

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on August 6, 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, Mr. David Slutzky and Ms. Sally H. Thomas.

ABSENT: None.

OFFICERS PRESENT: County Executive, Robert W. Tucker, Jr., County Attorney, Larry W. Davis, Director of Community Development, Mark Graham, County Planner, V. Wayne Cilimberg, Clerk, Ella W. Jordan, and Senior Deputy Clerk, Meagan Hoy.

Agenda Item No. 1. The meeting was called to order at 9:02 a.m., by the Chairman, Mr. Boyd.

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

Agenda Item No. 4. Recognitions:

Item No. 4a. Roxanne White, Service on Region Ten Community Services Board.

Mr. Boyd said the Albemarle County Board of Supervisors expresses its gratitude to Roxanne White for her dedicated service to the Region Ten Community Services Board from 2001 to 2008. As the citizen representative from Albemarle County, Ms. White brought a level of expertise and experience that proved invaluable during her tenure on the Region Ten Board. As a member of that Board, she was a voice of reason and professionalism, and helped maintain a clear organizational vision in times of difficult transition as well in times of growth and development. Serving on the Finance Committee, Ms. White pushed for the implementation of a structured approach to budget development resulting in adoption of an effective calendar so that Board members could anticipate and more effectively participate in the budget process. Mr. Boyd then presented Ms. White with a Certificate of Appreciation.

Ms. White said that she went on the Region Ten Board as a staff member to learn more about Region Ten's programs and services. She feels very positive about the organization and what they do for the community. She believes that Region Ten is one of the best community services boards in the State. Region Ten has new strong leadership and a dedicated staff. The Board is strong, in charge and very knowledgeable. She thinks this Board should feel good about the Region Ten Board and what they do in the community. She said it has been a pleasure to serve on the Board.

Item No. 4b. Proclamation recognizing August 26, 2008 as Women's Equality Day.

Mr. Slutzky said that the proclamation included in the Board's packets is not one that all Board members support. He said there is an alternative proclamation that a majority of the Board members support.

Mr. Boyd suggested pulling this item and rescheduling on the August 13th agenda. He has not seen the alternative language.

Mr. Rooker said he has no problem with putting this item on the August 13th agenda.

Mr. Slutzky said that he looked at the proclamation recommended by the local chapter of the National Organization of Women and found it to be an accurate and meaningful assessment of the state of gender issues in this country, and significantly more meaningful than the one that the Board has adopted in the past. He did speak to a couple of Board members and it was suggested that a couple of words be removed from their recommended language. He has no problem with deferring this item for a week.

Mr. Boyd said he wants to have an opportunity to review the proposed proclamation. He had problems with a lot of the issues in that proclamation that he did not think was factual.

Board members concurred with deferring this item until August 13, 2008.

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

Mr. Rooker said there have been a lot of questions raised about the Board's actions relating to protection of the rural areas and natural resources over the last six months, such as the impact of the 100-foot buffer requirements on exercising development rights. He stated that it might be helpful to have Mr. Graham or someone else on staff put together a letter regarding what has been adopted and send it to the Farm Bureau.

Mr. Boyd agreed and suggested sending it to Forever Albemarle as well.

Mr. Slutzky added that it should be sent to the press also.

Ms. Thomas said that there has been misconception on the part of the public, and she has met with landowners to help them understand the policies.

Mr. Boyd suggested developing a question and answer page for the website.

Mr. Rooker agreed that that would be a good format.

Ms. Mallek suggested Board members encourage fire and rescue representatives from companies in their districts to attend the monthly meetings that the Fire Chiefs are having, especially the upcoming Strategic Planning meetings in August and September.

Ms. Mallek said that she hoped the advances in raising the standards for stormwater and erosion control could be put into an ordinance. Ms. Mallek stated that there has been significant stream degradation in the area, and places close to town are absolutely sterile because of runoff from roads, lawns, etc. that turns into silt and essentially coats everything in the stream.

Ms. Thomas mentioned that often agriculture and lawns are as much or more to blame than construction.

Mr. Boyd asked how Albemarle compares to other areas of the Commonwealth.

Ms. Mallek said she thinks that 75 to 80 percent of streams in the State are impaired, but there are big improvements that can be done in small ways.

Mr. Rooker noted that the Stream Watch report indicated that there has not been a significant decline over the last six years, but that does not really address mitigation measures. He pointed out that there is a direct correlation between stream impairment and population density, but there are many streams in the rural areas that are also impaired.

Ms. Thomas mentioned that the Rivanna River Basin Commission is working on the source point of silt and has some good suggestions forthcoming.

Ms. Mallek said that it might be helpful to have a conversation with the Albemarle County Service Authority on a regular basis, as the Board does with the School Board. They are currently going through strategic planning and it might be good to learn something about their process.

Mr. Slutzky said he has some issues of concern where the Board might be able to give the Service Authority some feedback. He supports having a joint meeting with them.

Board members concurred with scheduling a joint meeting with the ACSA Board.

Mr. Slutzky said he would like to have a conversation about providing sewer service to the growth areas. There are a significant number of people who have 50+ year septic fields that are starting to fail, and the ACSA is resisting extending service.

Ms. Thomas said it was brought to her attention that it can be very expensive especially for a homeowner that has an acceptable situation, but the rest of the neighborhood does not.

Mr. Slutzky said current policies make it cheaper for entrants into our market because they can amortize the cost over 30 years where an existing homeowner on a fixed income cannot. There are many qualities in the current approach; some of which he did not fully understand. It may be useful to have that conversation collaboratively with the Service Authority.

Mr. Boyd said he would like to listen to the Service Authority before doing anything.

Mr. Rooker said that is a complex topic and it would be helpful to have the people who have been dealing with it over the years come to discuss it.

Ms. Thomas said another issue is huge expensive items that the County's growth and development is causing through water and sewer.

Ms. Mallek reported that the Community Food Group – which is run through JABA – is working on ways to have local institutions use more locally-grown produce, meat, etc. She said that the recently passed Farm Bill allows for school districts to be able to pay more if necessary and choose to buy locally.

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

Mr. Allan Kindrick addressed the Board, stating that on July 22, 2008, the Planning Commission approved an extension to the Charlottesville Airport. He is present today to state that the approval is in violation of County Codes. This approval was obtained in part by an administrative decision of Mr. Graham who labeled the project the equivalent of a driveway. Mr. Graham's rationale was that it is an access way for a vehicle to a structure on the property. Mr. Kindrick said that the staff informed the

Planning Commission that due to administrative decisions, and that it was a public facility, no mitigation of stream buffers or critical slopes was required. He believes this advice is incorrect and contrary to the County Code for the several reasons. Chapter 18 of the Albemarle County Code defines a driveway as a form of vehicle access from a public street or private road or alley to the interior of a lot or parcel of land. The project does not meet the definition of a driveway per the County Code.

He said that Mr. Graham presented Section 17-320.D to the Commission as the regulation that allows the development of this project in a stream buffer. Section 17-320.D of the County Code allows stream crossings of perennial and intermittent streams for roads, streets or driveways, provided certain requirements are addressed to the satisfaction of the program authority. The Code references bridges, culverts, streams and buffers distributed in placement of these bridges. Additionally this section restricts the impact to 30 feet for driveways and 60 linear feet for roads and streets. Mr. Kindrick said the Airport extension does not qualify for these exemptions. The project does not deal with bridges, culverts or stream crossings. Additionally a September 2007 environmental assessment indicates that this project will impact 937 linear feet of a stream that flows directly into Chris Greene Lake.

Mr. Tim Kindrick said that Section 17-321 of the County Code allows for development of a driveway in a stream buffer provided that a mitigation plan is submitted to, and approved by, the program authority pursuant to Section 17-322. However, he said, the exemption is only allowed when the program authority determines that the stream buffer would prohibit access to the lot necessary for the lot to be used and developed. Mr. Kindrick said this project does not meet the requirements as the stream buffers being impacted do not prohibit access to the lot.

Mr. Bill Fritz informed the Planning Commission that roads, driveways, and the like, as well as public facilities are exempt from critical slopes requirements outlined in Section 18-4.2, per Section 18-4.2.6C. The reference by Mr. Fritz to Section 18 of the County Code and the exemptions listed therein only stands to valid the use of the definition for driveways as previously stated. Secondly, Section 18-4.2.6C allows a lot, structure or improvements to be exempt from the requirements of Section 4.2 – Critical Slopes – as provided, if the applicant demonstrates that no reasonable alternative location or alignment exists. Again, this project does not meet this exemption as there are reasonable alternative locations available that were actually considered. Since this project does not meet the requirements of the County Code to qualify for an exemption, the approval is in violation of the County Code and to allow the project to proceed would violate local ordinances.

State Code 15.2-2259.A.3 states: “Notwithstanding the approval or deemed approval of any proposed plat, site plan or plan of development, any deficiency in any proposed plat or plan, that if left uncorrected, would violate local, state or federal law, regulations, mandatory Department of Transportation engineering and safety requirements, and other mandatory engineering and safety requirements, shall not be considered, treated or deemed as having been approved by the local planning commission or other agent.” He is present to ask the Board to enforce this section of the State Code and publicly declare project as not being approved. Further, he is advising the Board that his father is requesting a review of the program authority’s action to declare the project a driveway and as an allowable development under Section 17-320.D per Section 17-311 of the County Code. This section allows any person aggrieved, which includes owners of adjacent or downstream property, of which his father qualifies on both accounts, to have the right to apply for and receive a review of such actions to include interpretation of the provisions of this article to the Board. He also asked the Board how any type of construction efforts involved with the project has been allowed, and that their ongoing efforts currently impacting stream buffer areas designed as water protection areas clearly depicted in the photographs. It is obvious this work occurred before July 22, 2008.

Mr. Kindrick stated that a copy of these comments will be forwarded to the Virginia Department of Aviation for consideration in any application process for funds that are currently being considered. He then presented packets of information for each Board member (copy is on file in the Clerk’s office).

Mr. Bob Coiner, Mayor of Gordonsville, addressed the Board. He said that Orange County is a long, small, thin county that has lost its industrial base. It does not have a retail base – they are a bedroom community for Northern Virginia and Charlottesville. Mr. Coiner said that Orange has three libraries. There is a small library in Gordonsville, one at the other end of the County and one in Orange. The library in Gordonsville is a little over 900 square feet. Most of the books are offsite; there are no bathrooms, etc. He has provided Board members with information on the proposed library (copy on file in the Clerk’s office). They think that approximately 60 percent of residents outside of Orange use this library. Orange County is in a difficult situation with limited resources moving forward on three libraries. He provided information showing costs of \$800,000 to \$1.1 million. Most of the cost is for initial retrofit and core. He stated that Orange County government has provided some of this funding, but \$300,000 more is needed. Mr. Coiner commented that this library is already serving a lot of Albemarle County folks. He pointed out that Gordonsville Town Council donated \$20,000 to the library project. He then asked for a \$20,000 donation from Albemarle.

Mr. Dorrier asked what percentage of library users are from Albemarle. Mr. Coiner referred Board members to the statistics provided by the library with figures for non-resident (outside of Orange County) and resident, juvenile and adult. The non-resident users are Louisa and Albemarle Counties. He thinks it is 60/40 non-resident/resident.

Mr. Rooker asked what the size of the library is at the \$1.1 million. Mr. Coiner replied that he is not certain, but the larger version is a little bit smaller than State specifications. The smaller version is being planned outdated.

Mr. Rooker and Mr. Boyd suggested that the Jefferson Madison Regional Library Board take a look at the project and report back to this Board at its September 3 meeting.

Mr. Rooker commented that this is going to be a very tight budget year, and the County needs to be extremely careful about how it spends its money.

Mr. Slutzky asked what the deadline was to raise the money.

Mr. Coiner responded that Orange County has given a deadline of October 1st to identify funding.

Mr. Slutzky asked what the steps are to have this funding come out of the County's CIP. Can the Board use the CIP for a project not in the County.

Ms. Thomas commented that the County is trying to build a library in Crozet.

Mr. Davis said that Albemarle County has no authority to make this donation, as the facility is not part of the regional library system. There is enabling authority to make donations to towns that are incorporated within the County, but not for Albemarle to provide donations to other jurisdictions. He added that it would have to go through a third party which would then have to be done through some type of agreement. If it was a 501(C) corporation providing services to Albemarle County residents, it would then be possible.

Mr. Coiner stated that the donations would go to the Friends of the Gordonsville Library, not to Orange County. He added that the Town's \$20,000 donation is contingent on building the larger building being built, not the smaller building.

Mr. Boyd said that it seems there are a lot of issues to deal with, and the County Attorney along with the Library Board could consider this and bring something back to the Board in September.

Ms. Thomas commented that this may be a creative way to get a lot of bang for the buck, given the placement of this library and its proximity to Albemarle.

Mr. Slutzky said he is sympathetic to the request, but the Board has to make sure that it makes sense from the Library staff's perspective.

Mr. Rooker said it also needs to be acknowledged that our library system serves people from Orange County. It is not a completely non-reciprocated situation.

Mr. Coiner said it is unique in that Gordonsville is right on the border.

Ms. Mallek added that it would be good to get some more definitive numbers on the number of users.

Mr. Rooker asked if the presentations on the Airport runway extension constitute an appeal. Mr. Davis responded that it has to be in writing and filed with the Clerk; he has not seen it.

Mr. Slutzky said assuming they file an appeal, what the Board would do. Mr. Davis explained that if it is properly filed, it will come back before the Board.

Mr. Tim Kindrick said since they believe it is in violation of the County and State Codes, they are also asking that the Board recognize the action and deem it as unapproved until the situation is resolved.

Mr. Rooker said every case has two sides. Any citizen complaint about a violation of the ordinance would normally be investigated and the process followed.

Mr. Graham said that if there is an appeal, the program authority would respond and prepare a staff report on that.

Mr. Rooker stated that if there is a complaint based on a perceived violation, the County investigates and a determination is made as to whether there is a current violation of the ordinance.

Mr. Graham replied that it has been investigated and determined there is no violation.

Mr. Davis said that the Planning Commission approved a preliminary site plan, which is only appealable by the applicant. He stated that what is at issue here is an interpretation of the program authority, and an interpretation can be appealed to the Board of Supervisors. He added that the date of the interpretation starts the 30 day clock. He does not know if this has been timely appealed.

Mr. Kindrick said a decision was made and distributed to the Planning Commission members two days prior to July 22, 2008, and that is a part of the Commission minutes.

Mr. Boyd asked that the County can get back with Mr. Kindrick on a timely basis if they need to file something other than the information provided. Mr. Davis concurred.

Agenda Item No. 7. Consent Agenda. **Motion** was offered by Mr. Rooker, **seconded** by Ms. Mallek to approve Items 7.1 through 7.9 on the consent agenda, and to accept the remaining items as information. (Discussions are included with individual items.) Roll was called and the motion carried by the following recorded vote:

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

Item No. 7.1. Approval of Minutes: January 23 and May 14, 2008.

Mr. Boyd pulled the minutes of January 23, 2008.

Mr. Mallek had read the minutes of May 14, 2008, and found them to be in order.

By the above-recorded vote, the Board approved the minutes of May 14, 2008 as read.

Item No. 7.2. Requested FY 2009 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 these requested FY 2009 appropriations is \$1,532,518.00. A budget amendment public hearing is not required because the cumulative appropriations will not exceed one percent of the currently adopted budget.

This request involves the approval of seven (7) new FY 2009 appropriations as follows:

- One (1) appropriation (#2009005) distributing the \$25,000.00 budgeted in the Total Rewards contingency to General Government departments;
- One (1) appropriation (#2009006) transferring \$46,000.00 for additional motor vehicles from the General Fund to the Motor Vehicle Replacement Fund;
- One (1) appropriation (#2009007) allocating \$28,395.00 from the budgeted contingency for the Teen Pregnancy Program to MACAA ;
- One (1) appropriation (#2009008) totaling \$4,140.00 for a Crime Analysis Improvement Grant for the Police Department,
- One (1) appropriation (#2009009) totaling \$451,589.00 for Education donation donations and grants;
- One (1) appropriation (#2009010) establishing the FY2009 budget for the Commission on Children and Families in the amount of \$952,025.00; and
- One (1) appropriation (#2009011) totaling \$165,799.00 for the OAR Crisis Intervention Team grant.

Staff recommends approval of the FY 2009 Appropriations #2009005, #2009006, #2009007, #2009008, #2009009, #2009010, and #2009011.

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|--------------------------------------|-----------------------|----------------------------|
| <u>Appropriation #2009005</u> | | <u>\$ 25,000.00</u> |
| Revenue Source: | Total Rewards Reserve | \$ 25,000.00 |

During the FY09 budget process, amounts budgeted for the Total Rewards Program were removed from each County Department's operating budget, reduced, and placed into a Total Rewards Reserve pending determination of the allocation. The Budget Office has prepared the allocation and this appropriation will reallocate \$25,000.00 from the Total Rewards Reserve to the various departments based on that allocation. There will be no impact on the total County budget as a result of this appropriation.

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| <u>Appropriation #2009006</u> | | <u>\$ 46,000.00</u> |
| Revenue Source: | Transfer from General Fund | \$ 46,000.00 |

The Police Department had funds appropriated in their operating budget for the purchase of two additional vehicles that were a result of their approved FY09 initiative. To streamline and simplify the purchasing process, this appropriation will transfer these funds from the General Fund to the Motor Vehicle Replacement Fund. There will be no impact on the total County budget as a result of this appropriation.

Appropriation #2009007 **\$ 28,395.00**

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| Revenue Source: | Teen Pregnancy Contingency | \$ 28,395.00 |
|-----------------|----------------------------|--------------|

During the FY09 budget development process, the Board approved \$28,395.00 to meet the community need for childcare and parenting support for pregnant teens. The County, along with the City of Charlottesville and United Way, issued a Request for Proposals to solicit proposals for a program that would incorporate specific best practices to implement a program designed to produce the following outcomes: 1) pregnant and parenting teens remain in school and graduate from high school, 2) parenting teens avoid subsequent pregnancies, and 3) Parenting teens provide appropriate and nurturing care for their children. A subgroup of the Agency Budget Review Team met to review the applications and recommended awarding the \$28,395.00 to Jefferson Area CHIP (MACAA). There will be no impact on the total County budget as a result of this appropriation.

Appropriation #2009008 **\$ 4,140.00**

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|-----------------|----------------------------|-------------|
| Revenue Source: | State Revenue | \$ 3,105.00 |
| | Transfer from General Fund | 1,035.00 |

The Department of Criminal Justice Services (DCJS) has awarded the Police Department a grant in the amount of \$3,105.00 with a local match of \$1,035.00, for a total of \$4,140.00. These funds will be used to purchase two high resolution digital cameras for evidence collection. These cameras will improve crime scene processing, evidence collection, and evidence display for court. The \$1,035.00 local match will be provided from existing funds appropriated in the Police Department's operating budget. This appropriation will increase the total County budget \$3,105.00.

Appropriation #2009009 **\$ 411,589.00**

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|-----------------|------------------|-------------|
| Revenue Source: | Local Revenue | \$ 1,750.00 |
| | Federal Revenue | 411,755.00 |
| | CIP Fund Balance | 38,084.00 |

At its meetings on June 26, 2008 and July 10, 2008, the School Board approved the following appropriations:

Western Albemarle High School received a donation in the amount of \$8,450.00 from various donors. The following is a list of donors with amounts: American Press, L.L.C. donated \$1,000.00, T.E.A.L. Construction, L.L.C. donated \$1,000.00; Macfarlane Homes, Inc. donated \$1,000.00; Robert W. Mosologo/Elizabeth A. Mosologo-Clark donated \$25.00; W.R. Martin, Jr. and K.A. Martin donated \$50.00; Karen E. Poos donated \$50.00; Barbara D. Brannock donated \$50.00; Jeffrey G. Mangum donated \$50.00; Berta M. Gomez donated \$50.00; Maureen O'Shea donated \$50.00; Barbara A. Kellum donated \$50.00; Christine T. Romness donated \$50.00; Diane K. Gaspa donated \$50.00; Donna S. Via donated \$30.00; Seonhee Cheon donated \$25.00; Winslow Savage donated \$25.00; Kiyoko Asao-Ragosta donated \$20.00; Suzanne De Janasz donated \$20.00; Dr. Yunge Zhao donated \$20.00; Mary Beth Yeaton donated \$20.00; Dorie McHugh donated \$15.00; Mark C. Greenfield donated 10.00; Susan E. Williams donated \$10.00; Nicholas Bradley Lynn donated \$1,000.00; Virginia Retina Consultants PLC donated \$500.00; T. Walker Consulting LLC donated \$100.00; Candace C. Maupin donated \$25.00; Charles Y. Sipe donated \$1,000.00; William Sukovich donated \$500.00; Susan H. McConnell donated \$100.00; Dale R. Parrott donated \$100.00; Katherine G. Morris donated \$100.00; Barbara S. Peters donated \$100.00; Lisa S. Abernethy donated \$100.00; Charles S. Pettygrove donated \$500.00; Inger M. Pettygrove donated \$500.00; TJL Environmental Health Consultants, Inc. donated \$50.00; John H. Bushweller donated \$25.00; Steven W. Howard donated \$20.00; Pamela Grammer donated \$35.00; and Daniel M. Dimaria donated \$25.00. These donors have requested that their contributions be used for the Western Albemarle High School Synthetic Turf Program. These funds were received in FY08 and are being appropriated for FY09.

Red Hill Elementary School received a donation in the amount of \$29,634.00 from the Red Hill PTO. The donors have requested that this contribution be used help offset the expenses of building an amphitheater for performances at Red Hill Elementary School. These funds were received in FY08 and are being appropriated for FY09.

Western Albemarle High School received a donation in the amount of \$500.00 from James and Elizabeth Mandell. The donors have requested that their contribution be used in the athletic department at Western Albemarle High School.

The Community Public Charter School Grant (CPCS) is an alternative middle school based upon an arts infused curriculum. Currently, 20 rising sixth-grade students have completed applications with a target of 36 sixth-grade students to begin the first year. The staffing process will begin within the next few weeks and will follow ACPS protocols. The program will be housed at Burley Middle School. The mission of the CPCS is to provide an alternative and innovative learning environment, using the arts, to help children in the grades six through eight learn in ways that match their learning styles (i.e. developing the whole child-intellectually, emotionally, physically and socially). Seeking to serve students who have not succeeded in school, the program will close their achievement gap by offering a balance of literacy tutorials and the arts-infused curriculum. The term of the Charter shall be for a three-year period (July 12, 2007 – July 11, 2010).

Crozet Elementary School received a donation in the amount of \$250.00 from Michael and Mary Dunn. The donors have requested that this contribution be used in the special education program at Crozet Elementary School.

Appropriation #2009010 \$ 952,025.00

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|-----------------|---------------|---------------|
| Revenue Source: | Local Revenue | \$ 592,446.00 |
| | State Revenue | 359,579.00 |

The County of Albemarle is fiscal agent for the Commission on Children and Families. This request will appropriate the Commission on Children and Families' FY09 operating budget.

Appropriation #2009011 \$ 165,799.00

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|-----------------|---------------|--------------|
| Revenue Source: | Local Revenue | \$ 41,450.00 |
| | State Revenue | 124,349.00 |

The Department of Criminal Justice Services (DCJS) has awarded the Offender Aid and Restoration/ Jefferson Area Community Corrections a continuation grant in the amount of \$124,349.00 with a local match of \$41,450.00, for a total award of \$165,799.00. This grant will assist in the training and education of police officers to improve their understanding and interactions with citizens having a mental illness including signs and symptoms. Albemarle County will serve as fiscal agent for this grant. Local match monies will be provided by several local agencies and boards.

(Discussion: Ms. Thomas commented that one of the appropriations was a result of an RFP for MACAA, who made the application for a plan involving teenage pregnancy. She applauded their work as a terrific method for moving programs forward.

She is glad that the County is picking up some money for Offender Aid and Restoration. These things are in line with prevention which is something the Board discussed emphasizing during its last strategic planning.)

By the above-recorded vote, the Board approved the following FY 2009 Appropriations #2009005, #2009006, #2009007, #2009008, #2009009, #2009010, and #2009011.

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2009005
 DATE _____
 BATCH# _____

EXPLANATION: Allocate Total Rewards Funds to Departments

| | | | | | SUB LEDGER | | GENERAL LEDGER | |
|--------------|------|-------|--------|--------------------------------|------------|-------------|----------------|-------------|
| TYPE | FUND | DEPT | OBJECT | DESCRIPTION | CODE | AMOUNT | DEBIT | CREDIT |
| 1 | 1000 | 12010 | 282040 | County Executive | J 1 | 280.00 | | |
| 1 | 1000 | 12010 | 282041 | Countywide Total Rewards | J 1 | 1,199.00 | | |
| 1 | 1000 | 12030 | 282040 | Human Resources | J 1 | 160.00 | | |
| 1 | 1000 | 12040 | 282040 | County Attorney | J 1 | 440.00 | | |
| 1 | 1000 | 12141 | 282040 | Finance | J 1 | 1,070.00 | | |
| 1 | 1000 | 12200 | 282040 | Information Technology | J 1 | 1,265.00 | | |
| 1 | 1000 | 13020 | 282040 | Voter Registration & Elections | J 1 | 112.00 | | |
| 1 | 1000 | 21060 | 282040 | Clerk of the Circuit Court | J 1 | 220.00 | | |
| 1 | 1000 | 21070 | 282040 | Sheriff | J 1 | 1,265.00 | | |
| 1 | 1000 | 22010 | 282040 | Commonwealth's Attorney | J 1 | 495.00 | | |
| 1 | 1000 | 31013 | 282040 | Police | J 1 | 8,333.00 | | |
| 1 | 1000 | 32011 | 282040 | Fire/Rescue | J 1 | 1,600.00 | | |
| 1 | 1000 | 41110 | 282040 | Facilities Development | J 1 | 160.00 | | |
| 1 | 1000 | 43001 | 282040 | General Services | J 1 | 610.00 | | |
| 1 | 1000 | 53011 | 282040 | Social Services | J 1 | 5,346.00 | | |
| 1 | 1000 | 71011 | 282040 | Parks & Recreation | J 1 | 380.00 | | |
| 1 | 1000 | 81021 | 282040 | Community Development | J 1 | 1,680.00 | | |
| 1 | 1000 | 81030 | 282040 | Housing | J 1 | 385.00 | | |
| 1 | 1000 | 95000 | 282040 | Total Rewards Reserve | J 1 | (25,000.00) | | |
| | | | | | | | | |
| TOTAL | | | | | | 0.00 | 0.00 | 0.00 |

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2009006
 DATE _____
 BATCH# _____

EXPLANATION: Transfer of Appropriation for additional motor vehicles from General Fund to Motor Vehicle Replacement Fund

| TYPE | FUND | DEPT | OBJECT | DESCRIPTION | SUB LEDGER | | GENERAL LEDGER | |
|--------------|------|-------|--------|-------------------------|------------|------------------|------------------|------------------|
| | | | | | CODE | AMOUNT | DEBIT | CREDIT |
| 1 | 1000 | 31013 | 800500 | Police | J 1 | (46,000.00) | | |
| 1 | 9200 | 31013 | 800500 | Police | J 1 | 46,000.00 | | |
| 1 | 1000 | 93010 | 939999 | Transfer to Other Funds | J 1 | 46,000.00 | | |
| 2 | 9200 | 51000 | 512004 | Transfer from G/F | J 2 | 46,000.00 | | |
| | 9200 | | 0501 | Est. Revenue | | | 46,000.00 | |
| | | | 0701 | Appropriation | | | | 46,000.00 |
| TOTAL | | | | | | 92,000.00 | 46,000.00 | 46,000.00 |

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2009007
 DATE _____
 BATCH# _____

EXPLANATION: Transfer of appropriation for a Teen Parenting program to CHP

| TYPE | FUND | DEPT | OBJECT | DESCRIPTION | SUB LEDGER | | GENERAL LEDGER | |
|--------------|------|-------|--------|-------------------|------------|-------------|----------------|-------------|
| | | | | | CODE | AMOUNT | DEBIT | CREDIT |
| 1 | 1000 | 89000 | 566300 | MACAA | J 1 | 28,395.00 | | |
| 1 | 1000 | 59000 | 999999 | Contingency Funds | J 1 | (28,395.00) | | |
| TOTAL | | | | | | 0.00 | 0.00 | 0.00 |

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2009008
 DATE _____
 BATCH# _____

EXPLANATION: DCJS Grant – Crime Analysis Improvement Project

| TYPE | FUND | DEPT | OBJECT | DESCRIPTION | SUB LEDGER | | GENERAL LEDGER | |
|--------------|------|-------|--------|-------------------------------|------------|-----------------|-----------------|-----------------|
| | | | | | CODE | AMOUNT | DEBIT | CREDIT |
| 2 | 1526 | 33000 | 330001 | Grant Revenue - Federal | J 2 | 3,105.00 | | |
| 2 | 1526 | 51000 | 512004 | Transfer from General Fund | J 2 | 1,035.00 | | |
| 1 | 1526 | 31013 | 800100 | Machinery & Equipment | J 1 | 4,140.00 | | |
| 1 | 1000 | 31013 | 800100 | Police - Mach. & Equipment | J 1 | (1,035.00) | | |
| 1 | 1000 | 31013 | 930210 | Police - Trs. To Misc. Grants | J 1 | 1,035.00 | | |
| | 1526 | | 0501 | Est. Revenue | | | 4,140.00 | |
| | | | 0701 | Appropriation | | | | 4,140.00 |
| TOTAL | | | | | | 8,280.00 | 4,140.00 | 4,140.00 |

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2009009
DATE _____
BATCH# _____

EXPLANATION: Education Donations and Grants - School Board Meetings: 06/26/2008 and 07/10/2008

| | | | | | SUB LEDGER | | | GENERAL LEDGER | |
|--------------|------|-------|--------|------------------------------|------------|---|-------------------|-------------------|-------------------|
| TYPE | FUND | DEPT | OBJECT | DESCRIPTION | CODE | | AMOUNT | DEBIT | CREDIT |
| 2 | 2000 | 18100 | 181109 | DONATION | J | 2 | 750.00 | | |
| 2 | 3380 | 18100 | 181080 | DONATIONS | J | 2 | 1,000.00 | | |
| 2 | 3380 | 33000 | 330080 | THE COMMUNITY PUBLIC CHARTER | J | 2 | 411,755.00 | | |
| 2 | 9000 | 51000 | 510100 | APPROP - F/B | J | 2 | 29,634.00 | | |
| 2 | 9002 | 51000 | 510100 | APPROP - F/B | J | 2 | 8,450.00 | | |
| 1 | 2203 | 61102 | 601300 | ED/REC SUPPLIES | J | 1 | 250.00 | | |
| 1 | 2302 | 61105 | 800100 | ATHLETIC-EQUIP/NEW | J | 1 | 500.00 | | |
| 1 | 3380 | 61101 | 132100 | PT/WAGES-TEACHER | J | 1 | 929.00 | | |
| 1 | 3380 | 61101 | 210000 | FICA | J | 1 | 71.00 | | |
| 1 | 3380 | 61101 | 580500 | STAFF DEVELOPMENT | J | 1 | 70,308.00 | | |
| 1 | 3380 | 61101 | 601300 | MATERIALS | J | 1 | 125,630.00 | | |
| 1 | 3380 | 61101 | 800100 | MACHINERY-EQUIPMENT | J | 1 | 50,260.00 | | |
| 1 | 3380 | 61101 | 800200 | FURNITURE/FIXTURES | J | 1 | 36,257.00 | | |
| 1 | 3380 | 61101 | 800700 | DATA PROCESSING EQUIPMENT | J | 1 | 126,800.00 | | |
| 1 | 3380 | 61101 | 800710 | DATA PROCESSING SOFTWARE | J | 1 | 2,500.00 | | |
| 1 | 9000 | 62420 | 950241 | RED HILL PERFORMANCE AREA | J | 1 | 29,634.00 | | |
| 1 | 9002 | 60302 | 950245 | WAHS TURF FIELD PROGRAM | J | 1 | 8,450.00 | | |
| | 2000 | | 0501 | Est. Revenue | | | | 750.00 | |
| | | | 0701 | Appropriation | | | | | 750.00 |
| | 3380 | | 0501 | Est. Revenue | | | | 412,755.00 | |
| | | | 0701 | Appropriation | | | | | 412,755.00 |
| | 9000 | | 0501 | Est. Revenue | | | | 29,634.00 | |
| | | | 0701 | Appropriation | | | | | 29,634.00 |
| | 9002 | | 0501 | Est. Revenue | | | | 8,450.00 | |
| | | | 0701 | Appropriation | | | | | 8,450.00 |
| TOTAL | | | | | | | 903,178.00 | 451,589.00 | 451,589.00 |

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2009010
DATE _____
BATCH# _____

EXPLANATION: CCF Initial Appropriation

| | | | | | SUB LEDGER | | | GENERAL LEDGER | |
|------|------|-------|--------|--------------------------|------------|---|------------|----------------|--------|
| TYPE | FUND | DEPT | OBJECT | DESCRIPTION | CODE | | AMOUNT | DEBIT | CREDIT |
| 1 | 4400 | 54101 | 110000 | SALARIES-REGULAR | J | 1 | 167,203.00 | | |
| 1 | 4400 | 54101 | 210000 | FICA | J | 1 | 12,299.00 | | |
| 1 | 4400 | 54101 | 221000 | VIRGINIA RETIREMENT SYS. | J | 1 | 21,592.00 | | |
| 1 | 4400 | 54101 | 231000 | HEALTH INSURANCE | J | 1 | 21,095.00 | | |
| 1 | 4400 | 54101 | 232000 | DENTAL INSURANCE | J | 1 | 833.00 | | |
| 1 | 4400 | 54101 | 241000 | VRS GROUP LIFE INSURANCE | J | 1 | 1,738.00 | | |
| 1 | 4400 | 54101 | 270000 | WORKER'S COMPENSATION | J | 1 | 225.00 | | |
| 1 | 4400 | 54101 | 310000 | PROFESSIONAL SERVICES | J | 1 | 3,500.00 | | |

| | | | | | | | | | |
|--------------|------|-------|--------|-------------------------|---|---|---------------------|-------------------|-------------------|
| 2 | 4400 | 16000 | 160502 | CITY OF CHARLOTTESVILLE | J | 2 | 305,562.00 | | |
| 2 | 4400 | 16000 | 160503 | COUNTY OF ALBEMARLE | J | 2 | 250,292.00 | | |
| 2 | 4400 | 18000 | 181315 | REGION TEN | J | 2 | 29,192.00 | | |
| 2 | 4400 | 18000 | 189900 | MISC REVENUES | J | 2 | 7,400.00 | | |
| 2 | 4400 | 24000 | 240000 | STATE CATEGORICAL AID | J | 2 | 64,107.00 | | |
| 2 | 4400 | 24000 | 240500 | GRANT REVENUE-STATE | J | 2 | 295,472.00 | | |
| | 4400 | | 0501 | Est. Revenue | | | | 952,025.00 | |
| | | | 0701 | Appropriation | | | | | 952,025.00 |
| TOTAL | | | | | | | 1,904,050.00 | 952,025.00 | 952,025.00 |

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2009011
DATE _____
BATCH# _____

EXPLANATION: OAR Crisis Intervention Team Grant

| | | | | | SUB LEDGER | | GENERAL LEDGER | |
|--------------|------|-------|--------|---|------------|-------------------|-------------------|-------------------|
| TYPE | FUND | DEPT | OBJECT | DESCRIPTION | CODE | AMOUNT | DEBIT | CREDIT |
| 2 | 1519 | 33000 | 330400 | Revenue - Federal (DCJS) | J 2 | 124,349.00 | | |
| 2 | 1519 | 18110 | 181310 | Community Criminal Justice Board | J 2 | 25,000.00 | | |
| 2 | 1519 | 18110 | 181313 | Albemarle County Police Department | J 2 | 2,500.00 | | |
| 2 | 1519 | 18110 | 181314 | Albemarle-Charlottesville Regional Jail | J 2 | 2,500.00 | | |
| 2 | 1519 | 18110 | 181315 | Region Ten | J 2 | 2,500.00 | | |
| 2 | 1519 | 18110 | 181316 | Charlottesville City Police Department | J 2 | 2,500.00 | | |
| 2 | 1519 | 18110 | 181317 | UVA Police Department | J 2 | 2,500.00 | | |
| 2 | 1519 | 18110 | 181109 | Miscellaneous Contributions | J 2 | 950.00 | | |
| 2 | 1519 | 18110 | 181321 | Central VA Regional Jail | J 2 | 2,500.00 | | |
| 2 | 1519 | 18110 | 181322 | Blue Ridge Alliance for Mentally Ill | J 2 | 500.00 | | |
| 1 | 1519 | 29412 | 566122 | Community Criminal Justice Board | J 1 | 165,799.00 | | |
| | 1519 | | 0501 | Est. Revenue | | | 165,799.00 | |
| | | | 0701 | Appropriation | | | | 165,799.00 |
| TOTAL | | | | | | 331,598.00 | 165,799.00 | 165,799.00 |

Item No. 7.3. Set public hearing to consider proposed ordinance to update definitions and dog license provisions of animal ordinance to conform to Virginia Code and to increase the dog license tax.

The executive summary states that the 2008 General Assembly amended the Virginia Code provisions relating to local animal laws and dog licenses to become effective on October 1, 2008. Title 3.2 will replace the current provisions of Title 3.1. The Finance Department desires to update the County Code provisions relating to dog licenses and increase the dog license tax effective for calendar year 2009.

The County has required dog owners that reside in the County and kennel operators in the County to obtain an annual dog license for at least the past forty years. The current dog license tax for a dog owner is five dollars for an unspayed and unneutered dog and three dollars for a spayed and neutered dog. The current dog license tax for a kennel is fifteen dollars for up to twenty dogs and twenty-five dollars for up to fifty dogs. The County's dog license tax was last increased on February 13, 1985, and the previous increase was on December 20, 1973. Virginia Code § 3.1-796.87 (§ 3.2-6528) authorizes localities to establish a dog license tax not to exceed ten dollars per dog, and a kennel license tax for kennels of ten, twenty, thirty, forty or fifty dogs not to exceed fifty dollars for any one such block of kennels.

The attached draft ordinance (Attachment A) reorganizes and updates the County Code dog license provisions to conform to Virginia Code provisions and to mirror the language of the Virginia Code. In addition, the draft ordinance proposes to:

- Include the addition of definitions for “hearing dog,” “releasing agency,” “service dog” and “kennel” that mirror the Virginia Code definitions, with “Kennel” defined as an establishment with five or more canines, felines or hybrids of either which are kept for the purposes of breeding, hunting, training, renting, buying, boarding, selling or showing;
- Add the Virginia Code § 3.1-796.87:1 (§ 3.2-6529) requirement for veterinarians to provide the County Finance Director rabies certificate information forty-five days after vaccinating a dog;
- Include two and three year dog license options in addition to the one year license, allowing dog owners to purchase a dog license which runs concurrently with the rabies vaccination, thereby reducing the number of renewals authorized by Virginia Code § 3.1-796.88 (§ 3.2-6530(B));
- Increase the 1) penalty for making a false statement in order to secure a dog license to which he is not entitled from between \$5.00 and \$100.00 and 2) the penalty for failure to pay the dog license tax by February 1 from \$10.00 to a penalty punishable as a class 4 misdemeanor with a fine of up to \$250.00 authorized by Virginia Code § 3.1-796.128(A) (§3.2-6587(A)).
- Increase the dog license tax from \$3.00 to \$5.00 for spayed and neutered dogs, from \$5.00 to \$10.00 for unspayed and unneutered dogs, and eliminate the two types of kennel licenses, establishing one kennel license of \$50.00 for up to ten dogs authorized by Virginia Code § 3.1-796.87 (§ 3.2-6528). Additional kennel licenses may be purchased if an owner has more than ten dogs. Other localities with similar kennel tag license provisions include Culpeper County, Augusta County, Page County and Rockingham County.

The draft ordinance is recommended to become effective on November 1, 2008 to correlate with the date the County’s 2009 dog licenses become available for purchase.

The unfunded legislative mandate enacted by the General Assembly in 2007 requiring veterinarians to report vaccinations monthly to localities required the reassignment of one full-time County employee devoted exclusively to the administration of dog licensing. In addition, the initial cost of enforcement under that new law was approximately \$3,000 and the estimated recurring annual expense is \$1,200.

The dog license tax revenue in 2007 totaled \$11,630 for the sale of 3,022 tags. It is estimated that the 2009 revenue will be \$24,793 at the current dog license fee rates based on historical sales and responses to violation notices to date (generated as a result of the monthly vaccination reports). The estimated 2009 revenue increases \$18,627 to \$43,420 if the Board adopts the proposed dog license fee amendment.

To provide the option to purchase two and three year licenses will require 28 hours of programming to modify the Finance software.

Staff recommends that the Board set the attached ordinance for public hearing on September 3, 2008.

(Discussion: Ms. Thomas expressed concern about this item as the State has changed dog ordinances, and she wanted to make sure this is not preempting that.

Mr. Davis stated that this is a small piece of the re-codification material that will come to the Board later. This was requested by the Finance Department because of the financial impact of the new requirements on them in dealing with licensing in relationship to veterinarians reporting requirements. He added that there is some disagreement as to the total number of licensed dogs in the County, but the new system in place for veterinarians to report licensing to the Finance Department is helpful.

Mr. Rooker asked if they should consider allowing veterinarians to sell licenses. Mr. Davis said that has been looked at but there may be some issues with implementation. Mr. Rooker said you may have to give them a part of the fee for administration.

Ms. Mallek said that some counties include the licensing information in the January utility bills, as Albemarle does with the car tax bills. She would like to see that pursued at a later date.)

By the above-recorded vote, the Board set the above-referenced ordinance for public hearing on September 3, 2008.

Item No. 7.4. Resolution to accept road(s) in Highlands Phase 2B Subdivision into the State Secondary System of Highways.

By the above-recorded vote, the Board adopted the following resolution adopted the following resolution as requested by the County Engineer:

R E S O L U T I O N

WHEREAS, the street(s) in **Highlands Subdivision, Phase 2B**, as described on the attached Additions Form AM-4.3 dated **August 6, 2008**, fully incorporated herein by reference, is shown on plats recorded in the Clerk’s Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Highlands Subdivision, Phase 2B**, as described on the attached Additions Form AM-4.3 dated **August 6, 2008**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

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

- 1) **Mechums River Road (State Route 1241)** from the intersection of Route 1244 (Amber Ridge Road) to the intersection of Route 1297 (Gate Post Lane), as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3235, page 364, with a 50-foot right-of-way width, for a length of 0.23 miles.
- 2) **Gate Post Lane (State Route 1297)** from the intersection of Route 1241 (Mechums River Road) to the south cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3235, page 364, with a 50-foot right-of-way width, for a length of 0.20 miles.
- 3) **Gate Post Lane (State Route 1297)** from the intersection of Route 1241 (Mechums River Road) to the north cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 3235, page 364, with a 50-foot right-of-way width, for a length of 0.11 miles.

Total Mileage – 0.54

Item No. 7.5. Resolution to accept road(s) in Rustling Oaks Subdivision into the State Secondary System of Highways.

By the above-recorded vote, the Board adopted the following resolution adopted the following resolution as requested by the County Engineer:

RESOLUTION

WHEREAS, the street(s) in **Rustling Oaks Subdivision**, as described on the attached Additions Form AM-4.3 dated **August 6, 2008**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the street(s) in **Rustling Oaks Subdivision**, as described on the attached Additions Form AM-4.3 dated **August 6, 2008**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

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

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

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

- 1) **Rustling Oaks Drive (State Route 1007)** from the intersection of Route 601 to the cul-de-sac, as shown on plat recorded in the office the Clerk of Circuit Court of Albemarle County in Deed Book 1167, page 193, with a 50-foot right-of-way width, for a length of 0.63 miles.

Total Mileage – 0.63

Item No. 7.6. Request to add representative from Habitat for Humanity to Housing Committee.

The executive summary states that the Albemarle County Housing Committee was established by the Board of Supervisors on October 10, 1990 to "provide advice and guidance to the Board of Supervisors on housing issues in furtherance of the County's goal to promote a variety of safe, sanitary and affordable housing types for Albemarle County residents of all income groups."

The Committee was created to consist of at least nine members appointed by the Board of Supervisors to represent certain stakeholders including representatives from the Charlottesville Housing Foundation (Piedmont Housing Alliance-PHA) and the Albemarle Housing Improvement Program (AHIP).

The Habitat for Humanity executive director often attends Housing Committee meetings and at the July meeting requested that Habitat be considered for membership on the Committee. Due to a lack of a quorum, the Housing Committee did not formally vote on the matter; however, the five members in attendance indicated a desire to support this request. Over the past several years, the local chapter of Habitat for Humanity has expanded its mission as demonstrated by its purchase of two mobile home parks including Southwood Mobile Home Park in the County. The original list of members of the Housing Committee included a representative from the "Housing Coalition." Because this organization no longer exists, it can logically be replaced by Habitat for Humanity to recognize the importance of this stakeholder in the affordable housing discussion.

Staff recommends that the Board amend the composition of the Housing Committee to allow a representative of Habitat for Humanity to serve in this capacity as indicated in Attachment A. As with PHA and AHIP, staff recommends that a Board member of Habitat for Humanity be appointed rather than staff.

* * * * *

HOUSING COMMITTEE FACT SHEET

Duties/Functions: The Housing Committee provides advice and guidance to the Board of Supervisors on housing issues in furtherance of the County's goal to promote a variety of safe, sanitary and affordable housing types for Albemarle County residents of all income groups. The Chief of Housing provides staff support.

Length of Term: Initially, one-third of the membership shall be appointed for three years, one-third for two years and one-third for one year. All subsequent appointments shall be for a three-year term with a limit of two consecutive terms. All terms, with the exception of the first year, shall begin on January 1.

The Committee meets on the second Thursday of each month at 12:30 p.m. (generally at the COB 5th building).

Membership: The Board of Supervisors shall appoint at least nine members to the Housing Committee. The Committee should include representation from the following areas or organizations:

Real Estate
Construction/Development
Financial
Community Legal
Community
Consumer
Housing Coalition
Habitat for Humanity
Charlottesville Housing Foundation
Albemarle Housing Improvement Program
Property Management
University of Virginia

Qualifications: A willingness to attend meetings and actively participate; a demonstrated interest in and knowledge of affordable housing issues in Albemarle County; expertise and/or experience in representing constituent concerns; an ability to work in collaboration with others; and an interest in community service.

By the above-recorded vote, the Board amended the composition of the Housing Committee to allow a representative of Habitat for Humanity to serve in this capacity as indicated in Attachment A. As with PHA and AHIP, the Board supported staff's recommendation that a Board member of Habitat for Humanity be appointed rather than staff.

Item No. 7.7. Resolution to Affirm the County's Authorization to Pick-Up Employee's Contribution to Virginia Retirement System Under § 414(h) of the Internal Revenue Code.

The executive summary states that the Internal Revenue Service (IRS) has issued Ruling 2006-43 requiring employers participating in the Virginia Retirement System (VRS) to provide documentation

authorizing pick-up plans by January 1, 2009. Pick-up plans allow localities to pick up or pay on a pre-tax basis the employee's contribution to VRS and allow employees to purchase prior service on a pre-tax basis. VRS is conducting an audit of pick-up plans to ensure that they are compliant with the IRS ruling and is requesting appropriate documentation be submitted to it.

The County approved its pick up plan effective July 1, 1980 as part of the Annual Appropriation for FY 80/81 adopted on April 9, 1980. This election is irrevocable under VRS regulations. The documentation that VRS is requesting must be in the form of a resolution approved by the governing body. The resolution must contain certain basic information required by the IRS ruling.

VRS sent a letter to local governments (Attachment B) and school boards outlining the requirements and including sample resolutions. Employers must return resolutions approved by their governing boards to VRS no later than September 30, 2008. Failure to timely provide this documentation could reverse the favorable tax treatment for employee VRS contributions and could impose significant reporting and recordkeeping burdens on the County.

The County Attorney has reviewed the attached Resolution for Albemarle County (Attachment A). The School Board will consider adoption of similar resolutions on August 14, 2008.

Staff recommends that the Board adopt the attached Resolution (Attachment A)

By the above-recorded vote, the Board adopted the following resolution:

RESOLUTION
Affirmation of Authorization to Pick-up the Employee's Contribution to
VRS for ALBEMARLE COUNTY, 55101
Under § 414(h) of the Internal Revenue Code

WHEREAS, ALBEMARLE COUNTY provides its employees with tax deferral pursuant to § 414(h) of the Internal Revenue Code with respect to their member contributions to the Virginia Retirement System (referred to as VRS) by picking up member contributions to VRS; and

WHEREAS, VRS keeps track of such picked up member contributions, and treats such contributions as employee contributions for all purposes of VRS;

WHEREAS, the Internal Revenue Service in Notice 2006-43 has provided transition relief for existing pick up arrangements provided that an authorized person takes formal action to evidence the establishment of the pick-up arrangement no later than January 1, 2009.

WHEREAS, in order to avail itself of the protection given under Notice 2006-43, ALBEMARLE COUNTY desires to affirm its intention to establish and maintain a pickup arrangement through formal action by its governing body.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the existing member contribution pick-up arrangement is hereby affirmed as it relates to salary reduction elections in effect prior to the date of this Resolution, and it is further

RESOLVED that effective the first pay day on or after August 6, 2008, ALBEMARLE COUNTY shall pick up member contributions of its employees to VRS, and such contributions shall be treated as employer contributions in determining tax treatment under the Internal Revenue Code of the United States; and it is further

RESOLVED that such contributions, although designated as member contributions, are to be made by ALBEMARLE COUNTY in lieu of member contributions; and it is further

RESOLVED that pick up member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and it is further

RESOLVED that member contributions made by ALBEMARLE COUNTY under the pick up arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pick up arrangement; and it is further

RESOLVED that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pick up contributions made by ALBEMARLE COUNTY directly instead of having them paid to VRS; and it is further

RESOLVED that notwithstanding any contractual or other provisions, the contributions of each member of VRS who is an employee of ALBEMARLE COUNTY shall be picked up either through a reduction in the current salary of such employee or as an offset against future salary increases of such employee or as a combination of both at the option of the employer by ALBEMARLE COUNTY on behalf of such employee pursuant to the foregoing resolutions.

Item No. 7.8. Offender Aid and Restoration's Community Correction and Pretrial Services Program – Supplemental Appropriation Request.

The executive summary states that Albemarle County currently receives grant funding from the Virginia Department of Criminal Justice Services (DJCS) for Local Probation/Community Corrections and Pretrial Services. As the grant administrator, the County serves as fiscal agent and contracts with Offender Aid and Restoration (OAR) to provide these services for a nine jurisdictional area. These nine localities include the City of Charlottesville and counties of Albemarle, Nelson, Fluvanna, Orange, Greene, Louisa, Madison, and Goochland. The Local Probation/Community Corrections program provides services which include local probation supervision, community service supervision, domestic violence intervention, and restitution collection. Pretrial Services programs include screening, interviews, investigations and recommendations, supervision and reporting services for all jurisdictions except Goochland County. Funds from the grant are drawn down on a reimbursement basis and remitted to OAR.

During the 2008 General Assembly budget deliberations, the DCJS grant award to Albemarle County, as fiscal agent for OAR, for the Community Corrections program was reduced \$30,528.00. The Executive Director of OAR has requested additional local funding from the County to replace its proportional share of the lost State grant revenue. A similar letter has also been sent to the other eight jurisdictions. The amount requested from each locality is based on the percentage of total supervision placements by the Courts for both Local Probation and Pretrial services. Albemarle County's share of total placements is 29% therefore the request for additional local funding from the County is \$8,853.00.

The additional local funding, if approved, would transfer \$8,853.00 from the Board of Supervisors' Contingency Reserve to OAR and would be subject to the eight other jurisdictions contributing their share of lost grant revenue as outlined in Attachment A.

Staff recommends the Board of Supervisors approve the transfer of \$8,853.00 from the Board's Contingency to OAR subject to participation by the other applicable localities in the revenue loss. At such time as the other localities commit to this participation, an appropriation will be brought to the Board for formal approval of the local funding increase.

(Discussion: Ms. Thomas noted that the agreement to contribute to OAR was contingent on other counties putting their money in, and wanted to make sure the Board was informed if other counties do not put their money in.

Ms. Patricia Smith, Executive Director of OAR, said so far she has only heard from the City of Charlottesville. She has sent the other localities letters.

Mr. Slutzky commented that it bothers him that the General Assembly would short this program, as it does reduce the incidences of recidivism.)

By the above-recorded vote, the Board approved the transfer of \$8,853.00 from the Board's Contingency to OAR subject to participation by the other applicable localities in the revenue loss. At such time as the other localities commit to this participation, an appropriation will be brought to the Board for formal approval of the local funding increase.

Item No. 7.9. Cancel September 10, 2008 Board of Supervisors' meeting.

By the above-recorded vote, the Board cancelled the September 10, 2008 Board of Supervisors meeting.

Item No. 7.10. July 2008 Board-to-Board, *Monthly Communications Report from School Board, School Board Chairman, **was received for information.***

Item No. 7.11. Proffer Management – FY 2008 Fourth Quarter Cash Proffer Report, **was received for information.**

The executive summary states that the Board received a 3rd quarter report last month reporting activity from January – March 2008. The current 4th quarter report is a collaboration between Finance and Community Development to maintain more timely information on cash proffers. As such, this report represents cash proffer information from April – June and coincides with the end of Fiscal Year 2008. The Board will receive its next report in November reporting on cash proffer activity from July – September. That report will also include the Commission on Local Government Report 2008 Survey of Cash Proffers.

The information below details cash that was proffered, received and expended during the 4th quarter. The proffer summary provides anticipated proffer revenue and annual adjustments, which the Board first received last quarter. New additions to this report include allocated funds for this quarter and the overall total cash proffer funds and interest. Future reports will include a total appropriation of all cash proffer funds, current available funds and total expended funds.

- A. Proffered:** Although there were several rezonings approved from April through June, none of them contained cash proffers.
- B. Revenue:** During the 4th quarter \$27,923.80 was received from Hollymead Area C, Belvedere Station and Liberty Hall. All funds are allocated to general Capital Improvements Projects (Attachment A).
- C. Allocated:** The County designated \$305,000.00 for the Routes 22/250 intersection. These funds originated from the Glenmore rezoning for this purpose.
- D. Expenditure:** The County expended \$100,000 to replace monies from the transportation improvement funds previously spent for the Route 29 Traffic Study. North Pointe contributed these funds specifically for the traffic study.
- E. Proffer Summary:** Since there were no new rezonings containing cash proffers, the total anticipated proffer revenue and annual adjustments remain the same as the 3rd quarter, which is \$56,146,937.47 and \$56,742,558.28 respectively. As of June, the County has received a total of \$3,120,393.09 in cash proffer funds that have earned \$299,840 in interest (Attachment B).

As previously stated, one staff person manages all proffers; however, other departments such as Finance play a large role in generating the Cash Proffer Reports.

This report is for informational purposes only.

Item No. 7.12. 2008 Development Review Process Changes for Zoning Map Amendments and Special Use Permits, **was received for information.**

The executive summary states that during 2007, a Board appointed Development Review Process Task Force worked on finding ways to provide a more efficient and predictable review process for rezonings and special use permits. Among the Task Force recommendations were that changes to the process would need to make staff comments, staff reports, and final plan/proffer documents for public review easily accessible and timely. Since task force work began, staff has been working to make improvements that would benefit the public, applicants, staff, the Planning Commission and the Board of Supervisors. Early in 2008, staff modified the review schedule particularly as it pertained to the process from the filing of an application to the Planning Commission's review. This was presented to the development community in a roundtable meeting on February 29, 2008 and, with input from that meeting, subsequently implemented.

Staff is now proposing to complete the process improvement as regards processing applications from the Planning Commission's recommendation to the Board of Supervisors' review. An explanation of the changes in the process (Attachment A) as well as a review schedule (Attachment B) is attached. The most notable changes are as follows:

- Resubmittal dates and dates for written comments to an applicant have been established and published so that applicants know what to expect and workflow is more predictable for staff.
- Rather than using a "public hearing schedule", a public hearing date will be established after an applicant receives comments and has made all the changes he/she wishes to make for that hearing. (This is the process the Board recently agreed to for Berkmar Business Park.)
- Once the applicant has decided he/she is ready for the public hearing and makes his/her final submittal, no additional information will be accepted for consideration. (This is the process the Board recently agreed to for Berkmar Business Park.)
- If a project required a work session with the Planning Commission because of project complexities or major interest and concerns from the public, it will be scheduled for a Board of Supervisors work session at the earliest meeting following the Planning Commission public hearing. The Board will review the documents that the Planning Commission reviewed and provide guidance before an applicant resubmits.

Although no specific budget changes are anticipated, the changes will provide for a more orderly and organized process that ensures fairness to all applicants. It will allow for limited staff resources to be used most effectively and provide greater predictability for applicants and the public.

This executive summary is provided for the Board's information. Staff will take these additional process improvements to a roundtable meeting with the development community.

* * * * *

2008 Submittal and Development Review Process for Zoning Map Amendments and Special Use Permits

1. Rezoning and Special Use Permits will be accepted on the third Monday of each month including November which has not been on the schedule for the last two years. (See attached schedule.)
2. The review period for receiving the first set of written staff comments after submittal will not change. This time period is approximately six weeks after submittal.
3. Work sessions will continue to be encouraged for complex projects or projects for which Planning Commission weigh-in is appropriate before the project proceeds.

4. For work sessions, a staff report will be provided in-lieu of initial written comments. Detailed written comments will be provided after the Planning Commission meeting.
5. If neither a work session nor a resubmittal is needed, a project will go to the Planning Commission approximately 12 weeks from initial application. This time period is one week earlier than the 2007 schedule.
6. Starting in March 2008, the County will also have a resubmittal schedule, which generally will be the first and third Monday of the month, with adjustments made for Monday holidays.
7. After a resubmittal, but before a Planning Commission public hearing has been advertised, staff will provide written comments advising the applicant on whether all substantive issues have been resolved or if additional resolution is needed. The written comments will include staff's recommendation to the Planning Commission should the applicant wish to proceed.
8. A public hearing for the Planning Commission will not be advertised, however, until an applicant tells the County it is ready to proceed to a public hearing.
9. Once an applicant decides to go to public hearing, a legal advertisement is run in the newspaper and a staff report is prepared to go to the Planning Commission.
10. After the Planning Commission public hearing is advertised, an applicant may change his/her mind and ask that the project be deferred, but only one time during the life of the application. Except in extraordinary circumstances, such as a major change in the project proposal by the applicant or more issues identified by staff that have not previously been brought to the applicant's attention, subsequent requests for deferral of the Planning Commission public hearing will not be honored. If agreeable to the Planning Commission, the applicant may defer at the Planning Commission public hearing meeting.
11. To help provide more timely comments to applicants on how to resolve outstanding issues, the staff will hold interdivisional reviewer meetings at least twice-a-month.
12. Staff and/or applicants may request a meeting of applicants and reviewers at the interdivisional meeting to work on problem resolution.
13. If a project has required a work session with the Planning Commission because of project complexities or major interest and concerns from the public, it will be scheduled for a Board of Supervisors work session at the earliest available meeting following the Planning Commission public hearing.
14. Information taken to the work session will be exactly the same information reviewed by the Planning Commission at its public hearing so that the Board can provide any needed guidance prior to a resubmittal by the applicant.
15. All resubmittals after the Planning Commission hearing and, if needed, the Board work session, will take place according to the published resubmittal schedule. The resubmittal schedule includes dates by which applicants will receive written comments from the staff. Written comments from staff will also include staff's current position relative to a recommendation for approval. Recommendations will relate to whether or not the applicant has adequately addressed Planning Commission and Board of Supervisors' concerns, whether or not the proffers are in legal form, and whether or not ordinance requirements have been met.
16. After receiving written comments, the applicant will advise staff as to whether or not he/she is ready to proceed to the Board of Supervisors. When the applicant decides to proceed, final signed proffers, plans, and, in the case of the Neighborhood Model District, Codes of Development will be submitted according to the resubmittal schedule and no additional information will be accepted after that time.
17. The Clerk of the Board will set a Board public hearing date and advertise the public hearing. All materials will be available for public review in the form they will be sent to the Board of Supervisors.

(Discussion: Ms. Thomas pointed out that the process included a work session for the Board of Supervisors after the Planning Commission work session if the Commission item generated a lot of public comment. She is a little concerned about the hoops they are making the public go through. She wants to make sure that the process does not make it more difficult for the public to comment on projects.

Mr. Rooker said that the public does not usually speak at work sessions, and most of the input would be at the public hearing stage. For larger projects, the process includes two work sessions and two public hearings.

Ms. Thomas stated that it is a little late to deal with public comment only at that time. Work sessions are a good time for discussion.

Mr. Davis said that the process is trying to encourage issues to be worked out earlier – at the Planning Commission if possible – but the second work session is to allow the Board to review what the

Commission's major comments were, before the developer moves forward with final changes to the project.

Ms. Elaine Echols, Principal Planner, explained that this was intended to provide some input to the applicant on issues that come up at the Planning Commission meeting. She said that with Berkmar Business Park, for example, staff wanted to get the issues in front of the Board so you would have time to consider them, and give direction the applicant before the public hearing. Staff wanted to give that to you in advance, rather than at the public hearing.

Mr. Rooker said that work session was needed because if the Board took a different view, there would need to be time to work with the applicant on implementing the changes.

Mr. Tucker asked if this was going to a roundtable with the public. Ms. Echols said, not this part, but the next step will. Staff has talked with the development community about this and they will be taking some other scheduled things to a roundtable that includes the development community and the public.

Mr. Slutzky commented that this just allows the Board to give feedback to the applicant on issues that may or may not have been sufficiently covered.

Ms. Echols added that it was also intended to be a time-saver so the applicant would not spend time on the Commission's recommendation if the Board was going to take a different direction.

Mr. Slutzky said this makes sense to him and he sees no problem with moving forward.

Mr. Rooker said he had a couple of wording changes. Attachment A, #14, states: "Information taken to the work session will be exactly the same information..." He would change "exactly" to "substantially". He does not want the public to view the packet as changed if the Planning Commission makes several recommendations in their work session and the applicant comes in and agrees to make some of the changes. He asked should that be reflected in the information we receive.

Ms. Echols replied that the hope is if the applicant wanted to make the changes, when they came to the Board work session, they would say that so that staff was not preparing an entire new staff report with another set of analyses.

Mr. Rooker reiterated that he thinks the word should be changed.

Mr. Slutzky said it should at least be the same information and if staff chooses to add to some additional follow-up comments, they are also welcomed. This codifies that the Board will get at least the same information that the Planning Commission received.

Mr. Rooker said that in this same section, #15 states: "All resubmittals after the Planning Commission hearing and, if needed, the Board work session, will take place according to the published resubmittal schedule." He asked what happens if they do not.

Ms. Echols said staff currently takes applications on a re-submittal Monday. They are trying to build enough review time in the process so that they do not have to drop everything else they are doing to move something forward because an applicant wants to advance it to a public hearing before it has been completely fleshed out. If the applicant sends something that does not go according to the schedule, staff plans to let the Board know that it has been received and they have not had adequate time to review it.

Mr. Rooker said the re-submittal schedule includes a series of dates that have Planning Commission time for the applicant to submit, and then the Board work session. He said that it would be delayed for a period of time.

Ms. Echols explained that re-submittals occur about every two or three weeks. The Board would have a work session and indicate their agreement or disagreement with the Commission, direct the applicant to make changes; the applicant would bring it back on a re-submittal Monday, then staff has time to do the review and contact the applicant to determine whether the changes made are adequate to get Board approval. She said that the applicant would then decide whether they want to go before the Board with it. She said they make that decision and then we advertise the public hearing.

Mr. Rooker said maybe it needs to be added that the application would be delayed unto the next re-submittal date if they do not meet certain deadlines.

Ms. Echols also noted that once an application has left the Planning Commission, the Board has a year in which to act.

Mr. Rooker then referred to #16 which states: "...will be submitted according to the resubmittal schedule and no additional information will be accepted after that time." As a point of clarity, he suggested changing the language to state: "...no additional information will be accepted after the time established in the schedule." Ms. Echols concurred.

Ms. Echols said that the Commission routinely takes public comment at work sessions, but the Board can decide whether they want to take it at all work sessions or just certain ones.

Mr. Dorrier commented that he thinks the Board should, as a lot of valuable information can come forward in work sessions.

Mr. Boyd said that that may make for very lengthy meetings.

Mr. Rooker noted that it should probably be done on a case-by-case basis or it will be difficult to get through a work session if there are a lot of speakers. The purpose of a public hearing is to get comment.

Ms. Thomas mentioned that an applicant cannot change a proffer once a public hearing starts, and work sessions on development issues might merit public comment.

Mr. Rooker agreed but said the Board should exercise discretion over when that could be done.

Mr. Slutzky agreed.

Mr. Rooker said the Board has the option of letting the applicant know that there are changes needed to proffers, then suspend the public hearing and reopen it when they are brought back. He added that even if public comments are taken at the work session, the final proffers are not going to be submitted until the submittal date for the public hearing.

Ms. Thomas expressed concern that the public comes and makes comments that the Board can not react to, which is the bind the State has put us in.

Mr. Slutzky said that staff can encourage the public to send the Board comments on issues prior to the public hearing, as they do now.

Ms. Thomas asked Ms. Echols how it was working at the Planning Commission work sessions.

Ms. Echols responded that it takes more time at the work session, but the Commission appreciates the input and it can also make public hearings shorter because the information has already been disclosed and discussed.)

Agenda Item No. 8. Proposed 2009 Legislative Priorities, David Blount.

The executive summary provided to Board members stated that in July 2007, the Board of Supervisors approved the County's 2008 Legislative Priorities that were then submitted to the Thomas Jefferson Planning District Commission (TJPDC) and Virginia Association of Counties (VACo). In October 2007, the Board approved the TJPDC's legislative program that incorporated the County's 2008 Legislative Priorities. The General Assembly convened in January 2008, completed its regular session in April and held a special session on transportation in June and July. Staff is providing this executive summary to receive the Board's input and approval before submitting the proposed 2009 Legislative Priorities (Attachment A) to the TJPDC and VACo.

For information on how the County's 2008 Legislative Priorities fared in the legislature, please see the "2008 Legislative Priorities Report (Attachment B)." The report details any action taken on priorities, an assessment of what priorities should be continued in the future and links to the final legislative reports of the TJPDC, VACo and Virginia Municipal League (VML).

In response to legislative and funding actions in recent General Assembly sessions, staff proposes new priorities for 2009 regarding impact fee authority and drug court funding. In the coming months, as the Metropolitan Planning Organization's (MPO) regional transit authority study continues, it may be appropriate to add a priority supporting enabling legislation to create a regional transit authority once the details of such an authority are resolved. After the Board's input and approval, staff will submit the adopted priorities to the TJPDC and VACo for consideration into their respective legislative programs. The 2009 TJPDC Legislative Program will return to the Board in the fall for further input and approval.

Should the state provide additional funding for the County's "Child Care for Low Income Working Families" priority, a local match will be required. Beyond that priority, there are no specific, identifiable budget impacts, although the County's legislative priorities seek to ensure the state adequately funds its mandated responsibilities and does not jeopardize the County's ability to effectively and efficiently implement the policies (including fiscal) and programs that it deems necessary.

Staff recommends the Board approve the proposed 2009 Legislative Priorities (Attachment A), and any additions it feels are appropriate, for submission to the TJPDC and VACo.

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Albemarle County 2009 Legislative Priorities – Proposed

Growth Management, Land Use and Transportation

- **Local Authority:** Request that the legislature 1) strengthen localities' authority by enabling them to utilize adequate public facilities ordinances; and 2) not pass legislation that preempts or circumvents existing local authority to regulate land use.
- **Impact Fee Authority:** Request that the legislature support impact fee legislation that allows for 1) a fair allocation of costs representing a "pro-rata" off-set of new growth on public facilities; 2) impact fees for facility costs related to transportation, schools, fire, police, emergency medical services, libraries, stormwater management, open space and parks/recreation lands; 3) effective implementation

through simple locally-based formulae and reasonable administrative requirements; 4) does not cap or limit localities' impact fee updates; and 5) does not diminish the existing proffer system.

- **Conservation Easements:** Request the legislature support and augment local efforts in natural resource protection through 1) Continuing to fund the Virginia Land Conservation Foundation (VLCF) for locally established and funded Purchase of Development Rights programs (e.g. ACE Program in Albemarle County); 2) Retaining provisions in transient occupancy tax legislation so that funds can continue to be used to protect open-space and resources of historical, cultural, ecological and scenic value that attract tourism; and 3) Increase incentives for citizens to create conservation easements.
- **Scenic Protection and Tourist Enhancement:** Request enabling legislation for an Albemarle County to provide for a scenic protection and tourist enhancement overlay district. As the County pursues options to protect the visual quality of land as an aesthetic and economic resource, this legislation would provide a method to ensure full consideration of visual resources and scenic areas when the County or state makes land use decisions in designated areas.
- **Transportation Funding:** Request the legislature 1) Establish stable and consistent state revenues for Virginia's long-term transportation infrastructure needs; 2) Direct funding efforts at all transportation modes; 3) Coordinate planning for transportation and land use, being mindful of local Comprehensive and regional Transportation Plans when planning transportation systems within a locality; and 4) Not shift transportation responsibilities, including maintenance, to localities.

Health and Human Services

- **Comprehensive Services Act (CSA):** Request the legislature assist localities' implementation of CSA in a consistent, financially stable manner by: 1) Fully funding the state pool for CSA with allocations based on realistic anticipated levels of need and a cap on local expenditures for serving a child through CSA; 2) Enhancing state funding for grants to localities to create community-based alternatives for children served in CSA; 3) Establishing state contracts with CSA providers to provide for a uniform contract management process, improve vendor accountability and control costs; and 4) Encouraging the state to be proactive in making service providers available and to support local and regional efforts to address areas of cost sharing among localities by procuring services through group negotiation.
- **Child Care for Low Income Working Families:** Request the legislature provide additional funds to local governments to assist low-income working families with childcare costs. This funding helps working-class parents pay for supervised day care facilities and supports efforts for families to become self-sufficient.

Local Government Administration and Finance

- **Full Funding of State Mandates:** Request the state provide full funding for its mandates in all areas of local government including the Standards of Quality (SOQs), positions approved by the Compensation Board, costs related to jails and juvenile detention centers and human services positions.
- **Local Control of Local Revenues:** Request the legislature take no action to restrict or limit the existing local control of local revenues so that local government leaders can take appropriate measures to generate sufficient revenues to sustain and improve services.
- **Drug Court Funding:** Request the legislature fully fund the Drug Court Program, which provides effective treatment and intensive supervision to drug offenders through the Circuit Courts of several Virginia localities.
- **Cost to Compete Pay Differential:** Due to the documented high cost of living in Albemarle County, request the legislature include Albemarle County Schools in the "Cost to Compete Pay Differential" so that the County may reach and maintain competitive compensation to help recruit, develop and retain a highly qualified and diverse teacher workforce.

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Attachment B – 2008 Legislative Priorities Report

This report summarizes action taken regarding Albemarle's 2008 Legislative Priorities. This report will often cite information from the final legislative reports of the Thomas Jefferson Planning District Commission (TJPDC), Virginia Municipal League (VML), and Virginia Association of Counties (VACo). For these organizations' complete reports that provide a thorough overview of local government impacts beyond Albemarle's priorities, please use the links below.

TJPDC: <http://www.tjpd.org/liaison/finalReport.asp>

VACo: http://app.brnto.com/public/?q=preview_message&fn=Link&id=2bxtepvv912yg1kkvdf547in5xupk&ssid=205&t=3

VML: <http://www.vml.org/LEG/08LegRpt/08LegReport.pdf>

Growth Management, Land Use and Transportation Priorities

Priority: **Local Authority** – Request that the legislature further facilitate the HB 3202 legislation recently signed into law through: 1) Modifying the transportation impact fee authority to allow for its more effective implementation; 2) Strengthening localities' authority by enabling them to utilize adequate public facilities ordinances and other impact fees in addition to transportation; and 3) Not passing legislation that preempts or circumvents existing local authority to regulate land use.

Summary: Numerous bills were introduced related to this priority; among the most notable was [SB 768](#), which was continued to the 2009 General Assembly. This bill would have replaced the current cash proffer system with a cumbersome impact fee process and provided funding for only roads, schools and public safety facilities. The legislation also proposed to cap impact fees at an artificially low amount and imposed limits on the ability of all counties to accept most off-site, non-cash proffers (Source: VACo). Also of note was [HB 991](#), which was introduced by Del. Bell and approved by the legislature and Governor. This bill permits the severance and transfer of development rights from a sending property without requiring those rights to be immediately affixed to a receiving property. This authority applies only to Albemarle County, expires in 2012 and does not become effective unless or until the County adopts an ordinance implementing the bill's provisions (Source: TJPDC).

Proposal: Staff recommends this remain a County priority. For the 2009 priorities, a priority will be added to separately address impact fees and the issues with SB 768.

Priority: ***Conservation Easements*** – Request the legislature support and augment local efforts in natural resource protection through 1) Continuing to fund the Virginia Land Conservation Foundation (VLCF) for locally established and funded Purchase of Development Rights programs (e.g. ACE Program in Albemarle County); 2) Retaining current provisions in transient occupancy tax legislation so that funds can continue to be used to protect open-space and resources of historical, cultural, ecological and scenic value that attract tourism; and 3) Increase incentives for citizens to create conservation easements.

Summary: The budget allocates \$2 million in each year of the biennium to the VLCF for land acquisition purposes, which is \$1 million less each year than was in the introduced budget (Source: VACo). Albemarle's ability to utilize the transient occupancy tax to support the ACE program was not affected by the 2008 General Assembly.

Proposal: Staff recommends this remain a County priority and has included it in the proposed 2009 priorities.

Priority: ***Scenic Protection and Tourist Enhancement*** – Request enabling legislation for an Albemarle County pilot program to provide for a scenic protection and tourist enhancement overlay district. As the County pursues options to protect the visual quality of land as an aesthetic and economic resource, this legislation would provide the County with a method to ensure full consideration of visual resources and scenic areas when the County or state makes land use decisions in designated areas.

Summary: No bill was introduced to address this priority in the 2008 session. Attempts to advance bills on this priority in previous sessions have been unsuccessful, most recently in 2007, when a bill introduced by Sen. Deeds was passed by in committee.

Proposal: Staff recommends this remain a County priority and has included it in the proposed 2009 priorities.

Priority: ***Transportation Funding*** – Request the legislature 1) Establish stable and consistent state revenues for Virginia's long-term transportation infrastructure needs; 2) direct funding efforts at all transportation modes; 3) Coordinate planning for transportation and land use, being mindful of local Comprehensive and regional Transportation Plans when planning transportation systems within a locality; and 4) Not shift transportation responsibilities, including maintenance, to localities.

Summary: The General Assembly held a special session on transportation in June and July, but adjourned without approving any significant bills to address regional or statewide transportation issues.

Proposal: Staff recommends this issue be included in the 2009 priorities.

Health and Human Services Priorities

Priority: ***Comprehensive Services Act (CSA)*** – Request the legislature assist localities' implementation of CSA in a consistent, financially stable manner by: 1) Fully funding the state pool for CSA with allocations based on realistic anticipated levels of need and a cap on local expenditures for serving a child through CSA; 2) Enhancing state funding for grants to localities to create community-based alternatives for children served in CSA; 3) Establishing state contracts with CSA providers to provide for a uniform contract management process, improve vendor accountability and control costs; and 4) Encouraging the state to be proactive in making service providers available and to support local and regional efforts to address areas of cost sharing among localities by procuring services through group negotiation.

Summary: No additional funds were included in the approved budget to provide additional state funding to localities for CSA administrative costs, though Sen. Hanger and Del. Landes submitted budget amendments requesting this. No legislation was introduced concerning state contracting with residential providers. [SB 483](#) (Hanger) requires the State Executive Council to oversee the development and implementation of uniform data collection and performance standards for the

CSA program and to oversee the development and distribution to local community policy management teams of reports resulting from the collected data about children served and the duration and cost of services (Source: TJPDC).

Proposal: Staff recommends this issue be included in the 2009 priorities.

Priority: ***Child Care for Low Income Working Families:*** Request the legislature provide additional funds to local governments to assist low-income working families with childcare costs. This funding helps working-class parents pay for supervised day care facilities and supports efforts for families to become self-sufficient.

Summary: The budget supplants portions of state general fund appropriations for the Comprehensive Health Investment Project (CHIP), the Healthy Families, and community action agencies with federal Temporary Assistance to Needy Families (TANF) funds (Source: TJPDC). A federal deficit reduction act two years ago means that more TANF recipients must be in an approved work activity, driving a need for employment support and child care services.

Proposal: Staff recommends this issue be included in the 2009 priorities.

Local Government Administration / Laws Priorities

Priority: ***Full Funding of State Mandates:*** Request the state provide full funding for its mandates in all areas of local government including the Standards of Quality (SOQs), positions approved by the Compensation Board, costs related to jails and juvenile detention centers and human services positions.

Summary: Unfunded mandates are an ongoing issue and due to the state's past actions and historical trends, it is unlikely existing unfunded mandates will be funded by the state. As part of its approved budget, the General Assembly reduced aid to localities by \$100 million over the next two years. This is in addition to the reduction in aid to localities made by the Governor last October that was carried forward in the introduced budget.

Proposal: Staff recommends this issue be included in the 2009 priorities.

Priority: ***Local Control of Local Revenues*** – Request the legislature take no action to restrict or limit the existing local control of local revenues so that local government leaders can take appropriate measures to generate sufficient revenues to sustain and improve services.

Summary: No bills were approved in the 2008 session that would restrict or limit existing local control of local revenues.

Proposal: Staff recommends this issue be included in the 2009 priorities.

Priority: ***Cost to Compete Pay Differential:*** Due to the documented high cost of living in Albemarle County, request the legislature include Albemarle County Schools in the "Cost to Compete Pay Differential" so that the County may reach and maintain competitive compensation to help recruit, develop and retain a highly qualified and diverse teacher workforce.

Summary: No budget language or amendments were introduced for this priority. On a related issue, Del. Bell and Del. Toscano each submitted budget amendments seeking to adjust Albemarle's local composite index to account for the revenue sharing agreement with the City of Charlottesville. These budget amendments were not approved.

Proposal: Staff recommends this issue be included in the 2009 priorities.

Mr. Blount summarized the executive summary and said the proposal before the Board is a reaffirmation of many of the previously approved priorities. With the Board's approval, the priorities will be submitted to VACo for use in their legislative program development process and to the TJPDC for incorporation into the regional program. He is currently getting input in the program from the regional localities. He hopes to be able to provide the Board with a draft of the regional program for information in September.

Mr. Slutzky asked about the absence of the Regional Transit Authority (RTA) item. He asked if it was appropriate to put it in the state-wide agenda.

Mr. Blount replied that at the time they had their meeting, there was not clear direction, but they have been planning in the regional program to incorporate a position and it will show up in the eventual legislative agenda.

Ms. Mallek asked if there was any interest in increasing the years in the rollback, and she would like to see that added.

Mr. Rooker said that if it is included there should be a recommendation for a specific number of years, such as ten.

Ms. Thomas mentioned the "Scenic Protection and Tourist Enhancement" item. Nothing has ever come of this.

Mr. Boyd wondered if after a long time nothing is done on an item should the Board consider dropping that from their list.

Ms. Thomas said she supports keeping items such as this on the list. Sometimes a legislator comes up with something that is close to it and can fit the item in. They are not going to put a lot of effort into it but keeping it on the list has some value.

Mr. Slutzky and Mr. Rooker agreed to keep it on the list.

Mr. Slutzky suggested staff raise the issue of rollback at the Ag/Forestry Committee meeting and ask the Farm Bureau their position.

Ms. Thomas commented that she did not know what the effect of Senator Hanger's bill had been. She noted that it had to do with the CSA program and getting more information, and perhaps a progress report on how it is working would be helpful.

Mr. Blount said that the idea was to get better and more consistent information on programs.

Mr. Rooker referred to SB768, and asked if the implementation of a proffer impact fee would likely come back in this session.

Mr. Blount replied that he has been informed that there are several options on how that would play out including an all-out cap on cash proffers, having a mandated statewide formula for calculating proffers, and another dealing with the recently enacted urban development areas. He said that there were promises made at the end of the last session. Local government groups, homebuilders, and other parties, are supposed to get together in the off-season and talk about this. It is his understanding to that their first meeting is next week. Mr. Blount said that the coalition of local government groups has established an advisory group to assist in negotiations as well as a data group that Albemarle volunteered to assist with. He stated that there is a two-year study committee to look at land use and growth issues, and Delegate David Toscano is on that committee. Delegate Toscano has asked localities to feed him some ideas for topics to discuss at the meeting.

Mr. Rooker asked if that committee will be studying this issue. Mr. Blount said he thinks it may fall within the purview of the committee, but the primary responsibility of the committee is to look at issues surrounding implementation of urban development provisions which localities are required to include in their Comprehensive Plans by 2011. He also thinks an all encompassing look at various land use and development issues would fall under the committee.

Ms. Thomas said one of the discussions she is interested in at the Planning District level is how much the smaller rural counties want impact fees because they already have zoned so much of their land and there have few chances of getting proffers. These counties are desperate for the impact fee and not that interested in protecting the proffer system because of their particular situation.

Mr. Boyd said that in the mayors and chairs meeting, he expressed an interest in the proffer formula approach, as long as it did not get too complicated.

Mr. Rooker stated that Albemarle's situation is certainly different from that of a locality such as Giles County. The problem with the impact fee system is you end up assessing costs against development in areas where development is desired because it is the only place it can be. In the rural areas and areas they are not interested in seeing development they cannot assess a cost or have any cost recovery. There is a competitive advantage given to the areas that the County does not want to have developed. A good impact fee system would be better for the County and for the State.

Mr. Dorrier asked if the High Growth Coalition is pushing any particular legislation. Mr. Blount responded not that he is aware of. Ms. Thomas added that the Coalition will have a phone conference later this month to deal with that question.

Motion was offered by Mr. Rooker, **seconded** by Mr. Boyd to approve the proposed 2009 Legislative Priorities, as amended, for submission to the TJPDC and VACo. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

Agenda Item No. 9. Star Swimming Request for Funding.

The executive summary provided to Board members stated that Star Swimming of Charlottesville is a non-profit 501 (c) (3) organization established to advance competitive swimming in the Charlottesville/Albemarle community. The Virginia Gators are an association of teams located in Charlottesville and Roanoke which participate in USA Swimming sanctioned competition. The Fairview Swim and Tennis club is a private non-profit club which provides recreational facilities for its members. The Virginia Gators

of Charlottesville practice year-round at the Fairview Swim and Tennis Club, but membership with Fairview is not a requirement for swimming with the Gators. While the Star organization is affiliated with the Virginia Gators, its mission remains independent of the Gators and includes interest in supporting the County high school competitive swim teams (see Attachment B, pages 4 and 5).

Fairview is building a state-of-the-art 25 meter by 25 yard pool estimated to cost over \$700,000. Star Swimming/Gators are partnering with Fairview to add a two lane warmer water pool for lessons, water aerobics, and other community needs. In addition, Star Swimming/Gators are raising funds to cover the pools for use in non-summer months. The total cost of the improvements to be provided by Star Swimming/Gators is estimated at \$785,000 (see Attachment A, Slide 17).

Representatives of Star Swimming have approached County staff requesting that the Board of Supervisors consider a one-time contribution of \$500,000 in exchange for a long-term commitment to provide priority swim time for all three high school swim teams. The County has tentatively included in its FY 2011/2012 Capital Improvements Program an amount of \$1,250,000 for the potential addition of competitive swim lanes to the YMCA facility to be built in McIntire Park. The County, City and YMCA executed a use agreement which included a provision requiring good faith negotiations regarding the addition of competitive swim lanes in the YMCA facility; however those discussions, which were to have occurred by May 20, 2008, have not taken place.

Currently 2 of the 3 County high school swim teams are practicing until 10:00pm or later on school days with many students arriving home after 11:00pm. With the closing of the Smith Pool beginning with the 2008-2009 season, it is anticipated that all 3 County teams will be on this schedule. Until additional swim lanes are added either at the new YMCA or Fairview, all competitive swim teams and fitness swimmers will be impacted by increased competition for existing space. County staff believes the Star Swimming proposal is worthy of consideration by the Board. There appear to be several benefits compared to the previous proposal regarding competitive swim lanes from the YMCA (see Attachment A, slides 15 and 16).

The most significant benefits are:

1. Reduced capital investment.
2. Potential for more attractive guaranteed swim hours for all County high school teams.
3. No ongoing operating costs other than standard rental for pool time.
4. Completion date of September of 2009 vs. summer of 2010 or after for the YMCA.

A significant issue with the Star Swimming proposal is how to secure the County's capital investment in a partnership agreement with a volunteer organization which is making improvements to a private club. This matter will need thorough review by the County Attorney's Office including a review of any agreements between Star Swimming/Gators and the Fairview Swim and Tennis Club. In addition, staff recommends a follow-up discussion with the YMCA regarding additional competitive swim lanes at its proposed facility in McIntire Park prior to making a final decision on the Star Swimming proposal.

If the Board is interested in this alternative, coordination with the School Board will be necessary to evaluate the proposal. Ultimately this may need to be structured as an agreement between the School Board and the Fairview Swim and Tennis Club and its partners.

Star Swimming is requesting a one-time capital contribution of \$500,000 (see Attachment B, page 2). There are no ongoing operating costs associated with this request other than standard rental for pool time from schools.

Staff recommends that the Board of Supervisors take the Star proposal under consideration pending the necessary review by the County Attorney's Office, and direct the County Executive to appoint a negotiating team in conjunction with the Albemarle County Schools to meet with representatives of the YMCA and Star Swimming and to recommend a course of action.

Mr. Tucker said that Dave Phillips would present the information. He added that staff is proposing a committee to involve Star, the YMCA, the schools, and County Attorney's office to consider this request and make a recommendation.

Mr. Phillips, member of the Board of Trustees of Star Swimming, reported that Star Swimming has been around for many years and has been dedicated to competitive swimming in Central Virginia supporting high school teams, year-round programs, running meets, etc. He explained that they are looking to build a public-private partner swim club. Star and Fairview Swim Club are looking to build this facility. They have raised about \$500,000 of a \$1.5 million project and are looking to put a roof on it so it accommodates year-round swimming. Mr. Phillips said that the plan is for a ten-lane pool that is 25 meters by 25 yards to accommodate both summer and year-round swimming. He noted that the roof is translucent so it has a great amount of energy, lighting savings, heating costs savings, and right now the pool has an inflatable bubble which is not energy efficient. Mr. Phillips said that the new facility would be enclosed in the winter and the sides would be removed in the summer.

Mr. Phillips noted that the pool would be able to provide priority swim times for all the Albemarle High School swim teams, which have all been created in the last five years. He said that there are now three teams, and Covenant and STAB both have teams now, but no additional facilities have been built. Mr. Phillips said that this facility could be used for all three high schools to get priority swim time. Currently they swim all their meets in Stafford County because there is no place in the County. He then presented a

list of all the teams in the area. He said that Smith Pool is currently closed and the new pool is supposed to be open next summer, at which time Crow Pool would be closed.

Mr. Phillips explained that the proposed new facility would be a 10-lane pool with a two-lane warm water pool for warm-ups, cool-downs, therapy, learn to swim, etc. They have developed several options which would allow all the high schools to finish practice by 8:30 p.m. He said that there are economic opportunities with swim meets as people from other teams come and stay in the area with their families. Mr. Phillips said that they are seeking a one-time \$100,000 contribution from Albemarle, and would not be requesting maintenance funds. They have operated the bubble for five to six years and have been sustainable with raising revenues to keep that in operation. They anticipate the costs for this facility being a lot less. It is a basic facility dedicated completely to competitive swimming. He then presented a budget for the project. They support staff's proposal and they would like to enter into negotiations with County staff to make sure the process is complete. They do have an agreement between Fairview and Star and would be happy to share that with the County Attorney.

Mr. Rooker asked about the length of the term between Fairview and Star. Mr. Phillips said that he was not directly involved in those negotiations, but it is his understanding that they have a very long-term agreement for maintenance.

Mr. Dorrier asked how many Albemarle students participate in swimming. Mr. Phillips replied that the high school team has a maximum of 40 swimmers per high school.

Mr. Slutzky said that he thinks it is a great idea to pursue, but the conversation should also include the YMCA and the City, as it may impact how they plan future facilities.

Motion was offered by Mr. Rooker, **seconded** by Mr. Slutzky to take the Star proposal under consideration pending the necessary review by the County Attorney's Office, and that the County Executive appoint a negotiating team in conjunction with the Albemarle County Schools to meet with representatives of the YMCA, Star Swimming and the City to recommend a course of action.

Ms. Mallek said about two weeks ago she met with the Crozet Pool Board. About ten years ago the Crozet Pool underwent a County-supported renovation. They also are involved with competitive swimming. They have 240 youth in their summer league program. Fewer than 30 percent of the Western students are able to participate because of the travel time which reduces the number of participants in the fall and winter. They are interested in being a part of this discussion. They would also like to put a cover over their pool to allow many uses during the winter. She would like for a representative of the Crozet Pool be included in this roundtable.

Mr. Slutzky asked if Crozet has a proposal for covering their pool. Ms. Mallek said she would check with them on their costs.

Mr. Boyd said that there was a group that met for a long time period and did not accomplish much. He would not want a study group to be considered as part of this process because this is a specific proposal, and their proposal is general. He said that should be a separate issue.

Ms. Mallek disagreed, stating that part of the process would be providing for one of the three high schools – Western. She thinks it would be off the table for Crozet if a decision is made for this organization.

Mr. Slutzky said that he would agree to an amended motion to include participation by someone from the Crozet Pool but not at the expense of making a timely decision on this project. There is going to potentially be a significant amount of money spent to accommodate one school, and there may be an argument for that, but he would not want to have that undermine a decision on this proposal.

Mr. Boyd stated that he thought this particular proposal was to work on this facility, but not to come up with a County-wide swim plan.

Mr. Rooker said this proposal includes the Western team use of the pool. If the Crozet Pool group has a separate initiative, they can bring that forward. Maybe ultimately both proposals should be considered at the same time. He added that even though Mr. Tucker is appointing the committee, since Mr. Boyd knows the most about the proposal, he should be the Board representative.

Ms. Mallek commented that we currently do not know what is going on with the YMCA as their leadership has changed several times in the last five years.

Mr. Rooker noted that the YMCA did not have that strong of an interest in the competitive swimming component of their facility.

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

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

(At 10:58 a.m., the Board took a recess, and reconvened at 11:10 a.m. Mr. Rooker was absent.)

- One (1) appropriation (#2008048) appropriating \$17,806.00 in grant revenue for local government's share of the Preschool Program at Red Hill;
- One (1) appropriation (#2008049) for a Click-It-or-Ticket grant to the Sheriff's Department in the amount of \$1,500.00;
- One (1) appropriation (#2008050) totaling \$48,500.00 for the Emergency Communications Center; and
- One (1) appropriation (#2008051) in the amount of \$10,889.00 for additional grant funding for the Community Corrections program.

Approved March 5, 2008:

- One (1) appropriation (#2008052) in the amount of \$2,835.00 for donations to various school projects;
- One (1) appropriation (#2008053) totaling \$77,576.00 for a grant received from the Virginia Recreation & Trails Fund for the Rivanna Greenway – Free Bridge Connector;
- One (1) appropriation (#2008054) totaling \$16,526.00 for a Department of Criminal Justice Grant received by the Commission on Children and Families;
- One (1) appropriation (#2008063) providing \$25,000.00 to the Advocates for a Sustainable Albemarle Population from the Board's contingency; and
- One (1) appropriation #2008077) providing \$5,000 to the Albemarle County Public Recreation Facilities Authority.

Approved April 2, 2008:

- 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 5th 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.

Approved May 7, 2008

- One (1) appropriation (#2008060) for five Police Department Grants totaling \$64,986.81;
- One (1) appropriation (#2008061) providing \$3,950.00 for training associated with stream buffer mitigation;
- One (1) appropriation (#2008062) totaling \$107,802.00 for various School donations, programs, and grants;
- One (1) appropriation (#2008064) totaling \$17,537.00 for Emergency Communication Center projects;
- One (1) appropriation (#2008065) providing \$59,764.70 in funding to the Registrar's office from the General Fund Balance for costs associated with the 2008 Presidential Primary elections; and
- One (1) appropriation (#2008066) in the amount of \$600.00 to replace the Sheriff's Department game enforcement decoy which was destroyed.

Approved June 4, 2008

- One (1) appropriation (#2008067) reallocating \$40,000.00 from the Old Jail Facility Maintenance to fund ADA upgrades to the Preston-Morris building;
- One (1) appropriation (#2008068) totaling \$15,429.87 for a Police Department grant;
- One (1) appropriation (#2008069) reallocating \$22,061.30 from the School's Maintenance Project capital budget to fund its share of the storage facility lease through June 30, 2008;
- One (1) appropriation (#2008070) totaling \$11,667.00 for the Teens Give Prevention Grant for the Commission on Children and Families;
- One (1) appropriation (#2008071) for Education reappropriations totaling \$213,698.00 which were approved by the School Board on April 24, 2008;
- One (1) appropriation (#2008072) transferring available fund balance of \$799,096.35 from the Debt Service Fund to the Capital Improvements Fund;
- One(1) appropriation (#2008073) providing \$305,000.00 in Glenmore Proffer revenue for improvements to the Route 22/250 Intersection project;
- One (1) appropriation (#2008074) transferring \$100,000.00 from the North Pointe proffer to the CIP to offset cost of 29N Corridor Study previously funded from Transportation Planning funds;
- One (1) appropriation (#2008075) totaling \$5,795.32 for Education donations; and
- One (1) appropriation (#2008076) providing \$20,000.00 in donated funds to construct a boat house and dock at Beaver Creek.

The five (5) new appropriations are as follows:

- Two (2) appropriations (#2008078 and #2008082) totaling \$18,797.46 Education donations and grants;
- One (1) appropriation (#2008079) totaling \$42,814.00 for two Foothills Child Advocacy Center grants;
- One (1) appropriation (#2008080) using \$4,941.13 from donations to Fire Rescue for printing expenses; and
- One (1) appropriation (#2008081) recognizing \$403,220.00 for the Farmland Preservation Grant.

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

Mr. Wiggins said staff recommends approval of the FY 2008 Budget Amendment in the amount of \$3,761,869.21 after the public hearing, and then approval of Appropriations #2008078, #2008079, #2008080, #2008081, and #2008082 to provide funds for various local government, school, and capital projects and programs as described in Attachment A.

* * * * *

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| <u>Appropriation #2008078</u> | | <u>\$ 500.00</u> |
| Revenue Source: | Local Revenue | \$ 500.00 |

At its meeting on June 12, 2008, the School Board approved the following appropriations:

Jack Jouett Middle School received a donation in the amount of \$500.00 from the Monticello Bird Club. The donor has requested that this contribution be used in the 6th grade Watershed Program.

Previously there was an appropriation of \$5,500.00 to the Rowing Club at Western Albemarle High School. These funds should have been appropriated into the capital improvements account to support the building of the boathouse for the rowing club at Western Albemarle High School.

| | | |
|--------------------------------------|-------------------------|----------------------------|
| <u>Appropriation #2008079</u> | | <u>\$ 42,814.00</u> |
| Revenue Source: | State Revenue | \$12,500.00 |
| | Federal Revenue | 25,000.00 |
| | Transfer from CCF Grant | 5,314.00 |

- The Virginia Department of Social Services has awarded the Foothills Child Advocacy Center additional monies in the amount of \$12,500 for continued training opportunities through the Children's Advocacy Centers of Virginia, Southern Regional Children's Advocacy Center, and the National Children's Alliance.
- The National Children's Alliance has awarded the Foothills Child Advocacy Center a grant in the amount of \$25,000.00 for salaries and benefits for a children's advocated coordinator. There is no local match.
- The Foothills Child Advocacy Center currently employs a case manager who dedicated ¼ of their time to the Commission on Children and Families (CCF) for offenses involving juvenile offenders. CCF will contribute \$5,314.00 to assist in the payment of salaries and benefits for the case manager. These funds will be provided by CCF through their Juvenile Accountability Block Grant.

| | | |
|--------------------------------------|---------------------------|---------------------------|
| <u>Appropriation #2008080</u> | | <u>\$ 4,941.13</u> |
| Revenue Source: | Local Revenue (Donations) | \$ 4,941.13 |

In 1998, an account was established to receive donations made to the Department of Fire Rescue for services rendered to our residents/public. Staff has requested \$4,941.13 of these funds be appropriated for materials and supplies including pamphlets and forms for fire prevention programs, volunteer guides for new applicants for recruitment, and banners and mailings associated with the new Hollymead Fire and Rescue station opening.

| | | |
|--------------------------------------|---------------|----------------------------|
| <u>Appropriation #2008081</u> | | <u>\$403,220.00</u> |
| Revenue Source: | State Revenue | \$403,220.00 |

The VA Department of Agriculture and Consumer Services (VDACS), Office of Farmland Preservation awarded the Albemarle County ACE (Acquisition of Conservation Easements) program a grant of \$403,220.00 to help acquire an easement on the 228.500 acre Clayton Farm in Crozet. This is the first time VDACS has been able to offer matching funds to help local PDR programs permanently preserve working farms and forest land. Albemarle County was one of only fourteen localities in the state to receive matching funds from the Office of Farmland Preservation and one of only eight to receive the maximum grant allowed. The Clayton Farm is a working family farm with more than 6,700 feet of boundary along the Beaver Creek Reservoir, 124 acres of "prime" farm and forestland, and over 1,500 feet along Route 240. In addition, it lies in the watershed of the South Fork of the Rivanna River Reservoir and an easement eliminated 10 usable development rights.

| | | |
|--------------------------------------|-----------------|----------------------------|
| <u>Appropriation #2008082</u> | | <u>\$ 18,297.46</u> |
| Revenue Source: | Local Revenue | \$ 10,540.00 |
| | Federal Revenue | 7,757.46 |

Western Albemarle High School received a donation in the amount of \$820.00 from John and Myriam Pitts. The donors have requested that their contribution go towards the needs in the athletic department at Western Albemarle High School.

Crozet Elementary School received a donation in the amount of \$100.00 from Mary McGee. The donor has requested that this contribution go towards the Virginia Parrott Williams Library at Crozet Elementary School.

Title IV, Part A Safe and Drug Free Schools and Communities continues to provide funding to local school divisions for operating substance abuse programs for students. The Albemarle County program provides funding for the School Resource Office Program in the middle schools, in conjunction with the Albemarle County Police Department; for substance abuse education materials in grades three, four, and five; for mediation training for students and staff; and for a contract with Region Ten Community Services Board to provide students assistance in conflict resolution, anger management and drug prevention. There is a fund balance retained by the state from FY06/07 in the amount of \$7,757.46 which may be reappropriated for FY07/08. These funds will be used to pay Region Ten Community Services Board.

Baker Butler Elementary School received a donation in the amount of \$5,500.00 from the Baker Butler PTO. The donor has requested that this contribution be used to cover the needs in the K-5 Tutoring Program which includes PALS at Baker Butler Elementary School.

Cale Elementary School received several donations totaling \$4,120.00. Here is a list of donors with their donations: Plow & Hearth donated \$25.00, Tiger Fuel Company donated \$75.00, Mountain Peek Company donated \$100.00, John & Kimberly Hermsmeier donated \$837.00, S.T. & R.M. Van Epp donated \$297.00, Richard & Carole Price donated \$297.00, Steven & Teresa Olson donated \$297.00, Adam Slate donated \$297.00, Steven Van Epp donated \$723.00, G. Wilson & Helen C. Miller donated \$1,172.00. These donations will be appropriated for use in FY07/08.

Mr. Boyd said that the \$25,000 allocation for Advocates for a Sustainable Albemarle was supposed to be contingent on a report regarding use of those funds.

Mr. Tucker stated that they submitted that information to the Clerk and there was not an expectation that it would come back to the Board. There is a phasing of the funding and they met that phasing. The activities were phased and that plan was included in the report given to the Clerk.

Mr. Slutzky noted that the Clerk had sent him the report and he reviewed it.

Mr. Boyd said he is still opposed to this funding. He also is curious as to how much of the funds will funnel into individual pockets in the community as consulting fees.

Mr. Slutzky said they provided the Board with a breakdown of the information.

At this time the Chairman opened the public hearing. There being no one present to come forward to speak, the public hearing was closed.

Motion was offered by Ms. Thomas, **seconded** by Ms. Mallek to approve the FY 2008 Budget Amendment in the amount of \$3,761,869.21, and to approve Appropriations #2008078, #2008079, #2008080, #2008081, and #2008082 to provide funds for various local government, school, and capital projects and programs. Roll was called and the motion carried by the following recorded vote:

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

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2008078
DATE _____
BATCH# _____

EXPLANATION: Education Donations

| TYPE | FUND | DEPT | OBJECT | DESCRIPTION | SUB LEDGER | | | GENERAL LEDGER | |
|------|------|-------|--------|----------------------------|------------|------------|----------|----------------|--|
| | | | | | CODE | AMOUNT | DEBIT | CREDIT | |
| 2 | 2000 | 18100 | 181109 | Donation | J 2 | 500.00 | | | |
| 2 | 2000 | 18100 | 181109 | Donation | J 2 | (5,500.00) | | | |
| 2 | 9010 | 18110 | 181129 | Contribution - WAHS Rowing | J 2 | 5,500.00 | | | |
| 1 | 2111 | 61336 | 580000 | Misc. Expense/Science | | 500.00 | | | |
| 1 | 2302 | 61105 | 800100 | Mach/Equip-New | | (5,500.00) | | | |
| 1 | 9010 | 71032 | 800605 | CIP - Boathouse/Dock | | 5,500.00 | | | |
| | 2000 | | 0501 | Est. Revenue | | | 500.00 | | |
| | | | 0701 | Appropriation | | | | 500.00 | |
| | 2000 | | 0701 | Appropriation | | | 5,500.00 | | |
| | | | 0501 | Est. Revenue | | | | 5,500.00 | |
| | 9010 | | 0501 | Est. Revenue | | | 5,500.00 | | |
| | | | 0701 | Appropriation | | | | 5,500.00 | |

| | | | | | | | | | |
|--------------|--|--|--|--|--|--|-----------------|------------------|------------------|
| | | | | | | | | | |
| TOTAL | | | | | | | 1,000.00 | 11,500.00 | 11,500.00 |

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2008079
DATE _____
BATCH# _____

EXPLANATION: CCF Grants - Foothills Child Advocacy Center

| TYPE | FUND | DEPT | OBJECT | DESCRIPTION | SUB LEDGER | | GENERAL LEDGER | |
|--------------|------|-------|--------|----------------------|------------|------------------|------------------|------------------|
| | | | | | CODE | AMOUNT | DEBIT | CREDIT |
| 2 | 1569 | 24000 | 240545 | Va. Dept of Health | J 2 | 12,500.00 | | |
| 1 | 1569 | 53157 | 550100 | Travel/Training | J 1 | 12,500.00 | | |
| | 1569 | | 0501 | Est. Revenue | | | 12,500.00 | |
| | | | 0701 | Appropriation | | | | 12,500.00 |
| 2 | 1570 | 33000 | 330001 | Federal Revenue | J 2 | 25,000.00 | | |
| 1 | 1570 | 53159 | 110000 | Salaries - Regular | J 1 | 18,025.02 | | |
| 1 | 1570 | 53159 | 210000 | FICA | J 1 | 1,282.73 | | |
| 1 | 1570 | 53159 | 221000 | VRS | J 1 | 2,324.70 | | |
| 1 | 1570 | 53159 | 231000 | Health Insurance | J 1 | 3,076.50 | | |
| 1 | 1570 | 53159 | 232000 | Dental Insurance | J 1 | 111.68 | | |
| 1 | 1570 | 53159 | 241000 | VRS Group Life | J 1 | 179.37 | | |
| | 1570 | | 0501 | Est. Revenue | | | 25,000.00 | |
| | | | 0701 | Appropriation | | | | 25,000.00 |
| 2 | 1569 | 51000 | 512006 | Transfer from Grants | J 2 | 5,314.00 | | |
| 1 | 1569 | 53157 | 110000 | Salaries | J 1 | 4,907.48 | | |
| 1 | 1569 | 53157 | 210000 | FICA | J 1 | 406.52 | | |
| 1 | 1578 | 93010 | 930200 | Transfer to Grants | J 1 | 5,314.00 | | |
| 1 | 1578 | 53160 | 312210 | Contract Services | J 1 | (5,314.00) | | |
| | 1569 | | 0501 | Est. Revenue | | | 5,314.00 | |
| | | | 0701 | Appropriation | | | | 5,314.00 |
| TOTAL | | | | | | 85,628.00 | 42,814.00 | 42,814.00 |

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2008080
DATE _____
BATCH# _____

EXPLANATION: Fire Rescue Donations

| TYPE | FUND | DEPT | OBJECT | DESCRIPTION | SUB LEDGER | | GENERAL LEDGER | |
|------|------|-------|--------|---------------------------------|------------|----------|----------------|----------|
| | | | | | CODE | AMOUNT | DEBIT | CREDIT |
| 2 | 8405 | 18000 | 181114 | Donations | J 2 | 4,941.13 | | |
| 1 | 8405 | 93010 | 930009 | Transfer to G/F | J 1 | 4,941.13 | | |
| 2 | 1000 | 51000 | 512008 | Transfer from Contribution Fd | J 2 | 4,941.13 | | |
| 1 | 1000 | 32012 | 600000 | F/R - Training - Materials/Supp | J 1 | 540.07 | | |
| 1 | 1000 | 32013 | 600000 | F/R-Prevention-Materials/Supp | J 1 | 1,120.80 | | |
| 1 | 1000 | 32015 | 600000 | F/R-Ops - Materials/Supplies | J 1 | 2,686.50 | | |
| 1 | 1000 | 32016 | 601400 | F/R- R & R - Other operating | J 1 | 250.00 | | |
| 1 | 1000 | 32017 | 600000 | F/R-Hollymead-Materials/Supp | J 1 | 343.76 | | |
| | 8405 | | 0501 | Est. Revenue | | | 4,941.13 | |
| | | | 0701 | Appropriation | | | | 4,941.13 |

| | | | | | | | | | |
|--------------|------|--|------|---------------|--|--|------------------|-----------------|-----------------|
| | | | | | | | | | |
| | 1000 | | 0501 | Est. Revenue | | | | 4,941.13 | |
| | | | 0701 | Appropriation | | | | | 4,941.13 |
| | | | | | | | | | |
| TOTAL | | | | | | | 19,764.52 | 9,882.26 | 9,882.26 |

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2008081
 DATE _____
 BATCH# _____

EXPLANATION: Farmland Preservation Grant

| | | | | | SUB LEDGER | | GENERAL LEDGER | |
|--------------|------|-------|--------|---------------------|------------|-------------------|-------------------|-------------------|
| TYPE | FUND | DEPT | OBJECT | DESCRIPTION | CODE | AMOUNT | DEBIT | CREDIT |
| 2 | 9010 | 24000 | 240767 | State Grant Revenue | J 2 | 403,220.00 | | |
| 1 | 9010 | 81010 | 580409 | ACE Program | J 1 | 403,220.00 | | |
| | | | | | | | | |
| | 9010 | | 0501 | Est. Revenue | | | 403,220.00 | |
| | | | 0701 | Appropriation | | | | 403,220.00 |
| | | | | | | | | |
| TOTAL | | | | | | 806,440.00 | 403,220.00 | 403,220.00 |

**COUNTY OF ALBEMARLE
 APPROPRIATION**

APP # 2008082
 DATE _____
 BATCH# _____

**EXPLANATION: Education Donations and Grants - School Board Meetings
 06/26/2008 and 07/10/2008**

| | | | | | SUB LEDGER | | GENERAL LEDGER | |
|--------------|------|-------|--------|--------------------------------|------------|------------------|------------------|------------------|
| TYPE | FUND | DEPT | OBJECT | DESCRIPTION | CODE | AMOUNT | DEBIT | CREDIT |
| 2 | 2000 | 18100 | 181109 | DONATION | J 2 | 10,540.00 | | |
| 2 | 3107 | 33000 | 330106 | GRANT REVENUE- FEDERAL | J 2 | 7,757.46 | | |
| | | | | | | | | |
| 1 | 2302 | 61105 | 800100 | ATHL ACTIVITIES- EQUIP. NEW | J 1 | 820.00 | | |
| 1 | 2203 | 61101 | 601200 | BOOKS & SUBSCRIPTIONS | J 1 | 100.00 | | |
| 1 | 2217 | 61101 | 601300 | INST/REC SUPPLIES | J 1 | 5,500.00 | | |
| 1 | 2214 | 61101 | 601300 | INST/REC SUPPLIES | J 1 | 4,120.00 | | |
| 1 | 3107 | 60000 | 312700 | PROF. SER.- CONSULTANTS | J 1 | 7,757.46 | | |
| | | | | | | | | |
| | 2000 | | 0501 | Est. Revenue | | | 10,540.00 | |
| | | | 0701 | Appropriation | | | | 10,540.00 |
| | | | | | | | | |
| | 3107 | | 0501 | Est. Revenue | | | 7,757.46 | |
| | | | 0701 | Appropriation | | | | 7,757.46 |
| | | | | | | | | |
| TOTAL | | | | | | 36,594.92 | 18,297.46 | 18,297.46 |

(Note: Mr. Rooker returned at 11:16 a.m.)

Agenda Item No. 11. **PROJECT: AFD-2008-005. Moorman's River Agricultural and Forestal District.** Ordinance to amend Section 3-222, Moorman's River Agricultural and Forestal District, of Division 2, Districts, of Article II, Districts of Statewide Significance, of Chapter 3, Agricultural and Forestal Districts, of the Albemarle County Code. The proposed ordinance would add TMP 57-69 to the district. (Advertised in the Daily Progress on July 21 and July 28, 2008.)

Mr. Scott Clark, Senior Planner, addressed the Board, indicating that this proposal is to add a parcel to the Moorman's River Agricultural and Forestal District. The District encompasses about 10,600 acres. Mr. Clark said that this is the largest agricultural/forestal district in the County. This parcel is 116.9 acres located close to the Beaver Creek Reservoir along the floodplain of the Creek downstream of the dam, adjacent to the existing ag/forestal district. He reported that 114 acres of the parcel are in Land use value taxation and there are extensive areas of high-quality soils as indicated in the Comprehensive Plan

on the parcel. Mr. Clark said that the Ag/Forestral Committee and Planning Commission have unanimously recommended acceptance of this addition to the District.

Mr. Slutzky said that there were many citizens who showed up at the Ag/Forestral Committee meeting to help spread the word about the ag/forestral districts. This particular District is highly appreciated in the community.

Ms. Thomas asked if the County still send letters of thanks to individuals who add their land to ag/forestral districts. Mr. Tucker responded, "yes".

Mr. Rooker commented that it is nice to see some additions after having several withdrawals.

At this time the Chairman opened the public hearing. There being no one to come forward to speak, the public hearing was closed.

Motion was offered by Ms. Mallek, **seconded** by Mr. Slutzky to adopt Ordinance No. 08-3(2) for the Moorman's River Agricultural and Forestry District. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

(The adopted ordinance is set out below:)

ORDINANCE NO. 08-3(2)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 3, AGRICULTURAL AND FORESTAL DISTRICTS, ARTICLE II, DISTRICTS OF STATEWIDE SIGNIFICANCE, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA.

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 3, Agricultural and Forestal Districts, Article II, Districts of Statewide Significance, is hereby amended and reordained as follows:

By Amending:

Sec. 3-222 Moorman's River Agricultural and Forestal District

Chapter 3. Agricultural and Forestal Districts

Article II. Districts of Statewide Significance

Division 2. Districts

Sec. 3-222 Moorman's River Agricultural and Forestal District.

The district known as the "Moorman's River Agricultural- and Forestal District" consists of the following described properties: Tax map 27, parcels 32, 34, 34A, 40, 40A, 40A1, 42, 42A; tax map 28, parcels 2, 2A, 3, 4, 5, 6, 6A, 6B, 7, 7A, 7A1, 7B, 8, 12, 12A, 12B, 13, 17A, 17C, 18, 23B, 23B1, 30, 30A, 30B, 32B, 32D, 34B, 35, 35B, 37, 37A, 37B, 37C, 38; tax map 29, parcels 2C, 4E, 8, 8B, 8E, 8E1, 8H, 8J, 8K, 9, 10, 15C, 40B, 40C, 40D, 49C, 50, 54A, 61, 62, 63, 63A, 63D, 67C, 69D, 69F, 70A, 70B, 70C, 70F, 70F1, 70G, 70H1, 70K, 70L, 70M, 71, 71A, 73B, 74A, 76, 78, 79C, 80, 84, 85; tax map 30, parcels 10, 10A, 12, 12C, 12D, 17A, 18E; tax map 41, parcels 8, 8B, 8C, 8D, 9E, 15, 15A, 17C, 18, 41C, 41H, 44, 50, 67, 67B, 68, 70, 72, 72B, 72C, 72D, 89; tax map 42, parcels 5, 6, 6B, 7, 8, 8A, 8C, 10, 10A, 10D, 37F, 37J, 38, 40, 40C, 40D, 40D1, 40G, 40H2, 41, 42B, 43, 43A, 44; tax map 43, parcels 1, 3, 3A, 3C, 3D, 4C, 4D, 5, 5A, 9, 10, 16B2, 16B3, 18E4, 18G, 18J, 19I, 19N, 19P, 20A, 20B, 20C, 2I, 21A, 24, 25A, 25B, 30, 30A, 30B, 30D, 30G, 30H, 30M, 30N, 32H, 33, 33E, 34D1, 41, 42, 43, 43A1, 44, 45, 45C, 45D; tax map 44, parcels 1, 2, 24, 26, 26A, 26C, 27B, 27C, 28, 29, 29A, 29D, 30, 30A, 30B, 31, 31A, 31A1, 31D, 31F, 31G; tax map 57, parcel 69; tax map 59, parcels 32, 32A, 34, 35, 82A. This district, created on December 17, 1986 for not more than ten years and last reviewed on December 1, 2004, shall be next reviewed prior to December 1, 2014.

(4-14-93; 12-21-94; 4-12-95; 8-9-95; Code 1988, § 2.1-4(g); Ord. 98-A(1), 8-5-98; Ord. 99-3(4), 5-12-99; Ord. 00-3(1), 4-19-00; Ord. 04-3(4), 12-1-04; Ord. 05-3(2), 7-6-05; Ord. 08-3(2), 8-6-08)

(Note: Mr. Graham said he would be presenting the next two agenda items together and then the Board can take actions on them separately.)

Agenda Item No. 12. **WPTA-2008-002. Fees and Miscellaneous.** Amend Secs. 17-104, Definitions, 17-204, Review and approval of erosion and sediment control plan, 17-208, Amendment of erosion and sediment control plan, 17-209, Fees, 17-212, Inspections, and 17-310, Fees, of Chapter 17, Water Protection, of the Albemarle County Code. This ordinance would amend Secs. 17-209 and 17-310 to increase the fees charged for almost all listed applications, reviews, approvals, inspections and other services provided by the County in the administration of the County's erosion and sediment control and stormwater management regulations in Chapter 17 of the Albemarle County Code. The proposed fee increases are necessary to assure that the fees cover the cost to the County to provide those services and

are authorized by Virginia Code §§ 10.1-562 and 10.1-603.10. This ordinance also would amend Secs. 17-104 to add definitions, 17-204 and 17-208 to provide that the program authority may act on variance requests, and 17-212 to correctly identify the department of community development. (*Advertised in the Daily Progress on July 21 and July 28, 2008.*)

Agenda Item No. 13. **BRTA-2008-001. Building Regulation Fees and Miscellaneous.** Amend Secs. 5-100, Purpose and intent, 5-101, Building inspection office established; powers and duties, 5-200, Permit and inspection fees, generally, 5-201, Fees for building permits, 5-202, Fees for electrical permits, 5-203, Fees for plumbing permits, 5-204, Fees for mechanical permits, 5-206, Fee for demolition permits, 5-207, Fees for zoning inspections, and 5-208, Fees for other permits, plan amendments and reinspections, of Chapter 5, Building Regulations, of the Albemarle County Code. This ordinance would amend Secs. 5-201, 5-202, 5-203, 5-204, 5-206, 5-207 and 5-208 to increase the fees charged for almost all listed applications, permits, reviews, approvals, inspections and other services provided by the County in the administration and enforcement of Chapter 5 of the Albemarle County Code. The proposed fee increases are necessary to defray the costs to enforcing the building code and appeals. The proposed fee increases are authorized by Virginia Code § 36-105. This ordinance also would amend Secs. 5-100, 5-101 and 5-200 to correctly identify the department of community development; Sec. 5-200 also would be amended to require payment of the fee at the time of application. (*Advertised in the Daily Progress on July 21 and July 28, 2008.*)

The executive summary provided to Board members state that In December 2007, staff presented a comprehensive fee study for Community Development to the Board. (Attachment A) The study considered all fees currently collected by Community Development and tasks related to reviews and inspections where the County has never collected fees but had the opportunity to charge fees to recover costs. As part of that presentation, staff included a recommendation that fees generally be set to recover the County's cost for providing the service and regular adjustments to fees be established to assure the fees maintained parity with the County's costs over time. The Board was supportive of the recommendation and indicated a desire to implement revised fees, but expressed an interest in comparing costs to nearby localities as well as the comparison localities used in the fee study.

Following this direction from the December 2007 work session, Community Development staff presented the Board recommended fee changes for the Building Regulations and Water Protection chapters of the County Code in April 2008, along with listings of comparable fees in neighboring localities. (Attachment B) Based on this report, the Board directed staff to bring back ordinance amendments that incorporated the recommended fee changes to these two ordinances.

The proposed ordinance amendments are provided as Attachments C and D. Staff notes one change from the fee recommendation presented to the Board in April. The April report neglected to include revised fees for Zoning inspections under Section 5-207 of the Building Regulations Ordinance. Two fee amounts in this Section are recommended to be increased from \$10 to \$15 in the proposed ordinance amendment. The other changes in the Building Regulations Ordinance are housekeeping items that eliminate an outdated reference to the National Building Code, change the department name from "building code and zoning services" to "community development," and revise the residential use group to reflect "R-5" rather than "R-4," in keeping with the current building code.

The amendment to the Water Protection Ordinance also proposes to add and amend several definitions and provides for variances to plans. Variances are allowed under the State Erosion and Sediment Control Regulations for the purpose of modifying measures to fit particular site conditions, but the Water Protection Ordinance has never implemented fees to capture the cost of variance reviews. To address this, a new definition was added and sections 17-204 and 17-208 were revised to recognize variances. Next, the definitions for an amendment to a plan and reinspection were revised to remove uncertainty as to when the County charges the fee. A definition for a plan review was also added as the fee for plan reviews will be charged per review. Finally, the definition of a stormwater management/BMP plan was revised to reflect variances and mitigation plans.

Staff notes that with approval of the two ordinances, we will proceed to work on revising the fees in the Subdivision and Zoning ordinances to be brought back to the Board at an upcoming meeting. A Board work session on the Subdivision ordinance will be the first step.

Staff anticipates immediately implementing the proposed fees and has already advised the public of the changes. If the Board desires to modify any of the proposed fees, staff recommends deferring the implementation of the ordinance amendments to September 1, 2008. This will provide staff time to adjust applications and advise the public. Alternative ordinance language with a deferred implementation date will be available for the Board at the meeting, if needed.

As noted in the April 9th Executive Summary, the proposed fee changes are anticipated to increase County revenues by \$380,000 in FY 08/09, which assumes permit fees will be at 80% of an average year. In the future, it is anticipated the proposed fees would increase to \$480,000 per year in an average year. Based on previous review of these proposed fee increases, the Board authorized and staff proceeded with filling two additional staff positions that were previously frozen due to the overall budget shortfall.

Staff also intends to implement biennial fee adjustments, using the County's merit pool rate increase as the basis for fee adjustments. The fee study noted that approximately 80% of the County's costs for reviews and inspections are associated with salaries.

Staff recommends:

1. The Board adopt the Building Regulations Ordinance as provided in Attachment C.
2. The Board adopt the Water Protection Ordinance as provided in Attachment D.
3. The Board direct staff to process biennial fee adjustments using the County's merit pool percentages for the two years as a basis for adjusting fees.

Mr. Graham said this public hearing follows up on previous work sessions related to changes in fees. He explained that this is the result of a fee study completed by Community Development in 2007; there was a December 2007 work session on the fee study, and one of the recommendations was to compare fees to neighboring localities as well as comparables used in the study. Mr. Graham said that that was done and they came back to the Board with the Water Protection Ordinance and the Building Regulations Ordinance in April 2008 with those comparables and from that they were directed to proceed to ordinance amendments with those recommended fees.

Mr. Graham said that for the Water Protection Ordinance, the fees are as presented in 2008. As noted in the staff's report, there have been some revisions to definitions to reduce confusion and to recognize changes that were taking place, the variances is a new fee, the fees per plan review is a change in how the plans were handled, and amendments to plans were clarified. Staff anticipates this ordinance to be effective upon adoption. He said that there has been public notice put out and staff is ready to go with this after Board approval.

Mr. Graham said that building regulations fees were presented in April 2008 with the one exception noted in the staff report that the zoning inspection fees were inadvertently left out – two fees changed from \$10 to \$15 and they have been put in the ordinance amendment. He noted that it is a simplified single family building permit process taking care of all the sub-permits that go with the building permit. He noted that the department name has changed since the ordinance was last revised.

He explained that the third item that was discussed in the staff report was future fee adjustments. The Board has never set a policy on how the fee adjustments should be done; County costs are primarily associated with staff costs – labor – and if fee adjustments were done based on merit pool increases they would closely match the increase in the County cost over time. With that, Mr. Graham said, there is a recommendation to adopt the Water Protection Ordinance, as presented, the Building Regulations Ordinance, as presented, and to direct staff to propose biennial fee adjustments using merit increases as the base for those fee adjustments.

Mr. Graham noted that in the April 2nd work session staff report it was noted that \$260,000 of this fee increase is already built into the current year's budget.

Mr. Boyd said that he would like for Community Development to become a self-sustaining department, with the County charging fees that it costs to provide this service to people.

Mr. Graham responded that conversation can occur outside of the fee discussion. The effort is happening gradually, with the Water Protection and Building Regulation Ordinances brought forth first as they are the simplest; the Subdivision Ordinance would be brought to the Board soon with the same discussion on comparable localities.

Mr. Boyd emphasized that people should pay for the services, as only one subset of the population is using those services.

Ms. Mallek said that there is a long-held contention that taxpayers are picking up the tab for development.

Mr. Dorrier asked if it was difficult to determine the actual costs.

Mr. Graham said staff determined the costs through this fee study. They can tell with pretty good accuracy what it costs to provide the service.

Mr. Rooker commented that unless you bill by the hour for labor, you will always be trying to average costs. You also try not to be in a situation where you are charging four times that of neighboring counties for the same service.

Ms. Thomas said that there are aspects of the permitting process that the public should pay for, such as soil erosion measures, so to go totally to a fee-based supported system would lead people to believe that staff is working for the people who pay the fees. She thinks this is a good direction. She added that the applicant should better support the hours staff works on a project, but fees should not be the total form of support. We also have to realize that it is not always developers paying our fees.

Mr. Tucker noted that every time there are fee requests, this discussion happens, and historically the cost has been split 50/50 in most cases.

Mr. Boyd stated that with the engineering review, the County provided a lot of work for developers and the total cost of that should be borne by the people bringing it forward.

Mr. Rooker agreed, asking if there may be an opportunity for an enhanced fee in particular circumstances where the service is more than in a typical application.

Mr. Davis responded that you would have to be able to define it by some class of permits, and if that could reasonably be done, and not be arbitrary, those fees could be initiated.

Mr. Graham interjected that they have tried to capture this in the Water Protection Ordinance by changing it from a plan to a plan review; if the applicant's engineer is very good and gets it done in one review, it is \$300; if they are not good and it takes then five times it is \$1500 to get the plan reviewed.

Ms. Mallek commented that it is rewarding people that do it right the first time.

Mr. Slutzky said that the proposed fee structure is a step in the right direction.

Mr. Graham mentioned that these two ordinances come very, very close to full-cost recovery. The Zoning Ordinance will be much more complicated.

Mr. Tucker stated that staff should bring these forward on a more regular basis, so that the costs do not escalate each time they are reviewed.

Mr. Dorrier asked when the last time these fees were reviewed. Mr. Graham said the last time they had a comprehensive discussion of fees was 1991.

At this time the Chairman opened the public hearing on both proposed ordinance amendments.

Mr. Neil Williamson, of the Free Enterprise Forum, said cost recovery is important. According to conversations he had with Mr. Graham, applications that are currently in are grandfathered which was not mentioned in the staff report. He emphasized the importance of considering the cost of complexity of these ordinances as they are changed, as those costs have an impact on affordable housing. Churches and affordable housing all pay these fees. According to the staff report, there is almost a \$500,000 increase in fees in an average year. Mr. Williamson said that the costs will ultimately be passed onto the consumer.

Mr. Charlie Armstrong, of Blue Ridge Homebuilders Association, addressed the Board, noting that the current housing downturn has had a significant impact on revenue. He said that the residential building business is highly leveraged and builders need sales to provide cash flow to allow them to start new construction. Mr. Armstrong said that there could not be a worse time for the County to raise building-related fees, as building inspection fees drain cash while a house is still under construction. He noted that staff estimates fee increases as generating \$380,000 in the coming year, and that amount will come as local builders' pockets are nearly empty and may push small developers out of business. Just as builders are doing everything they can to cut costs and economize in order to meeting tight budgets, they would encourage the County to do the same rather than simply asking a struggling industry to pay more in order to balance County expenditures. The recently announced efficiency study is a good start and may provide some better solutions to this problem. Blue Ridge urges the Board to defer this matter until that study provides some guidance. Mr. Armstrong said that these fees end up getting tacked onto the price of a house. Builders will not build a house unless they can make a certain amount of money and they will raise the price if their costs go up. These additional fees will be another hindrance to affordable housing in the County. He urged the Board to reconsider the fees.

Mr. Morgan Butler, on behalf of the Southern Environmental Law Center, Rivanna Conservation Society, and Environmental Law and Conservation Clinic at the U.Va. Law School, addressed the Board. Mr. Butler said that Community Development staff is stretched fairly thin, and the budget picture does not show signs of improvement in the immediate future. The proposals which call for adjusting fees to more clearly capture County costs in administering multiple plan reviews and to more accurately reflect what other localities are charges, also have the important benefit of providing enough revenue to support unfreezing several positions in Community Development. This seems like a responsible action to take and they support for the ordinance change proposals.

There being no further public comment, the public hearings were closed.

Ms. Mallek asked if there is an estimate of how many inspection visits it takes for something like adding a garage.

Mr. Graham replied that it is in the fee study, but most of the time it takes one visit if everything is done well – insulation, footings, etc. If the inspection fails, they will have to do a follow-up, but most builders get it done correctly the first time. He said that additions would be treated the same and would be lumped together.

Mr. Slutzky mentioned that he would not want to be accused of putting someone out of business, but sometimes larger builders fail to scale back the scope of their new projects going into an uncertain time in the real estate economy. He thinks it is a terribly unfortunate circumstance, but he rejects the notion that this Board increasing the fee structure, so that it does not have to reflect those costs back in the property tax rate, is an inappropriate step to take.

Mr. Boyd added that this is not an attempt to get more money. It is cost recovery for money the County is already spending. He said we are going to have to be more conscious of that if we are going to be fiscally responsible to this community.

Mr. Rooker said that most of these fees have not been adjusted in 17 years, similar to the lack of increase in the gas tax – which has led to a transportation system in severe disrepair. He likes that after

all that time the County is making an adjustment in the fees so that they more accurately reflect economic reality, and that the County is building a gradual cost-of-living increase factor into them so that they won't be big changes in the future.

Motion was then offered by Mr. Rooker, **seconded** by Ms. Mallek to adopt Ordinance No. 08-17(3) for WPTA-2008-002, Fees and Miscellaneous. Roll was called and the motion carried by the following recorded vote:

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

(The adopted ordinance is set out in full below:)

ORDINANCE NO. 08-17(3)

AN ORDINANCE TO AMEND CHAPTER 17, WATER PROTECTION, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA, BY AMENDING ARTICLE I, GENERAL, ARTICLE II, EROSION AND SEDIMENT CONTROL, AND ARTICLE III, STORMWATER MANAGEMENT AND WATER QUALITY

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 17, Water Protection, Article I, General, Article II, Erosion and Sediment Control, and Article III, Stormwater Management and Water Quality, are amended and reordained as follows:

By Amending:

Sec. 17-104 Definitions
Sec. 17-204 Review and approval of erosion and sediment control plan
Sec. 17-208 Amendment of erosion and sediment control plan
Sec. 17-209 Fees
Sec. 17-212 Inspections
Sec. 17-310 Fees

Chapter 17. Water Protection

Article I. General

Sec. 17-104 Definitions.

The following definitions shall apply in the interpretation and implementation of this chapter:

...

(2.1) *Amendment to approved plan.* The term "amendment to approved plan" means a revision to a plan previously approved by the program authority that requires a plan review and approval before it is incorporated into the approved plan. The revision can originate as a desired change by the owner or to satisfy either a notice to comply or stop work order issued by the program authority.

...

(22.1) *Inspection.* The term "inspection" means the examination of a premises by the program authority for the purpose of determining compliance with the requirements of this chapter or determining whether bonded improvements are constructed as required by the approved plans required by this chapter.

...

(35.2) *Plan review.* The term "plan review" means each review of a plan by the program authority for the purpose of determining compliance with the requirements of this chapter including, but not limited to, the review of a plan that has been revised and resubmitted after the program authority reviewed and disapproved a prior plan.

...

(39.1) *Reinspection.* The term "reinspection" means an inspection necessitated by either a notice of violation or stop work following issuance by the program authority.

...

(44) *Stormwater management/BMP facilities maintenance agreement.* The term "stormwater management/BMP facilities maintenance agreement" means an agreement that commits the owner or other designated parties to maintain and inspect stormwater/BMP facilities, including those required by approved mitigation plans required by section 17-322, constructed in accordance with this chapter based on specific terms and conditions of the agreement.

(45) *Stormwater management/BMP plan.* The term "stormwater management/BMP plan" means a document that describes the controls for the management of the rate of stormwater discharge and best management practices for water quality protection, including mitigation plans required by section 17-322,

and which includes a narrative section, a map or site plan, pertinent calculations, and any specifications submitted with the plan.

...

(47.2) *Variance*. The term "variance" means an owner-requested waiver from or modification to either the minimum standards of the Virginia Erosion and Sediment Control Regulations or an accepted erosion and sediment control measure which requires the program authority's evaluation and approval before it can be incorporated into a plan. Unless determined by the program authority that the variance can apply to other plans, a variance shall apply only to the plan for which it was requested and a separate variance shall be required for any other plan.

...

(§ 7-2, 6-18-75, § 4, 7-9-80, 2-11-87, 3-18-92, § 19.1-5, 9-29-77, art. I, § 2, 9-13-78, 7-11-90, 8-3-94; §19.2-4, 6-19-91; § 19.3-5, 2-11-98; Code 1988, §§ 7-2, 19.1-5, 19.2-4, 19.3-5; Ord. 98-A(1), 8-5-98; Ord. 07-17(1), 2-14-07; Ord. 08-17(1), 2-6-08; Ord. 08-17(3), 8-6-08)

State law reference--Va. Code §§ 10.1-560, 10.1-603.2.

Article II. Erosion and Sediment Control

Sec. 17-204 Review and approval of erosion and sediment control plan.

Each erosion and sediment control plan submitted pursuant to this article shall be reviewed and approved as provided herein:

A. The plan shall be reviewed by the program authority to determine whether it complies with the requirements of section 17-203 and all other requirements of this article.

B. During its review of the plan, the program authority may meet with the owner from time to time to review and discuss the plan with the owner, and shall inform the owner in writing of any modifications, terms, or conditions required to be included in the plan in order for it to be approved. The program authority may also consider and act on a variance request under the following criteria: (i) the owner shall explain in writing the reasons for requesting the variance; and (ii) the variance may be approved if the program authority determines that the approved plan, with the variance and any associated conditions of approval, would protect off-site properties and resources from damage to the same extent or better than if the variance was not granted.

C. Except as provided in paragraph (E), the program authority shall approve or disapprove a plan in writing within forty-five (45) days from the date the complete application was received by the program authority. The decision of the program authority shall be based on the plan's compliance with the requirements of this article. The decision shall be in writing and shall be served by first class mail to the address provided by the owner in the application for approval of the plan or by personal delivery to the owner. The date of the decision shall be either the date that it is deposited for mailing or the date that it is personally delivered to the owner. If the plan is disapproved, the reasons for disapproval shall be stated in the writing.

D. If the program authority fails to act on the plan within forty-five (45) days from the date the application was received by the program authority, the plan shall be deemed approved.

E. If the owner is required to obtain approval of a site plan or plat, the program authority shall not approve an erosion and sediment control plan unless and until the site plan or plat is approved as provided by law. For purposes of this paragraph, a site plan or plat may be deemed approved by the program authority if its approval is conditioned upon the approval of an erosion and sediment control plan pursuant to this article, and the program authority determines that review and approval of the erosion and sediment control plan will not affect approval of the site plan or plat. The program authority may approve an erosion and sediment control plan prior to approval of a required site plan or plat in the following circumstances:

1. to correct any existing erosion or other condition conducive to excessive sedimentation which is occasioned by any violation of this chapter or by accident, act of God or other cause beyond the control of the owner; provided, that the activity proposed shall be strictly limited to the correction of such condition;
2. to clear and grub stumps and other activity directly related to the selective cutting of trees, as permitted by law;
3. to install underground public utility mains, interceptors, transmission lines and trunk lines for which plans have been previously approved by the operating utility and approved by the county as being substantially in accord with the comprehensive plan, if necessary;
4. to fill earth with spoils obtained from grading, excavation or other lawful earth disturbing activity;
5. to clear, grade, fill or engage in similar related activity for the temporary storage of earth, equipment and materials, and to construct temporary access roads; provided, that in each case, the

area disturbed shall be returned to substantially its previous condition, with no significant change in surface contours. The return to previous condition shall occur within thirty (30) days of the completion of the activity or temporary use, or within thirteen (13) months of the commencement of any land disturbing activity on the land which is related to the activity, whichever period shall be shorter; or

6. to establish borrow, fill or waste areas in accordance with sections 5.1.28 and 10.2.1.18 of the zoning ordinance.

(§ 7-5, 6-18-75, § 7, 2-11-76, 4-21-76, 6-2-76, 7-9-80, 7-8-81, 2-11-87, 3-18-92; § 19.3-12, 2-11-98; Code 1988, §§ 7-5, 19.3-12; Ord. 98-A(1), 8-5-98; Ord. 08-17(3), 8-6-08)

State law reference--Va. Code § 10.1-563.

Sec. 17-208 Amendment of erosion and sediment control plan.

The program authority may change an approved erosion and sediment control plan and require an owner to submit an amended plan in the following circumstances:

1. An inspection conducted pursuant to section 17-212 reveals that the plan is inadequate to satisfy the requirements of this article;

2. The owner finds that, because of changed circumstances or for other reasons, the approved plan cannot be effectively carried out and either proposed amendments to the plan, consistent with the requirements of this article, are agreed to by the program authority and the owner or the owner submits and obtains approval of a variance and the program authority determines that an amendment to the plan is required. The program authority may consider and act on a variance request under the following criteria: (i) the owner shall explain in writing the reasons for requesting the variance; and (ii) the variance may be approved if the program authority determines that the amended plan, with the variance and any associated conditions of approval, would protect off-site properties and resources from damage to the same extent or better than if the variance was not granted. The program authority shall approve or disapprove the variance in writing within ten (10) days after receipt of the request. If the program authority does not approve a variance within ten (10) days of the receipt of the request, it shall be deemed to be disapproved.

3. The land disturbing activity did not begin during the one hundred eighty (180) day period following plan approval, or ceased for more than one hundred eighty (180) days, and the existing plan has been evaluated to determine whether it still satisfies the requirements of this article and state erosion and sediment control criteria and to verify that all design factors are still valid, and it has been determined that the plan is inadequate. In such a case, the land disturbing activity shall not be resumed until a modified plan is submitted and approved as provided in this article.

(§ 7-5, 6-18-75, § 7, 2-11-76, 4-21-76, 6-2-76, 7-9-80, 7-8-81, 2-11-87, 3-18-92; § 19.3-16, 2-11-98; Code 1988, §§ 7-5, 19.3-16; Ord. 98-A(1), 8-5-98; Ord. 08-17(3), 8-6-08)

State law reference--Va. Code § 10.1-563.

Sec. 17-209 Fees.

Each owner seeking approval of an erosion and sediment control plan or entering into an agreement in lieu of a plan shall pay a fee upon submittal of such plan, and shall pay a fee for each reinspection, in amounts according to the schedule set forth below. Each fee shall be in the form of cash or a check payable to the "County of Albemarle."

A. Land disturbing activity pertaining to single family dwelling unit:

1. Agreement in lieu of a plan if single family dwelling unit located in a residential development: \$150
2. Agreement in lieu of a plan if single family dwelling unit not located in a residential development: \$150
3. Plan review for a single family dwelling unit: \$150 per review
4. Permit and first year inspection fees for a single family dwelling unit: \$150
5. Annual permit renewal and inspection fees for a single family dwelling unit, starting with second year: \$150
6. Each reinspection: \$150

B. Land disturbing activity pertaining to non-exempt agricultural land:

1. Plan review: \$150 per review
2. Permit and first year inspection fees: \$150
3. Each reinspection: \$150

4. Annual permit renewal and inspection fees, starting with second year: \$150
- C. All other land disturbing activity:
1. Plan review, disturbed area less than one acre: \$150 per review
 2. Permit and first year inspection fees, disturbed area less than one acre: \$200
 3. Annual permit renewal and inspection fee, disturbed area less than one acre: \$200
 4. Plan review, disturbed area one acre or larger: \$300 per review
 5. Permit and first year inspection fees, disturbed area one acre or larger: \$100 per disturbed acre
 6. Annual permit renewal and inspection fee, disturbed area one acre or larger, starting with second year: \$100 per disturbed acre
 7. Each reinspection: \$250
 8. Amendment to approved plan: \$180 per plan review
- D. Variances: \$760 per request

(§ 7-4, 6-18-75, § 6, 10-22-75, 4-21-76, 11-10-76, 3-2-77, 4-17-85, 2-11-87, 12-11-91, 3-18-92; § 19.3-17, 2-11-98; Code 1988, §§ 7-4, 19.3-17; Ord. 98-A(1), 8-5-98; Ord. 98-17(1), 11-11-98; Ord. 02-17(1), 7-3-02; Ord. 08-17(3), 8-6-08)

State law reference--Va. Code § 10.1-562.

Sec. 17-212 Inspections.

The program authority shall inspect any land disturbing activity or erosion impact area as provided herein:

- A. The program authority shall conduct periodic inspections of land disturbing activities and erosion impact areas to determine compliance with the approved erosion and sediment control plan, and to determine whether such approved plan and permit as implemented are adequate to satisfy the requirements of this article.
- B. Except as provided in paragraph (C), the periodic inspections shall be conducted: (i) during or immediately following initial installation of erosion and sediment controls; (ii) at least once during every two (2) week period thereafter; (iii) within forty-eight (48) hours following any runoff producing storm event; and (iv) at the completion of the project prior to the release of any surety. The inability of the program authority to conduct inspections within the time periods set forth in this paragraph shall not be deemed to be a failure of the program authority to perform a mandatory duty or a ministerial function, and no liability to the county, the program authority, or any official or employee thereof shall arise therefrom.
- C. Notwithstanding paragraph (B), the program authority is authorized to establish an alternative inspection program which ensures compliance with an approved erosion and sediment control plan. Such alternative inspection program shall be: (i) approved by the Virginia Soil and Water Conservation Board prior to implementation; (ii) established in writing; (iii) based on a system of priorities which, at a minimum, address the amount of disturbed project area, site conditions, and stage of construction; (iv) documented by inspection records; and (v) maintained and available for public review in the department of community development.
- D. The program authority shall have the right to enter upon property subject to an erosion and sediment control plan for the purposes of conducting an inspection as provided in this section or an investigation pertaining to an erosion or sedimentation complaint. The owner shall be given notice of the inspection. Such notice may be either verbal or in writing.
- E. The fees required for inspections conducted pursuant to paragraph (B)(i), (ii) and (iv) are a part of the application fee required by section 17-209. The fee required for inspections conducted pursuant to paragraph (B)(iii) shall be paid by the owner within thirty (30) days of the date shown on the invoice.

(§ 7-6, 6-18-75, § 8, 2-11-76, 4-21-76, 2-11-87, 3-18-92; § 19.3-20, 2-11-98; Code 1988, §§ 7-6, 19.3-20; Ord. 98-A(1), 8-5-98; Ord. 08-17(3), 8-6-08)

State law reference--Va. Code § 10.1-566.

Article III. Stormwater Management and Water Quality

Sec. 17-310 Fees.

Each owner seeking approval of a stormwater management/BMP plan shall pay a fee upon submittal of such plan, and shall pay a fee for each inspection, in amounts according to the schedule set forth below. Each fee shall be in the form of cash or a check payable to the "County of Albemarle."

1. Plan review: \$300 per plan review
2. Amendment to approved plan: \$180 per plan review
3. Request for exception (section 17-308): \$240
4. Request for development in a stream buffer or for reduction or modification of stream buffer (section 17-321) and mitigation plan (if not part of another document) (section 17-322): \$85
5. Each inspection or reinspection: \$60
6. Mitigation plan (section 17-322): \$860

(§ 19.3-34, 2-11-98; § 19.1-8, 9-29-77, art. II, § 3, 7-11-90; Code 1988, §§ 19.1-8, 19.3-34; Ord. 98-A(1), 8-5-98; Ord. 02-17(1), 7-3-02; Ord. 08-17(3), 8-6-08)

State law reference--Va. Code § 10.1-603.10.

Motion was offered by Mr. Rooker, **seconded** by Ms. Mallek to adopt Ordinance No. 08-5(1), BRTA-2008-001, Building Regulation Fees and Miscellaneous. Roll was called and the motion carried by the following recorded vote:

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

(The adopted ordinance is set out in full below:)

ORDINANCE NO. 08-5(1)

AN ORDINANCE TO AMEND CHAPTER 5, BUILDING REGULATIONS, BY AMENDING ARTICLE I, ADMINISTRATION, AND ARTICLE II, FEES, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 5, Building Regulations, Article I, Administration, and Article II, Fees, are hereby amended and reordained as follows:

By Amending:

- | | |
|------------|---|
| Sec. 5-100 | Purpose and intent |
| Sec. 5-101 | Building inspection office established; powers and duties |
| Sec. 5-200 | Permit and inspection fees, generally |
| Sec. 5-201 | Fees for building permits |
| Sec. 5-202 | Fees for electrical permits |
| Sec. 5-203 | Fees for plumbing permits |
| Sec. 5-204 | Fees for mechanical permits |
| Sec. 5-206 | Fee for demolition permits |
| Sec. 5-207 | Fees for zoning inspections |
| Sec. 5-208 | Fees for other permits, plan amendments and reinspections |

Chapter 5. Building Regulations

Article I. Administration

Sec. 5-100 Purpose and intent.

A. The purpose and intent of this chapter is to promote and to protect the public health, safety and welfare by making the Virginia Uniform Statewide Building Code applicable to all matters affecting or relating to structures, including the construction, alteration, repair, addition, maintenance, demolition and removal of all structures, and to the equipment in such structures. The purpose and intent of this chapter is also to establish a procedure by which unsafe buildings and structures are repaired, removed, or demolished.

B. The Virginia Uniform Statewide Building Code shall be referred to in this chapter as the "building code" and shall include the building code in its current form and as amended in the future.

C. A copy of the building code shall be kept on file in the department of community development.

(§ 5-1; 10-18-73, § 6-1; 4-20-88; § 5-2; 10-18-73, § 6-2; Code 1988, § 5-1; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08)

State law reference--Va. Code §§ 36-97 et seq.; 36-105.

Sec. 5-101 Building inspection office established; powers and duties.

A building inspection office is hereby established in the department of community development, as provided herein:

A. The building inspection office shall be charged with the administration and enforcement of the building code and this chapter, the review and approval of plans, the inspection of buildings and structures and the issuance of permits or certificates pertaining thereto. For purposes of this chapter, the term "building inspection office" means the "local building department" as that term is used in the building code.

B. The building inspection office shall be directed by a building official appointed by the county executive. The building official shall be charged with the administration and enforcement of this chapter and the building code and, as such, shall have the duties and powers of a code official set forth in the building code. The building official also shall be responsible for the supervision of the other employees of the building inspection office. For purposes of this chapter, the term "building official" means the "code official" as that term is used in the building code.

(§ 5-1; 10-18-73, § 6-1; 4-20-88; § 5-2; 10-18-73, § 6-2; Code 1988, § 5-2; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08)

State law reference--Va. Code §§ 36-97 et seq.; 36-105.

Article II. Fees

Sec. 5-200 Permit and inspection fees, generally.

The fees for a permit or inspection required pursuant to the building code and this chapter shall be paid as provided herein:

A. Except as provided in paragraph (E), no permit application shall be accepted until the applicable fees required by this article have been paid. The fee shall be for the purpose of reimbursing, in whole or in part, the department of community development's cost to review plans, issue permits and conduct up to one reinspection of work performed pursuant to a permit.

B. Each fee shall be in the form of cash or a check payable to the "County of Albemarle." Payment shall be made in the department of community development.

C. The payment of fees for a permit or permit amendment shall not relieve any person from the payment of any other fees that may be required by law including, but not limited to, fees for water connections and sewer connections.

D. The building official shall keep an accurate account of all fees collected pursuant to this chapter and shall deposit all fees collected with the department of finance.

E. Neither the county nor the county school board shall be required to pay any fee otherwise required by this article for a permit or inspection required by this chapter.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08)

State law reference--Va. Code § 36-105.

Sec. 5-201 Fees for building permits.

The fees for building permits are hereby established as provided herein:

A. *Residential structures in use groups R-3 and R-5.* The fee for each new structure in use groups R-3 or R-5 (one- and two-family dwellings) other than a garage, deck or porch, or for an addition to an existing residential structure in either such use group, shall be \$0.49 per square foot, calculated on gross finished square footage. The minimum fee shall be \$75.00.

B. *Accessory residential structures.* The fee for each residential attached garage, detached garage, shed, or deck or porch ten square feet or larger, shall be \$0.15 per square foot, calculated on gross finished square footage. The minimum fee shall be \$25.00.

C. *Residential swimming pools, hot tubs and spas.* The fee for each residential swimming pool, hot tub or spa shall be \$50.00.

D. *Mobile homes and prefabricated homes.* The fee for each mobile home or prefabricated home shall be \$45.00.

E. *New commercial structures in various use groups.* The fee for each new structure in use group A-1, A-2, A-3, A-4, A-5, B, E, F-1, F-2, H-1, H-2, H-3, H-4, H-5, I-1, I-2, I-3, I-4, M, R-1, R-2, R-4, S-1, S-2, or U, or an addition to an existing commercial structure in any such use group, shall be \$0.20 per square foot for the first 5,000 square feet, plus \$0.14 per square foot for each square foot in excess of 5,000 square feet, calculated on gross square footage. The minimum fee shall be \$75.00.

F. *Change of building occupancy classification.* The fee for a change of occupancy classification evaluation shall be \$150.00.

G. *Commercial swimming pools.* The fee for each commercial swimming pool shall be \$305.00.

H. *Elevators, escalators and lifts.* The fee for each elevator, escalator or lift shall be \$240.00.

I. *Paint spraying booths.* The fee for each paint spraying booth shall be \$25.00.

J. *Mobile offices and premanufactured units.* The fee for each mobile office or premanufactured unit shall be \$45.00.

K. *Tents.* The fee for each tent shall be \$50.00.

L. *Alterations and repairs of structures in all use groups.* The fee for an alteration or repair of a structure in any use group shall be \$0.17 per square foot of floor area affected, provided that there is no increase in gross square footage. The minimum fee shall be \$75.00.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08)

State law reference--Va. Code § 36-105.

Sec. 5-202 Fees for electrical permits.

The fees for electrical permits are hereby established as provided herein:

A. *Residential structures in use groups R-3 and R-5.* The fee for each new structure in use groups R-3 and R-5 (one- and two-family dwellings) other than a garage, deck or porch, or for an addition to an existing residential structure in either such use group, shall be included as part of the building permit fee under section 5-201(A).

B. *Accessory residential structures.* The fee for each residential attached garage, detached garage, shed, or deck or porch ten square feet or larger, shall be \$30.00.

C. *Mobile homes and prefabricated homes.* The fee for each mobile home or prefabricated home shall be \$30.00.

D. *Commercial structures in various use groups.* The fee for each new structure in use group A-1, A-2, A-3, A-4, A-5, B, E, F-1, F-2, H-1, H-2, H-3, H-4, H-5, I-1, I-2, I-3, I-4, M, R-1, R-2, R-4, S-1, S-2, or U, or an addition to an existing commercial structure in any such use group, shall be \$0.04 per square foot. The minimum fee shall be \$75.00.

E. *Swimming pools, hot tubs and spas.* The bonding fee for each swimming pool, hot tub or spa shall be \$30.00. The equipment wiring fee for each swimming pool, hot tub or spa shall be \$30.00.

F. *Alterations and repairs of structures in all use groups.* The fee for an alteration or repair of a structure in any use group shall be \$0.04 per square foot of floor area affected, provided that there is no increase in gross square footage. The minimum fee shall be \$75.00.

G. *Signs.* The fee for each sign shall be \$45.00.

H. *Temporary service.* The fee for each temporary electric service shall be \$95.00, unless the service is sought as part of a building permit for which a fee was paid under section 5-201(A).

I. *Early service.* The fee for each early electric service shall be \$60.00, unless the service is sought as part of a building permit for which a fee is paid under section 5-201(A).

J. *Fuel dispensing pumps.* The fee for each fuel dispensing pump shall be \$30.00.

K. *Alarm systems.* The fee for each alarm system shall be \$0.04 per square foot of the gross square footage of the structure. The minimum fee shall be \$75.00.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08)

State law reference--Va. Code § 36-105.

Sec. 5-203 Fees for plumbing permits.

The fees for plumbing permits are hereby established as provided herein:

A. *Residential structures in use groups R-3 and R-5.* The fee for each new structure in use groups R-3 and R-5 (one- and two-family dwellings) other than a garage, deck or porch, or for an addition to an existing residential structure in either such use group, shall be included as part of the building permit fee under section 5-201(A).

B. *Mobile homes and prefabricated homes.* The fee for each mobile home or prefabricated home shall be \$30.00.

C. *Commercial structures in various use groups.* The fee for each new structure in use group A-1, A-2, A-3, A-4, A-5, B, E, F, H-1, H-2, H-3, H-4, H-5, I-1, I-2, I-3, I-4, M, R-1, R-2, R-4, S-1, S-2, or U, or an addition to an existing commercial structure in any such use group, shall be \$8.00 per fixture. The minimum fee shall be \$75.00.

D. *Alterations and repairs of structures in all use groups.* The fee for an alteration or repair of a structure in any use group shall be \$8.00 per fixture, provided that there is no increase in gross square footage. The minimum fee shall be \$75.00.

E. *Water lines.* The fee for each water line shall be \$25.00, unless the lines are included as part of a building permit for which a fee is paid under section 5-201(A).

F. *Sewer laterals.* The fee for each sewer lateral shall be \$25.00, unless the lateral is included as part of a building permit for which a fee is paid under section 5-201(A).

G. *Fire suppression systems.* The fee for each fire suppression system shall be \$0.80 per head. The minimum fee shall be \$75.00.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08)

State law reference--Va. Code § 36-105.

Sec. 5-204 Fees for mechanical permits.

The fees for mechanical permits are hereby established as provided herein:

A. *Residential structures in use groups R-3 and R-5.* The fee for each new structure in use groups R-3 and R-5 (one- and two-family dwellings) other than a garage, deck or porch, or for an addition to an existing residential structure in either such use group, shall be included as part of the building permit fee under section 5-201(A).

B. *Mobile homes and prefabricated homes.* The fee for each mobile home or prefabricated home shall be \$30.00.

C. *Commercial structures in various use groups.* The fee for each new structure in use group A-1, A-2, A-3, A-4, A-5, B, E, F-1, F-2, H-1, H-2, H-3, H-4, H-5, I-1, I-2, I-3, I-4, M, R-1, R-2, R-4, S-1, S-2, or U, or an addition to an existing commercial structure in any such use group, shall be \$0.04 per square foot of gross square footage. The minimum fee shall be \$75.00.

D. *Alterations and repairs of structures in all use groups.* The fee for an alteration or repair of a structure in any use group shall be \$0.04 per square foot of gross square footage, provided that there is no increase in gross square footage. The minimum fee shall be \$75.00.

E. *Underground tanks.* The fee for each underground tank, including associated piping, shall be \$170.00, unless the tanks are included as part of a building permit for which a fee is paid under section 5-201(A).

F. *Aboveground tanks.* The fee for each aboveground tank, including associated piping, shall be \$100.00, unless the tanks are included as part of a building permit for which a fee is paid under section 5-201(A).

G. *Gas and oil lines.* The fee for each gas or oil line shall be \$35.00, unless the lines are included as part of a building permit for which a fee is paid under section 5-201(A).

H. *Furnaces, wood stoves and gas log systems.* The fee for each furnace, wood stove or gas log system shall be \$65.00, unless the furnace, stove or gas log system is included as part of a building permit for which a fee is paid under section 5-201(A).

I. *Range hoods.* The fee for each range hood shall be \$25.00.

J. *Hood suppression systems.* The fee for each hood suppression system shall be \$30.00.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08)

State law reference--Va. Code § 36-105.

Sec. 5-206 Fee for demolition permits.

The fee for each demolition permit shall be \$95.00.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08)

State law reference--Va. Code § 36-105.

Sec. 5-207 Fees for zoning inspections.

The fees for inspections to determine compliance with the zoning ordinance are hereby established as provided herein:

A. *Foundation of main and accessory structures.* The fee for each inspection following the laying of the foundation of main or accessory structures shall be \$15.00 per inspection.

B. *Surface water drainage pipes and culverts.* The fee for each inspection pertaining to the size and location of surface water drainage pipes and culverts shall be \$10.00 per inspection.

C. *Subsurface stone for parking lot or entrance.* The fee for each inspection to determine the proper depth of the subsurface stone for a parking lot on, or entrance onto, the property being developed, prior to the final surfacing of the parking lot or entrance, shall be \$10.00 per inspection.

D. *Final site inspection.* The fee for each final site inspection before a certificate of occupancy or a temporary certificate of occupancy shall be \$15.00 per inspection.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08)

State law reference--Va. Code § 36-105.

Sec. 5-208 Fees for other permits, plan amendments and reinspections.

The fees for other permits, plan amendments and reinspections are established as provided herein:

A. *Other permits.* The fees for any other building, electrical, plumbing, mechanical, or amusement device permit not identified in this article shall be \$30.00 per inspection.

B. *Plan amendments.* The fee for each new plan submitted which requires any structural or fire safety review shall be \$30.00.

C. *Reinspections.* The fee for each inspection of work performed, after the second inspection of such work, shall be \$30.00 per inspection.

(§ 5-3; 10-18-73, § 6-3; 3-21-74; 10-17-74; 10-4-78; 4-17-85; 7-13-88; 6-7-89; Res. of 9-6-95; Code 1988, § 5-3; Ord. 98-A(1), 8-5-98; Ord. 08-5(1), 8-6-08)

State law reference--Va. Code § 36-105.

Motion was offered by Ms. Thomas, **seconded** by Mr. Rooker, to direct staff to process biennial fee adjustments using the County's merit pool percentages for the two years as a basis for adjusting fees. Roll was called and the motion carried by the following recorded vote:

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

NAYS: None.

Agenda Item No. 14. Airport Runway Extension Project, Presentation by Barbara Hutchinson.

Ms. Barbara Hutchinson, Executive Director of the Charlottesville Regional Airport, addressed the Board. She provided two aerial photos that show changes in development at the Airport and the surrounding vicinity. Ms. Hutchinson said that most of the industrial activity on the Airport occurs on the east side of the Airport, not on the runway, as most people would believe. Airport fueling and de-icing, etc., all occur on ramps that flow to the east of the Airport, not to the north or into Chris Greene. She emphasized that the only flow into Chris Greene is de-icing fluid which is used only minimally, is not controlled by the EPA and it dissipates during plowing and snow-removal activities to both sides of the runway. Ms. Hutchinson noted that very little of it would be in the stormwater runoff on the Airport.

She said that the Airport planning and approval process commenced in the 1940's. The first FAA grant for construction of the Airport was issued in 1953 and at that time the runway was constructed at 4,658 feet long. In 1966, the only extension to the runway occurred, bringing it to the length of 6,001 feet long and 150 feet wide. She said that recent activity is not an extension of the runway; it is an extension of the safety area and the installation of a blast patch to protect vehicles on Route 606. Ms. Hutchinson reported that in 1974, the FAA constructed the air traffic control tower and in 1981 they issued a grant to

construct the existing runway to one safety area to bring it into compliance. After construction of the safety area, she said, there was a 100-year storm that resulted in some damage to drainage from Runway N-21, and in 1982 the FAA issued another grant to rehabilitate all of the drainage associated with the runway.

Ms. Hutchinson reported that the runway has twelve outfalls – six drain to north Rivanna and six drain to south Rivanna. The airport includes approximately 640 acres and the drainage is distributed among all twelve outfalls. She stated that in 2003 the Airport Authority worked with the State and FAA to complete a master plan update that included a statement of need to extend the runway. This runway is the fifth shortest in the United States for any commercial service airport and planing over 100,000 people. Ms. Hutchinson emphasized that the extension is intended to serve existing Airport customers, and is not intended to accommodate larger aircraft or create additional landings on the runway.

She said that the Airport Master Plan was accepted in 2004 by the FAA and State and accepted by the County, and incorporated into the Comprehensive Plan. Afterward the Airport assumed that the County was committed to the extension project and has in good faith moved forward with the State and FAA to attempt to fund and move forward with preliminary engineering. In 2004, the Airport was required to complete a benefit-cost analysis for the FAA and after that was accepted they moved forward to an environmental assessment, which occurred from 2005-2007. The environmental assessment included nine projects including the runway extension. In January 2008, DEQ approved the findings of the environmental assessment and the FAA subsequently issued a finding of no significant impact. Ms. Hutchinson said that the State issued a new airport license in 2008, recognizing the improved runway and extending it to 6,800 feet.

In July 2008 they received bids for a preliminary phase of construction referred to as 1A which is one of the four to five phases required to ultimately complete the extension. She reported that if this receives funding from the State as anticipated in October or November, construction would begin. The Airport has not awarded a construction contract. The bids ranged from \$3.9 million to \$5.5 million. There were ten bidders from North Carolina, Virginia, West Virginia, and Maryland. She added that engineer's estimate was \$8.0 million. They believe it is critical to take opportunity with these bids and they do expire. If they do not take action they would be required to rebid the project. Ms. Hutchinson said that a local contractor has the low bid, if it is fully funded. If the project is only partially funded and it has to be downsized, the next bidder is from North Carolina. Depending on how funding is received from the FAA and the State, they anticipate completion of the project in five to ten years. Ms. Hutchinson emphasized that if additional FAA funding is received in an earlier timeframe, there could be a five-year completion period; if not it would be at least ten years. She said that two public workshops occurred during the environmental assessment, and the DEQ held a final public hearing. All adjoining property owners were invited to these meetings but less than 10 people from the public came to the DEQ meeting. The Airport has addressed the one issue raised by a public speaker at that meeting.

Ms. Hutchinson reported that the environmental assessment included the evaluation of 18 impact categories prepared by the National Environmental Policy Act and in accordance with Virginia Environmental Regulations and any applicable County regulations. She said that the categories include air quality, water, fish, wildlife and plants, floodplains, etc., and one category is a Department of Transportation Section 303.4(F) that applies to impact on public lands or historic entities. Ms. Hutchinson stated that they had to undergo a cultural resource analysis, and the Crickenberger Farm was identified on the north end of the runway; it is a farmhouse and 27 acres adjoining the house. The project does not impact that cultural resource.

Ms. Hutchinson said that the reason for the runway extension is to serve the airlines that currently serve the community. The Airport experiences an atmospheric condition and is high-density altitude. High-density altitude conditions reduces and airplanes performance; there is reduced thrust and lift – requiring more runway length to take off. Without that, she stated, the airplane must reduce its weight in order to lift off. For an airline, that means it reduces the number of passengers on an aircraft. In response to Ms. Thomas, Ms. Hutchinson said humidity and high temperature creates the high-density altitude condition, not high altitude. Ms. Hutchinson said that regional jets come to the airport, and on a regular basis they must eliminate five to eight passengers in order to take off. She said that the Airport is working with the airlines to resolve the issue, and extending the runway is the only resolution to this problem. Ms. Hutchinson said that there is also an impact to fuel sales as planes have to reduce their fuel load while they are here and refuel elsewhere. She added that U.Va. athletic charters are the area's predominant charters, and while they are not impacted by the high-density altitude, they may not be able to take off fully fueled. In some cases, schools elect not to use the Airport. She also explained that other charters do not use this Airport because pilots are uneasy to take off again from Charlottesville. Those are the things they are trying to resolve with the runway extension.

Ms. Hutchinson reported that the FAA and State have invested over \$65 million into the Airport on behalf of the community. The Airport continues to operate today without any infusion of cash from the community. She said that the Airport is self-funded through charges that the airlines pay, charges that the rental car companies pay, and parking revenue. In 2004, Ms. Hutchinson said, the State completed an economic impact analysis of the Airport that estimated the facility produces over \$167,000,000 in direct economic impacts to the community – not counting the indirect economic impacts. She said that there are 250-300 people employed by various agencies on the Airport and they are all local citizens. Ms. Hutchinson commented that the airline industry is in crisis, and 37 small airports have lost 100 percent of air service since January and February. She said they are not immune to that. She mentioned that Charlottesville has lost one Atlanta flight and service to Cincinnati. US Air has been happy with their revenue production in Charlottesville and did not foresee any changes. United Airlines has also expressed the same. Ms. Hutchinson said that Northwest and Delta are preparing to merge but they are not willing to

consider additional flights because of the runway length. She said that over time, that can be as much as \$4,000 to \$5,000 per flight lost. Ms. Hutchinson said that Northwest may be able to upgrade Detroit service to a regional jet and perhaps increase the frequency. They also met with another airline that desire to institute service in Charlottesville in February but because of the fuel crisis has deferred that decision. They have asked the Airport for additional information.

She said that this is a unique window of opportunity as it is a methodology of retaining air service in Charlottesville. The State and FAA have agreed to fund the project – ranking it among the highest projects considered for funding. They are not able to defer this request with the State; they consider it at their August meeting for funding to airports. If the application has to be deferred for any reason, they lose the ability for consideration. They are competing with the other commercial airports in Virginia including Dulles and Reagan. Ms. Hutchinson reported that there is also a cost of missed opportunities, as the initial phase of the project is just to install the erosion and sediment control measures, complete wetlands mitigation, and move a perimeter road that establishes the boundaries of the project. She said that a number of developers and contractors have offered fill material at a reduced price.

Ms. Hutchinson pointed out that the project is completely on Airport property and does not extend to any of the neighbors. It involves moving the Airport runway 800 feet, with construction of a blast pad – a paved surface that accommodates the exhaust from the aircraft as it takes off for protection of what is behind it. She noted that some trees would need to be topped for obstruction removal. There are four streams from the Airport that impact Chris Greene Lake; three of them are to the west of the airfield and one comes from the north end of the runway that carries the greatest volume of water. Ms. Hutchinson presented information on proposed erosion and sediment control, which would include three detention basins on the north end of the runway. She said that Airport staff has worked with County staff to include as part of the construction downstream controls that would be an additional measure of protection for sediment and erosion control.

Ms. Hutchinson said the Airport believes it has been a good partner with the community over the past 55 years. They have done the best they can to provide sufficient environmental controls, in fact they have surpassed what is required. For this project, as part of their environmental assessment and the bid process, it is obligatory for the contractor to submit a Stormwater Pollution Prevention Plan in accordance with the Clean Water Act that would outline the erosion and sediment control measures and best management practices that the contractor has to implement during construction to minimize the construction impacts. If there is any determination that there is a requirement that the contractor following any of the National Pollution Discharge Elimination System Requirements, the contractor would be required to do so. The Airport already has coordinated and received permits from DEQ, the Department of Conservation and Recreation, the Virginia Marine Resource Commission, and the Corps of Engineers to undertake this project. She added that everything has been done in accordance with the Clean Water Act and with measures that are actually more stringent than what the County requires. Ms. Hutchinson said that it has been determined that over the past three years, 20 percent of runoff into the stream comes from the Airport with the other 80 percent coming from the properties along Route 606. She stated that during the public hearing from DEQ, one of the Airport neighbors alleged that the drainage systems had failed and they were eroding stream buffers. The same neighbor also alleged that he was the property owner where improvements were needed. Ms. Hutchinson said that DEQ required the Airport to investigate, and they found out there were trees on the neighbor's property that had fallen across the pipes and crushed them, as well as knocking the fence down. She also said that the actual property owner and the ultimate property owner that the stream flows to have never complained about the condition or alleged that the Airport created that condition. This stream crossing is not on the property of the individual that complained to DEQ. As a good neighbor, Ms. Hutchinson reported that they have spent \$8,500 redoing the stream crossing with pipe replacements and re-graveling. Rip rap was installed on both ends of the crossing, the crossing restored and the gravel built up.

Ms. Hutchinson emphasized that they are committed to meeting all environmental measures. She added that this project is critical to the future of the Airport. Their staff has been working diligently to adopt a new vision and implement new programs at the Airport for customer service initiatives with the vision being that want to be Central Virginia's Airport of choice. She added that their Engineer, Mr. Jim Nixon of Delta Airport Consultants, is present to respond to questions regarding erosion and sediment control. She also said that the Airport has not begun construction, as previously reported, and the allegation involves testing that was done on the north end – a drilling rig was brought in but the Airport shut down that operation as it was not done properly.

Mr. Slutzky asked about the de-icing flowing into Chris Greene Lake. Ms. Hutchinson replied that airplanes de-ice on the airline ramp, where there is a vacuum truck to clean up de-icing fluid. She said that the de-icing fluids flow east into Crutchfield.

Mr. Slutzky commented that ethylene glycol applications are under review by the EPA right now. Ms. Hutchinson replied that ethylene is prohibited here, and propylene is used in Charlottesville. She also said that potassium acetate is used on the runways and that is plowed to the side of the runway, but it is used very sparingly.

Mr. Boyd said, because of comments made earlier, the Board asked staff to look into any violations in the approval process which is supposed to come back to the Board on September 2nd. He asked how that impacts the Airport's timetable. Ms. Hutchinson said their meeting with the State is August 20th and if they do not receive the funding on that date, they do not move forward. They must have all permits in order to move forward at the August 20th meeting.

Mr. Graham pointed out that the erosion and sediment control plan is still under review and has not yet been approved by the County. Ms. Hutchinson said the Airport just received this past Monday, the County's final comments. They consider the comments to be cosmetic; they were not substantial. Mr. Graham said this is purely administrative, Water Protection Ordinance, and does not go to the Planning Commission.

Ms. Thomas said that recent large construction projects usually involve enhanced soil and erosion plans through the proffer system, and asked if the Airport was providing this level of mitigation.

Mr. Graham replied that the County is not getting the same thing as proffers provide, but the Airport has been a very good steward in the past – having shown great care with projects such as Dickerson Road. Staff wishes other individuals show the same level of care as the Airport. They have continually set the bar for what the County would like to see with erosion and sediment control. The Airport is committed to the same level of care.

Ms. Hutchinson said that the Airport takes extra care and caution with their grounds, with no pesticides used on flower beds and manual maintenance of fence-lines and detention basins. They believe they have been good stewards and will continue to do so. They need and want the communities' support and will do what it takes to be a part of the community.

Mr. Boyd asked if the report requested by staff this morning will impact this project. Mr. Rooker said the Board didn't take any real action. There is a process the individual has to follow and he does not think that will hold up this permit.

Mr. Slutzky asked if it would be helpful for the Board to pass a resolution of support for the Airport to take to the FAA. Ms. Hutchinson replied, "absolutely". She has met twice with the FAA and the Virginia Aviation Board in the past 45 days, and one of their questions was whether there was community support for this project. They are making a commitment of \$55.0 million for this project to move forward with no dollars coming from Albemarle or the City.

Mr. Rooker said he thinks it is appropriate to issue a resolution reiterating the support for the project as it is in the Comprehensive Plan. He suggested staff prepare a resolution for the Board's consideration on August 13th.

Ms. Mallek asked how the terrain on the north end would be handled as it is steeper there.

Ms. Hutchinson responded that Jim Nixon would answer that, but the three detention basins are being excavated and are not being built up.

Mr. Nixon said that the basins are slightly upstream from the property line, so they are adding some temporary basins just downstream for the interim and the steeper slopes would be constructed partially with rock for the steeper 2:1 slopes. Ultimately they will be 4:1 slopes. They have geo-textile fabrics to protect those similar to what was used on the back-slopes with the road relocation on the south end. Mr. Nixon said that they are introducing skimmers in the basins that float to the top and improve efficiency of sediment collection.

Mr. Boyd commented that Ms. Hutchinson's presentation was excellent.

Mr. Slutzky asked for an email of the PowerPoint so that the information could be provided to constituents.

Mr. Tucker said that Ms. Hutchinson has done an excellent job. The Airport Board – which he is one-third of – is committed to being good stewards of that area.

Mr. Slutzky asked if it was possible to get Cincinnati back.

Ms. Hutchinson said she would contact them by phone, but there is also another airline that might allow for Midwest and western hubs, and the Airport is working on that.

Ms. Hutchinson also mentioned that noise has been a consideration. The Airport's noise contours have improved significantly and now fall all on Airport property. Ms. Hutchinson said that most complaints now relate to military aircraft practicing touch and go. She added that they have no control over military flights; they are regulated by the government.

Ms. Thomas mentioned that the Airport is still working on a high quality final soil erosion system.

Ms. Hutchinson said they do have a date scheduled to go to the Commission. They did not receive the first set of comments until two days before the Commission meeting. Airport engineers worked with County staff to determine what it would take to absorb the comments into their plan. They were able to refile within five days and this past Monday received additional comments from staff. The comments appear to be fairly minimal in terms of changes they have to make and resubmit to staff. They do anticipate approval. The Airport also worked with staff during construction. In the past they have been willing to stop if that is what it takes to address an issue. County inspectors generally come out to inspect every day during heavy construction or a time where there could be an impact to the community.

Agenda Item No. 15. Budget Process Review Committee Report.

Due to time constraints this item was moved to the afternoon for discussion.

Agenda Item No. 16. Before the Storm: Reducing the Damage from Polluted Stormwater Runoff (Report prepared by the Southern Environmental Law Center, the Rivanna Conservation Society, and the University of Virginia School's Environmental Law and Conservation Clinic), Presentation by Morgan Butler.

Mr. Morgan Butler addressed the Board, presenting results on stormwater runoff in the County. He introduced Mr. Leon Szeptycki, Director of the Environmental Law and Conservation Clinic at the University of Virginia Law School, and Ms. Robbi Savage, Executive Director of the Rivanna Conservation Society.

Mr. Szeptycki said that they have a group that comes in each year and works with environmental groups and nonprofits on issues related to environmental law and land use. This is a project they have been working with SELC and the Rivanna Conservation Society for about two years. This project has focused on how to build things and the effect on how they are built on stormwater. He explained that increased impervious surfaces increase the amount of stormwater and the rate in which it flows into local streams, and the volume and rate in which it flows into streams increases stream bank erosion which in turn increases erosion pollution in streams and impacts their health. Mr. Szeptycki said that pollution can be carried directly by stormwater into streams; runoff from storms is the primary water pollution problem in this community. He explained that this project got started because of the Code and Ordinance Worksheet – developed by the Center for Watershed Protection – which the James River Association used to score the codes and ordinances for the extent to which they increased the amount of impervious surface associated with development.

Mr. Szeptycki said they looked at four issues: residential streets, actual development of lots, conservation of natural areas, and stormwater and erosion control. Mr. Szeptycki said that the effort included all Virginia counties and cities, and his team focused on the localities (Charlottesville, Albemarle, Fluvanna, Greene) in the Rivanna Basin. They wanted to look closely at these localities' ordinances, development practices and needs. Then, based on the weaknesses pointed out in each locality codes and ordinance, they looked at what needed to be improved and then tried to prioritize and focus on what would bring the maximum benefit of all these issues to reducing stormwater pollution from the community. This relates to building practices, i.e., how large are parking lots, how wide streets have to be, how big cul-de-sacs have to be, where to put runoff from roof houses; it is not where you build, but how you build. He stated that increased runoff due to impervious surfaces results from a lot of small decisions made by developers, planners and the local community, and those each need to be addressed in order to keep reducing the amount of impervious surface and stormwater pollution that comes from new development. The important thing is to look at the whole picture and focus on the fact that the idea behind this whole project is to make progress on all these little things.

Ms. Savage addressed the Board, stating that the Virginia Department of Environmental Quality lists 20 stretches of the County's rivers and streams as being impaired – as they do not meet Federal and State standards under the water quality standards as required by the Clean Water Act. She also said that the Act requires State and Local governments to develop total daily maximum loads; it was ignored for a long time because of the difficulty in doing TMDL's. However, Ms. Savage reported, the County has undertaken this important process and has done seven detailed assessments of the rivers and streams in the community. Of all seven, stormwater has been determined to be a major source of the problem in our area. She said that it affects aquatic life and that impairment has been documented in 11-mile stretches in the Rivanna beginning at the confluence of the north and south forks; sediment is the most likely cause of this impairment and critters are critically important to the health and welfare of the streams in our community. Ms. Savage said that the largest source is sediment, and stream bank erosion coupled with higher flows is causing this problem, as well as bacteria from human and animal waste. She noted that ecoli fecal coliform has been found in the Rivanna mainstream, in the North Fork Rivanna, Preddy Creek, Meadow Creek, Mechums, and Beaver Creek.

Mr. Rooker asked if the source of ecoli is stopped if it cleans out really quickly.

Ms. Savage responded that it can, depending on how deep in the sediment the bacteria have taken route.

Mr. Butler commented that in some respects, Albemarle is at the forefront in trying to address the growing problem of stream degradation, and the recommendations are in many cases trying to build upon the positive steps the County has already taken. He said that in other cases they try to point to ideas that are implemented in other localities and seem to be working well there. The point of their work is to offer some straightforward ways that the County can, without overhauling its entire system, continue to improve upon efforts to address the growing stormwater problem.

Mr. Butler reported that the team came up with four categories of recommendations, one of which is limiting runoff from construction sites – a good example of where the County has taken a step forward to address the problem. He said that State law says you have to re-vegetate a construction site after certain periods of time or requirements are met, but those timeframes can be manipulated by moving dirt around on the site. With some recent proffers, Mr. Butler stated that the County has implemented a hard and fast time limit by accepting a proffer from developers that specifies a timeframe in the rezoning process. He added that the County does not have to stop at that step.

He said that the second recommendation is promotion of low-impact development stormwater practices, whereby natural features on a development site are used to absorb that runoff and treat it so it is not all going into rivers and streams. Mr. Butler stated that with respect to public buildings, the County has incorporated practices such as the green roof on the County building. He added that the County could encourage private developers and homeowners to adopt similar measures. A provision within the State Code allows localities to create partial or full real-estate tax exemption for roads, parking lots, patios, and driveways that are constructed from permeable materials.

Mr. Rooker commented that an appraiser determines the value of a property as a whole by looking at comparables, and wondered how one element would be excluded. Mr. Butler replied that he is not certain exactly how it is carried out.

Mr. Davis said that he is not aware of it being done anywhere, and it may be administratively complicated.

Mr. Rooker added that it would be very difficult to value houses with specific elements.

Mr. Butler stated that it may be as simple as calculating it based on acreage that is affected.

Mr. Rooker agreed that an education program to remind builders of LID elements for projects may be an effective tool, although it may be too late by the time a building permit is issued.

Ms. Thomas noted that local experience with permeable surfaces has not been that positive because of the hard clay under the soil.

Mr. Butler responded that it seems to work better in less-traveled pavement sections. There may be some maintenance issues.

Mr. Butler said the group tried to look at County ordinances and policies for ways to make small improvements within the existing system. Each recommendation could affect and improve some small portion of the decisions that are negatively affecting our watersheds. The more decisions that can be influenced the less damage runoff inflicts.

Mr. Butler said other measures the group is recommending include lowering minimum parking requirements for office space, requiring a special use permit when parking maximums are exceeded, and increasing the amount of landscaping that we look for in large parking lots. He stated that the final recommendation is simply to add some specifics – such as agreements in lieu of erosion and sediment control plans. Mr. Butler said that right now they refer to three separate provisions, but other localities use a longer list of requirements and they would help contractors and homeowners know more specifically what the requirements are and what they need to adhere to. He mentioned that while there is a lull in the building community, this is an ideal time to move some of these measures forward.

Mr. Rooker commented that many of these could be easily done without a lot of administrative work – such as compact car spaces, lowering the minimum parking requirements for professional office buildings, allowing for curb breaks so that water can infiltrate out back into grassy areas before it reaches storm drain systems, etc. There are numerous things he thinks the County should be looking at that could be put into place. This kind of report is what makes this a great community. He thanked the group for their work.

Mr. Boyd echoed Mr. Rooker's thanks and suggested directing staff to come back with a report.

Ms. Thomas concurred with asking staff to bring back a report on what items could be done quickly without a lot of administrative work.

Mr. Tucker said staff would also bring back a report showing what is currently in the work program and what measures are already in place or planned.

Mr. Butler said that they would also like to be involved with future deliberations and work that County staff does on these measures. He added that County staff has been very generous with their time to help them work through some of the recommendations.

Ms. Savage said they also have staff resources that could help with developing ordinances or policies.

Agenda Item No. 17. Closed Meeting.

At 12:57 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 County park; under Subsection (7) to discuss with legal counsel and staff specific matters requiring legal advice by counsel relating to an amendment of an interjurisdictional agreement relating to public safety services; and under Subsection (7) to discuss with legal counsel and staff specific matters relating to an agreement necessary to implement a funding source for public safety services.

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

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

Agenda Item No. 18. Certify Closed Meeting.

At 2:17 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 Ms. Thomas. Roll was called, and the motion carried by the following recorded vote:

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

Agenda Item No. 19a. Boards and Commissions: Vacancies/Appointments.

Motion was then offered by Mr. Slutzky to make the following reappointments:

reappoint Bruce Dotson and Stephen McLean to the ACE Committee, with said terms to expire August 1, 2011.

reappoint John Chamales to the Jail Authority, with said term to expire August 8, 2011.

reappoint Rosa Hudson to the Jordan Development Corporation, with said term to expire August 13, 2009.

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

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

NonAgenda. Motion was offered by Ms. Mallek, **seconded** by Mr. Rooker, to authorize the release of the previously appropriated CIP funds to CARS (Charlottesville-Albemarle Rescue Squad), designated for the replacement of Fire/Rescue apparatus pursuant to County Policy, including code titling of such apparatus.

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

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

NonAgenda. Motion was offered by Ms. Mallek, **seconded** by Mr. Dorrier, to adopt the following Resolution to authorize acquisition of property from Mr. and Mrs. James Byrom for the purpose of providing access to the Patricia Ann Byrom Forest Reserve Park.

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

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

**RESOLUTION TO AUTHORIZE
ACQUISITION OF PROPERTY**

WHEREAS, the County of Albemarle desires to acquire certain property within the County by purchase from James Kevin Byrom and Xiao Yin Byrom for the purpose of providing access to the Patricia Ann Byrom Forest Preserve Park; and

WHEREAS, an offer to sell said property to the County has been made and presented to the Board of Supervisors for its consideration.

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby authorizes the purchase of that parcel identified as Parcel "Z" and a Permanent Park Access Easement, both located on Tax Map Parcel 6-28B in the County of Albemarle, for the amount of \$150,422.22, and further authorizes the County Executive to execute a Deed and all other documents necessary to acquire this property and easement.

NonAgenda. Motion was offered by Ms. Mallek, **seconded** by Mr. Dorrier, to adopt the following Resolution approving an amendment of the Fire Services Agreement between the City of Charlottesville and Albemarle County.

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

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

NAYS: None.

**A RESOLUTION APPROVING AN AMENDMENT OF THE
FIRE SERVICES AGREEMENT BETWEEN
THE CITY OF CHARLOTTESVILLE
AND ALBEMARLE COUNTY**

WHEREAS, On May 3, 2000 the City of Charlottesville (the "City") and the County of Albemarle (the "County") entered into an agreement governing the provision of fire services for both localities (the "Fire Services Agreement"), which remains in full force and effect; and

WHEREAS, Section 6 of the Fire Services Agreement provides that the Agreement shall expire on June 30, 2010 but that the parties may, by mutual written agreement executed prior to June 30, 2007, extend the Agreement for a second term lasting three (3) additional years, through June 30, 2013; and

WHEREAS, the Fire Services Agreement has been mutually beneficial to both the City and the County, and the parties may desire to extend the Agreement for up to three additional one-year terms, beginning July 1, 2010 and ending June 30, 2013; and

WHEREAS, the City is agreeable to an extension of the Agreement, notwithstanding the extension deadline provided in Section 6.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Albemarle County, Virginia that it hereby approves the Amendment of Fire Services Agreement Between the City of Charlottesville and Albemarle County to Authorize Extended Terms of Agreement to allow for the Agreement to be extended for up to three additional one-year terms beginning July 1, 2010 and ending June 30, 2013; and

BE IT FURTHER RESOLVED that its Chairman is hereby authorized to execute the Amendment of Fire Services Agreement Between the City of Charlottesville and Albemarle County to Authorize Extended Terms of Agreement.

Agenda Item No. 15. Budget Process Review Committee Report.

Mr. Tucker summarized the executive summary which was provided to Board members. In an effort to improve the County's overall accountability for expenditures, the County Executive established a committee to assist him in evaluating the short and long range processes that lead to the development of the annual budget. The committee was selected to be a group outside of the day to day operations of the County with experience in other public and private sector organizations that could review and evaluate the County's current processes and suggest areas for improvement.

This initiative is one of several efforts underway or planned for by the County aimed at exploring opportunities for improvement to ensure accountability for budgeting and financial management. Other efforts include the newly established Program and Service Review Process and the recently approved Resource Management Study to be conducted by an outside entity over the coming months. Collectively, these efforts will assist with ensuring that the County's expenditures and processes result in the provision of efficient and effective services that are aligned with its mission and values.

The committee, which was comprised of seven community members and two Board of Supervisors members along with the Superintendent of Schools, was established with the following charge:

Review the County's financial planning processes that lead to the development of the annual budget and suggest any potential areas for improvement. The County's annual budget is driven by the goals established by the Board of Supervisors through the Comprehensive Plan and Strategic Plan as well as by State and Federal mandates. The major processes that drive the development of the annual budget proposal include:

- *Development and Review of the Five-Year Financial Plan*
- *Development and Review of the Capital Improvement Program*
- *Department/Community Budget Request Process*
- *Program/Service Review Process*
- *Public Input Process*

The committee met five times over a three-month period, and developed a set of recommendations on process improvements and on communication/outreach improvements that are detailed in the attached report. The committee also agreed on the following general observations:

General Observations

- While there is room for improvement, the committee generally felt that the County's budget-related processes are comprehensive and thorough;
- The committee provided positive feedback on the County's program and service review process and use of performance measures and data to aid in decision-making and to help identify reasonable alternatives and options;
- Several members of the committee felt that there should not be an automatic 60/40 split of available revenue for use in education/non-education functions;
- A majority of the committee felt that strong consideration should be given to additional focus on benchmarking and continued improvement in use of performance measures;
- Members cited the importance of providing sources of information and assumptions used as a goal for all processes;
- Members observed that while the County affords multiple opportunities for the public to participate in its annual budget process, the challenge is to create more comprehensive public awareness and understanding of when and how feedback can be offered to the Board and staff.

The committee also came to agreement on the following summary points:

Summary

All members of the committee confirmed that the County's general approach to long term financial planning processes and the annual budgeting process is "very valid" and includes similar fundamental elements to those used at other public and private sector institutions such as Martha Jefferson Hospital and the University of Virginia. In the words of one committee member, "Bob Tucker and his budget staff are doing a good job and looking at all the right things." The committee did feel that there were improvements that could be made to the processes as outlined in the recommendations, and emphasized the following concepts in their guidance to County staff:

- Continue the focus on prioritizing needs and long term planning – "the budgeting process is all about choices"
- Continue to look very carefully at the long term implications of individual budget decisions
- Keep focused on the "best and highest use" of tax dollars, particularly as the economic situation continues to constrain resources
- Choose performance measures/standards carefully to make sure they accurately reflect what should be measured and that they demonstrate progress towards the County's mission and strategic priorities
- Keep a strong connection between elements of the strategic plan and the elements of the County's financial plans

The report has been submitted to the County Executive's Office for review and consideration.

There is no budget impact associated with the Budget Review Committee Report.

Mr. Tucker said there is no action requested of the Board regarding this item. The County Executive's Office is reviewing and evaluating the recommendations to determine the best approach and timing for implementation.

Mr. Boyd commented that a couple of the organizations that participated in this process said they went away with some good ideas for their organization.

Ms. Thomas added that they were very impressed with the County's processes and with a lot of what they learned.

Mr. Boyd commented that having information about the budget on the website has been helpful for the public.

Mr. Rooker suggested adding a few minutes at the budget hearing to talk about the County's efforts toward efficiency, the Baldrige approach, and other measures being taken in the budgeting process.

Mr. Rooker asked if there were any suggestions by people about things the County is not doing that it should consider. Mr. Boyd responded that the committee dealt more with the process and not with specifics.

Ms. Mallek said the long term financial implications of individual budget decisions are helpful to her.

Mr. Slutzky said that it would be helpful if the public understood all of the things that are not being funded.

Mr. Boyd responded that it will be impossible to mention all of the things that are not funded.

Mr. Slutzky and Mr. Rooker said that it might be helpful just to list some major items that went unfunded.

Mr. Tucker noted that staff usually has a slide of unfunded items during the budget presentation. He added that there is a list of unfunded items included in the budget book.

Ms. Mallek asked if the funds that were put in the lockbox is still there and unused. Mr. Tucker said that the funds have been aside and it looks as though the funds might be needed.

Mr. Boyd asked if financial information is furnished on a quarterly basis, and wondered if it was possible to look at forecasting like that too.

Mr. Tucker responded that staff can do that, but the forecast for next fiscal year is usually not done until budget time because the numbers would be so soft.

Mr. Boyd commented that the information would still provide Board members with a better idea of how the numbers are looking.

Agenda Item No. 20a. VDoT Monthly Report.

Mr. Allan Sumpter, Charlottesville Residency Administrator, updated Board members on issues in their districts:

- Signal upgrade work is beginning on Route 29. Issues relating to delays at some of the signals have been forwarded to the Traffic Engineering folks. The equipment is being changed throughout the corridor and there have been some glitches with the software when tying it together for communications. Most of this work is being done at night. The timing sequences are loaded before the new equipment is installed. VDoT staff is working on tweaking the system. There are some detection issues at Rio Road. They expect to finish it in the next two to three months.
- Pedestrian safety improvements are beginning along Georgetown Road and Hydraulic Road, and bike lanes are being marked as well. Received some preliminary sketches for pedestrian signs "yield to bikers" at other intersections such as Putt Putt Drive.

Ms. Thomas asked about the possibility of installing a bicycle sign to alert drivers that bikers are on the roadway in areas where there is no separate bike lane. She recently saw this in another state, as many drivers in this area do not anticipate that they will see bicycles using some roads. The sign she saw was diamond shaped and has a bicycle inside the diamond. The sign then states "bikes on roadway". Mr. Sumpter said he would look into it.

Mr. Rooker added that since there are not many bike lanes in place, cyclists are usually on the roadways. He said that he just returned from a trip to the Outer Banks, and they have used islands in pedestrian crossings with mid-road signs painted a fluorescent green which makes a significant difference in motorist response.

Mr. Slutzky commented that Hillsdale Drive has some small raised islands.

Ms. Thomas said that Batesville residents had wanted those, but Mr. Harrison Rue had expressed how difficult it has been to get those approved in Virginia.

Mr. Sumpter continued with his comments:

- Buckingham Branch will move forward with repairs to Dry Bridge. They are going to fully replace the bridge decking, and anticipate completing the project within the next four weeks.

Ms. Thomas asked for VDoT to put up a large sign to alert motorists as they have done in the past.

- VDoT has been working on a process for removing illegal signs in the right of way areas. State Code Section 33.1-373 states that there shall be no advertising signs on the right of way in any form. They cannot discriminate on the type of signage. VDoT is working with County staff, and will get a letter to CAAR and the Chamber of Commerce explaining the rules. VDoT will also try to patrol these areas as much as possible with their current staff.

Mr. Boyd noted that some members of the public are under the impression that there is a three-day rule.

Mr. Rooker clarified that there is a three-day rule for people to have temporary signs on their own property.

Mr. Sumpter said that Mr. Charles Baber, VDoT's Permit Supervisor, is aware of most right of way requirements on specific property, and would be a good contact.

Mr. Rooker commented that Ryan Homes is one of the biggest violators, and consistently put multiple signs in the right of way. He suggested that someone call the company to inform them of the law.

Mr. Sumpter mentioned that there is a \$100 civil penalty per sign fine. If the County wants to participate in enforcement an agreement between them and VDoT would need to be enacted. He said

that the County would only be able to keep the sign recovery costs, and the remainder would go to the State of Virginia.

Mr. Boyd asked about putting out a bounty on signs.

Mr. Sumpter replied that he is unaware of that possibility. He added that offenders can challenge fines imposed for sign violations – which result in court costs that might exceed the fines themselves. VDoT is typically not an enforcement agency. Their first efforts are to campaign to let people know the requirements.

Mr. Slutzky suggested VDoT meeting with campaign staffs concerning signage for political candidates.

Mr. Slutzky said he grass on Rio Road between Wolfies and the entrance to Circuit City is about six feet high. He asked who is responsible for cutting the grass up to the sidewalk.

Mr. Sumpter said that if it is on the right of way, it is VDoT's responsibility. It was discovered that the contractor who does VDoT's mowing missed that location and is now going to mow the area next week. He added that there have also been issues with weeds in the median, and he is encouraging his staff to better manage that – including using some weed-control sprays next summer.

Mr. Sumpter added that in median areas and on sidewalks, there is an effort to remove tall weeds with weed eaters and spraying. There are some weeds that have grown to be four feet tall. He has tasked his staff to come up with a better plan for spraying next year so that the weeds do not get so tall.

Mr. Boyd suggested VDoT look at Berkmar Drive and Route 20 at Pantops as areas that have six foot weeds coming out of the drains.

Agenda Item No. 20b. Transportation Matters not Listed on the Agenda.

Ms. Mallek asked who is responsible for removing leaves that pile up in ditches against pipes under driveways.

Mr. Sumpter said in the Fall at certain places where they can cause a drainage problem, VDoT staff rents a vacuum truck to come in and address the back up.

Ms. Mallek pointed out that Advance Mills Road down to Jacob's Run is a problem area, and should be added to the list of areas for removal.

Ms. Thomas commended VDoT for all their maintenance work, and for staying within their maintenance budget.

Ms. Thomas also complimented them on keeping up with the volume of their work, such as 1,561 inspections of new entrances in the last year. Other Board members concurred.

Mr. Sumpter noted that Mr. Baber is one of the staff members who do those inspections.

Mr. Dorrier said in the report, Route 626 should be listed as Route 726. In addition the road is becoming more dangerous with people drinking on the James River all day and then driving home – sometimes hundreds of cars. He suggested adding additional signage.

Ms. Thomas noted that in another state she was visiting, near the wineries, there were signs placed to discourage speeding and police place heavy fines on small violations.

Mr. Slutzky mentioned that it is a County police issue, not a VDoT issue.

Mr. Dorrier said it is a VDoT issue from the standpoint that there is a significant curve with a 30 foot drop off that a car went over.

Mr. Sumpter agreed to have it looked at, and encouraged use of County police to enforce the drinking and driving problem.

Mr. Slutzky said VDoT should be making the road safe for a sober driver following the speed limit.

Mr. Sumpter said they would look at the curve to see if it qualifies for a guardrail or sign.

Mr. Dorrier said the entrance at Walton School, traveling North (intersection of Route 20 and Route 708) is dangerous. Mr. Sumpter said will look into that area.

Mr. David Benish said he and Juan Wade are also working on pedestrian crossings. County staff is looking at some enhanced improvements that are beyond the scope of what VDoT can do, such as mid block crossings and street lights to illuminate crosswalks at night in strategic locations.

Mr. Rooker asked if it would be possible to use fluorescent paint in places such as the Hydraulic Road/Georgetown Road crossing.

Mr. Sumpter replied that he would check and see if it is in VDOT's approved design standards. He also said that there are two types of crossings – those at signalized intersections, and those that are mid-block. They want to make sure that they do not have a distractant that is going to be taking away from the functionality of the intersection.

Agenda Item No. 21. From the Board: Matters Not Listed on the Agenda.

Ms. Mallek asked if a meeting has been scheduled with the Public Recreational Facilities Authority regarding the easement enforcement issue.

Board members indicated that nothing has been scheduled at this time

Agenda Item No. 22. Adjourn.

At 3:12 p.m., with no further business to come before the Board, the meeting was adjourned.

Chairman

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| Approved by Board |
| Date: 01/07/2009 |
| Initials: EWJ |