VaCo has put out a call to all local governments to ask the Governor to restore as much as possible of the \$100 million in cuts taken from local government. She suggested this Board join other local governments in reminding Governor Kaine to not disproportionately make cuts to local governments.

Mr. Tucker said this refers to the additional \$100,000 in cuts from schools and \$600,000 in cuts from local government.

Mr. Rooker commented that almost all the letters the Board sends its' legislators are not asking for something positive, but instead trying to avoid an additional something negative from happening to counties.

It was the **consensus of the Board that a letter be sent to Governor Kaine asking that these cuts be restored.**

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Ms. Thomas mentioned that in talking to the Piedmont Rail Coalition, they are quite excited about some passenger rail prospects, and perhaps it would be worthwhile to have at least a 30-minute report on rail options.

Mr. Tucker commented that the Virginia Department of Rail and Transportation are scheduled to make a presentation to the Board in May or June.

Mr. Rooker noted that there is some reasonable confidence that C'ville Rail will be able to get the route from Danville to Lynchburg to Charlottesville to D.C. onto New York.

Mr. Boyd commented that there is some local interest to use these same rails for a light rail system.

Ms. Mallek pointed out that light rail is not allowed to share a rail with freight, but there is a local group interested in the east-west from Waynesboro to Zions Crossroads. She clarified that the rail can be used for passengers, but only in a heavy-rail car because of the type of track it is.

Mr. Rooker responded that to use the line for localized traffic, an agreement from the railroad company that owns the line would be needed and they have not been very open in the past to people just jumping on the rails and using them for a short haul.

Mr. Slutzky noted that the MPO is considering all options of transit, including light rail, as it explores a Regional Transit Authority. He does not think that economically it will happen.

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Mr. Rooker asked when the rural area subdivision changes would be coming back to the Board. Mr. Tucker said he will provide a date by the end of the day.

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Ms. Mallek said she had a number of suggestions from citizens who attended her March town hall meeting:

- that Local Government will consider undertaking a similar study to the Resource Utilization Study that was done by the School Division.
- discussion about the burial of asphalt, and
- consider burning of construction debris and tree trimmings in the development areas.

With regard to burning of construction debris, Mr. Rooker said he thought staff was going to bring a report back to the Board, and he would also like to see that information.

Mr. Slutzky said he also had the expectation that the Board was waiting on a staff report.

Mr. Tucker commented that when Board members are interested in pursuing a particular item, it would be helpful for them to take an action.

Mr. Rooker then offered **motion**, that staff brings back information (including pros and cons) on banning the burning of construction debris in the growth area. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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Ms. Mallek then offered **motion**, that staff brings further information to the Board, including environmental pros and cons on the burial of asphalt. She commented that burying old material creates problems for future landowners and builders. She added that there is also a huge demand for these types of materials. She would prefer to take a stronger role than that suggested by staff in an earlier communication.

Mr. Slutzky noted that there should be discussion of production of new asphalt versus recycling of old asphalt and he would like that to be part of the dialogue. The staff report should also include information on why other surrounding jurisdictions decided to do this.

Mr. Rooker added that the economic benefits of reusing those materials have changed over the last few years.

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

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

Ms. Thomas commented that every time Board members make a request like this they are changing a work plan.

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Mr. Boyd commented that he received an invitation to the Armed Forces Parade to be held on May 10, 2008, 2:00 p.m. – 6:00 p.m., at McIntire Park, and he is unable to go. He hopes someone else can attend.

Mr. Rooker said that he may be able to attend.

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Mr. Boyd provided Board members with a copy of the Economic Indicator Reports from Fairfax and Loudon Counties, a local report on economic indices in their communities. The County's Fiscal

Impact Committee met yesterday and decided to undertake this as a project for Albemarle County. He asked Board members to let him know if they have anything they want tracked locally regarding the economy or fiscal data and he will forward it to the Committee.

Mr. Slutzky responded that he would want the study to include those who live in poverty, as that impacts the local economy.

Mr. Rooker said he thinks it is an excellent idea. He mentioned that yesterday UBS announced \$17 billion in write-offs and the CEO stepped down. When he stepped down he stated that "this will inevitably lead to staff reductions and they expect to see the U.S. banking industry shed about 200,000 jobs in the next 12 to 18 months". He commented that that is probably the biggest layoff the banking industry has ever seen in the United States.

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Agenda Item No. 6. From the Public: Matters Not Listed on the Agenda.

Mr. Jeff Werner, on behalf of Piedmont Environmental Council, commented in response to earlier Board comments about rail service. He stated that Norfolk Southern Railroad has not been "telling anyone what they are doing," and with the increase in freight rail there are going to be changes at the at-grade crossings with associated costs for improvement. He suggested that the County take this issue up with VDOT to see what their plans are for those needs, adding that traffic patterns may change as a result of bottlenecks in these areas. Mr. Werner reported that the Colorado Car Company takes old passenger rail cars and motorize them and that is what the train people indicate the County should invest in – particularly in the east/west corridor.

Mr. Werner stated that he also receives a lot of phone calls about the asphalt situation, and the County needs to have some type of programmatic response.

Mr. Werner noted that there is a lot of fiscal data available through the Fiscal Impact Committee and the discussions that take place are very positive.

Mr. Rooker asked Mr. Werner to check and see if the PEC has done any work on the environmental impacts of asphalt burial.

Mr. Werner responded that this issue has been studied, and there does not seem to be anything decisive from regulator agencies on the matter. He will look at what other counties in the State are doing.

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Mr. Paul Grady of the Crozet area addressed the Board, stating that he was "very disturbed" recently to read the consultant's current recommendations regarding the Eastern Connector. He said that his proposed alignment has been virtually built over, adding that there was a connector proposed by Mr. Huja in the early 1970's as part of a long-range plan. Mr. Grady said that it was removed from this plan in the early 1980's, but there is no documentation as to why. He indicated that he has emailed County staff about this, but this is the first time he has proposed it on paper.

Mr. Grady explained that his alignment starts opposite State Farm Boulevard on Route 250 East and hugs the edge of the growth area until it reaches Route 20. He said that the alignment crosses Route 20 at Dorrier Drive – just like Alternative #3 – but then crosses the river diagonally at the "least objectionable" location – between the Meadow Creek Golf Course and Darden Towe Park to the City's old wastewater treatment plant site, hugging the southern edge of the golf course and then traverses a ravine just south of the Catholic School to East Rio Road. As far as he can determine, it would only require the purchase of one house. Mr. Grady emphasized that it is not a cheap route or a short one, and the Eastern Connector should be considered as an extension of Rio Road. The public deserves this road and he believes that his proposed alignment would take as much as 50 percent of the traffic off the Route 250 Bypass. He asked the Board to remove the "No Build" option from the table and reserve the right-of-way now.

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Agenda Item No. 7. Consent Agenda. Mr. Rooker **moved** to approve items 7.1 through 7.7, with the change in the resolution under Item 7.4, and to accept the remaining items on the Consent Agenda as information. Mr. Slutzky **seconded** the motion. (Discussions are included with individual agenda items.) Roll was called, and the motion carried by the following recorded vote:

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

NAYS: None.

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Item 7.1. Approval of Minutes: December 5, 2007.

Mr. Boyd had read the minutes of December 5, 2007, pages 1-22(end at Item #10) and found them to be in order with the exception of some typos.

Mr. Rooker had read the minutes of December 5, 2007, pages 22(beginning with Item #10) – end, and found them to be in order with the exception of some typos.

**By the above-recorded vote, the minutes were approved as read.**

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Item 7.2. Requested FY 2008 Appropriations.

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

The total of this requested FY 2008 appropriation is \$254,300.22. 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 five (5) new FY 2008 appropriations as follows:

- One (1) appropriation (#2008055) distributing \$79,000.00 in salary contingencies to departments based on current salary projections;
- One (1) appropriation (#2008056) providing \$32,631.21 from the General Fund Balance to the Voter Registrar's Office to fund unanticipated one-time expenses relating to the November 2007 election and moving of Voter Registration offices to COB 5<sup>th</sup> Street;
- One (1) appropriation (#2008057) totaling \$5,000.00 for a Police Department grant;
- One (1) appropriation (#2008058) totaling \$123,633.00 for the second Bright Stars Classroom at Cale Elementary School; and
- One (1) appropriation (#2008059) in the amount of \$93,036.01 for various School donations, programs, and grants.

Staff recommends the approval of the budget amendment in the amount of \$254,300.22 and the approval of the FY 2008 Appropriations #2008055, #2008056, #2008057, #2008058, and #2008059.

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**Appropriation #2008055** **\$ 79,000.00**

Revenue Source: Merit and Salary Contingencies \$ 79,000.00

The FY2008 budget appropriated merit pool and reclassification contingencies to be distributed to individual departments after the July 1 merit calculations had been performed and any position reclassifications were completed. This request allocates \$79,000.00 from the contingencies to the appropriate departments based on actual salary adjustments and anticipated department salary projections.

**Appropriation #2008056** **\$ 32,631.21**

Revenue Source: General Fund Balance \$ 32,631.21

The Voter Registration Department moved from its former location at the Virginia Division of Motor Vehicles (DMV) building on Pantops Mountain to the County Office Building – 5<sup>th</sup> Street in September 2007. This move was necessitated due to a reduction in available space for the department in the DMV building that significantly reduced the ability of the registrar to conduct in-person absentee voting. As a result of the move, \$31,444.41 in one-time expenses associated with moving and equipping the new offices at COB 5<sup>th</sup> Street were incurred. This amount is proposed to be funded from the General Fund Balance.

As a result of an event scheduled at the John Paul Jones Arena on the day of the November 2007 election, a special notice was mailed to all registered voters in the U-Hall voter precinct advising of anticipated heavy traffic around the polling place. The mailing resulted in \$1,186.80 in additional, unanticipated one-time expense for the Voter Registration Department. This amount is proposed to be funded from the General Fund Balance.

**Appropriation #2008057** **\$ 5,000.00**

Revenue Source: Federal Revenue \$ 5,000.00

The Department of Criminal Justice Services has awarded the Albemarle County Police Department a grant in the amount of \$5,000.00. This grant will be used to purchase new ballistic vests for two members of the Police Department's Tactical Team as well as a ballistic shield for use by the team. There is no local match.

**Appropriation #2008058** **\$123,633.00**

Revenue Source: State Revenue \$84,500.00  
General Fund Balance 32,085.00  
School Division 7,048.00

The Albemarle County Department of Social Services has received a grant award from the Virginia Department of Education's Pre-School Pilot Initiative for FY 2008. This initiative, which enabled a second Bright Stars classroom at Cale Elementary, was detailed to the Board on June 13, 2007. At that time, the

grant award was anticipated to be \$80,312.00 and required an anticipated \$32,000.00 match from local government funds. The Board approved the use of FY 06/07 expenditure savings (which is now part of the General Fund Balance) to fund the anticipated local match. The grant was subsequently awarded and provides \$84,500.00 in grant funding for this second classroom. The local match totals \$39,133.00, of which \$7,048.00 will be provided from the School Division and \$32,085.00 from the General Fund Balance.

**Appropriation #2008059** **\$93,036.01**

Revenue Source:	Local Revenue (Donations)	\$ 7,800.00
	Federal Revenue	28,948.56
	School Special Revenue	
	Fund Balances	56,287.45

At its meeting on February 28, 2008, the School Board approved the following appropriation requests:

- Monticello High School received a donation in the amount of \$1,000.00 from the State Farm Mutual Automobile Insurance Company. The donor has requested that this contribution be used on the Monticello High School newspaper "The Hoofprint".
- Cale Elementary School received a donation in the amount of \$1,000.00 from the Wal-Mart Stores, Inc. This contribution will be used for additional tutoring for the at-risk students at Cale Elementary.

At its meeting on March 13, 2008, the School Board approved the following appropriation requests:

- The GE Volunteers Foundation has awarded Woodbrook Elementary School a grant in the amount of \$300.00. These funds will be used towards the purchase of the Brandchild SOL Web-Achiever Software. This software allows each student to collect pre-test and post-test data to monitor their individual success in learning. The software will be used within Woodbrook's two after-school intervention programs.
- The Freas Foundation has awarded Carrie Finnegan, Orchestra Director for Albemarle High, Jack Jouett Middle and Sutherland Middle Schools, with a grant in the amount of \$5,000.00. These grant funds will be used towards the purchase of two cellos and one bass for each school's orchestra.
- The State Farm Companies Foundation has awarded Hollymead Elementary with a grant in the amount of \$500.00. These grant funds will be used to purchase additional instructional supplies for various classrooms.
- Various Miscellaneous Grants have an unexpended fund balance from FY06/07. Holders of these grants have been encouraged to expend these balances. This request reappropriates \$35,543.19 in available fund balance for use in FY07/08.
- Title III is a federally funded program designed to improve student learning by states and districts as part of a comprehensive approach to close the achievement gap especially between children who are limited English proficient and their peers. There is a fund balance retained by the state in the amount of \$15,799.79 from FY06/07 and may be reappropriated for FY07/08. The funds will be used to pay salaries, benefits and purchase educational materials.
- "Families in Crisis" is funded under the McKinney-Vento Homeless Education Assistance Improvement Act, Title X, Part C of the No Child Left Behind Act of 2001. The program is designed to identify students eligible under the Act and provide support services needed to assure their continued success in school. There is a fund balance retained by the state from FY06/07 in the amount of \$13,148.77 which may be used for FY07/08. Also, there is a local fund balance of \$11,886.23 which may be reappropriated for FY07/08. The funds will be used to provide additional services, including tutoring for the increasing number of homeless students living in the Albemarle County school district or being forced to move out of the district because of circumstances beyond their control. The fund may also be used for emergency needs to include purchasing and delivering items such as food, water, propane, and other items, and temporary after school fees to assure that students remain in a safe environment if needed.
- Various Shannon Foundation Grants have an unexpended fund balance from FY06/07. Holders of these grants have been encouraged to expend these balances. This request reappropriates \$8,858.03 in available fund balance for use in FY07/08.

**By the above-recorded vote, the Board approved the budget amendment in the amount of \$254,300.22 and the approved the following FY 2008 Appropriations #2008055, #2008056, #2008057, #2008058, and #2008059:**

**COUNTY OF ALBEMARLE  
APPROPRIATION**

**APP #** 2008055  
**DATE** \_\_\_\_\_  
**BATCH#** \_\_\_\_\_

**EXPLANATION: Distribute salary reserve based on salary projections**

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER		
					CODE	AMOUNT	DEBIT	CREDIT	
1	1000	21010	110000	Circuit Court		200.00			
1	1000	41110	110000	Facilities Development		45,000.00			
1	1000	43001	110000	Gen Svcs-Administration		8,500.00			
1	1000	43004	110000	Gen Svcs-Copy Center		1,000.00			
1	1000	43005	110000	Storm Water Management		11,400.00			
1	1000	71011	110000	Parks-Administration		1,200.00			
1	1000	71012	110000	Parks-Maintenance		200.00			
1	1000	71014	110000	Parks-Athletics & Classes		3,900.00			
1	1000	71017	110000	Parks-Teen Programs		2,600.00			
1	1000	71018	110000	Parks-Greenway Program		500.00			
1	1000	82030	110000	Soil & Water Conservation		4,500.00			
1	1000	950000	999908	Cont-Reclassifications		(60,900.00)			
1	1000	950000	999977	Compensation Plan Reserve		(18,100.00)			
<b>TOTAL</b>							<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #** 2008056  
**DATE** \_\_\_\_\_  
**BATCH#** \_\_\_\_\_

**EXPLANATION: To cover costs associated with the move of the Registrar's Office from DMV to COB 5th Street and to cover costs associated with a special mailing for the November 2007 election.**

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
1	1000	13020	390000	Other Purchased Services	J	1	487.50	
1	1000	13020	520100	Postage	J	1	699.30	
1	1000	13020	550570	Moving Costs	J	1	29,502.78	
1	1000	13020	800200	Furniture & Fixtures	J	1	1,941.63	
2	1000	51000	510100	Appropriation - F/B	J	2	32,631.21	
	1000		0501	Est. Revenue				32,631.21
			0701	Appropriation				32,631.21
<b>TOTAL</b>							<b>65,262.42</b>	<b>32,631.21</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #** 2008057  
**DATE** \_\_\_\_\_  
**BATCH#** \_\_\_\_\_

**EXPLANATION: DCJS Grant - Police Department**

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER		GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT
2	1515	33000	300001	Federal Revenue	J	2	5,000.00	
1	1515	31013	800100	Machinery/Equipment	J	1	5,000.00	
	1515		0501	Est. Revenue				5,000.00
			0701	Appropriation				5,000.00

<b>TOTAL</b>								<b>5,000.00</b>	<b>5,000.00</b>

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #** 2008058  
**DATE** \_\_\_\_\_  
**BATCH#** \_\_\_\_\_

**EXPLANATION:** Virginia Preschool Pilot Initiative - 2nd Bright Stars Classroom at Cale Elementary for FY 2007/08

TYPE	FUND	DEPT	OBJECT	DESCRIPTION	SUB LEDGER			GENERAL LEDGER	
					CODE	AMOUNT	DEBIT	CREDIT	
2	1577	24000	240283	Bright Stars 4 Yr Old Pgm	J 2	\$84,500.00			
2	1577	51000	512001	Trs. Fr.-From School Fund	J 2	\$7,048.00			
2	1577	51000	512004	Trs. Fr.-From General Fund	J 2	\$32,085.00			
1	1577	61152	110000	Salaries - Regular	J 1	\$42,682.00			
1	1577	61152	112100	Salaries - Teacher	J 1	\$44,796.00			
1	1577	61152	210000	FICA	J 1	\$6,692.00			
1	1577	61152	221000	Virginia Retirement System	J 1	\$8,046.00			
1	1577	61152	231000	Health Insurance	J 1	\$6,153.00			
1	1577	61152	232000	Dental Insurance	J 1	\$227.00			
1	1577	61152	240000	VRS Group Life Insurance	J 1	\$448.00			
1	1577	61152	270000	Worker's Compensation	J 1	\$524.00			
1	1577	61152	301200	Contract Services-Other	J 1	\$7,790.00			
1	1577	61152	301210	Contract Services	J 1	\$400.00			
1	1577	61152	310000	Professional Services	J 1	\$300.00			
1	1577	61152	420100	Field Trips	J 1	\$350.00			
1	1577	61152	520100	Postal Services	J 1	\$25.00			
1	1577	61152	520300	Telecommunications	J 1	\$500.00			
1	1577	61152	550100	Travel/Training/Education	J 1	\$800.00			
1	1577	61152	580000	Miscellaneous Expenses	J 1	\$200.00			
1	1577	61152	600100	Office Supplies	J 1	\$125.00			
1	1577	61152	600200	Food Supplies	J 1	\$500.00			
1	1577	61152	600400	Medical & Lab. Supplies	J 1	\$25.00			
1	1577	61152	601200	Books & Subscriptions	J 1	\$125.00			
1	1577	61152	601300	Educ. & Recreation Supplies	J 1	\$1,725.00			
1	1577	61152	601700	Copy Expense	J 1	\$100.00			
1	1577	61152	800700	ADP Equipment	J 1	\$100.00			
1	1577	61152	800710	Data Processing Supplies	J 1	\$1,000.00			
	1577		0501	Est. Revenue			123,633.00		
			0701	Appropriation				123,633.00	
2	1000	51000	510100	Appropriation - F/B	J 2	32,085.00			
1	1000	93010	939999	Transfer to Other Funds	J 1	32,085.00			
	1000		0501	Est. Revenue			32,085.00		
<b>TOTAL</b>						<b>311,436.00</b>	<b>155,718.00</b>	<b>155,718.00</b>	

**COUNTY OF ALBEMARLE  
 APPROPRIATION**

**APP #** 2008059  
**DATE** \_\_\_\_\_  
**BATCH#** \_\_\_\_\_

**EXPLANATION:** Education Donations, Programs, and Grants School Board Meeting  
 02/28/2008 and 03/13/2008

					SUB LEDGER		GENERAL LEDGER	
TYPE	FUND	DEPT	OBJECT	DESCRIPTION	CODE	AMOUNT	DEBIT	CREDIT
2	2000	18100	181109	DONATION	J 2	2,000.00		
1	2214	61140	112100	SALARY-TEACHER	J 1	928.94		
1	2214	61140	210000	FICA	J 1	71.06		
1	2304	61101	601300	INST/REC SUPPLIES	J 1	1,000.00		
	2000		0501	EST. REVENUE			2,000.00	
			0701	APPROPRIATION				2,000.00
2	3104	18000	181275	REVENUE	J 2	300.00		
2	3104	18000	189900	REVENUE	J 2	5,000.00		
2	3104	18000	189900	REVENUE	J 2	500.00		
2	3104	51000	510100	APP - FUND BALANCE	J 2	35,543.19		
2	3215	33000	330119	TITLE III GRANT	J 2	15,799.79		
2	3304	33000	330001	FAMILIES IN CRISIS GRANT	J 2	13,148.77		
2	3304	51000	510100	APP - FUND BALANCE	J 2	11,886.23		
2	3502	51000	510100	APP - FUND BALANCE	J 2	8,858.03		
1	3104	60201	601300	ED & REC SUPPLIES	J 1	80.75		
1	3104	60203	312500	PROF SERVICES-INSTRUCTIONAL	J 1	325.00		
1	3104	60203	601300	ED & REC SUPPLIES	J 1	500.00		
1	3104	60205	601300	ED & REC SUPPLIES	J 1	500.00		
1	3104	60205	312500	PROF SERVICES-INSTRUCTIONAL	J 1	1,150.00		
1	3104	60205	601300	ED & REC SUPPLIES	J 1	1,091.02		
1	3104	60206	601300	ED & REC SUPPLIES	J 1	18.24		
1	3104	60207	601300	ED & REC SUPPLIES	J 1	200.00		
1	3104	60209	601300	ED & REC SUPPLIES	J 1	105.29		
1	3104	60210	601300	ED & REC SUPPLIES	J 1	1,589.29		
1	3104	60212	800711	EDUC-COMPUTER SOFTWARE	J 1	300.00		
1	3104	60212	601300	ED & REC SUPPLIES	J 1	440.32		
1	3104	60213	601300	ED & REC SUPPLIES	J 1	4,806.83		
1	3104	60215	601300	ED & REC SUPPLIES	J 1	1,051.75		
1	3104	60216	601300	ED & REC SUPPLIES	J 1	1,598.61		
1	3104	60217	601300	ED & REC SUPPLIES	J 1	5,890.43		
1	3104	60251	601300	ED & REC SUPPLIES	J 1	1,138.60		
1	3104	60252	312500	PROF SERVICES-INSTRUCTIONAL	J 1	4,641.77		
1	3104	60253	601300	ED & REC SUPPLIES	J 1	5,000.00		
1	3104	60253	800700	ED & REC SUPPLIES	J 1	7,000.00		
1	3104	60301	601300	ED & REC SUPPLIES	J 1	343.70		
1	3104	61101	601300	ED & REC SUPPLIES	J 1	1,063.93		

1	3104	61311	580500	STAFF DEVELOPMENT	J	1	2,507.66		
1	3215	61101	112100	SALARIES - TEACHER	J	1	7,500.00		
1	3215	61101	132100	PT/WAGES-TEACHER	J	1	2,700.00		
1	3215	61101	210000	FICA	J	1	780.00		
1	3215	61101	221000	VIRGINIA RETIREMENT SYSTEM	J	1	1,153.00		
1	3215	61101	231000	HEALTH INSURANCE	J	1	305.00		
1	3215	61101	241000	VRS GROUP LIFE INSURANCE	J	1	104.00		
1	3215	61101	601300	EDUCATIONAL MATERIALS	J	1	3,257.79		
1	3304	61101	111400	SALARIES-OTHER MANAGEMENT	J	1	7,000.00		
1	3304	61101	132100	PT/WAGES-TEACHER	J	1	9,550.00		
1	3304	61101	210000	FICA	J	1	1,267.00		
1	3304	61101	221000	VIRGINIA RETIREMENT SYSTEM	J	1	1,100.00		
1	3304	61101	231000	HEALTH INSURANCE	J	1	300.00		
1	3304	61101	241000	VRS GROUP LIFE INSURANCE	J	1	40.00		
1	3304	61101	600200	FOOD	J	1	1,000.00		
1	3304	61101	601300	EDUC. & REC.	J	1	3,578.00		
1	3304	61101	601700	COPY SUPPLIES	J	1	1,200.00		
1	3502	60606	601300	EDUCATIONAL SUPPLIES	J	1	8,858.03		
	3104		0501	EST. REVENUE				41,343.19	
			0701	APPROPRIATION					41,343.19
	3215		0501	EST. REVENUE				15,799.79	
			0701	APPROPRIATION					15,799.79
	3304		0501	EST. REVENUE				25,035.00	
			0701	APPROPRIATION					25,035.00
	3502		0501	EST. REVENUE				8,858.03	
			0701	APPROPRIATION					8,858.03
<b>TOTAL</b>							<b>186,072.02</b>	<b>93,036.01</b>	<b>93,036.01</b>

Item 7.3. Adoption of a Resolution of Intent to update the Economic Development Policy in the Comprehensive Plan.

The Executive Summary states that the Board held a work session on February 13, 2008 to review the Economic Development Policy in the Comprehensive Plan and to discuss findings and analysis from recently updated economic data. Three main issues emerged: 1) lack of light-industrial land; 2) workforce changes; and 3) diminishing productivity of the rural economy.

The attached Resolution of Intent formally initiates the process to amend the Economic Development Policy in the Comprehensive Plan and provides direction to the Planning Commission to specifically address the three issues identified at the Board's February 13, 2008 work session. To address the lack of light-industrial land and space, specific options were discussed such as limiting by-right uses in LI zoning, and adding land in the LI designation and zoning.

Staff recommends that the Board adopt the attached Resolution of Intent to initiate the update of the Economic Development Policy in the Comprehensive Plan.

**(Discussion:** Mr. Rooker said it is not explicitly in the resolution the concept of limiting some of the uses presently allowed in LI zoning. If the Board continues to allow LI zoned property to be used for purposes that have a higher value, it will not find it being used for LI purposes as was envisioned. He would like that concept included by including another "Whereas" in the resolution that it would be appropriate to also consider reducing the number of other uses permitted in LI zoned districts. For

example, as long as the Board allows LI property to be used for Commercial Office, it will end up being converted to CO because it is a higher value use to an owner.

Mr. Boyd agreed with Mr. Rooker.

Mr. Slutzky asked if the Board could downzone the LI property that is identified and say that it can only be used for a narrowly defined purpose.

Mr. Rooker indicated that amendment of the Zoning Ordinance would eliminate some of the permitted uses; another option would be limiting the use of any newly created light industrial property.

Mr. Davis responded that there will need to be analysis of whether it's possible to legally downzone LI properties by significantly eliminating uses. The County would have to make this comprehensive and be able to justify their action. He added that another approach would be to create a new LI zone.

Mr. David Benish, Chief of Planning, mentioned that this resolution is oriented towards the Comprehensive Plan Amendment, not zoning text amendments.

Mr. Rooker said that the better approach would be to recognize the need for more LI property, and that should be created with the intention that it would remain under light industrial use.

Mr. Boyd said he thinks the Board should also look at the fact that a lot of the LI property is not in the appropriate place for its use because of what surrounds it.

Ms. Mallek commented that there is a lot of commercial use in the LI district and she's distressed to learn that redefining that is considered stepping outside the process.

Mr. Davis replied that a text amendment can be considered a downzoning and a number of steps would need to be taken to do that properly, starting with the Comprehensive Plan. He thinks there are some other alternatives that can be viewed.

Ms. Thomas noted that for years she has been asking for the contractor's storage yard definition in the LI zone be reworded and changed to require a special use permit, so if a zone is changed so that some uses require a special use permit perhaps that would be acceptable.

Mr. Davis responded that that approach has been successfully undertaken in other locations, and it would depend on the scope of the permitted uses left in the district.

Ms. Mallek asked what is meant by "the diminished productivity of the rural economy."

Ms. Thomas commented that there is amazing activity happening in the rural area related to the "buy local" movement nationwide, and she does not want to go in with a defeatist attitude that there is some kind of problem.

Mr. Slutzky noted that the CSA partnerships are selling out, which is "a remarkably good sign."

Ms. Susan Stimart, Business Development Facilitator, pointed out that farm profits have gone down in the latest agricultural census, and that is where that comment came from.

Ms. Mallek said that the wine industry will likely help turn that around.

Ms. Thomas mentioned that there are some "quirks" in the way the Department of Agriculture counts certain things, like horses – which are not included.)

**By the above-recorded vote, the Board adopted the following Resolution of Intent to initiate the update of the Economic Development Policy in the Comprehensive Plan:**

#### **RESOLUTION OF INTENT**

**WHEREAS**, the Economic Development Policy of the Comprehensive Plan (the "Policy") sets forth a number of goals, objectives and strategies for economic development in Albemarle County; and

**WHEREAS**, recent data has identified the lack of land available for Light Industry uses, the need for workforce development, and the County's agricultural economy as three compelling economic trends related to a number of the Policy's objectives; and

**WHEREAS**, in order to address these trends, it is desired to amend the Policy to prioritize strategies pertaining to increasing available land for local business expansion associated with Light Industry uses; encouraging and providing workforce development opportunities, with an emphasis on emerging business segments; and enhancing the economic viability of the rural economy, with an emphasis on those segments that protect the character of the Rural Areas.

**NOW, THEREFORE, BE IT RESOLVED THAT** for purposes of public necessity, convenience, general welfare and good planning and land use practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to amend the Albemarle County Comprehensive Plan by amending the Economic

Development Policy as described herein and to make any other changes to the Comprehensive Plan deemed to be necessary in order to achieve the purposes described herein; and

**BE IT FURTHER RESOLVED THAT** the Planning Commission shall hold a public hearing on the Comprehensive Plan amendment proposed by this resolution of intent, and make its recommendations to the Board of Supervisors at the earliest possible date.

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Item 7.4. Adoption of a Resolution of Intent for a zoning text amendment to provide a waiver for athletic facility light pole height.

The Executive Summary states that in the RA, VR, R-1, R-2, R-4 and R-6 zoning districts, structures cannot exceed 35 feet in height. In the R-10, R-15, and the commercial and industrial zoning districts, structures cannot exceed 65 feet in height. Zoning Ordinance § 4.10.3 provides exceptions to the district height limitations for structures such as transmission towers, television and radio towers, flag poles, steeples and several other classes of structures. Poles for athletic facility lighting are not among the classes of structures excepted from the district height limitations.

In an official determination dated June 9, 2006, Zoning staff confirmed that poles for athletic facility lighting do not fall within one of the classes of excepted structures, and that they are subject to the height limitation allowed in the applicable zoning district. Prior to this determination, the Planning Commission had approved modifications under Zoning Ordinance § 4.17.5 to allow athletic facility lighting on poles that exceeded the district height limitations for St. Anne's Belfield School, Western Albemarle High School, Monticello High School and Brownsville Elementary School.

In order to safely light an athletic facility, the lighting system must provide sufficient illumination to all parts of the field or court and, to do so, the luminaires must be placed high enough over the athletic facility to provide the illumination. The 35- and 65-foot height limitations in the zoning district regulations do not, for most all sports, allow the luminaires to be placed high enough over an athletic facility to provide safe illumination.

In order to assure that athletic facilities are safely illuminated, staff recommends that the Zoning Ordinance be amended to allow poles for athletic facility lighting to be taller than the height otherwise allowed in the applicable zoning district. Rather than completely exempting these poles from regulation, Staff recommends that the Planning Commission be authorized to waive the zoning district's height limitation on a case-by-case basis and allow poles to be erected at a height determined to be necessary to safely illuminate the athletic facility, based on recognized standards of the Illuminating Engineering Society of North America.

This amendment will reduce staff time that would otherwise be spent reviewing these variances.

Staff recommends that the Board adopt the attached resolution of intent.

**(Discussion:** Mr. Slutzky said that he would also like to add another tall feature to the discussion – examining the impact of allowing wind-power generation structures in the County.

Mr. Rooker said that he has had inquiries from homeowners who are interested in putting up a wind turbine.

Mr. Davis stated that in a residential zone the limit is 30 to 35 feet, and in the agriculture district it is 60 feet, so they can be used as long as they are determined to be accessory structures.

Mr. Greg Kamptner, Deputy County Attorney, said that Zoning has had one request for consideration of whether a windmill is an accessory use in a residential district. Based upon existing circumstances it was determined that it was not an accessory use. He said that staff suggested to the applicant to submit a zoning text amendment, as other Virginia localities are allowing windmill uses as accessory to residential.

Mr. Davis added that if the Board wants to discuss use of windmills, they should schedule that as a separate discussion.

Mr. Slutzky responded that the athletic field and windmill discussions could take place at the same time.

Ms. Thomas emphasized that sports lighting is exempt from the Dark Skies Ordinance, but since that was adopted there has been progress with designs and materials that provide adequate lighting and still meet the ordinance. She would like to change the statement of intent to emphasize to the Planning Commission that the reasons the Board is doing this is to meet the Dark Skies Ordinance goals and to safely illuminate the athletic facility.

Mr. Rooker said he would support a change to the proposed Resolution of Intent. He suggested that the fourth "Whereas" be amended to read: "Whereas, in order to meet the dark skies ordinances and to assure..." Mr. Dorrier **seconded** the motion.

Mr. Slutzky asked how this impacted the issue he brought up.

Mr. Rooker replied that he supports Mr. Slutzky's thought on wind turbines, but he does not support holding this up.

Mr. Slutzky said he would like to direct staff to, sooner rather than later, bring the Board a basis for the discussion of the appropriateness of increasing the structure height to accommodate wind turbine.

Mr. Davis suggested dealing with the Consent Agenda first, then with Mr. Slutzky's item.)

**By the above-recorded vote, the Board adopted the following Resolution of Intent:**

#### **RESOLUTION OF INTENT**

**WHEREAS**, current zoning regulations limit the height of poles for athletic facility lighting to the maximum height allowed for structures in the applicable zoning district; and

**WHEREAS**, in order to safely light an athletic facility, outdoor luminaries must provide sufficient illumination to all parts of the field or court and, to do so, the luminaries must be placed high enough over the athletic facility to provide such illumination; and

**WHEREAS**, in most if not all zoning districts, the maximum height allowed for structures does not allow outdoor luminaries to be placed high enough over an athletic facility to provide safe illumination; and

**WHEREAS**, in order to meet dark skies ordinances and to assure that athletic facilities are safely illuminated, it is desired to amend the Zoning Ordinance to allow poles for athletic facility lighting to be taller than the height otherwise allowed in the applicable zoning district, provided that the Planning Commission grants a waiver of the zoning district's height limitation on a case-by-case basis and authorizes the poles to be erected at a height determined to be necessary to safely illuminate the athletic facility.

**NOW, THEREFORE, BE IT RESOLVED THAT** for purposes of public necessity, convenience, general welfare and good land development practices, the Board of Supervisors hereby adopts a resolution of intent to amend Zoning Ordinance §§ 4.10.3.2, 4.17.5 and any other regulations of the Zoning Ordinance deemed appropriate to achieve the purposes described herein.

**BE IT FURTHER RESOLVED THAT** the Planning Commission shall hold a public hearing on the zoning text amendment proposed by this resolution of intent, and make its recommendation to the Board of Supervisors, at the earliest possible date.

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Item 7.5. Amendment to Regional Boundary for Solid Waste Planning.

In a memorandum dated March 20, 2008, from Rochelle Garwood, Senior Environmental Planner, Thomas Jefferson Planning District Commission, to Robert W. Tucker, Jr., County Executive, Nelson County has requested withdrawal from the Thomas Jefferson Solid Waste Planning Region, which also includes the Counties of Albemarle, Fluvanna, and Greene, the City of Charlottesville, and the Towns of Scottsville, Columbia, and Standardville. The request comes as a result of Nelson County's decision to join the Region 2000 Services Authority, which will afford the County access to less expensive waste disposal options. Nelson County has the option to continue participating with other localities in special waste events or recycling efforts, and has requested to do so, including the Household Hazardous Waste Events at the Ivy Materials Utilization Facility and the semi-annual meetings of the Solid Waste Management Plan Committee, which often focus on ways to improve recycling rates.

Section 9 VAC 20-130-220 of the Solid Waste Planning and Recycling Regulations, Amendment 2, states that "The director may amend a solid waste planning unit's boundary based on an application from the governing body or bodies of the solid waste planning unit. Along with the application each locality (within the original region and any locality being added) must submit a letter acknowledging the change in the boundary." In order to simplify meeting this requirement for the localities in our region, a form has been attached that you may sign and return to acknowledge the change."

**(Discussion:** Mr. Slutzky pointed out that with the amendment for a regional boundary for solid waste planning, Nelson County wants to join with Lynchburg instead of Charlottesville. He asked why Lynchburg is so much cheaper.

Ms. Mallek responded that it is a geographical issue.

Mr. Tucker noted that Nelson works the Lynchburg area as much or more than they do with this area, and some parts of that county are closer to Lynchburg.

Mr. Boyd asked if there was any fiscal impact in having one less member in the group. Mr. Tucker responded, "no".

Ms. Thomas indicated that she and Ms. Mallek had been involved in Planning District Commission discussions about this, and there isn't an impact.)

**By the above-recorded vote, the Board authorized the County Executive to sign acknowledgement regarding the change in boundary for the TJ Solid Waste Planning Region.**

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Item 7.6. ACE; Virginia Department of Agriculture and Consumer Services Grant for Easement Acquisition.

The Executive Summary states that Clayton Farm, a 228.50 acre property adjoining both Route 240 and the Beaver Creek Reservoir near Crozet, is a working farm for which the Board accepted the owner's offer to sell an easement under the County's ACE Program for \$1,315,000.00 at its March 5, 2008 meeting. The County has been awarded a grant of \$403,219.75 in state matching funds from the Virginia Department of Agriculture and Consumer Services' ("VDACS") Office of Farmland Preservation under a program established by the General Assembly in 2007 to provide funds for the preservation of working farms and forest lands.

VDACS has requested that the County enter into the Intergovernmental Agreement (the "Agreement") as a condition of receiving the grant funding. The key provisions of the Agreement are summarized below.

The Agreement would obligate VDACS to set aside the grant amount in an account, and reimburse the County for its reimbursable costs in the purchase of the Clayton Farm easement. For Clayton Farm, the purchase price will consume all of the reimbursable costs. The Agreement also would require VDACS concurrence if Clayton Farm was ever converted or diverted from open-space use and entitle VDACS to reimbursement of its pro rata share of the purchase price if conversion or diversion ever occurred. Conversion or diversion of land is permitted under the Open-Space Land Act in limited circumstances and would also require the concurrence of the County and the Public Recreational Facilities Authority, and require that substitute land of equal or greater value and quality be placed under an open-space easement.

The Agreement would obligate the County to appropriate funds equal to the grant amount for the purchase of the Clayton Farm easement, apply the grant funds to the purchase of the easement, provide VDACS with annual progress reports describing the County's efforts to obtain easements on other working farms, and its programs for public outreach, stewardship and monitoring, and measuring the effectiveness of the County's efforts to bring working farms under easement. The Agreement also requires the County to maintain sufficient title insurance for the Clayton Farm easement, a standard County practice, to allow VDACS the opportunity to review easement instruments and the title insurance policy, to receive copies of the recorded easement instrument, to provide notice to VDACS if the County receives an application to convert or divert Clayton Farm from its permitted easement uses, and to enforce the terms and conditions of the deed of easement.

The County's execution of the Intergovernmental Agreement will allow the County to receiving \$403,219.75 in state funding to apply to the ACE program.

Staff recommends that the Board authorize the County Executive to execute the Agreement on behalf of the County, provided that it is first approved as to form and content by the County Attorney.

**By the above-recorded vote, the Board authorized the County Executive to execute the following Agreement on behalf of the County, provided that it is first approved as to form and content by the County Attorney:**

**INTERGOVERNMENTAL AGREEMENT**  
**Between**  
**Virginia Department of Agriculture and Consumer Services**  
**and**  
**Albemarle County**

This INTERGOVERNMENTAL AGREEMENT is entered into this 26th day of February, 2008, in the City of Richmond, Virginia, between the Virginia Department of Agriculture and Consumer Services ("VDACS") and Albemarle County (collectively, "the parties") to provide mutually advantageous terms for cooperation between VDACS and Albemarle County to implement VDACS' contribution of funds during the fiscal year ending June 30, 2008 in support of Albemarle County's purchase of agricultural conservation easements.

WHEREAS, the General Assembly, by Chapter 847 of the 2007 Acts of Assembly, has appropriated \$4.25 million to VDACS for the establishment of a state fund to match local government purchase of development rights program funds for the preservation of working farms and forest lands; and,

WHEREAS, § 3.1-18.10 of the Code of Virginia authorizes VDACS' Office of Farmland Preservation to develop methods and sources of revenue for allocating funds to localities to purchase agricultural conservation easements; and,

WHEREAS, for all purposes of this INTERGOVERNMENTAL AGREEMENT, the term "agricultural conservation easement" shall mean a negative easement that has the primary conservation purpose of preserving working farm and/or forest land; and,

WHEREAS, the Albemarle County Board of Supervisors has enacted an ordinance or passed a resolution that: authorizes, in accordance with Title 10.1, Chapter 17 of the Code of Virginia ("the Open-Space Land Act") and other applicable law, Albemarle County to purchase agricultural conservation easements from landowners (each hereinafter called "Grantor"); sets forth a clear, consistent, and equitable administrative process governing such purchases; and outlines the goals and purposes of Albemarle County's farmland preservation program; and,

WHEREAS, Albemarle County has agreed to maintain a public outreach program designed to educate various stakeholders in Albemarle County—including farmers, landowners, public officials, and the non-farming public—about Albemarle County’s initiatives to preserve working farms and forest lands; and,

WHEREAS, Albemarle County has agreed to establish a transparent and replicable process for valuation of agricultural conservation easements; and,

WHEREAS, the purchase of agricultural conservation easements is one component of Albemarle County’s broader farmland preservation program and,

WHEREAS, Albemarle County has agreed to use a deed of easement that is sufficiently flexible to allow for future agricultural production in purchases of agricultural conservation easements for which Albemarle County uses funds contributed to it by VDACS; and,

WHEREAS, Albemarle County has agreed to establish a clear strategy for monitoring and enforcing the terms of the agricultural conservation easements that Albemarle County purchases; and,

WHEREAS, Albemarle County has agreed to establish a process that Albemarle County will use to evaluate the effectiveness of its farmland preservation program, including a protocol for making changes to Albemarle County’s agricultural conservation efforts based on such evaluations; and,

WHEREAS, VDACS, in reliance on the veracity of the foregoing recitals, certifies Albemarle County is eligible to receive contributions of funds from VDACS in reimbursement for certain costs Albemarle County incurs in the course of purchasing agricultural conservation easements; and,

WHEREAS, Albemarle County, and the agents and employees of Albemarle County, in the performance of this INTERGOVERNMENTAL AGREEMENT, are acting on behalf of Albemarle County, and not as officers or employees or agents of the Commonwealth of Virginia;

NOW, THEREFORE, VDACS and Albemarle County agree their respective responsibilities, pursuant to this INTERGOVERNMENTAL AGREEMENT, shall be defined as follows:

**1. VDACS Responsibilities**

- a. VDACS shall, within thirty (30) days of the date of execution of this INTERGOVERNMENTAL AGREEMENT, restrict \$403,219.75 (hereinafter “the allocation amount”) in an account, from which VDACS shall withdraw funds only to pay contributions of funds that Albemarle County is eligible to receive pursuant to this INTERGOVERNMENTAL AGREEMENT, except that upon the expiration of *two* (2) years from the date of this INTERGOVERNMENTAL AGREEMENT, or immediately upon Albemarle County’s failure to perform any of its obligations under the terms of this INTERGOVERNMENTAL AGREEMENT, VDACS shall have the right to withdraw any funds then remaining in such account and the right to redirect those funds to other localities that VDACS certifies as being eligible to receive matching funds and that enter into an intergovernmental agreement with VDACS to govern the distribution of matching funds for the purchase of agricultural conservation easements.
- b. Upon Albemarle County’s recordation of a deed evidencing Albemarle County’s purchase of an agricultural conservation easement in the circuit court of the city or county where the Grantor’s land is located and Albemarle County’s submission to VDACS of a completed claim for reimbursement, on a form prescribed by VDACS, together with the supporting documentation required under paragraph 2(e) of this INTERGOVERNMENTAL AGREEMENT, VDACS shall reimburse Albemarle County fifty percent (50%) of the reimbursable costs that Albemarle County actually incurred in the course of purchasing that agricultural conservation easement, limited to that portion of the allocation amount remaining in the account maintained by VDACS pursuant to paragraph 1(a) of this INTERGOVERNMENTAL AGREEMENT. VDACS may make alternative arrangements for the distribution of funds pursuant to this INTERGOVERNMENTAL AGREEMENT, provided Albemarle County presents a written request for such alternative arrangement to the Commissioner of VDACS or the Commissioner’s designated agent (referred collectively hereinafter as “the Grant Manager”) prior to incurring any expense for which Albemarle County seeks a distribution of funds under the proposed alternative arrangement.

For purposes of this INTERGOVERNMENTAL AGREEMENT, “reimbursable costs” include:

1. The purchase price of the agricultural conservation easement, at present value, including any portion that Albemarle County will pay over time pursuant to an installment purchase agreement;
2. The cost of title insurance;
3. The cost of one appraisal of the land upon which Albemarle County purchases an agricultural conservation easement;
4. The cost of one survey of the physical boundaries of the land upon which Albemarle County purchases an agricultural conservation easement, but not the cost of producing a baseline report of the conditions existing on the land at the time of the conveyance of the agricultural conservation easement;

5. Reasonable attorney fees associated with the purchase of an agricultural conservation easement; and
  6. The cost of issuing public hearing notices associated with Albemarle County's purchase of an agricultural conservation easement that Albemarle County is required by law to issue.
- c. VDACS shall only be responsible for reimbursing Albemarle County under paragraph 1(b) of this INTERGOVERNMENTAL AGREEMENT for reimbursable costs that Albemarle County actually incurs in the course of purchasing an agricultural conservation easement when Albemarle County acquires, by such purchase, a deed of easement that, at a minimum, provides:
1. The primary conservation purpose of the easement conveyed by the deed of easement is the conservation of the land for agricultural and/or forestal uses.
  2. The Grantor and Albemarle County agree that the land subject to the agricultural conservation easement shall not be converted or diverted, as the Open-Space Land Act employs those terms, until and unless the Grant Manager, with the concurrence of Albemarle County or an assignee of Albemarle County's interest in the agricultural conservation easement, certifies that such conversion or diversion satisfies the requirements of the Open-Space Land Act.
  3. The Grantor and Albemarle County agree that, in the event of an extinguishment of the restrictions of the agricultural conservation easement that results in the receipt of monetary proceeds by Albemarle County or an assignee of Albemarle County's interest in an agricultural conservation easement in compensation for the loss of such property interest, VDACS shall be entitled to a share of those proceeds proportional to VDACS's contribution toward the total reimbursable cost of acquiring the agricultural conservation easement.
  4. If the Grantor conveys the agricultural conservation easement for less than its fair market value, the Grantor and Albemarle County mutually acknowledge that approval of the terms of this Deed of Easement by VDACS and/or its legal counsel does not constitute a warranty or other representation as to the Grantor's qualification for any exemption, deduction, or credit against the Grantor's liability for the payment of any taxes under any provision of federal or state law.
  5. All mortgagors and other holders of liens on the property subject to the restrictions contained in the deed of easement have subordinated their respective liens to the restrictions of the deed of easement acquired by Albemarle County. All such mortgagors and other holders of liens shall manifest their assent to the easement's priority over their respective liens by endorsing the deed of easement.

## **2. Albemarle County Responsibilities**

- a. Albemarle County shall, within thirty (30) days of the date of execution of this INTERGOVERNMENTAL AGREEMENT, appropriate funds equal to the allocation amount for the purpose of purchasing agricultural conservation easements.
- b. Albemarle County shall use matching funds that VDACS contributes to Albemarle County, pursuant to this INTERGOVERNMENTAL AGREEMENT, only for the purpose of purchasing agricultural conservation easements that are perpetual and that have the primary conservation purpose of preserving working farm and forest lands.
- c. Within one (1) year from the date of this INTERGOVERNMENTAL AGREEMENT, and for each subsequent year in which the INTERGOVERNMENTAL AGREEMENT or a subsequent agreement is in force, Albemarle County shall submit to VDACS a progress report that:
  1. describes any properties that Albemarle County has identified as prospects for Albemarle County's purchase of agricultural conservation easements and the status of any negotiations for the purchase of such agricultural conservation easements;
  2. estimates the timeframes within which Albemarle County will execute contracts for any such purchases, close on such purchases, and request reimbursement of reimbursable costs for those purchases from VDACS;
  3. describes the measures Albemarle County has undertaken to develop and/or maintain a public outreach program designed to educate various stakeholders in Albemarle County's community—including farmers, landowners, public officials, and the non-farming public—about Albemarle County's agricultural conservation easement program and other initiatives to preserve working agricultural land;
  4. describes the measures Albemarle County has undertaken to develop and/or maintain a formal plan for stewardship and monitoring of the working agricultural land on which Albemarle County acquires agricultural conservation easements; and
  5. describes the measures Albemarle County has undertaken to develop and/or maintain a process that Albemarle County will use to evaluate the effectiveness of its program, including a protocol for making changes to Albemarle County's agricultural conservation efforts based on such evaluations

- d. For any purchase of agricultural conservation easements for which Albemarle County requests reimbursement from VOACS pursuant to this INTERGOVERNMENTAL AGREEMENT, Albemarle County shall obtain a policy of title insurance on its purchased interest that covers at least an amount equal to the amount for which Albemarle County requests reimbursement from VDACS.
- e. Prior to closing on a purchase of an agricultural conservation easement for which Albemarle County requests reimbursement from VDACS pursuant to this INTERGOVERNMENTAL AGREEMENT, Albemarle County shall submit, for review and approval by VDACS and its legal counsel, the following documentation:
  - 1. a fully executed contract for the sale of the agricultural conservation easement;
  - 2. any installment purchase agreement;
  - 3. the deed of easement that the Grantor will deliver to Albemarle County at closing;
  - 4. a title insurance commitment for a policy to insure the easement interest under contract indicating an amount of coverage at least equal to the amount of funds for which Albemarle County requests reimbursement from VDACS; and
  - 5. an itemized list of all reimbursable costs that Albemarle County has or will, up to the time of closing, incur in the course of purchasing the agricultural conservation easement.

Albemarle County shall make whatever changes to the proposed deed of easement and/or the installment purchase agreement, where applicable, that VDACS and/or its legal counsel deem necessary to ensure compliance with applicable state law and the requirements and purposes of this INTERGOVERNMENTAL AGREEMENT.

Albemarle County may fulfill its obligation under this paragraph by submitting accurate and complete copies of all documents enumerated in this paragraph, provided that Albemarle County shall deliver or make available the original documents to VDACS for review at VDACS' request.

- f. Together with any claim for reimbursement pursuant to this INTERGOVERNMENTAL AGREEMENT that Albemarle County submits to VDACS, Albemarle County shall also submit the following supporting documentation:
  - 1. a copy of the recorded deed of easement that VDACS and/or its legal counsel approved prior to closing, showing the locality, deed book, page of recordation, and purchase price; and
  - 2. copies of invoices, bills of sale, and cancelled checks evidencing Albemarle County's incursion of reimbursable costs in the course of purchasing the agricultural conservation easement; and
  - 3. a copy of any executed installment purchase agreement related to the purchase; and
  - 4. a copy of any deed of trust related to the purchase.
- g. Albemarle County shall provide the Grant Manager immediate written notice of Albemarle County's receipt of any application or proposal for the conversion or diversion of the use of any land upon which Albemarle County or its assignee, where applicable, holds an agricultural conservation easement, for the purchase of which VDACS contributed funds pursuant to this INTERGOVERNMENTAL AGREEMENT.
- h. Albemarle County, or any assignee of Albemarle County's interest in an agricultural conservation easement for which Albemarle County receives a contribution from VDACS pursuant to this INTERGOVERNMENTAL AGREEMENT shall at all times enforce the terms of that easement. Albemarle County shall provide the Grant Manager immediate written notice of any actions, whether at law, inequity, or otherwise, taken by locality to enforce the terms of the easement or to abate, prevent, or enjoin any violation thereof by any party. Any failure by Albemarle County or such assignee to perform its enforcement responsibility shall constitute a breach of this INTERGOVERNMENTAL AGREEMENT, for which VDACS shall have a remedy by way of a civil action for specific performance of that enforcement responsibility; or, VDACS shall have the right and authority, at its option, to demand and receive from Albemarle County a portion of the full market value of the agricultural conservation easement at the time of the breach in proportion to the amount VDACS contributed to Albemarle County's purchase of the agricultural conservation easement relative to the full market value of the agricultural conservation easement at the time of the purchase.
- i. For any purchase of an agricultural conservation easement for which Albemarle County requests reimbursement from VDACS pursuant to this INTERGOVERNMENTAL AGREEMENT, Albemarle County shall derive its valuation of the agricultural conservation easement according to the valuation methods prescribed by ordinance or resolution.

### **3. Recertification**

This INTERGOVERNMENTAL AGREEMENT pertains exclusively to VDACS's contribution of funds that the General Assembly has appropriated to VDACS for the fiscal years ending June 30, 2007 and June 30, 2008. VDACS shall not contribute other funds in the future to Albemarle

County except upon VDACS's recertification of Albemarle County's eligibility to receive such funds. VDACS may establish and communicate to Albemarle County certain benchmarks of program development that VDACS will impose upon Albemarle County as preconditions to Albemarle County's recertification for future contributions.

**4. Governing Law**

This INTERGOVERNMENTAL AGREEMENT is governed by and shall be interpreted in accordance with the laws of the Commonwealth of Virginia. In all actions undertaken pursuant to this INTERGOVERNMENTAL AGREEMENT, preferred venue shall be in the City of Richmond, Virginia, at the option of VDACS.

**5. Assignment**

Albemarle County shall not assign this INTERGOVERNMENTAL AGREEMENT, either in whole or in part, or any interest in an agricultural conservation easement for the purchase of which VDACS contributes funds pursuant to this INTERGOVERNMENTAL AGREEMENT, without the prior, written approval of the Grant Manager.

**6. Modifications**

The parties shall not amend this INTERGOVERNMENTAL AGREEMENT, except by their mutual, written consent.

**7. Severability**

In the event that any provision of this INTERGOVERNMENTAL AGREEMENT is unenforceable or held to be unenforceable, then the parties agree that all other provisions of this INTERGOVERNMENTAL AGREEMENT have force and effect and shall not be affected thereby.

In witness, whereof, the parties hereto have executed this INTERGOVERNMENTAL AGREEMENT as of the day and year first written above.

<u>(Signed) Todd P. Haymore</u>	<u>02/26/2008</u>	<u>(Signed) Robert W. Tucker, Jr.</u>	_____
Todd P. Haymore	Date	Robert Tucker	Date
Commissioner		County Executive	
Virginia Department of Agriculture & Consumer Services			

Item 7.7. Historic Crozet Streetscape Enhancement Project – Phase 2, Authorize the County Executive to sign Dominion Power Agreement for the relocation of utility lines on Crozet Avenue.

The Executive Summary states that the Historic Crozet Streetscape Enhancement project was envisioned by the Crozet Master Plan as an essential step in achieving the goals for Downtown Crozet, which includes:

- Improving pedestrian connectivity within the Downtown and providing a pedestrian-friendly environment;
- Improving the street corridor for all of its users (including vehicles, pedestrians, and bicycles);
- Designing the initial portion of the New Main Street so that the New Library can be designed (includes building this portion of Main St. to provide access to the Library parking);
- Aesthetically enhancing this entry way and main thoroughfare of Downtown Crozet with sidewalks, street lighting, landscaping, street furniture & accessories (bike racks, benches, etc.);
- Providing increased vitality and economic benefit to Downtown business owners; and
- Providing environmentally sensitive solutions to stormwater management.

The component of the Streetscape Enhancement Project that is key to the project sequencing is the removal of the overhead utility lines and poles from the Crozet Avenue corridor prior to the construction of the streetscape improvements.

Both sides of Crozet Avenue are lined with utility poles with overhead wires running parallel and across the street corridor. These poles are also located within areas of proposed street improvements or sidewalks and will need to be buried underground or relocated to parallel streets. Early in the budget and feasibility process for the Streetscape Enhancement Project it was realized that placing Dominion Power's "primary" overhead electric line underground was financially unfeasible. Relocation of this overhead line to a parallel street, which provided a significant cost savings, was the prudent option. Staff and Southeastern Consulting have worked with Dominion Power to develop a plan (Attachment A) to relocate the "primary" line east of Crozet Avenue. This plan begins by relocating the existing CSX Railroad overhead wire crossing to an existing pole near the entrance to the IGA on Route 240. The new "primary" line would then traverse Barnes Lumber and extend down High Street using the existing power poles. It will turn west at Tabor Street and follow the north side of Tabor Street to the existing "primary" line on Crozet Avenue (south of Jarmans Gap Road). New poles will be necessary along the north side of Tabor Street and a few trees removed, but this alignment will preserve the wooded area along the south side of

the street. "Secondary" lines will be extended along existing poles to Carter Street (west side) and the southern end of the Alley (east side). From these locations, underground electric lines will be extended to serve the existing buildings.

Dominion Power requires that the County enter into an agreement to reimburse it for the actual cost of the relocation (Attachment B). The current cost estimate is \$307,563.68. The County Attorney recommends that the proposed agreement be modified to specify that 1) the costs shall not exceed the estimate; 2) the reimbursable costs be itemized; and 3) no costs be incurred until all necessary easements have been obtained or the County otherwise directs Dominion Power to proceed.

Dominion Power is requesting that the County be responsible for securing all the easements that Dominion Power needs for the relocation. Dominion Power has provided the easement documents and staff has begun discussions with some of the property owners. The County is making a significant investment into enhancing and vitalizing this entry way into Downtown Crozet and the various stakeholders have been involved and supportive through the process. Staff is optimistic property owners will agree to grant the Dominion Power easements. If any property owners refuse to grant the easement, this Project will have to be reevaluated before it can proceed.

Dominion Power will coordinate the relocation of utilities with the other overhead utility owners (cable, telephone) within the Crozet Avenue corridor. Each utility company will estimate its cost to follow the Dominion Power relocation. Agreements for the County to reimburse relocation costs for each of these utility companies will also be required. These relocation agreements will be brought to the Board at a later date.

This project is being funded through the Capital Improvements Plan, with partial funding coming from a VDOT Transportation Enhancement Grant. A line item, budget code and budget estimate of \$600,000 have been specifically assigned to this portion of the project.

Staff requests that the Board of Supervisor authorize the County Executive to sign the Dominion Power agreement for the relocation of utility lines on Crozet Avenue in a form approved by the County Attorney.

**(Discussion:** Mr. Boyd mentioned that there is a \$600,000 infrastructure upgrade related to implementation of the Crozet Master Plan. He wants to make sure the public is aware that the County is spending money on infrastructure.

Mr. Slutzky asked who made the determination that burying the electric lines is not financially feasible.

Mr. Jack Kelsey explained that the cost for burying electric lines along Crozet Avenue was approximately \$1.6 million, versus relocating the existing overhead lines at a cost of \$600,000.

Mr. Slutzky asked if there is a long term ongoing maintenance utility cost for burying versus overhead. Mr. Kelsey responded not that he knows.

Ms. Mallek said that she has been told in the past by the utility company that it is \$50,000 per pole to move the line locations.

Mr. Kelsey stated that Dominion Power was not resistant to it "but the cost was pretty exorbitant."

Mr. Slutzky asked if the County has the ability to require that lines be buried, and the option to seek alternative bidders to do the work.

Mr. Davis replied that for new development, underground power sources are required, and in this case the County could request Dominion Power to bury these lines but it would be at their cost – and the State does regulate the costs to some degree.

Mr. Rooker asked if they had an adequate easement to bury the lines.

Mr. Davis responded that the more delicate issue is if the County can acquire easements on Dominion Power's behalf.

Mr. Kelsey noted that the way the right-of-way and existing buildings align on Crozet Avenue, burying the lines would be within either existing or acquired easements as part of the project.

Mr. Slutzky said he would like some information about other localities' experience with burying lines and the associated costs.

Mr. Dorrier stated that Scottsville is burying their lines and it has made a tremendous difference in the town from the aesthetics standpoint. He added that Culpeper has also buried their lines.

Mr. Rooker mentioned that utilities are interested in burying the lines if the cost can be paid because their maintenance costs are lower over time.

Mr. Davis said that it was found to be more expensive to do underground utilities in this case.

Mr. Rooker commented that the issue is not with Dominion, but just the sheer cost of burying lines. He also emphasized that costs are often site-specific.

Mr. Foley commented that an independent consultant was hired to put together the cost estimates. This is a \$3.9 million project; it would add a 25 percent increase. As staff moves forward with the capital program, it tries to live within budget.

Mr. Slutzky said staff's judgment call in this instance makes sense, but beyond this issue, is the broader question about the relocation of utility lines.

He explained that staff could certainly look into what other projects have cost.

Mr. Tucker said that staff would follow up with Culpeper and Scottsville and bring back that information.)

**By the above-recorded vote, the Board authorized the County Executive to sign the Dominion Power agreement for the relocation of utility lines on Crozet Avenue in a form approved by the County Attorney.**

Item 7.8. 2007 Digital Government Annual Report, **was received as information.**

The Executive Summary states that Albemarle County has an active digital government program encompassing a variety of initiative including an external website, an internal intranet, Amail enews service and podcasting, among other items. The attached Annual Report provides an overview of activity related to these initiatives for 2007.

*Website Mission Statement:*

*To create and maintain a dynamic, interactive online government presence that educates and informs citizens and allows people to conduct business with the County in ways that increase our accessibility and customer service and improve our operational efficiency.*

General statistics provide the best overall picture of website usage. The following statistics show the year-to-year comparisons of 1) page visits, which indicate the number of times a user accesses the site and is the most critical indicator of website usage; 2) page views, which indicate the number of hits to pages on the website; and 3) downloaded files, which indicate how many documents are being downloaded by website users.

**General Statistical Highlights:**

- The average number of unique visits to website per day continues to increase significantly
- The average number of pages viewed within the website has decreased, which indicates that more people are visiting the website but are visiting fewer pages searching for the information they need, perhaps by making increasing use of bookmarks and shortcuts

General Statistics	2005	2006	2007	% Change in Past Year
Average Page Visits Per Day**	2,449	3,830	5,294	+38.22%
Average Page Views Per Day*	16,171	25,859	19,627	-24.1%
Total Number of Files Downloaded	1,070,802	1,299,831	1,421,781	+9.38%

**Customer Usage Patterns**

This data allows us to see when customers are using the website to interact with the County. An analysis of the data indicates that the website clearly is meeting its primary goal of providing service 24 hour per day, 7 days per week – a true “self-service” opportunity for users.

Customer Usage Highlights:

- Weekend days averaged approximately 4,300 visits per day and weekdays averaged approximately 5,700 visits per day
- Approximately 40% of the total visits occurred between 5:00 pm and 8:00 am

**Most Downloaded Files**

The importance of the download statistics is that they reflect the level of productivity that is occurring on the website – the downloads reflect visits or phone calls that did not have to be made to a County facility, and copying and mailing time and expense that staff did not have to incur.

Download highlights:

- *County codes continue to receive the highest number of downloads*
- *While total downloads have increased, downloads of many individual files have decreased because people do not need to repeat downloading state documents like codes, manuals, etc.*
- *A total of 5,000 unique documents were downloaded at least once*
- *196 unique documents were downloaded at least 1,000 times*

- *55 documents were downloaded at least 2,500 times*
- *Master plan documents are getting significant downloads*
  - *Crozet—2,102*
  - *Places29—5,101*
  - *Pantops—1,535*

#### **A-Mail**

A-mail is a service of Albemarle County's Community Relations Office to notify the public about the services, programs, and events important to residents, visitors, businesses and the greater community. Users of this service receive meeting notices, announcements and periodic updates on major events related to the topics they are most interested in.

A-Mail highlights:

- *The number of subscribers for all lists increased 67% over the past year*
- *An average of 8 AMail messages are sent monthly*

#### **Podcasting**

A podcast is an audio file that is distributed over the Internet for playback on mobile devices and personal computers. Citizens can download the Board of Supervisors meetings from the Albemarle County website or can subscribe to the RSS feed for automatic downloading.

Podcast highlights:

- *Podcasting downloads have increased 731% in the past 12 months, with downloads averaging between 900 and 1000 per month for the last 8 months of the year*

Staff is engaged in an enhancement project to update website appearance, navigation, and functionality, including improvements to the searching ability of the site. Staff will provide an update on the project to the Board for its information and input at a future meeting.

There is no budget impact associated with this Annual Report.

No Board action is necessary at this time. This report is being provided for information only.

**(Discussion:** Mr. Boyd stated that he has been asked about the delay in podcasts up.

Ms. Lee Catlin, Community Relations Manager, replied that it is a manpower issue. Their goal is to get them up within 24 hours; the exception has been very lengthy meetings.

Mr. Boyd suggested including in the report, how many times that goal is met.)

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Item 7.9. 2007 Annual Report of the Board of Zoning Appeals, **was received as information.**

In a memorandum dated March 13, 2008 from Amelia McCulley, Zoning Administrator, it states that State Code Section 15.2-2308 requires the Board of Zoning Appeals (BZA) to keep a full public record of its proceedings and to submit a report of its activities to the governing body. The full 2007 BZA annual report is attached for your information.

The Board of Zoning Appeals hears variances from the Zoning Ordinance and appeals from decisions of the Zoning Administrator or other administrative officer. These appeals can include determinations of zoning violation.

The number of appeals in 2007 increased by 7, from 2 received in 2006 to 9 in 2007. Two appeals were withdrawn, one was void, one was moot and 4 determinations were affirmed by the Board. One appeal is still pending from 2007. The Board also took action on one appeal (2005-004) that was remanded from the Albemarle Circuit Court.

The number of variances in 2007 decreased by 2, from 14 in 2006 to 12 in 2007. Seven variances were approved, three were denied, one was withdrawn, and one was void. The Board also took action on three variances that were pending from 2006. The number of variance requests related to setbacks was higher in 2007 than 2006.

The number of special use permits for off-site signs decreased by 4, from 4 in 2006 to 0 in 2007. The Board took action on a special use permit that was pending from 2006.

The following court cases are still pending as of December 31, 2007:

1. Paul Begin, et al. v. Board of Zoning Appeals and Planned Parenthood.
2. Scott W. and Caroline F. Watkins v. Board of Zoning Appeals. Appeal of determination of zoning violation.

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**NonAgenda. Motion** was then offered by Mr. Slutzky that staff prepares an analysis on issues related to wind turbine height restrictions. Mr. Rooker **seconded** the motion.

Mr. Davis clarified that the request would be for staff to study the possibility of adopting a resolution of intent to amend the Zoning Ordinance to add those structures as accessory structures and to look at the height restrictions in regard to structures, and to present it to the Planning Commission.

Ms. Mallek commented that she would like to know the potential impacts on bird migration and other wildlife.

Mr. Rooker said that he would want the Planning Commission to consider this first. In response to Mr. Boyd's request for more specifics, Mr. Rooker said that the question is whether this should be allowed by special use permit, by right, etc. He stated that he is interested in this idea enough to have it forwarded to the Planning Commission for further exploration.

Mr. Boyd stated that he would like the Board to have a preliminary look at this before it goes to the Planning Commission.

Mr. Slutzky then **amended** his motion that staff prepares an analysis on the issues related to wind turbine and forward to the Planning Commission on whether they will recommend modifying the Zoning Ordinance. Mr. Rooker **seconded** the motion.

Mr. Boyd said he would vote against the motion, not because he is opposed to windmills, but he would like some preliminary information before setting the public off on this long process.

Ms. Thomas noted that this is really an issue of procedure.

Mr. Slutzky said he thinks the Board's deliberations will be best served by having a thorough process unfold before it comes to the Board. All of the pros and cons need to be examined before the Board reviews the issue.

Mr. Dorrier said that another issue to be examined would be whether these are private enterprises, or public-private partnerships.

Mr. Davis clarified that the motion is for staff to prepare an analysis for consideration in a work session by the Planning Commission.

Ms. Thomas noted that these miscellaneous requests, while very valuable, are "way beyond" the scope of staff's workload right now. She reminded the Board that they agreed to "no new initiatives" for the next five years without a tax rate increase.

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

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

NAYS: Mr. Boyd.

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**(Due to time constraints, the Board decided to go to Agenda Item No. 9 at this time.)**

Agenda Item No. 9. Crozet Advisory Council Review.

The following Executive Summary was forwarded to Board members:

In March 2006, the Board of Supervisors created the Crozet Community Advisory Council ("CCAC") in accordance with the recommendations of the Crozet Master Plan. The 16-member Council was appointed by the Board to fulfill the following duties/function:

*The Crozet Community Advisory Council (CCAC) is an advisory committee that provides assistance to County staff and the Board of Supervisors on civic/community issues related to implementation of the Crozet Master Plan in accordance with established county procedures. Members will communicate with their constituencies to increase understanding of and support for successful implementation of the Master Plan. The membership is broad-based to incorporate a variety of perspectives and ideas and to provide citizens, businesspersons and representatives of active community groups a chance to be engaged and be heard in a constructive and meaningful way.*

When the Council was created, the Board established a two-year pilot period for the CCAC after which time the Board planned to reexamine the mission and charge of the Council as well as its outcomes to date. In addition, the Board was to decide the best way for the Council to continue, taking into account the experiences and recommendations of the CCAC members and staff. The two-year pilot period ended in March 2008 and information regarding the role and success of the Council is being presented to the Board for its consideration.

The CCAC has met monthly since its creation in March 2006. The first several meetings consisted of education and familiarization with County policies and processes and orientation of Council members to Albemarle County's planning and development philosophies. The Council selected a Chairman and Vice Chairman at its fourth meeting and began to address more specific issues related to Crozet and to master plan implementation. A second slate of officers was elected in 2007 in accordance with the Council's operating procedures.

In November, 2006, the Chairman of the CCAC presented to the Board a report on the Council's activities and recommended revising the original list of Action Items to a more manageable List of Responsibilities, which the Board supported.

A complete list of activities/achievements of the Council during its two-year tenure is attached (Attachment A-copy on file). Since 2006, the CCAC has served a critical role as a liaison between the Crozet community and County government as many efforts related to master plan implementation have gotten underway, including the downtown zoning project, the new library, Phases I and II of the streetscape project, stormwater management, the Western Park master plan and the reuse study for the former Crozet Elementary School, among others. With the continuation of these projects, and other major future initiatives, such as the five-year review of the Crozet Master Plan, the need for this strong and productive partnership between the Crozet community and the County will continue to exist.

In preparing for the Board's discussion regarding the CCAC's future focus and direction, staff conducted a survey of current CCAC members, a summary of which is attached for the Board's review (Attachment B). The survey results indicate areas of consensus among members regarding areas of strengths and challenges for the Council as well as critical priorities for future focus.

Based on the survey results and several subsequent discussions of CCAC members, staff recommends the following proposal to the Board for its consideration:

Restructure the membership criteria as follows:

- Current members will be given the opportunity to leave the Council now, concluding their service to the CCAC after a two year term. Those members who want to stay on the Council to serve a second term will be divided into a group of one year terms and a group of two year terms to allow for continuity of existing members as new members come on. Existing members who stay on for a second term of either one or two years would not be eligible for a third consecutive term but could come back and apply for reappointment after not being on the Council for a term.
- Members will be permitted to serve two consecutive terms, but then must rotate off for at least one term before they can be reappointed. An exception to the two-term policy could be made for extenuating circumstances if approved by a two-thirds majority of the CCAC, but that member would be permitted to serve only one additional two-year term and would still be required to go through the regular application process with the Board of Supervisors.
- The Council should be composed of 15 members, with preference given to maintaining a broad scope of interests and perspectives and involving a variety of organizations and neighborhoods

Recommended actions:

- All current members should be formally invited to serve another term, and those who want to step down should indicate that in writing/email
- Once the number of vacancies is determined, the Board should advertise and appoint new members to get to the desired total of 15 members, keeping in mind the importance of appointing members who have some familiarity with the Crozet community and the master plan
- Once the new Council is formed, new members will attend an orientation/Planning 101 training to familiarize them with the Crozet Master Plan and basic land use planning strategies and policies
- Following the completion of Planning 101, the entire Council will attend an action planning retreat to identify major priorities and activities for the coming 12 months
- Current members of the Council will continue serving until the new Council is appointed
- County staff will continue to provide support to the Council as outlined in the operating procedures

Staff believes that the Council has developed as an energetic and involved community group that serves as a critical partner with County government in examining issues related to implementation of the Crozet Master Plan. As can be seen by the list of activities underway in the Council's first two years, members have been actively engaged in a wide variety of projects that depend on citizen involvement for their success, including the downtown zoning project, the streetscape project, Western Park, and the library. Given the significant number of upcoming implementation issues as well as the five year review of the Crozet Master Plan scheduled for 2009, staff recommends the continuation of the Council with its stated mission and charge.

Current CCAC Chairman Mike Marshall will be present on April 2 to respond to any inquiries from the Board.

No budget impact is anticipated regarding this item.

Staff recommends that the Board of Supervisors accept the recommendations of the Crozet Community Advisory Council as outlined above, including membership terms and the development of a 12 month action plan that will be brought back to the Board for its information and review at regular intervals.

Ms. Catlin reported that three areas of responsibility were looked at during the establishment of the master planning implementation process: local government, to create the network of infrastructure and services to support community development; the business community, looking at local economic diversification and neighborhood development; and community residents who can invigorate an area with a unique identity. She said that the Council was appointed in March 2006. The Council provides assistance to County staff and the Board on civic and community issues related to the implementation of the Crozet Master Plan. Ms. Catlin said that the two-year pilot period ended in March 2008 so they are back before the Board to discuss progress.

She stated that the Council has accomplished quite a bit during that time, and the Board has a handout elaborating on those. Ms. Catlin said that the Council has sent a number of resolutions of support to the Board related to issues of interest to the community; has hosted a number of public meetings; and has hosted a number of applicant/developer presentations. She stated that they have staffed a number of project committees – the downtown zoning project, the western park committee, the old school reuse committee, Crozet Glen, etc. Ms. Catlin said that they have also worked in partnership with the County to plan community events such as last fall's town meeting on infrastructure projects.

Ms. Catlin explained that staff did a survey of Council membership, and the recommendations included restructuring membership criteria such as staggering terms, appointing new members and keeping the membership to 15, conducting an orientation once the Board appoints new members, having an action planning retreat to develop twelve month priorities, and continuing County staff support. She said that staff feels the Council serves a critical purpose in partnership and link to the Crozet community, and would like the Board to support their plans for membership and structure in the future. Ms. Catlin then introduced the Chairman, Mr. Mike Marshall. She also commented that several members of the Committee are present.

Mr. Marshall said that the Council agrees with everything Ms. Catlin reported. The Council has helped remedy "a big problem" that occurred with the adoption of the Crozet Master Plan and approval of the Old Trail rezoning vote. Mr. Marshall likened the perception of people in Crozet as it relates to Old Trail to that of Native Americans and a treaty that had been broken, and the Council has done a lot to repair that as the members are "credible" to other citizens. There are some levels of concern that issues not reoccur with the revision of the Crozet Master Plan. He also said that term limits have been suggested and that continuity remain on the Council.

Ms. Mallek stated that she attended many of these meetings, and wholeheartedly supports the council's plans for the future.

Ms. Thomas asked if term limits are necessary.

Mr. Marshall elaborated that the idea of the term limits would ensure that there are new members brought on, but still experienced members retained, with the idea of a one-third turnover.

Mr. Slutzky said he is weary of term limitations because one of the tasks this Council could do is advise the County with regard to future advisory councils for other growth areas in terms of what was good and what was bad.

Mr. Marshall said that the Council would be happy to meet with any other advisory groups.

Ms. Catlin added that they are able to extend terms if people want to; it takes a vote of the Council and Board approval. It also allows for someone to leave for a term and then come back on.

Mr. Marshall added that one of the biggest challenges in Crozet is having new residents and old residents understand and respect one another, and the Council makeup is trying to reflect the community diversity.

Mr. Boyd asked if there will be staff constraints and how much more dollars for consultants will be needed for this process. Ms. Catlin explained that no consultant money has been spent related to this group. It has been written into project contracts that consultants for the infrastructure projects need to meet with this group as a stakeholder group. Staff is an issue. It may be that some of the communities may not need to meet as intensively as the Crozet group so staff will be taking that into account when setting them up. She noted that part of the agreed-upon process was to have a Council pertaining to each master planned area. She then thanked the members of the Crozet Council for their time and commitment.

Mr. Boyd added the Board's thanks to the Council.

**Motion** was then offered by Ms. Mallek to accept the recommendations of the Crozet Community Advisory Council as outlined above, including membership terms and the development of a 12-month action plan that will be brought back to the Board for its information and review at regular intervals. Mr. Rooker **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

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

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Agenda Item No. 8. Public Hearing: To solicit input on the County's Annual Plan for the administration of the Housing Choice Voucher Program. (*Advertised in the Daily Progress on March 24, 2008*)

Mr. Ron White reported that each year the Housing Office has to submit a plan to the U.S. Department of Housing and Urban Development for the implementation of the Housing Choice Voucher Program. Every five years they have to submit a five-year plan and the annual plan is built off of that five-year plan. He said that one change being proposed is allowing for up to 20 percent of vouchers to be considered project-based, the maximum HUD allows. They currently have been working off of a 15 percent cap.

Mr. White said Albemarle is a standard performing agency under the program. He noted that the lease-up rate is the only thing keeping the office from being considered a "high-performing agency," with 89 to 93 percent being achieved, just below the 95 to 98 percent benchmark required. The lease-up rate is due to a number of things. He explained that they have been working off a waiting list that was three years old, so only about one-half the people called in for vouchers were actually showing up – of those about one-fourth went through the process to lease up. Mr. White noted that they opened the waiting list up in November, closed it in January, and pulled 40 names off of that new waiting list – only 28 of the 40 showed up in the briefing session, but that is a higher percentage than had shown up before. He mentioned that 21 of the 28 that showed up actually have vouchers and are looking for housing or have found it.

Mr. Rooker asked about the discrepancy between the need for affordable housing among those below the 30 percent of AMI and the "lack of response" to the waiting list.

Mr. White replied that they had about 680 applicants during a 45-day period, and about 450 of those meet the preference of living and/or working in Albemarle County. The gap occurs when people just do not show up. He said that the list is essentially a brand new list, and once people do come in they are trying to track them.

Ms. Thomas asked if they can share the list of people they call up with other community groups, such as MACAA, and have them help track the people.

Mr. White said they would have to get permission from the applicant to share the information with any other group. He added that it is their responsibility to maintain a current address and that is the only way the Housing Office communicates with them, noting that it must be in writing due to HUD guidelines. They could go knock on doors if they had the manpower to do it.

Mr. Slutzky suggested calling by phone.

Mr. Rooker responded that that should be considered, but it is up to Mr. White how to run his office.

Mr. White said that if a letter comes back with a forwarding address, the office re-mails it; if it does not have an address their name comes off the waiting list.

Mr. Boyd asked if they have an average of 15 percent of nonuse of vouchers on an annual basis. Mr. White said part of the 15 percent is when someone leaves the program at the end of the month, the voucher is reissued to someone else, and it may take 60 days for that person to lease up. He added that the vouchers are issued but they are unreleased.

Mr. Rooker commented that the County needs to do whatever it can to try to close the gap.

Mr. White said that they currently have 380 vouchers under lease and about 35 vouchers issued with people looking for housing. That is about 100 percent of their budget authority, but those 35 are not under lease so the money is not being used. Mr. White mentioned that some comments that he receives are from people who cannot rent because they have bad credit, or they do not want to live in the voucher neighborhoods. He said that these are housing choice vouchers, so people cannot be forced into housing; they have a choice where they use the voucher.

Mr. White said, the request before the Board today is to hold a public hearing to receive public input on the County's plan, to authorize them to submit their plan to HUD and to authorize Mr. Tucker to execute the certifications. He has received one letter and her comments were associated with having more housing choice.

Ms. Mallek asked if the shift to Treesdale and The Meadows will come out of existing unassigned vouchers. Mr. White said they will have to manage for normal turnover when they understand that those projects will come on line. They will not hold back vouchers until that time. He added that project-based vouchers are used about 100 percent, and they are currently at Park's Edge and Parkview; people are usually re-occupying vacant units within 15 days.

At this time the Chairman opened the public hearing.

Ms. Karen Shepherd said she is concerned about the unused vouchers. MACAA sees a lot of people who needs housing, rental and deposit assistance. They also see homeless people looking for a place in their Hope House where they have transitional housing. She thinks there are some things

MACAA can do to assist. She is also a member of the Charlottesville Public Housing Review Team and will bring this issue up to them.

There being no further public comment, the public hearing was closed.

**Motion** was then offered by Mr. Rooker to authorize the Office of Housing to submit the FY 08 Annual Plan to HUD and authorize the County Executive to execute the PHA certifications. Ms. Thomas **seconded** the motion.

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

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

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Agenda Item No. 10. Request to amend the Albemarle County Service Authority (ACSA) Jurisdictional Area to allow "water only" for Tax Map 55B, Parcel 1 (Jeff Sprouse), located on Route 250, just outside Crozet Community. White Hall Dist.

Mr. Benish reported that the applicant – Jeff Sprouse – is requesting a water-only service designation for a four-acre parcel located on the south side of Route 250 in the Crozet area; it is designated Rural Area in the Comp Plan and zoned Highway Commercial. He said that the property is currently in the jurisdictional area and designated for water-only to existing structures, an old two-story house. Mr. Benish explained that the designation was established in 1983 as part of the CPA to the jurisdictional area boundaries. Staff has not been able to find in records any specific discussion of this site. He said that they were done in mass and they were not done in individual requests, and service was never supplied to the original structure, which has now been removed. Mr. Benish stated that the applicant now wants service to a new home. With the existing structure removed from the property, the jurisdictional area designation no longer permits service to the property.

Mr. Benish explained that the intent for the designation was to allow service to be provided to parcels that were already developed or had some agreement for service, and the purpose for adjustments was to bring boundaries consistent with the Comprehensive Plan, Land Use Plan, and growth management policies. He noted that the property is zoned Highway Commercial but is in the Rural Area, and policy states that service should not be provided unless the property is adjacent to an existing line and there is a documented public health or safety issue. Mr. Benish said that this request is not consistent with a water-only designation as there is no documented health or safety issue that requires a need for service. He referenced information on the Flowers request in an area west of Georgetown Road in the rural area, which is the most similar case he could find, and the Board did approve water for the site because the use was going to be similar with the first action. Mr. Benish said that this case would be somewhat different given the zoning and size of the property.

Mr. Benish said staff does not recommend this property go to public hearing for consideration of water-only service. However, if the Board chooses to treat this property in a manner similar to the Flower's case, staff has offered an alternative in which service to one house could be permitted. He noted that the applicant is present to respond to any questions.

Mr. Boyd commented that having service to one dwelling would make this application just like the Flowers' property.

Mr. Benish responded that the prior designation was constrained by the existing structure, and the County could do that for one house but it might be a different type and character. He emphasized that it could be used commercially under the current provisions.

Ms. Jo Higgins addressed the Board on behalf of the applicant (Jeff Sprouse), stating that in 1980 when the first Comp Plan was established, this parcel was already used for a commercial purpose; it is never been through any rezoning. She presented a map that showed other properties in the strip that were given water, and indicated that this used to be a lawnmower repair shop but someone lived in it. Ms. Higgins said that Mr. Sprouse did get a demolition permit for the property, and he had no idea that the water use was tied to a structure. She noted that she told him he would have to come back to the Board to get permission to get the water tap. She stated that the zoning is already there. The restrictive use is really going to be governed by its septic – there's only a certain amount of septic that would be available. In a way withholding the water is a way to restrict potential development, but the septic also restricts it. It will never be on a sewer service. The property has been zoned for a business use since 1980. Ms. Higgins also said that the parcel is valued at about \$1 million, and the water designation has been in place for approximately 20 years. She added that the Board could consider just having water allowed for one structure. Ms. Higgins then presented a map (copy on file) and pointed out all the properties with jurisdictional designations. There is a mass provision of water service in this area.

Mr. Benish noted that once that house was gone, no other structure next to the property was allowed – no expansions.

Mr. Rooker emphasized that the point here is this could not have been expanded, and the action being asked for today is to provide water only to the property – which is zoned Highway Commercial – and could then service whatever is built there.

Ms. Higgins added that they would like to modify it to say one structure.

Mr. Rooker replied that that structure could be 100,000 square feet.

Ms. Higgins responded that the restrictive factor would be the septic. They are just asking for one structure to potentially use the parcel for its intended use with the zoning that is in place. If it is ever subdivided, the water would still only serve the one structure.

Mr. Rooker noted that there are some significant commercial uses that do not require a lot of septic.

Mr. Boyd asked if there is any anticipated potential use of the property. Ms. Higgins explained that Mr. Sprouse has considered a country store scenario, but the restrictive factor will be the septic.

Mr. Slutzky asked if a well can be drilled on the property. Ms. Higgins responded, "yes" commercial wells can be drilled but it will require more testing and it is more expensive and will have to be passed on to the customers or business.

Mr. Slutzky said the general intent of the Comp Plan is not the promotion of commercial development activity in the rural area. He does not think one of the principle goals of the Comp Plan is to create new commercial options along the highway.

Mr. Benish said that as a general rule, prior authorities had entered into agreements for arrangements and negotiations for easements for lines, etc., and commitments had been made to property owners to provide service and water-only was put on these parcels. He mentioned that there is not an official record of why certain distinctions were made on specific properties.

Ms. Thomas pointed out that one of the most contentious decisions made here was on the lodge property on a neighboring piece of property about 10 years ago. The request was to have the zoning changed to Highway Commercial, but the Board agreed it was not appropriate in this area. She also mentioned that Ms. Flowers' request for water was granted primarily for sympathetic reasons, with an assumption by the Board that it would not set a precedent.

Mr. Rooker mentioned that the Flowers property was zoned Rural Area and the use was going to be limited to the prior use so there was not any potential change in use. Approving a change in the jurisdictional area here would be contrary to the Comprehensive Plan, which says "only changes to the jurisdictional area outside the designated development area boundaries in cases where property is adjacent to existing lines and public safety or health is in danger" and there's no indication here of any endangerment to public health or safety. He is not interest in a carte blanche expansion to this parcel. He said that what is being asked today is to go forward with a hearing for a four-acre parcel, fairly intense, highway commercial use, where there is no limitation on the potential development of the property that might result from this jurisdictional change.

Mr. Boyd said that the applicant was willing to put a condition for one house or one structure.

Mr. Rooker responded that staff recommended denial.

Mr. Benish clarified that staff was just providing an option, and the only one they saw as consistent with Flowers was putting a restriction limiting it to one house on the property.

Mr. Rooker said he does not think extending the boundary for a single house would help this applicant.

Mr. Benish said the Zoning Administrator can determine what an appropriate use is under a "house," as stipulated in the ordinance. Mr. Benish said that staff has not gone further with how to address that type of proposal in the event the Board would grant the same kind of service the previous property had.

Mr. Boyd emphasized that the property is zoned Highway Commercial and the applicant bought it under that scenario.

Mr. Slutzky replied that he can still build under that designation. He does not know that the Board can allow this designation and make a commercial use activity easier. He is not supportive of going to public hearing.

Mr. Rooker said it would also enable a more intense commercial development of the parcel.

Mr. Boyd said he disagrees; the property is zoned Highway Commercial and it allows him to build a business. This is a \$1.0 million piece of property that can be improved and used to create some commercial income for the County. He does not see it as such a terrible thing to do.

Mr. Rooker said it is the level of intensity. He can build a country store and would have plenty of room for well and septic.

Ms. Mallek said the people who have contacted her are very concerned about the County encouraging higher commercial use along a scenic-designated road. She thinks that growth area activities with a hard-line boundary is what protects the people in the rural area from constant creep in all directions.

Ms. Mallek then **moved** that the Board not proceed to public hearing on this request for water-only service. Mr. Rooker **seconded** the motion.

Roll was called and the motion passed by the following recorded vote:

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

NAYS: Mr. Boyd and Mr. Dorrier.

Ms. Thomas commented that she would like to be sure that people understand the designations and provisions on properties before they purchase them.

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Agenda Item No. 11. Virginia Department of Forestry Annual Report, Nelson J. Shaw, Area Forester, Serving Albemarle County.

Mr. Nelson Shaw addressed the Board, stating that he came before the Board last year to share how the DOF goals match the goals of the County as they pertain to forest resources. He said that the Department's purpose from inception has been protection of resources from wildfires, but that mission has changed and expanded. Mr. Shaw said that relating to wildfires, the goal is to protect "life, property, and the natural resources" in that order. He mentioned that in 2007 there were 43 fires, 69 acres burning with the largest being 12 acres and the average being 1.6 acres. Mr. Shaw said that this year there have been 17 fires reported totaling 271 acres with the largest being 125 acres and average being 15.9 acres. He stated that on February 10<sup>th</sup> there were more fires throughout Virginia than any other recorded time, but there were no injuries.

Mr. Shaw said that one of the best fire-prevention tools they have is the 4:00 o'clock p.m. burning law. He reported that they determine cause and origin of fires, and take a special course when arson is suspected. Mr. Shaw noted that the DOF conducted six Smokey the Bear programs in area elementary schools. He said that they also work to protect water quality. In 2007 they had 73 logging notifications and inspections, down from the previous years due to the economy. There were only four law enforcement actions related to this, no conferences and no special orders. These actions involve issuing a form 143 which included suggested corrective measures and one failure to notify. The DOF had 351 acres of reforestation of timberland and two projects of shortleaf pine restoration. Mr. Shaw noted that the best way to ensure water quality is to plant trees, and last year they had seven projects that covered 31 acres – primarily in pasture land.

With regard to forest management activities, two tracts of forest were thinned for 229 acres; pre-commercial thinning involved one tract for 165 acres; crop tree release involved one tract for seven acres and vegetation control involved eight tracts for 317 acres. He reported that in crop tree release they take an immature hardwood forest and select individual trees and remove any competition around it so it can develop a better crown. Mr. Shaw stated that the DOF did 10 formal forestry plans for 1,398 acres, and did informal plans for 32 tracts for 514 acres. He explained that formal plans evaluate resources and project that out in years based on the landowners' objectives; informal plans involve landowners' questions about the health of their forests and potential for harvesting.

Mr. Slutzky asked if a forestry management plan is required for a landowner to be in an agricultural forestal district for forestry purposes. Mr. Shaw mentioned that forestry plans are required for easement, but he is unsure if they are required for agricultural-forestry districts. Mr. Davis pointed out that they are not.

Ms. Thomas asked about the requirement of a forestry plan for land-use taxation. Mr. Davis indicated that no formal plan is required, just a certification with the DOF.

Mr. Shaw mentioned that there were visitors from China last year as part of four tours offered related to forest management, as well as Arbor Day projects done with schools. He added that the County could participate in the Tree City program if they are interested, as the City of Charlottesville was awarded "Tree City USA" last year.

Ms. Thomas noted that she appreciates anything that can be done to preserve acres of forest, as they have served to help protect the Chesapeake Bay watershed.

Mr. Shaw presented a potted tree to each Board member to encourage planting.

Ms. Mallek said that the DOF bulldozers on February 10<sup>th</sup> were essential in preventing the fires from reaching homes. She also mentioned that the DOF used to use the tower powered by a County generator for their communications, and now they will need to relocate the tower because that power was lost on February 10<sup>th</sup>.

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**(NonAgenda.** At 11:47 a.m., the Board took a brief recess. The Board reconvened at 11:55 a.m.)

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Agenda Item No. 12. Bright Stars Annual Report.

Bright Stars Coordinator Charity Haines said she was happy to be present to present their 2007 Annual Report. This has been another year of continued expansion, collaboration, and solid accomplishments. They added a second classroom at Greer Elementary, filled it immediately and still had

a waiting list. This brought the Bright Stars Program to seven classrooms at six locations in the County. She referred Board members to page 4 of the report which has a growth chart of the program starting in 1995; they have gone from 16 children to 112 children this year.

Ms. Haines reported that children in this program have identified risk factors that can affect their future school performance – illiteracy, limited English proficiency, limited parental education, domestic violence, child protective service complaints or reports, foster care, poverty, unemployment in the family, older siblings with documented school troubles, etc. She mentioned that less than 25 percent meet the minimum kindergarten readiness requirements in the fall, and this year the percentage was 19 percent. Ms. Haines noted that the teachers and program structure allow children to make substantial progress, and the family coordinators also contribute to their success. She reported that by Spring of 2007, 71 out of the 93 children tested on the Phonological Awareness Literacy Screening (PALS) for preschool met or exceeded the benchmark range for kindergarten readiness. Ms. Haines pointed out that more than 75 percent of children maintain the gains they have made in preschool despite having considerable risk factors. She emphasized the importance of the family coordinators, stating that they work with families during and after the Bright Stars year by helping them to identify family needs so that they can access a whole array of community services that can help them, and also help parents set goals and problem-solve.

Ms. Haines reported that more than 88 percent of parents rate the program as “excellent,” and rate teacher interactions very high, with an overall 90 percent program satisfaction rate for excellence. She commended the cooperative effort of Schools and Local Government through Social Services to make the program a success.

Ms. Mallek and Mr. Boyd praised the Bright Stars program. Mr. Boyd asked if there is a strategy planned to address the drop-off in the SOL scores.

Ms. Haines replied that they have begun to work closely with the school office of assessment, noting that there is a steady trending upward after middle school that is not true for other disadvantaged groups, but they are just starting to look at data and strategize for the future. She explained that the pre-K PALS, which is only literacy, is used for initial assessments, and they have never had more than 25 percent benchmark achievement with students prior to entering Bright Stars. Ms. Haines said that the exam includes knowledge of alphabet (upper and lower case), beginning sounds, name writing, recollecting nursery rhymes, letter sounds, and rhyming words.

Mr. Dorrier mentioned Governor Kaine’s focus on four-year-olds, and asked how many students she thought was being missed. Ms. Haines said that next year they hope to have those results, explaining that Albemarle was one of ten pilot sites in the Commonwealth to be selected for the pre-school pilot grant. She added that they have a number of children who applied for the program with limited English proficiency, and probably at three of their schools (Agnor-Hurt, Greer and Cale), they could fill a classroom with these children, but they have to set a cap on the number of students.

Mr. Rooker asked if there were 135 children in the Bright Stars Program. Ms. Haines replied, “yes”. That would also include children served in community based private settings and at Red Hill.

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

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

Mr. Alan Sumpter, Residency Administrator, said that there are certain items not in the report VDoT is worked on – getting updated cost estimates for Dickerson Road Bridge, etc. – and they would be updated as they occur.

He reported that everything is still proceeding on schedule with Advance Mills. They are in the environmental stage with that as the archeological survey has been completed and no findings were discovered to impact the project. The geologic work is also being completed. He said that the NEPA document work is underway and is anticipated that may be done earlier than expected. Mr. Sumpter said that they are working on a public hearing for the last week of June to the week after Fourth of July.

Mr. Sumpter noted that crews have been doing maintenance work on Durette Ridge Road. They have done some ditching and replaced some pipes with tar and gravel work scheduled for the next few weeks. Mr. Sumpter said that the steel is in for the bridge work, and is being galvanized, with the hope being to get it in without disrupting school traffic.

With regards to the monthly report, Mr. Sumpter said that staff is beginning to work on the pedestrian study. They will be talking with County staff on how to work together to identify some improvements.

Mr. Benish added that staff is looking at prior studies and previously set priorities with an eye to compiling a new list that reflects a larger development-area oriented list approach, and the intention of presenting it sometime in June. He added that approval of the Secondary Plan included a set-aside for pedestrian improvements, so Mr. Sumpter is focusing on how to use that money.

Mr. Sumpter said VDoT hopes to target some pedestrian signals and signs, crosswalks, out of that allocation.

Mr. Benish added that the primary corridors with the greatest accident reports remain the high-priority areas – Rio Road/Hydraulic and 29 North corridor, Route 250 East in Pantops, and Route 250 West, a distant third.

Mr. Sumpter added that Route 29 and Route 250 would have to receive separate funding because the secondary funding can only be used for secondary routes.

Mr. Slutzky said he hopes VDoT and the County can identify the problem areas, prioritize them, identify solutions to address the problems, and then the Board can tackle the funding.

Regarding the safety improvement project on Route 29 at the post office, Mr. Sumpter said VDoT hopes to do something within the next couple of weeks.

At the Route 20/Route 53 intersection, VDoT hopes to extend the turn lane back a little ways to help some of the traffic.

Mr. Sumpter added that School officials have agreed to the crosswalk plan at Cale Elementary, and that should be installed this month.

Ms. Mallek asked if there will be a flashing light at Cale or just the change on the road. Mr. Sumpter said there will be some signing, but he is not sure about the flashing light.

Ms. Thomas asked how expensive it is to do a crosswalk like several in the University area, with lights embedded in the pavement. Mr. Sumpter replied that they cost more than you would think, with additional expense associated with the utility work – wires, sensors, etc. – about \$50,000 to install one.

Mr. Boyd said he thinks they give a sense of false security. They can be seen well at night, but not as well during the day.

Mr. Sumpter said there is a lot of technology available that he has encouraged his engineers to look at. They are looking at more than the typical signage.

Ms. Thomas thanked Mr. Sumpter and his staff for their work with the Batesville situation.

Mr. Boyd expressed his dismay that the Meadow Creek Parkway advertising date has been pushed from the spring to the fall, noting that the City cannot seem to live up to their part in this.

Mr. Sumpter responded that some District staff met with City representatives in the last couple days and the most encouraging news was that VDoT staff would be presenting a resolution for donated right-of-way in April or May, which will help get that issue resolved.

Mr. Dorrier suggested VDoT add reflectors along the yellow line on Earlysville Road.

Mr. Sumpter said that he has asked the Regional Office to take an extensive look at stripings as there were some problems with that in the last year due to transitions from Culpeper to Staunton offices. Pavement markers are also on his "wish list" of items. There are some ongoing studies for their specifications in terms of whether they are double sided or single point put in the middle of the center line. He mentioned Route 53 as an example which was used as a pilot project, but that probably won't be allowed to go forward. Proffit Road is another he had on the list to get some pavement markers.

Mr. Slutzky said once the quarry opens there will be about a truck a minute from 9:00 a.m. to 5:00 p.m., five days a week, traveling up and down that road. He wonders if that might change the dynamics of where passing should be allowed on the stretch of road. Ms. Mallek said there is no passing allowed on that road.

Mr. Sumpter added that it is VDoT's practice to look at all their passing zones on a regular cycle to determine if they are appropriate to continue passing.

Ms. Mallek encouraged VDoT to look at installing pavement markings on the two left lanes going onto Airport Road from Route 29 North, noting that they are barely visible during inclement weather.

Mr. Sumpter said that when you are traveling north on route 29 past Hollymead Center there is a lane shift where traffic has to move over, and VDoT is reviewing that to determine whether modifications need to be made.

Ms. Mallek mentioned that a constituent in Advance Mills has suggested detour signs or some indication for drivers, especially those who are new to the area. Install the detour signs a little further away from the bridge on all four sides to alert residents.

Mr. Sumpter replied that they are already looking into this, but they have been reluctant to post a detour route because of work on Durette Ridge; once that is completed they would sign it as an alternative route rather than a detour.

Ms. Thomas asked who is responsible for cleanup after an accident. Mr. Sumpter replied that the towing company is responsible for cleaning up the site. Sometimes VDoT personnel are responsible for cleanup.

Ms. Mallek asked if Dickerson Road Bridge evaluation is on schedule for spring repairs. Mr. Sumpter confirmed that the evaluation stage will determine the proper course for the bridge.

Mr. Rooker asked the projected advertising date for the Meadow Creek Parkway. Mr. Sumpter said an exact month and date have not been established for Meadowcreek but it would likely be advertised in the fall. Mr. Sumpter commented that there would only be about a two-month construction season this year. True construction would not start until the spring.

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Agenda Item No. 15. Closed Session.

At 12:35 p.m., **motion** was offered by Ms. Mallek that the Board adjourn into 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 a public safety facility; under Subsection (7) to discuss with legal counsel and staff specific matters requiring legal advice relating to two inter-jurisdictional agreements; and under Subsection (7) to discuss with legal counsel and staff specific matters requiring legal advice relating to the negotiation of an agreement related to the provision of public safety services.

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

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

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Agenda Item No. 16. Certify Closed Session.

At 3:19 p.m., the Board reconvened into open meeting. **Motion** was offered by Ms. Mallek to 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: Mr. Rooker, Mr. Slutzky, Ms. Thomas, Mr. Boyd, Mr. Dorrier, and Ms. Mallek.  
NAYS: None.

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Agenda Item No. 17. Appointments.

Mr. Slutzky offered **motion** to make the following appointments/reappointments:

to appoint Russell Lafferty to the Charlottesville Albemarle Regional Transportation (CHART) Advisory Committee, with said term to expire on April 3, 2010,

to appoint Jeff Monroe to the Charlottesville Albemarle Regional Transportation (CHART) Advisory Committee, to fill an unexpired term that will end on April 3, 2011,

to reappoint James Currie to the Charlottesville Albemarle Regional Transportation (CHART) Advisory Committee, with said term to expire on April 3, 2011,

to appoint David Bruns, Kimberly Higgins and Katya Spicuzza to the Police Department Citizens Advisory Committee, with said terms to expire March 5, 2010,

to reappoint Steve Murray to the Agricultural and Forestal District Advisory Committee with said term to expire on April 17, 2012, and

to reappoint John Lowry to the Industrial Development Authority, with said term to expire January 19, 2012.

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

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

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Agenda Item No. 14. From the Board: Matters Not Listed on the Agenda.

Ms. Mallek mentioned that citizens have expressed concern about the need for tennis court lights at Darden Towe Park.

Ms. Thomas pointed out that the Board is looking at the taller poles and full cutoff lighting. If the soccer fields at Belvedere are lit, it may change the attitude of people who live close to the Park.

Mr. Boyd said that there was concern about extended hours of softball playing, not so much the lights.

Ms. Mallek said that there was not concern expressed to her about that because it has not been the intent to extend those.

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Ms. Thomas stated that she and staff person, Tamara Ambler, would be traveling to Annapolis, Maryland on Monday. The Chesapeake Bay Commission will likely be requiring total maximum load requirements for each and every tributary or maybe just the endpoint. She said that the Tributary Strategy Work Group (which consists of EPA and DEQ representatives, and their counterparts from other states) have been meeting for years and now wants local government to be involved, so four localities including Albemarle, the Town of Owego, New York, York Township in Pennsylvania, and the City of Seaford, Delaware, would be meeting. Ms. Ambler is working on a Powerpoint for presentation.

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Recess. At 3:25 p.m., with no further business to come before the Board, at this time, the Board recessed until 6:00 p.m.

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Agenda Item No.18. Call to Order. The meeting was called back to order at 6:03 p.m., by the Chairman, Mr. Boyd.

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Agenda Item No. 19. Pledge of Allegiance.  
Agenda Item No. 20. Moment of Silence.

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Agenda Item No. 21. **PUBLIC HEARING** to receive comments on Recommended Operating and Capital Budgets for FY 2008/2009, and the Proposed FY 2008 Tax Rates. (*Advertised in the Daily Progress on March 23, 2008.*)

Mr. Tucker addressed the Board and audience, outlining the changes to the draft budget presented in March. He said that this revised budget makes up for loss of revenue from EMS revenue recovery and declining State funds. It adjusts expenditures to reflect the Board's strategic priorities as well as providing an increased Board reserve to allow for other adjustments. It continues to incorporate savings and efficiencies from the recommended budget – four eliminated/reorganized positions and 13 frozen positions, extended length of computer replacement cycle, increased vehicle replacement cycle, etc. Mr. Tucker commented that this comprehensive review is still underway and additional efficiencies and savings are anticipated in the future.

Mr. Tucker reported that the operating budget is currently \$271.7 million, with the capital budget at \$49.4 million, and revenue-sharing with Charlottesville at \$13.6 million for a total of \$334.7 million – a \$3.2 million increase from the recommended budget. He explained that the total budget represents an increase of \$29 million over the FY08 budget, and of this increase \$20 million is attributable to the capital budget which includes three major school renovation projects – Brownsville Elementary, Greer Elementary, and Albemarle High School. Mr. Tucker stated that the operating budget increases proposed for FY09 is 3.2 percent.

He clarified that the EMS revenue recovery funds are removed in the amount of \$1.0 million, and the State continues to reduce allocations to localities – an additional \$600,000 since March and an additional \$100,000 for schools – and adjusts the real property tax rate to 71 cents from last year's 68 cents.

Under the proposed budget, he said, the Schools would receive an additional \$2.8 million in new local tax money for a total increase of \$3.7 million, or 3.7 percent over the current fiscal year's budget. He said that it also provides an increase in capital transfer of \$227,000 as a result of the advertised tax rate increase in FY09, and there will also be a CIP transfer increase. Mr. Tucker noted that this budget reduces funding for new police officers from four to two, and removes funding for staffing for the Pantops Fire Station. He said that the proposed budget does support funding for priorities identified by the Board during its work sessions that were not funded in the original budget, including additional funding for the Registrar for the 2008 Presidential Election, support for a joint Domestic Violence Coordinator shared with Charlottesville, enhanced Entrance Corridor median mowing, expanded recycling services, expanded service to nursing homes by a Library bookmobile, a Volunteer Fire and Rescue Incentive Program, Piedmont Workforce Investment funding, and continuation of the Bright Stars Pilot Program.

Mr. Tucker explained that the proposed budget also allows for \$923,000 in the Board's reserve, with other items still under consideration: an Adult Protective Services Social Worker, funds for affordable housing, restoring one cent to the CIP program, restoring frozen positions that cost about \$54,000 per position including benefits, and possibly reducing the advertised tax rate. He indicated that the next step is public hearings on the FY09 budget and the 2008 tax rate. The Board is scheduled one week from today to adopt the FY09 operating and capital budgets as well as setting the 2008 tax rate.

The Chairman went over the Board's rules for receiving comments for public hearings. He then opened the public hearing.

Mr. Keith Drake, Chairman of the Albemarle Truth in Taxation Alliance, addressed the Board. He said that the budget procedure seems to be assuming maximum tax revenues from all sources, including government enjoying the increase in tax assessments, and then the next step make the claim citizens demand more high-quality services, and then spend it all and wonder if it was spent wisely. Mr. Drake said that the Hollymead Fire Station was a 46 percent overrun - \$1.8 million – and there has been a \$4.0 million investment in Access Albemarle that is still not in operation. He noted that there was a \$1.1 million surplus in the School budget for non-salary operating budget items. A 71-cent rate would amount to a 55 percent increase on citizens over the last four years. ATTA is a proponent of wisely spending taxpayers money. They take hard looks, ask hard questions and come to hard decisions. Mr. Drake said that his organization feels the School Division is following a more fiscally conservative approach in finding efficiencies in transportation, administration, energy, and capacity through redistricting. He added that the County's Form 4 - Program and Service Review - might have been an attempt to follow the same approach, with its goal being to identify a ten percent savings in operating cost, approximately \$7.9 million, but the savings implemented are only about \$800,000. The report states that numerous proposals are unable to be implemented immediately and require additional review. ATTA will be watching to make sure those additional items are implemented as they make sense. It is the Board's decision to listen to the taxpayers, to fully implement the Form 4 savings, to change the raise taxes first mentality, and to affect positive change to the benefit of all Albemarle County taxpayers, workers and residents.

Mr. Claude Monger said he is a resident of the White Hall District. He thinks the Board needs to lower the tax rate, expressing concern about rising cost of goods for consumers. This is a golden opportunity for government to say they will help the taxpayers. He hopes to retire next year. Sooner or later if something is not done about taxes the poor and middle income residents of the County will be gone; they won't be able to live here any longer.

Ms. Veronica Wilson, a resident of the County and a member of IMPACT's Housing Committee, thanked Board members for their presence and participation in IMPACT's action meeting on March 10<sup>th</sup>. IMPACT also wants to continue to hold up the need for affordable housing in the County. The lack of affordable housing options creates tremendous stress on families in the County. She knows that this is a tight budget year, but families are struggling. As elected representatives, Board members need to address the need in this budget cycle. She asked for the Board's support of IMPACT's proposal for \$500,000 for families under 30 percent AMI.

Ms. Jeanette McCarthy, a County resident, a member of IMPACT, and a retired teacher, next addressed the Board. She shared the story of Johnny Diaz, who attended her school and ended up moving around a lot with his family, in search of affordable housing. He was a bright child and she wonders how he would have really done in a secure home environment. Numerous moves and new schools cause many students to fall behind academically thus jeopardizing their futures. As responsible citizens we need to do everything we can to help children in our communities succeed. This includes minimizing the number of families that have to move frequently in search of affordable housing. Last year in Albemarle County there were more than 300 students that the School system reported as becoming homeless. Add to this number the more than 200 homeless children in the City, and there are more than 500 young people who potentials are threatened by day to day insecurity. These students are part of the more than 4,000 low-income families in the area who cannot afford decent housing. IMPACT is asking the Board to see Johnny and all the other students as it put together this year's budget. The City and County are cooperating on the Housing Task Force, working towards concrete solutions to the area's affording housing crisis. She encouraged the Board to continue to support solutions for them – such as matching the \$500,000 the City is putting up. Affordable housing is a regional problem that affects everyone.

Rev. Bruce Beard, representing IMPACT, said he knows the Board is in a difficult position, but he is concerned about families who cannot afford basic necessities such as housing and end up having to leave the Charlottesville area. Having a good school is great but if he is a child living in the back of a car, he is not going to care how good the school is because he will not do so great in that school without basic needs being met. He urged the Board to not forget about the basic needs of those who need so much and have so little resources to be able to help themselves. There are many young people from this area who cannot afford to stay here after finishing school.

Ms. Sidney Giacalone said she is a 7<sup>th</sup> grade student at Jack Jouett Middle School and participates in the strings program. She asked the Board to support the strings program in the County schools, as it is one of the smaller programs compared to band and chorus. Every year the strings program has grown by approximately 30 students which show that student value and are interested in the program. Ms. Giacalone said, in District Festival last month, her orchestra along with all orchestras of her teacher, Ms. Finnegan's, received all top scores on performance, appearance, and many other categories. She stated that they received all gold stars in their competition in Boston, Massachusetts. These numbers show how outstanding the County school orchestras have come to be. She asked the Board to look at the number of gifted music students who would not be able to take an instrument or class next year, if this program is cut. She supports the Board's proposed tax increase and she hopes the Board sees the benefit of the additional funding towards a quality County school strings program.

Mr. Peter Wurzer said the County's program and service review was a rigorous exercise to identify a ten percent cost savings by department. The primary directive given to department heads was to think critically, creatively and innovatively. He said that the review only resulted in \$800,000 in savings, which is about one percent of a \$79.0 million operating budget. The savings included \$365,000 to extend replacement cycles for computer and vehicle replacement. To him, that is an obvious savings and should have been thought about last year. The second was \$128,000 eliminating vacant positions in Social Services which have been vacant for several years because of no State funding. This looks like phantom

savings. How do we save what we did not spend last year and received no State funds? If it was in the budget last year, what was the money spent on? That is what needs to be eliminated in order to save the money. Mr. Wurzer said that he does not understand why there were no cost savings in several other departments. To identify ten percent of the operating budget is \$7.9 million. He is concerned about how far reaching this effort really is and is it being done the right way. Why has the County refused to release Form 4 documents that show specific departmental ideas? He thinks the public needs to understand what kinds of saving ideas are there now. He asked what the Board's expectations of savings are. If it has no expectations of savings, there will be none. Why can't the County find ways to save like the School Board?

Ms. Betty Sevechko asked the Board not to raise her tax burden. She is a 22 year resident of the County and is very concerned with the County's direction on taxes and spending, noting that since 2000 her burden has increased dramatically – 19.5 percent just last year – and now more increases are planned. When is this insanity going to stop? How do the citizens make the Board understand that the burden it is placing on the taxpayers is difficult? She was outraged to hear one Board member say the difference between raising taxes the full 30 percent last year and the 19.5 percent that actually increased was “equal to a pizza and a beer a month”. It might be a pizza and beer to that person but it means much more to her. It may be the co-pay on her medicine each month or it may pay her water bill that month. Everyone has to live within a budget except the budget. She does not think anyone present would expect an increase in their salary to equal the budget increase. As individuals, they learn to make cuts in their lifestyle that allow them to live within their budgets. The governments, from local to federal, need to do the same. There has been little interest by either the Board or County Executive to scrutiny spending practices in any detail and disciplined manner. She asked the Board to be the advocate for the County taxpayer it was elected to be and not only hold the tax rate at 68 cents but lower it. Cut spending through tough budget scrutiny instead of raising taxes.

Mr. Peter Bernhardt said he and his wife have lived in the County for 38 years. He said that landowners will be forced to sell development rights with a 71-cent tax rate, citing examples of farmers who have had to sell off parcels to afford their homes. It is impossible to continue living in this County with these high costs. The projects should be made to fit the budget not the other way around.

Ms. Therese Province said she is a property owner and taxpayer in the County. She is present to ask the Board to “please raise her tax rate” because County services and schools “maintain and support property values in the County.” This is the second year in a row that those services and schools have been put in jeopardy. She believes in risk management. She wants to protect the investment in her property. Too much is at stake. Look at other places in this country and see what happens when support services and schools are reduced. Property values go down. Individual homeowners are left upside down with their mortgages. She does not want to see that here. Do not be “penny wise and pound foolish”.

Ms. Betty Saunders said she is a life long resident of the County and a concerned taxpayer. Until now she has patiently waited for the Board to increase the level of fiscal responsibility and accountability in County government, but after seeing her real estate tax assessment increase by 138 percent over the last six years, with no corresponding increase the level of County services provided to her household, she is compelled to express her dissatisfaction. In recent months some Board members have made reference to a tax cut. She said that in 2006 they paid \$1,490 and \$2,002 in 2007 in real estate taxes. That is hardly a tax cut. In fact, it is a 34 percent increase in just one year. After doing a lot of research during the last 12 months, it is apparent to her that County government spending has “soared” in the last couple of years but County growth has not. She thinks that the Board is approving a budget beyond their means that can only be achieved by increasing the burden on the taxpayer. She believes there should be a correlation between spending and growth. There should not be a correlation between spending more and taxing more. She asked if it was fiscally responsible to spend \$3.0+ million spent Access Albemarle with nothing to show for it. She asked about the \$7.0+ million on a fire house with extravagant amenities. During this time of economic slowdown, tax money should be spent on needs instead of wants. Form 4, known as Program and Service Review, was incorporated into the budget process this time for the first time. She asked if this was reviewed during the budget process, and what was the outcome. She asked if a decrease in expenses was shown for each department. Ms. Saunders asked if department heads are accountable for managing and controlling their expenses, or just spending up to their allocation. She urged the Board to support the 68-cent tax rate as originally recommended by the County Executive. She also added that it is time to consider a City-County merger to combine services and provide more efficiency of government.

Ms. Charlotte Hogue asked why the County feels it needs to spend much more each year, especially for office space and new personnel. She noted that millions of dollars were spent on a computer system that was supposed to reduce personnel use, and that hasn't happened. Ms. Hogue also expressed concern about spending money on consultant fees and software for a system that is not available. She asked why huge overruns on projects, like the new firehouse, are not being managed. Why are all the libraries, recreational facilities, and school sports not self-sustaining? Why is the County giving taxpayer money to special interest groups for studies and festivals? Are the returns not enough to cover the expenditures? What is the benefit to the majority of taxpayers? Why not impose a freeze on the current budget and start justifying all expenditures, and cut all unnecessary items and staff? Why is no one in County government being held responsible? Why are the Board and County officials not concerned about the downward spiral of the economy and the effect it is having on taxpayers? Not all County citizens are affluent; some are barely making ends meet.

Mr. Charlie Trachtor said President Roosevelt said “repetition does not transform a lie into truth.” For the first nine year's of his son's schooling, he thought the world of the school system. Since his son entered high school the schools have indicated that they only owe students an “adequate” education.

There are parents who have asked for help and been turned away. He knows this to be true because he is one of them. He would pay higher taxes for a world class system, but if the Board raises his taxes, he wants that system, not the one in the County today. A world class system is one which does not turn its back on its students, is one which places its teachers over its administrators, is one that can think and act outside the box, understands that some students learn differently, treats each student with respect, and tries to help each student overcome any special or unique condition, especially if that student is trying and asking for help. A world class system does not have administrators rate their success by the amount of help they deny. It does not protect the administrators whose jobs are redundant while cutting back on teachers and teacher aides. It does not have parents referring to administrators as "callous", "arrogant" or "incompetent". It does not have administrators who make promises even in writing and then fail to follow through. It does not use the funds it receives from parent's taxes to pay for court fees to battle those same patterns. Until we get a system that is world class, the budget is adequate as it needs to be.

Mr. Tom Strassburg, a resident of Earlysville, spoke about affordable housing and homelessness. One of the reasons for homelessness is the affordability of rent, specifically rent increases. About one-third of the homeless in our community have been evicted. He expressed concern that when taxes are raised on properties those costs are passed onto tenants. Mr. Strassburg encouraged Board members to look for efficiencies to reduce expenses and obviate the need for a tax increase.

Ms. Amy Gore, a County taxpayer and parent, asked the Board to fully support school funding with adoption of the 71-cent tax rate. She said that full funding would allow her kids' school to have a nurse who is actually there all day. Ms. Gore said that Crozet Elementary School received a Governor's Excellence in Education Award and overall she feels that schools are doing a good, cost effective job for the education they are providing. Virginia is third in the country for advancement placement testing; Albemarle is 20.59 percent, which is competitive with other counties. She also encouraged the Board to fully fund law enforcement so that police officers won't have to work so much overtime.

Mr. Garth Anderson, Chair of the County's Historic Preservation Committee, thanked the Board for their support of preservation efforts through the Community Development Department. He emphasized that there needs to be a commitment to preserve historic structures as well as vernacular architecture, viewshed, country crossroads, African-American and Monacan resources, and stewardship of all of these. Loss of County cultural resources cannot be replaced. He emphasized that cultural resources are one of the main reasons people come to visit this community, live here, and invest in the area. A recent study by Virginia Commonwealth University and the Commonwealth's Department of Historic Resources demonstrates that Virginia's Historic Rehabilitation Tax Credit Program is a powerful investment tool in Virginia. It creates new jobs, increases local revenues, enhances quality of life and reinvests people's pride in their communities in a renewed sense of stewardship. This needs to be promoted in Albemarle to protect resources and garner the economic benefits. They cannot compromise on the preservation of cultural resources. He asked the Board to keep this effort in the central part of the County's budget.

Mr. Travis Harris, a County resident, thanked the Board for attending the Nehemiah Action Assembly on March 10<sup>th</sup> at University Hall. He emphasized the importance of setting aside \$500,000 for residents who are under the 30 percent AMI level for affordable housing. Board members have the power to change the lives of County residents.

Mr. Trevon Cook, a rising sophomore at Albemarle High School, said that he has participated in the African-American Studies Program, "A Raisin in the Sun". As a member of the production, he has learned a lot about African-American culture, the struggles of society and how far society has progressed. If the School Board budget is decreased due to lowering of the tax rate, it will have a significant impact on elective courses at Albemarle High School, one of which is the African-American Studies Program. This program provides students with knowledge about their past, present and future, all of which is necessary for society to know. With this knowledge, they can have pride in knowing what the African-American society has accomplished. He asked that the Board rethink lowering taxes for the sake of the teachers, but also the students.

Mr. Dale Varga said he has over 30 years of experience in financial management, and with that experience has used it to look at some aspects of the County's budget process. He is concerned that while Mr. Tucker is doing an excellent job in trying to hold the line with the budget that the Board may not have enough information to make decisions. Mr. Varga explained that the managers use the Program and Service Review, also known as Form 4, to identify the impacts of a ten percent spending reduction. The budget process begins in September but the Board does not see Form 4 until late March, after many decisions have already been made. He encouraged the Board to immediately review Form 4, including all items that have not been considered for savings. He asked if the budget is being examined closely before asking for additional tax revenue. He asked that the Board retain the same tax rate as last year.

Ms. Mary Spencer, PTO Co-chair for Meriwether Lewis Elementary and the parent of three children who go there, thanked the Board for considering the new tax rate, which is three cents higher than this current fiscal year's, as it would allow the County to fully fund the education budget for next year. She said that special projects such as the International Baccalaureate Program would be funded and Albemarle would be back on track to be a "world class education system," and County teachers could get a four percent pay increase and hopefully would stay. Ms. Spencer stated that this would also allow for a math specialist, a teaching assistant for K-1, and a full-time nurse at Meriwether Lewis Elementary. A three cent tax increase would level the playing field between Meriwether and other schools, and would allow all County schools to keep up with the better school systems around the country that are adequately preparing their students for the 21<sup>st</sup> Century. She asked the Board to support a 71 cent tax rate.

Mr. Renfro Manning thanked Board members for attending the recent IMPACT meeting. He was a School Superintendent in two different states for over 30 years. He commented that education and affordable housing are inseparably tied together. The people who cannot afford housing tend to move, and if they are able to stay there they are most likely investing too much of their income in housing so they cannot send their children prepared to learn or provide proper care. He asked the Board to seriously consider IMPACT's funding request.

Ms. Mary Hufford Kegley-Scott said she is a parent of a student at Meriwether Lewis and President of the Albemarle County Schools Parent Council. She emphasized that strong public schools equal strong communities, and one cannot succeed without the other. The Parent Council appreciates the Board's recognition of this by its advertised tax rate. They also appreciate the Board's recognition of the significant needs of the entire community and the inability to adequately provide for these needs with the current tax rate. The Parent Council joins with community representatives who provide fire, rescue and safety services to urge the Board to pursue a rate that will meet the needs the community requires. The advertised rate will provide the School system the opportunity to strive towards their goal of serving as a world class educational system. The School nurses are not full time in the elementary schools, therefore if a child has a serious medical problem 30 minutes before school ends, there is no nurse on the premises to assist. This advertised tax rate will: provide math and literacy specialists in middle and elementary schools; bring all elementary schools to the Board approved standards for the literacy specialist; increase teachers' and students' access to technology support, such as laptop computers, smart boards and digital cameras; and allow the School Board to initiate a reserve fund for future potential shortfalls. The quality of the educational system, as well as the safety of the citizens, the availability of quality medical care, the value of fire protection, and the presence of a well-educated workforce all culminate to create the County that we know and love, and that we want to continue to succeed. The School system is at the core of the process as it develops future citizens who will ultimately serve the County needs. In response to the question, how much is an education worth; it is priceless. The Parent Council urges the Board to pursue the advertised tax rate in order to serve the students, future citizens, with the world class educational system they will require in order to do their future jobs.

Mr. John Baldino said he has discovered that he is a conservative. He wants to conserve air quality through continued support of land use, conservation easements, open and green space, not houses, not more asphalt, more public transportation, bike paths, etc. He also said he wants to conserve water and provide leadership for controlling the water supply which can be in danger if this County continues to grow at its current rate. Mr. Baldino stated that he supports investment in public safety through adequate fire and police protection, and reasonable facilities for that. He wants to conserve leadership in public education. At a cost, we can conserve our way of life. He encouraged the Board to adopt a conserve tax rate of 71-cent.

Mr. Robert Hogue said the School system is top-heavy and their budget can be cut. The School system plays politics with their budget cuts by cutting musical classes instead of reducing unnecessary bureaucracy. There should be rescue squad fees and there could be cut back in the Entrance Corridors. Mr. Hogue expressed concern about the economy, and the lack of manufacturing jobs. He suggested the Board pay attention to what is happening with the private sector with loss of pensions and health care benefits. If the Board cares about all the citizens of the County, it will not vote for a tax rate increase, but instead reduce the size of County government and make it more efficient.

Mr. Stuart Mills said he is Executive Director of the Northwestern Virginia Health Systems Agency, a state-mandated nonprofit corporation to provide health planning services for the 32 towns, counties, and cities of Northwestern Virginia. Also with him is Mr. William Daggett, a member of the local Jefferson Health Council, and President of the agencies' Board of Directors. The most important of their mandated responsibilities is to analyze and make recommendations to the Commissioner of Health on major capital expenditures throughout the region, projects such as the relocation of Martha Jefferson Hospital, the new Emily Couric Cancer Center at UVA, the UVA's Long Term Acute Care Hospital, and the new medical center expansion. This review and recommendation function is important because it begins with the local health advisory councils. These are volunteer consumers and healthcare providers from within in the community who give a grassroots perspective on the impact that these proposals will have on the community's healthcare systems. This perspective is vital to their Board of Directors and to the Commissioner who must approve or deny the proposals, and this perspective will be lost to the process unless regional health plan agencies survive. When Virginia's health planning legislation was rewritten in the early 1990's funding of regional health agencies was to be shared between the State and each agency's local jurisdictions with a target rate of 15 cents per capita. Initially most of the jurisdictions contributed their share but over the years, many of the counties, Albemarle among them, became unable to help due to various budget crises. Their agency shrunk and they became almost entirely dependent on State funding to do their work. With the State's current budget crisis that funding is very likely to be eliminated resulting in their working being an unfunded mandate for FY 2009. Their agency is accustomed to operating on a shoe-string budget and they are not asking for much help. He said that they are requesting a small amount – about five cents per citizen – as part of this budget, to help maintain the area's quality healthcare system. They know of no other program that serves all of the constituents equally and at such a low costs. If every county and city does it part, they can continue their mission to help assure the preservation of their high quality and modestly priced healthcare system, but without that help the days of rational and transparent planning are numbered, and the fragile local healthcare systems are at risk.

Mr. William Daggett said the hospital system supports COPN and they do so for the very reasons cited by Mr. Mills. If they do not maintain a transparent process and this is turned over to a commercial enterprise, everyone will suffer. The amount of money the agency is asking for each constituency is very small and they would like the Board's consideration.

Mr. Trevor Przyuski said he is a homeowner, parent, and teacher. He is an advocate for the children in the community. He asked if we can in good conscience take more money away from the schools so that a couple hundred bucks can be saved a year. He asked if working families can be expected to pay for the privilege of putting their children on the school bus in the mornings. Do we want to charge children for the privilege of being on a school's baseball team or football team to represent their school and county? He said that in any community that upholds the ideas of equality and fairness, "every child is our child." It is not too much to ask that there are enough teachers, textbooks and buses. He added that we cannot afford to watch any more children slip through the cracks created by overcrowding and understaffing or graduate any more children into the work world without complete confidence in the technology.

Ms. Sally Cushing, parent of two children in the County School system, presented a petition of 335 signatures expressing support for full-funding of the School budget. She said that other countries support their schools in this way, and "there is no pride in being the community with the lowest tax rate." They want to be the community with the best schools, strong social services, significant affordable housing and outstanding parks and recreation. To achieve this goal, we must all contribute to the common wealth. She has attended these public budget meetings for the past four years and she is annoyed. Each year Mr. Tucker mentions the County's survey and each year, the County's own surveys indicate citizens want the best schools. The citizens want world class schools. She asked that the Board fully fund the School Board's budget request.

Mr. John Cruickshank, speaking on behalf of the Piedmont Sierra Club with about 400 members in the County, asked the Board to "invest in the future," when it considers budget priorities. The urgency of immediate needs often causes us to lose sight of planning for the long-term health and welfare of the community. They request the Board ensure funding for these important initiatives that will contribute to the development of a healthy environment. He encouraged the Board to provide full funding for the Community Development staff positions – Rural Areas planner, new agricultural support position, and staff support for the Natural Heritage Committee. These positions are necessary for the long term protection of Albemarle's open spaces. Mr. Cruickshank thanked the Board for participating in the Cool Counties program in committing to reduce green house gas emissions, 80 percent by 2050. This can only be achieved by investment in energy efficiency, building design and other areas that will save money over time and yield many environmental and health benefits. They also recommend that funds be diverted from construction of new roads to pedestrian and bicycle paths and public transit. He said that the Sierra Club supports retaining and training of talented individuals to work with children, an investment that will pay dividends for years to come. They also support the elimination of harsh pesticides and cleaners from school buildings which will enhance student performance and provide life-long health benefits. A March 27<sup>th</sup> Daily Progress article reported an 18.6 percent increase of toxic chemicals into Virginia in 2006, and releases in the waterways nearly double. Never before has it been so important to remove manmade toxins from our schools and parks. The Sierra Club believes that investing in our future is an essential part of a good fiscal responsibility. They support raising the real estate tax rate and permit fees to pay for the necessary costs of environmental protection, education and public health. They ask the Supervisors to manage growth more effectively and ensure that developers be required to pay the true costs of their new projects.

Ms. Phyllis White, a County resident and homeowner, said she has owned her home for ten years and has seen her assessment rise about 230 percent during that time. As a single person it takes one month just to pay her property taxes. She said that some residents do not need tax relief for their rural properties. She has been a 28 year educator and has a Masters in Education. As a person without children, she resents that she pays thousands of dollars for schools. Ms. White said that she questions the provision of a "free" education, and perhaps there should be a sliding scale for parents who can afford it, and public-private partnerships for other improvements. She questions the act of tying taxes to property values and the increased need for property values to increase. She will continue to challenge her tax assessment. There are many options available to not increasing taxes.

Ms. Dee Winkle spoke in support of the IMPACT goals and the public school system. She moved to this County for the school system and it is important to her that money be spent wisely. The School system had undertaken an efficiency study; they are working hard to save pennies. She asked that the Board not lose sight of the overall numbers. The School system is a high percentage of the County's budget. Teacher salaries and in-class people are more than 75 percent of the School's budget. Even if the School Division eliminate administrative positions there will not be enough money. She feels the 71 cents tax rate is an investment and she is willing to pay it. There are not opportunities for the children to play in orchestras or engage in foreign languages outside of the School system. She encouraged the Board to "hold the line" and use citizens' "combined ability to pay," make programs for those who cannot and "really do the job of the people."

Mr. Eric Hahn asked the Board to fully fund the School Board's budget. He is Vice-President of 7<sup>th</sup> grade at Henley Middle School. He is before the Board to make sure the student's rights and concerns are heard and considered by the Board. He asked the Board to save the strings program, mentioning that Thomas Jefferson played the violin. His teachers and that of his peers depend on the quality of programs and teachers the County finds. Good citizens are created by exposure to opportunities. Universities look for well-rounded quality students. He believes it is the Board's responsibility to give every student in the School system a fair and equal chance at world class educational opportunities and goals. A sound investment for any community is the support everyone puts behind the educational system.

Mr. Tom Olivier, a resident of the Schuyler area, in the Scottsville District, addressed the Board. He stated that he is a member of the Executive Committee of the Piedmont Group of the Sierra Club and supports the Club's position presented earlier this evening. Speaking as an individual, he said, these are

increasingly challenging times in which to live, and this is no time for any government at any level to put environmental protection on hold. Mr. Olivier encouraged the County to unfreeze vacant planning positions and the agriculture support position. He supports raising the real estate tax rate to 71 cents as well as raising some permit fees. He also suggested use of funds in the Business Opportunity Development Fund to unfreeze the agricultural local market development positions. Open space planning and conservation efforts must be supported as must education and affordable housing. He encouraged the Board to pursue as many tax relief programs as allowable by the Virginia Code for residents with lower incomes.

Ms. Susan Luekenbach encouraged Board members to read the letter to the editor "Board Owes an Apology for Taxes" in the March 25<sup>th</sup> issue of *The Daily Progress*. Ms. Luekenbach said that Supervisors should not be allowed to vote in tax increases just to balance their budget. Taxpayers are not allowed to vote themselves an increase to balance their individual budgets and Supervisors should be held to the same standards. The number of increases in the last eight years in the School and local government is shocking. One example of frivolous spending is the \$25,000 that recently went to the Sustainable group which is a total waste. The Schools are considering \$200,000 for an IB Program. Charlottesville/Albemarle has a high opinion of itself thinking that it needs top of the line amenities. She suggested the Board get rid of wasteful unnecessary spending before digging into the citizens' wallets. Part of the problem is a growing citizenry who feels entitled to government handouts. The other part is politicians who feel entitled to more and more of her money. Her part of the tax may be a "beer and a pizza" but it is her "beer and pizza" or whatever else she choose to spend her money on. She encouraged them to get rid of wants versus needs, and suggested watching "A Global Warming Swindle." Global warming is not the problem everybody is making it out to be.

Ms. Nancy Paulson, a County resident and mother of three school-aged children, asked the Board to raise taxes so that a well-rounded education can be offered to students. Last year's surplus was an anomaly and the sweeping tax reductions made by the Board set back the ability to provide necessary services and appropriate programs in the County. When there is a surplus of funds, they should be used wisely, pay down debt, invest in capital improvements and save for the future because the next year can bring change. The Board chose the short sighted policy of reducing the property tax rate and this coupled with the down turn in property values has left the County with inadequate funding for public services and programs. There are many programs and services that have been placed on the chopping block to accommodate this reduced funding. Of paramount concern to her is funding of the public School budget. She emphasized that there is no visible overspending if you visit public schools. The strength of public education is that it gives every child a chance to have access to knowledge, skills and opportunity. By short changing the School budget, the Board is limiting access and undermining the strength and appeal of the County. She asked that the tax rate be increased and fully fund the School Board's budget.

Ms. Jackie Lombardo, representing Friends and Advocates for Children, Teachers, and Schools, and the Piedmont Group of the Sierra Club, asked the Board to fully fund public school. She said that retaining and hiring talented adults to teach children and eliminating toxic chemicals from buildings including harsh cleaners and all pesticides, has proven to enhance student and teacher performance and attendance, and will provide protection for life long good health. She thanked the Board for establishing the Safer Chemical Committee. She also encouraged the Board to adopt formal policies to get rid of toxins used in schools, through green cleaning policies and safer pesticides. The Sierra Club supports raising real estate taxes to 71 cents to pay for environmental safety, education and the protection of the County School children's health.

Ms. Ashly Kindler, on behalf of the building-level administrators in Albemarle County Schools, said new expectations are how business is done. It is not good enough to just achieve status quo. She emphasized the importance of special instructors such as math specialists, literacy specialists, etc. She said that their goal is to be able to help every child, and whatever tax rate is adopted should be able to take Schools to that goal.

Ms. Anita Anderson, on behalf of Preservation Piedmont, a nonprofit organization dedicated to preservation of historic buildings and conservation of the environment. She commented on the importance of the history that is embedded in historical buildings. She encouraged Board members to support a budget that allows for preservation and conservation.

Mr. Lou Kramer, of Earlysville, said it is difficult to correct our country at the national level; it needs to begin at the local level. There should be no need for all these people to be present tonight. He has not gotten over the 19.5 percent tax increase from last year. The real estate values are getting worse, yet Board members are talking about increasing the tax rate. There are needs and wants, and the wants will always outweigh the needs. In support of Schools, it is a shame for parents to have to pay to attend their child's school sporting event.

**At 8:00 p.m., the Board took a recess and reconvened at 8:12 p.m.**

Mr. Dave Paulson said we live in one of the most wonderful places on the face of the earth, beautiful terrain, great University as a hub, low crime, low unemployment, friendly and educated residents, and an efficient local government. This argument boils down to about 25 cents a day for a \$300,000 house to adequately fund public schools, provide additional support for affordable houses, give reasonable raises for teachers and government employees, adequately maintain athletic fields, etc. Mr. Paulson emphasized that the teachers, law enforcement officers, and County employees are not wasting money – they are working hard to make this community a better place. Nobody's getting rich on a government salary. He is a businessman and CFO of a large company. He understands fiscal responsibility. He also understands that government is not a foreign entity that money is sent to. Local government is "us" and it

is "us" sharing a very small portion of our income or wealth for the public good. The County's local government is efficient. There are tax relief programs available for those older individuals on a fixed income. This is not a real tax increase but a partial restoration of a previous decrease. This County has one of the lowest property tax rates in the country and it will still be at 71 cents. Do we want to be known as the County with the lowest tax rates or do we want to be known as the County that truly values, and is willing to pay for the best public education system, a strong police and fire department, outstanding parks and recreation facilities, support for affordable housing, and all the other services that counties provide. He asked that the Board increase the tax rate to 71 cents and spend it wisely, and continue to make the County the wonderful place everyone wants to live.

Ms. Anna Freshwater said she has two children in high school. Since March 2003 her property taxes have increased from \$2,450 to \$3,125 in 2007, and that amount will go to \$3,300 if the 71-cent rate is passed. Ms. Freshwater said that this represents a doubling in revenue for the County, while overall growth has been 11 percent and school enrollment has only increased 2.5 percent. She commented that at Albemarle High School, \$500,000 goes to the cost of four assistant principals and an athletic director, and at lunch there are six 36-inch flat-panel TVs that show cartoons and basketball games at lunch. In addition to paying real estate taxes, they pay personal property taxes, federal income tax, state taxes, social security, etc. Albemarle County is the second highest cost-of-living county outside of Northern Virginia, yet individual salaries/income is not comparable. She asked that money be spent more judiciously without raising taxes.

Mr. Raymond Klein, a resident of Earlysville, said at some point there is going to be a tax revolt. He acknowledged that the Board has a challenging job. He suggested that the Board go back and align the budget with core values and not spend any more money than that. Mr. Klein also said that the School system has grown too much administratively at the top level, citing the funding of four math specialists for over \$300,000 to "teach teachers how to teach." He wonders how many assistants is really needed to run the School system; that money should be spent in the classroom.

The next person who signed up to speak, Mr. William Goodman, was not present.

Mr. Steve Gissendanner said last week's sniper incident could have been much worse, but the County got real lucky. The County is still not planning on funding the addition of new officers to meet the minimum standard for police officers – with expense in this budget for just two officers. The 1.5 per 1,000 staffing standard for police officers is low; Charlottesville is substantially higher. He mentioned several spending needs of the School system that is being put out to the public as "spend everyone penny before the end of the year" and is totally untrue. He mentioned that unspent funds are returned to the School's Fund Balance. He encouraged the Board to act wisely this year, as their decisions now will affect decisions in the future.

Ms. Sue Friedman said she is a County resident, property owner, taxpayer, parent without children in the School system, and business leader. As a businessperson it is very important to her that her employees have the quality of life, the quality of services, and the quality of education that will cause them to stay as a valued employee in her organization. She thanked the Board for the tax rate set at 71 cents and the tax relief programs for those who cannot afford the additional taxes. She thanked Board members for their leadership for understanding that the County and the people who live here need to move forward. Ms. Friedman noted that Federal government mandates offer a choice for localities to fund them or not, and Albemarle can make wise choices about how to use their money. She said that the County could focus on their competitive edge and increase business taxes and business support to the County, and that revenue could be increased from 15 percent to 20 percent, or higher, of total income. That would allow the County the ability to decrease its' reliance on the residential property tax owners. Ms. Friedman also emphasized that the Board has an obligation to implement the citizen-developed strategic plan. She encouraged the Board to vote for a 71 cent tax rate.

Mr. Dave Rogers, Principal of Sutherland Middle School, thanked Board members for looking at the 71-cent tax rate. He is glad that there is discussion about moving forward with a lot of services and things that have to do with the County; i.e., recycling, environmental protection, increasing services, police and safety, and moving forward with the future of education. The School system will continue to look at more efficient ways to use the funding provided by the Board. He said that students now need more services and offerings in school to be able to function when they get out, and that is the vision for the future. He encouraged the Board to continue to implement changes that are well-considered and well-planned, and innovations that will help the County live up to the vision of a community.

Ms. Wren Olivier, a resident of the southern part of the County, urged the Board to support the proposed tax rate to 71 cents. For all the reasons previously stated, the funds are needed to support schools, police and public safety, and to protect the environment. She does not think it is an undue burden on the majority of people; for those other people look at tax relief efforts. This is about the needs of the County.

Ms. Virginia Herring, said she agrees with a lot what has been said, but she does not understand why the property owner has to foot the bill and other revenue sources should be considered. There has been extreme growth in Crozet and there is a lot more revenue coming in. There are people who have lived here all their lives and their taxes have increased to the point where they cannot pay them or pay for the upkeep of their homes. There needs to be other solutions other than taxing the property owner. She does not understand why any mode of transportation used on the highways cannot be taxed. There are a large number of bicycles that could be taxed with County stickers just like vehicles. There are motor scooters that could be required to have a County sticker. She thinks the Board needs to be more creative and there are other ways to get the needed revenues other than taxing the property owners all the time.

Mr. Lea Shultz said last year the budget increased by 19 percent. He asked who in this room has ever had an increase of 19 percent in their salary. He does not care about the rates or the increase in the appraisals; the only thing he is concerned about is the bill that comes in the mail. He has been a resident of the County for more than 30 years. He takes care of his property; he is not getting assistance from the County. He even takes care of his own road. He does not support a tax increase. He does not think the Board is doing its job or representing the people. The people need better representation. He said that Form 4 has not even come into play yet.

Ms. Leah Fechtmann thanked Board members for the work that they do and for the proposed 71 cents tax rate. Ms. Fechtmann said that she is an Albemarle High School teacher and a taxpayer. She hopes this is the last hearing she has to come to defend education in this way. Every year the School Division is tied up from November to April defending education. There are other School Divisions that do not have a strong negative anti-tax group operating and they are free to educate. Police officers do not have to be here tonight because they trust that the Board will do the right thing by them. It is hard to sit through these meetings and listen to people insult other people. Educators are supposed to do reflective instruction. Educators should not have to be at these meetings but if they are not then it is assumed that is not much need for education. She also clarified that student classes raise their own money, and they decided to buy the televisions for the lunchroom. None of this was taxpayer money, but that is the kind of misinformation that gets reported.

Mr. Phil Davis said he is here to represent the older people of the County, who worked for 30 or 40 years at \$5.00 to \$6.00 an hour and now live off of \$800.00 to \$900.00 per month of Social Security, and cannot afford to pay the tax rate. The rate should be kept to what it was last year. If Board members do not agree, they should not have given Mr. Tucker the authority to say it could be. It takes three months of Social Security to pay his property taxes. He noted that he observes four school busses going to and from schools each day, but often they are only half-full. That is a useless waste of taxpayer money. He asked that the Board look at places where you can really save money, not at teacher salaries.

Ms. Cynthia Neff, a resident of the Rivanna District, said she is in favor of the 71 cent tax rate. She noted that Virginia has the ninth highest per-capita income rate in the country but is 47<sup>th</sup> in what is spent in state and local government. Ms. Neff said that the community must decide what kind of place they want it to be. It is embarrassing that there are not enough police officers and it is embarrassing that teachers have to fight to protect the education for the children. She does not want her taxes to increase, but Albemarle County taxpayers have been getting away with a lot when comparing its taxes to taxes in other localities in Virginia. There are probably five to ten percent of expenses that need to be cut everyone and/or reviewed, but she is more worried about what is not in the budget than paying taxes. She thinks we also need to explore more making this a great place to visit by figuring out how to tax tourists.

Ms. Mary Ann Doucette, a resident of the White Hall District, said the Board's job is to provide for the public's health, safety and welfare, not to provide for every special interest that comes before them, or provide for a "private school education with public tax dollars." The Board needs to consider layoffs and hiring freezes. Many people who pay their taxes are not getting any kind of increase in their income. Ms. Doucette said that the Board now has the state authority to levy user impact fees, and she has provided them with a model ordinance to start out. The Board is wasting money every week that it has not adopted an impact fee. The Board needs to renegotiate or break the Revenue Sharing Agreement with the City of Charlottesville. She encouraged the Board to keep the tax rate at 68 cents. Let those who want the increases make donations to the County for the difference between the 68 cents and 71 cents.

Ms. Dawn Greco, a parent of a second grader at Broadus Wood Elementary, member of the PTO, and Parent Council representative, addressed the Board. Ms. Greco urged the Board to fully fund the School Board's budget request. She supports the 71-cent tax rate so that all School needs are met and essential County services are supported appropriately. The 71 cent tax rate addresses concerns expressed by people. She noted that funds are juggled to make schools work, and there are necessary items that are not funded. She wants her children to have opportunities in the future, i.e., exposure to foreign languages, arts and humanities. She is committed to improving the schools not just maintaining the status quo, and it is time for the County to step up and show that public education is a top priority.

Ms. Linda McRaven said she has had five children in the County School system. In 1984, she and her husband founded the Free Union Country School in response to the split of Meriwether Lewis and Murray. She too wanted the School system because she had vibrant children that she wanted to be well-educated. Over the years she saw that the money is spent well in some areas and terribly in other areas. She asked why the Board does not study the budget line item by line. Ms. McRaven said the most important place for the children is the classroom which should never be short shifted. The teacher in the classroom should never be underpaid; the elementary schools should be fully funded. She said that there should not be \$1.0 million spent for school public relations. There is also a place in the budget for the Black Cat Road stoplight and she does not know why that line item should not be removed. The money should be spent well for the best education. She asked the Board members to be good stewards of their money.

Mr. Joshua Lafferty said he is a resident of the City of Charlottesville. He is concerned about the proposed tax increase. He is not a homeowner; he is a renter. He said that funds should be cut from some departments and redirected to essential services such as Schools and public safety. The Board needs to put into place an objective for cutting the entire budget across-the-board. Last year's tax rate was not a tax cut; it was a cut in the increase.

Ms. Melissa Brown, a resident of Earlysville, said she is a parent and a teacher. She asked the Board to leave the tax rate at the publicized 71 cents, not for her own salary but for her children who are

students at Jack Jouett Elementary School. Ms. Brown said that the teachers are excellent and very dedicated. When she arrives at School every money, there are many teachers already there working. Right now, as she is speaking, there are still teachers at Albemarle High School working. They do this not for our own benefit, but for the benefit of the students of this County, for the future of this County. She asked the Board to fully fund the Schools and the services needed to produce well-educated, well-rounded and well-informed citizens to continue to make Albemarle a place where people want to come to.

Mr. Stewart H.B. Stevens expressed opposition to increasing the tax rate. He said it would be nice to have the funds to address all of these concerns, but he does not support this increase. He encouraged the Board to look into development rights in rural areas that are not assessed for tax purposes. There are negotiations occurring with private property owners for easements and development rights that should be taxed at the fair market value.

At this time with no further public speakers coming forward, the Chairman closed the public hearing.

Mr. Rooker commented that there have been three public hearings with a lot of good input and now the Board needs to move forward and make their decision.

Mr. Boyd said the Board will be finalizing the budget at its April 9<sup>th</sup> meeting, and will make a decision on the tax rate at that time.

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Agenda Item No. 22. Adjourn.

At 9:06 p.m., Mr. Rooker offered **motion, seconded** by Mr. Slutzky, to adjourn to April 9, 2008, 2:00 p.m. Roll was called and the motion carried by the following recorded vote:

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

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Chairman

Approved by Board
Date: 03/04/2009
Initials: EWJ